Electronic Council Meeting

Revised Agenda

Meeting No. 2
February 9, 2021, 1:00 PM
Live streamed

Note: Members of Council will be participating in the meeting remotely.

Due to COVID-19, our facilities are closed to the public.
Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public may submit written deputations by email to clerkspublic@markham.ca

Members of the public who wish to make virtual deputations must register by completing an online ***Request to Speak Form*** *or* e-mail clerkspublic@markham.ca providing full name, contact information and item they wish to speak to. Alternatively, you may connect via telephone by contacting the Clerk's office at 905-479-7760 on the day of the meeting.

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Electronic Revised Council Meeting Agenda
Revised Items are Italicized.

Meeting No. 2
February 9, 2021, 1:00 PM
Live streamed

Alternate formats for this document are available upon request.
Council meetings are live video and audio streamed on the City's website.
Closed captioning during the video stream may be turned on by clicking the **[cc]** icon located at the lower right corner of the video screen.

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

Pages

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

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

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF PREVIOUS MINUTES

3.1. COUNCIL MINUTES - JANUARY 26, 2021 16

1. That the Minutes of the Council Meeting held on January 26, 2021, be adopted.

4. PRESENTATIONS

5. DEPUTATIONS

5.1. DEPUTATION - CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO

DEVELOPMENTS INC. TO PERMIT RESIDENTIAL DEVELOPMENT ON LANDS AT 5474 AND 5662 19TH AVENUE (WARD 6) (10.5)

The following will address Council on this matter:

1. Dave Burkholder
2. Ryan Drudge
3. Johnny Wideman
4. Nancy Taylor

(Item 8.3.2, Report 4)

6. COMMUNICATIONS

6.1. COMMUNICATION - CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO DEVELOPMENTS INC. TO PERMIT RESIDENTIAL DEVELOPMENT ON LANDS AT 5474 AND 5662 19TH AVENUE (WARD 6) (10.5) *33*

That the following communications providing comments be received for information purposes:

1. Email dated February 8, 2021 from Louise Pogue
2. Email dated February 9, 2021 from Jordan Hedderwick
3. Email dated February 9, 2021 from Kevin Pogue
4. Email dated February 9, 2021 from Ryan Drudge

(Item 8.3.2, Report 4)

7. PROCLAMATIONS

7.1. PROCLAMATIONS (3.4)

No Attachment

1. That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
   a. Black History Month - February 2021
   b. Heritage Week - February 15 - 21, 2021
   c. World Lymphedema Day - March 6, 2021
   d. International Day for the Elimination of Racial Discrimination - March 21, 2021

8. REPORT OF STANDING COMMITTEE

8.1. REPORT NO. 2 - DEVELOPMENT SERVICES COMMITTEE (JANUARY 25, 2021)

Please refer to your January 25, 2021 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

8.1.1. SOUTH PARK ROAD & SADDLE CREEK DRIVE PROPOSED ALL-WAY STOP (WARD 8) (5.12) 37

1. That the report entitled "South Park Road & Saddle Creek Drive Proposed All-way Stop (Ward 8)" be received; and
2. That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include all approaches to the intersection of South Park Road and Saddle Creek Drive; and
3. That the Operations Department be directed to install the appropriate signs and pavement markings at the subject location; and
4. That the cost of materials and installation for the traffic signs and pavement markings in the amount of $1,000, be funded from capital project account #083-5350-21178-005 (Traffic Operational Improvements); and
5. That York Region Police be requested to enforce the all-way stop control upon installation of these stop signs and passing of the By-law; and further
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2021-12)

8.1.2. RECOMMENDATION REPORT, LEPORIS CONSTRUCTION INC., APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION, SUBMITTED BY LEPORIS CONSTRUCTION INC. AT 2705 AND 2755 ELGIN MILLS ROAD EAST TO FACILITATE THE DEVELOPMENT OF THE SUBJECT LANDS 42

FOR EMPLOYMENT USES (WARD 2) (10.5, 10.7)

1. That the report titled "RECOMMENDATION REPORT,

Leporis Construction Inc., Applications for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Leporis Construction Inc. at 2705 and 2755 Elgin Mills Road East to facilitate the development of the subject lands for employment uses (Ward 2)" be received; and,

2. That Zoning By-law Amendment application (ZA 16 137567) submitted by Leporis Construction Inc. be approved and the implementing by-law attached as Appendix 'B' be finalized and enacted without further notice; and,

3. That Draft Plan of Subdivision application (SU 16 137567) submitted by Leporis Construction Inc. be approved subject to the conditions outlined as Appendix 'A'; and,

4. That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out as Appendix 'A', as may be amended by the Director of Planning and Urban Design or designate; and,

5. That draft plan approval for Plan of Subdivision 19TM-18009 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and,

6. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and further,

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

8.1.3. VICTORIA SQUARE BOULEVARD - DETAILED DESIGN UPDATE AND PURCHASE ORDER INCREASE REQUEST (WARD 2) (5.10) 91

1. That the report entitled "Victoria Square Boulevard – Detailed Design Update and Purchase Order Increase Request (Ward 2)" be received; and,

2. That Purchase Order PD 19403 issued to Ainley & Associates for the detailed design of Victoria Square Boulevard reconstruction be increased by $371,943.33, inclusive of HST, to cover the additional design work required for the project; and,

3. That Purchase Order PD 19404 for the contingency of the detailed design of Victoria Square Boulevard reconstruction be increased by $37,193.43, inclusive of HST, to cover any

additional design work required for the project and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,

4. That the Engineering Department Capital Administration Fee in the amount of $52,148.13, inclusive of HST, be transferred to revenue account 640-998-8871 (Capital Admin Fees); and,

5. That the 2018 Engineering Capital Account 18059 (Victoria Square Boulevard Design) be increased to cover the additional project estimates in the amount of $461,275.89, inclusive of HST, and funded from City Wide Hard Development Charges Reserve, and further,

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

8.1.4. PROPOSED AMENDMENTS TO BY-LAW 2011-232 - A BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM 98

AND RELATED AMENDMENTS TO BY-LAW 2016-84 - A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM FOR NON-PARKING OFFENCES" (5.0)

1. That the report entitled "Proposed Amendments to By-law 2011-232 - *A By-law to Regulate or Prohibit Removal of Topsoil, Placing or Dumping of Fill, and Alteration of The Grade of Land within the City of Markham* and related amendments to By-law 2016-84 - *A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences*", be received; and

2. That the amendments to By-law 2011-232 - *A By-law to Regulate or Prohibit Removal of Topsoil, Placing or Dumping of Fill, and Alteration of the Grade of Land with the City of Markham* ("Site Alteration By-law") described in this report and set out in Attachments A to C be approved and enacted; and

3. That the amendments to By-law 2016-84 - *A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences* ("AMPS Non-Parking By-law") described in this report and set out in Attachment D, be approved and enacted; and further

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

(By-laws 2021-13 and 2021-14)

8.2. REPORT NO. 3 - GENERAL COMMITTEE (FEBRUARY 1, 2021)

Please refer to your February 1, 2021 General Committee Agenda for reports.

Mayor and Members of Council:

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

8.2.1. AWARD OF PROPOSAL 054-R-20 IMPLEMENTATION AND SUPPORT OF LUCITY ENTERPRISE ASSET MANAGEMENT (EAM) SOLUTION AND THE LUCITY EAM SOFTWARE (7.12) 116

1. That the report entitled "Award of Proposal 054-R-20, Implementation and Support of Lucity Enterprise Asset Management (EAM) Solution and the Lucity EAM Software" be received; and,

2. That the contract 054-R-20 be awarded to the highest ranked/lowest priced bidder, CentralSquare Canada Software for $992,083.68 ($827,232.48 + $164,851.20) inclusive of HST for the implementation and training, $827,232.48 and software license, $164,851.20; and,

3. That a contingency in the amount of $24,707.52 inclusive of HST be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,

4. That the capital costs of implementation, training, software licenses and contingency be funded from capital project account 400-101-5399-18077, with an available budget of $1,016,791.20; and,

5. That the contract for ongoing support and software maintenance for 10 years be awarded to CentralSquare Canada Software in the amount of $922,574.85 ($406,622.80 + $515,952.05) inclusive of HST, to be funded from 400-400-5361 with a current annual budget of $57,760.00, and subject to Council approval of the 2023-2032 operating budgets in the amounts of:

- Year 1 (2023) - $ 38,261.76
- Year 2 (2024) - $ 89,141.76
- Year 3 (2025) - $ 90,668.16

- Year 4 (2026) - $ 92,194.56
- Year 5 (2027) - $ 93,720.96
- Year 6 (2028) - $ 100,185.78*
- Year 7 (2029) - $ 101,899.47*
- Year 8 (2030) - $ 103,664.57*
- Year 9 (2031) - $ 105,482.62*
- Year 10 (2032) - $ 107,355.21*

Total - $ 922,574.85

* Optional Year Renewal

6. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve the additional renewal years (Years 6 to 10) on behalf of the City (in its sole discretion), and execute any required documentation in a form satisfactory to the City Solicitor; and,

7. That CentralSquare Canada Software Inc. be designated as the preferred vendor for the City's Enterprise Asset Management (EAM) service needs at the sole discretion of the City and for CentralSquare Canada Software Inc. software products for the term of this contract; and,

8. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve any new purchases related to this contract needed due to growth and/or future EAM upgrades due to change in technology or system integration with other applications related to the project during the term of this contract, subject to the Expenditure Control Policy and budget approval, in a form satisfactory to the City Solicitor and at the sole discretion of the City; and further,

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

8.2.2. AWARD OF CONTRACT # 195-R-20 ELECTRICAL SERVICES FOR VARIOUS CITY LOCATIONS ON AN AS-REQUIRED BASIS (7.12) 123

1. That the report “Award of Contract #195-R-20 Electrical Services for Various City Locations on an As-Required Basis” be received; and,

2. That the contract be awarded to the three (3) highest ranked bidders / lowest priced bidders - Aps Electric, Holley Electric Ltd., and Igman Electric Ltd., in the estimated annual amount of $295,250.00 inclusive of HST impact; and,

3. That Staff be authorized to extend the contract for three (3) additional years. Years 1&2 will be at same itemized pricing, and prices for Years 3&4 will be adjusted at Year 3 in accordance with the consumer price index (CPI) Canada all-items not to exceed a 2% price increase, subject to supplier performance; and,

4. That the contract be funded from various City Departments’ Operating Budgets on an as required basis; and,

5. That the award amounts in 2022 to 2024 be subject to Council approval of the respective year’s operating budgets and that the award amounts be amended to reflect changes to the various departments’ budget accounts as approved by Council during the annual budget process; and,

6. That Staff be authorized to issue three (3) purchase orders for each of the three (3) awarded bidders in an annual amount of $98,470.00 and to reallocate purchase order fund commitments among the three (3) awarded bidders based on actual usage within each term of the contract; and further,

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

8.2.3. AWARD OF CONTRACT #221-T-20 FIRE AND LIFE SAFETY SYSTEM INSPECTION, TESTING AND REPAIRS (7.12, 7.15) 127

1. That the report “Award of Contract #221-T-20 Fire and Life Safety System Inspection, Testing and Repairs” be received; and,

2. That the contract be awarded to the lowest priced bidder, Onyx-Fire Protection Services Inc. in the estimated annual amount of $101,545.23 inclusive of HST; and,

3. That Staff be authorized to extend the contract for an additional 4 years (5 years in total). Year 1-3 will be at same itemized pricing, and prices will be adjusted at Year 4 in accordance with the consumer price index (CPI) Canada all-items not to exceed a 2% price increase, subject to supplier performance; and,

4. That the contract be funded from various City Departments’ operating budgets; and,

5. That the award amounts in 2022 to 2025 be subject to Council approval of the respective annual operating budgets and that the award amounts be amended to reflect changes to the various departments' budget accounts as approved by Council during the annual budget process; and further,

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

8.3. REPORT NO. 4 - DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 8, 2021)

Please refer to your February 8, 2021 Development Services Committee Agenda for reports.

Mayor and Members of Council:

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

8.3.1. CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY MON SHEONG FOUNDATION TO PERMIT A LONG-TERM CARE FACILITY *130*

WITHIN A LEARNING CENTRE AND ASSISTED LIVING COMMUNITY AT 36 APPLE CREEK BOULEVARD (WARD 2) FILE NO.: MZO 21 105377 (10.5)

1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2), File No.: MZO 21 105377", be received; and,

2. **That a future Site Plan Application by Mon Sheong Foundation be required for 36 Apple Creek Boulevard and be subject to approval by the City of Markham; and,**

3. **That Appendix "E" include the following additional condition:**

   "5. That in Building 1, no residential units shall be located on the east side of the portion of the building fronting on Apple Creek Boulevard."; and,

4. That the City of Markham support the Minister's Zoning Order request by Mon Sheong Foundation for the lands at 36 Apple Creek Boulevard, subject to the recommended zoning standards in Appendix "D", attached to this staff report; and,

5. That this report be forwarded to the Minister of Municipal Affairs and Housing, York Region, and the Toronto and

Region Conservation Authority as the City of Markham's comments on the MZO request by Mon Sheong Foundation for 36 Apple Creek Boulevard; and further,

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

8.3.2. CITY OF MARKHAM COMMENTS TO THE PROVINCE ON A MINISTER'S ZONING ORDER REQUEST BY FLATO DEVELOPMENTS INC. TO PERMIT RESIDENTIAL DEVELOPMENT ON LANDS AT 5474 AND 5662 19TH AVENUE (WARD 6) (10.5) *192*

Note: Please see Attachment 1.

1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 6)", dated February 8, 2021, be received;

2. **That the City of Markham supports the revised Minister's Zoning Order request by Flato Developments Inc. as presented to Development Services Committee on February 8, 2021, for 5474 and 5662 19th Avenue, to permit 219 single-detached dwellings, 197 townhouses, 200 purpose built rental apartment units, and two parks each at 0.8 hectares, subject to the following conditions:**

   a. **That an additional four acres of parkland above and beyond the parkland dedication required under the *Planning Act* be provided for a serviced park, and that Flato Developments Inc. agrees to provide up to 50 percent or $1 million, whichever is greater, of the capital cost for construction of the park;**

   b. **That an additional 100 affordable units be provided as defined under the York Region Official Plan, 2010, and include accessibility features to the satisfaction of the City;**

   c. **Ensure that all technical studies normally required as part of a re-zoning application, including but not limited to, an Environmental Impact Study be submitted to the satisfaction of the Commissioner of Development Services;**

   d. **Ensure that the requirements and conditions of approvals of York Region and the Toronto and Region**

Conservation Authority are addressed;

e. That the applicant submit municipal servicing plans for approval by the City and York Region, and the Town of Whitchurch-Stouffville if applicable, and enter into any servicing agreements as necessary;

f. That public art be provided in this development to the satisfaction of the City;

g. That Flato Developments Inc. consider the provision of the following range of uses within the development: semi-detached, duplex, triplex, fourplex, bungalow (e.g. bungaloft and bungatown);

h. That Flato Developments Inc. be required to provide payment of all development application fees, including but not limited to, the Minister's Zoning Order application fee; and

i. That site plan control applies to all blocks within this development and its approval authority remains with the City.

3. That the recommended zoning standards as revised and shown in Attachment 1 to this resolution be received, and that should the Minister consider it appropriate to issue an MZO, that these zoning standards be applied;

4. That this resolution, including Attachment 1, be forwarded to the Ministry of Municipal Affairs and Housing, York Region, and the Town of Whitchurch-Stouffville as the City of Markham's comments on the Minister's Zoning Order (MZO) request submitted by Flato Developments Inc. for 5474 and 5662 19th Avenue; and, further,

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

9. MOTIONS

10. NOTICE OF MOTION TO RECONSIDER

11. NEW/OTHER BUSINESS

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

time requirement, or an emergency, or time sensitivity".

11.1. NEW/ OTHER BUSINESS - EXTENSION OF DIGITAL MAIN STREET SHOPHERE (5.0)

Moved by: Councillor Alan Ho
Seconded by: Councillor Khalid Usman

Date: February 9, 2021

Whereas the COVID-19 pandemic has presented significant and ongoing public health challenges to Canada which has resulted in a prolonged economic slowdown and created substantial financial pressures to most industry sectors; and,

Whereas this unprecedented environment of economic uncertainty has directly and disproportionately impacted small independent businesses, particularly those businesses in the service industry including hospitality and tourism related businesses; and,

Whereas small businesses make up 98% of all employers in Markham and are a key driver of local economies and are foundational to thriving communities; and,

Whereas the ongoing uncertainty of recovery timing and the expectation that a full recovery may take several years, for small business to survive the pandemic, it is essential for businesses to have an online presence to sell their goods and services; and,

Whereas Markham is a municipal leader in Canada's innovation corridor and was the first municipality to endorse the Digital Main Street ShopHERE program launched in May 2020 to assist small businesses with ecommerce and online sales; and,

Whereas the Digital Main Street Program has been a critical support to local businesses during COVID-19 and more than 440 Markham small businesses and artists have applied for support from ShopHERE since the program was launched; and,

Whereas existing Federal and Provincial funding support for ShopHERE is ending as of March 2021; and,

Now therefore be it resolved:

That City Council request the provincial and federal governments to:

- renew and expand funding to the Digital Main Street program as soon

as possible to help Markham businesses remain resilient during the provincial lockdown measures implemented to mitigate the spread of the COVID-19 virus and its variants and to survive through the anticipated slow economic recovery; and,

- renew the $2,500 Digital Transformation Grant and Digital Service Squad support; and,
- expand the Digital Main Street Transformation Grant to be available to main street businesses that are located outside of BIAs as the initial program restricted applicants to BIA member businesses only.

Be it further resolved, that a copy of this resolution be sent to:

Rt Hon. Justin Trudeau, Prime Minister of Canada;
Hon. Chrystia Freeland, Deputy Prime Minister and Finance Minister;
Hon. Francois-Phillipe Champagne, Minister of Innovation, Science and Industry;
Hon. Mary Ng, MP, Markham-Thornhill, Minister of Small Business, Export Promotion and International Trade;
Hon. Doug Ford, Premier of Ontario;
Hon. Peter Bethenfalvy, Finance Minister and President of the Treasury Board;
Hon. Vic Fedeli, Minister of Economic Development, Job Creation and Trade;
Hon. Paul Calandra, MPP, Markham-Stouffville, Government House Leader;
Hon. Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction;
All Members of Federal Parliament in the Regional Municipality of York;
All Members of Provincial Parliament in the Regional Municipality of York;
All Members of Regional Council in the Regional Municipality of York.

12. ANNOUNCEMENTS

13. BY-LAWS - THREE READINGS

That By-laws 2021-12 to 2021-15 be given three readings and enacted.

Three Readings

13.1. BY-LAW 2021-12 A BY-LAW TO AMEND STOP BY-LAW 106-71 276

To add compulsory stops at specific intersections within the City of Markham. (Item No. 8.1.1, Report No. 2)

13.2. BY-LAW 2021-13 A BY-LAW TO AMEND BY-LAW 2011-232 BEING A BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM ("SITE ALTERATION BY-LAW") 277

(Item No. 8.1.4, Report No. 2)

13.3. BY-LAW 2021-14 A BY-LAW TO AMEND BYLAW 2016-84 BEING A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM FOR NON-PARKING OFFENCES 288

(AMENDMENTS TO AMPS FOR NON PARKING OFFENCES BY-LAW)

(Item No. 8.1.4, Report No. 2)

13.4. BY-LAW 2021-15 FLATO DEVELOPMENTS INC., 2695 ELGIN MILLS ROAD EAST, ZONING BY-LAW AMENDMENT *291*

A By-law to amend By-laws 304-87 and 177-96, as amended, to permit the development of a convention centre, office building, and hotel.

(Item 4.2, June 11, 2020 Development Services Public meeting. Note: Staff are satisfied with the site plan for the purposes of enacting the Zoning By-law.)

14. CONFIDENTIAL ITEMS

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

14.1. COUNCIL

14.1.1. APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JANUARY 26, 2021 (10.0)

14.2. GENERAL COMMITTEE - JANUARY 18, 2021

14.2.1. A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE CITY OR LOCAL BOARD; PROPOSED ACQUISITION OF REAL PROPERTY (8.6) [SECTION 239 (2) (c)]

14.3. NEW/ OTHER BUSINESS

14.3.1. LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL – 69 ROBINSON STREET (8.0) [SECTION 239 (2) (e)]

15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2021-16 be given three readings and enacted.

Three Readings

BY-LAW 2021-16 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 9, 2021.
No attachment

16. ADJOURNMENT

Electronic Council Meeting Minutes

Meeting No. 1
January 26, 2021, 1:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Khalid Usman
	Councillor Keith Irish	Councillor Isa Lee
	Councillor Alan Ho	
Regrets	Regional Councillor Jim Jones	Councillor Amanda Collucci
Staff	Andy Taylor, Chief Administrative Officer	Alida Tari, Manager, Access and Privacy
	Trinela Cane, Commissioner, Corporate Services	John Wong, Technology Support Specialist II
	Arvin Prasad, Commissioner, Development Services	Hristina Giantsopoulos, Elections & Council/Committee Coordinator
	Claudia Storto, City Solicitor and Director of Human Resources	Phoebe Fu, Director, Environmental Services
	Michael Toshakovski, Deputy City Solicitor	Morgan Jones, Director, Operations
	Joel Lustig, Treasurer	Regan Hutcheson, Manager - Heritage, Planning & Urban Design
	Bryan Frois, Chief of Staff	Stephen Kitagawa, Manager, Development, Planning & Urban Design
	Meg West, Manager of Business Planning and Projects	Victoria Chai, Assistant City Solicitor
	Kimberley Kitteringham, City Clerk	Jody Parsons, Court Administration Coordinator

Alternate formats for this document are available upon request

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

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

The meeting of Council convened at 1:12 PM on January 26, 2021 in the Council Chamber. Mayor Frank Scarpitti presided.

The Mayor noted that it has been one year since COVID-19 was first identified in Canada and since then, Markham has unfortunately had almost 100 deaths to COVID-19. On behalf of all Members of Council, Mayor Scarpitti extended his deepest condolences to the families of all those who have passed away. The Mayor also noted the recent passing of Brian Lynch, a member of the Markham Advisory Committee on Accessibility; Jack MacQuarrie, a patron of the Varley Art Gallery; and Amar Erry; spiritual and community leader of the Vedic Cultural Centre, Arya Samaj Markham. A moment of silence was observed for all those who have passed away.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - DECEMBER 9, 2020; DECEMBER 16, 2020 AND DECEMBER 14, 2020 SPECIAL COUNCIL TRAINING AND EDUCATION MINUTES (10.0)

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

1. That the Minutes of the Council Meeting held on December 9, 2020; December 16, 2020 and the December 14, 2020 Special Council Education Session, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

6.1 1-2021 - LIQUOR LICENCE APPLICATION - ROADSIDE HOT POT (WARD 3) (3.21)

Moved by Councillor Reid McAlpine
Seconded by Councillor Isa Lee

1. That the request for the City of Markham to complete the Municipal Information Form be received for information and be processed accordingly.

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Alan Ho
Seconded by Councillor Keith Irish

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:

    a. Tamil Heritage Month - January 2021

    b. Day of Mourning for Workers Killed or Injured on the Job - April 28, 2021

    c. Firefighter's National Memorial Day - September 12, 2021

    d. Police and Peace Officers' National Memorial Day - September 26, 2021

    e. National Day of Remembrance and Action on Violence Against Women - December 6, 2021

f. Nanjing Massacre Day - December 13, 2021

g. *Republic Day of India - January 26, 2021*

2. That the following requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:

a. Day of Mourning for Workers Killed or Injured on the Job - April 28, 2021 (Organized by The City of Markham)

b. Firefighter's National Memorial Day - September 12, 2021 (Organized by The City of Markham)

c. Police and Peace Officers' National Memorial Day - September 26, 2021 (Organized by The City of Markham)

d. National Day of Remembrance and Action on Violence Against Women - December 6, 2021 (Organized by The City of Markham)

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 1 - GENERAL COMMITTEE (JANUARY 18, 2021)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

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

Carried

8.1.1 EMERALD ASH BORER NEXT STEPS PROGRAM - FINAL UPDATE (6.3)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

1. That the memorandum entitled “Emerald Ash Borer (EAB) Program Completion Summary” dated January 18, 2021 be received; and,

2. That at project completion, the remaining funds in project #16165 – Emerald Ash Borer, in the amount of $111,682 be returned to the Life Cycle Replacement and Capital Reserve; and further,

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

Carried

8.2 REPORT NO. 2 - DEVELOPMENT SERVICES COMMITTEE (JANUARY 25, 2021)

Moved by Councillor Keith Irish
Seconded by Councillor Khalid Usman

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

Carried

8.2.1 REQUEST FOR DEMOLITION 12 IMPERIAL COLLEGE LANE (FORMERLY 9900 MARKHAM ROAD), WILLIAM CLARRY HOUSE, SUNNY COMMUNITIES, WARD 6 (16.11 & 10.13)

Moved by Councillor Keith Irish
Seconded by Councillor Khalid Usman

1. That the staff report titled "Request for Demolition, 12 Imperial College Lane (formerly 9900 Markham Road), William Clarry House, Sunny Communities, Ward 6", dated January 25, 2021, be received; and,

2. That Council, with regret, support the demolition of the William Clarry House subject to the owner providing the following:

    a. Compensation in the form of a $200,000 contribution 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;

    b. 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; and

c. The lot intended for the heritage dwelling within the subdivision be designed and constructed as a parkette, at the owner's expense to the City's specifications, with a public easement over the site to the satisfaction of the City; and further,

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

Carried

8.2.2 CITY OF MARKHAM COMMENTS ON PLANNING ACT PROVISIONS REGARDING ENHANCED MINISTERIAL AUTHORITY TO ADDRESS AND IMPLEMENT SITE PLAN MATTERS AND INCLUSIONARY ZONING AS PART OF A ZONING ORDER (ENVIRONMENTAL REGISTRY OF ONTARIO POSTING #019-2811) (10.5)

Moved by Councillor Keith Irish
Seconded by Councillor Khalid Usman

1. That the report entitled, "City of Markham Comments on Planning Act Provisions Regarding Enhanced Ministerial Authority to Address and Implement Site Plan Matters and Inclusionary Zoning as Part of a Zoning Order (Environmental Registry of Ontario Posting #019-2811)", dated January 25, 2021, be received; and,

2. That this report be forwarded to the Ministry of Municipal Affairs and Housing as the City of Markham's comments on the Province's request for input on Planning Act provisions regarding enhanced ministerial authority to address and implement site plan matters and inclusionary zoning as part of a Zoning Order; and,

3. That the City of Markham not support the enhanced authority to address site plan matters in a Minister's Zoning Order and recommends that it be repealed; and,

4. That should the Minister maintain the enhanced authority to address site plan matters through a Minister's Zoning Order, the City of Markham recommends that it only apply to situations where the site plan is supported by the Council of that municipality; and,

5. That the City of Markham supports the minister's enhanced authority to require inclusionary zoning for affordable housing and recommends that the Minister only exercise this authority following consultation with the affected municipality to address local planning and implementation matters and where the Council of the municipality supports the issuance of the MZO; and,

6. That the Minister be requested to ensure appropriate public involvement opportunities are available relative to Minister's Zoning Order (MZO) matters and report back and advise all local municipalities including, the City of Markham on how this process will be **implemented**; and further**,**

7. That staff be authorized and directed to do all things necessary to give effect to the resolution.

Carried as Amended

Council consented to amend clause 6 from:

> That the Minister be requested to ensure appropriate public involvement opportunities are available relative to Minister's Zoning Order (MZO) matters and report back and advise all local municipalities including, the City of Markham on how this process will be completed; and further

to:

> That the Minister be requested to ensure appropriate public involvement opportunities are available relative to Minister's Zoning Order (MZO) matters and report back and advise all local municipalities including, the City of Markham on how this process will be **implemented**;

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motion to reconsider.

11. NEW/OTHER BUSINESS

There were no new/ other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Regional Councillor Joe Li
Seconded by Councillor Andrew Keyes

That By-laws 2021-1 to 2021-9 and 2021-11 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2021-1 A BY-LAW TO AMEND STOP BY-LAW 106-71 (65M-4562 and 65M-4595)

To add compulsory stops at specific intersections within the City of Markham.

Carried

13.2 BY-LAW 2021-2 A BY-LAW TO AMEND SPEED BY-LAW 2017-104 (65M-4562 and 65M-4595)

To establish a maximum speed limit of 40 kilometres per hour on specific streets within the City of Markham.

Carried

13.3 BY-LAW 2021-3 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

To amend Schedule E of the Parking By-law pertaining to “No Stopping Zone”.

Carried

13.4 BY-LAW 2021-4 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

To amend Schedule D of the Parking By-law pertaining to “Parking for a Restricted Period".

Carried

13.5 BY-LAW 2021-5 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65M-4562 and 65M-4595)

To amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”.

Carried

13.6 BY-LAW 2021-6 MONARCH BERCZY GLEN DEVELOPMENT LIMITED, MATTAMY WALMARK DEVELOPMENT LTD., MATTAMY (MONARCH) LTD., E.M.K. CONSTRUCTION LTD. AND TREELAWN CONSTRUCTION LTD., 3319 ELGIN MILLS ROAD EAST AND 10521 WOODBINE AVENUE, SOUTH OF ELGIN MILLS ROAD EAST, EAST OF THE ONTARIO HYDRO CORRIDOR, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 304-87, as amended, and By-law 177-96, as amended, to facilitate the development of a residential plan of subdivision.

(Item 8.1.3, Report 3, February 11, 2020 Council Meeting)

Carried

13.7 BY-LAW 2021-7 ROAD DEDICATION BY-LAW

A by-law to dedicate certain lands as part of the highways of the City of Markham:

1. Block 4, Plan 65R-4562 - Frank Charlton Avenue
2. Block 5, Plan 65R-4562 - Buchanan Drive
3. Block 6, Plan 65R-4562 - William Saville Street

Carried

13.8 2021-8 A BY-LAW TO AMEND BY-LAW 211-79 BEING A BY-LAW TO DESIGNATE BRIARWOOD FARM-JAMES MCLEAN HOUSE, 4031 SIXTEENTH AVENUE

(Item 8.1.2, Report 14, April 2, 2019 Council Meeting)

Carried

13.9 BY-LAW 2021-9 A BY-LAW TO AMEND BY-LAW 4-78 BEING A BY-LAW TO DESIGNATE ECKARDT-STIVER HOUSE, 206 MAIN STREET, UNIONVILLE

(Item 8.1.1, Report 14, April 2, 2019 Council Meeting)

Carried

13.10 BY-LAW 2021-11 A BY-LAW TO AMEND BY–LAW 2005-188 BEING A BY-LAW TO GOVERN AND CONTROL THE PARKING OF VEHICLES IN THE CITY OF MARKHAM

Carried

14. CONFIDENTIAL ITEMS

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Khalid Usman

That, in accordance with Section 239 (2) of the ***Municipal Act***, Council resolve into a private session to discuss the following confidential matters at 1:45 pm:

14.1 COUNCIL

14.1.1 CONFIDENTIAL COUNCIL MINUTES - DECEMBER 9, 2020 AND DECEMBER 14, 2020 SPECIAL COUNCIL EDUCATION AND TRAINING MINUTES (16.0)

14.1.2 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

14.1.3 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

14.2 GENERAL COMMITTEE

14.2.1 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

14.2.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE CITY OR LOCAL BOARD; PROPOSED ACQUISITION OF REAL PROPERTY (8.6) [SECTION 239 (2) (c)]

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

14.3 NEW/ OTHER BUSINESS

14.3.1 CONFIDENTIAL DEVELOPMENT SERVICES COMMITTEE MINUTES – DECEMBER 8, 2020 (10.0)

14.3.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL – 201 HELEN AVENUE (8.0) [SECTION 239 (2) (e)]

14.3.3 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL – YONGE AND STEELES DEVELOPMENTS INC. (8.0) [SECTION 239 (2) (e)]

Carried

Moved by Regional Councillor Jack Heath
Seconded by Regional Councillor Joe Li

That Council rise from Confidential session at 2:19 pm.

Carried

The following Confidential items were approved by Council:

14.1 COUNCIL

14.1.1 CONFIDENTIAL COUNCIL MINUTES - DECEMBER 9, 2020 AND DECEMBER 14, 2020 SPECIAL COUNCIL EDUCATION AND TRAINING MINUTES (16.0)

Moved by Councillor Isa Lee
Seconded by Councillor Andrew Keyes

1. That the confidential minutes of the Council Meeting held on December 9, 2020 and the December 14, 2020 Special Council Education Session, be adopted.

Carried

14.1.2 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

Moved by Councillor Keith Irish
Seconded by Regional Councillor Jack Heath

1. That the following persons be appointed or re-appointed to the German Mills Meadow & Natural Habitat Liaison Committee with a term expiry as indicated:

Name	Term
Gail Lavery	November 30, 2023
Bernard Sze	November 30, 2022
Kimberly Seymour	November 30, 2022
Edith Kangas	November 30, 2024
Terrance (Ted) Kelly	November 30, 2024
Yang Jingli	November 30, 2023

Carried

14.1.3 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

Moved by Councillor Isa Lee
Seconded by Councillor Khalid Usman

1. That the following persons be appointed to the Race Relations Committee with a term expiry as indicated:

Name	Term
Madge Logan	November 30, 2024
Danielle Russell	November 30, 2024
Tamarie Warner	November 30, 2023
Claudette Rutherford	November 30, 2023

Carried

14.2 GENERAL COMMITTEE

14.2.1 APPOINTMENTS AND RESIGNATIONS TO BOARDS/COMMITTEES (16.11) [SECTION 239 (2)(b)]

Moved by Regional Councillor Joe Li
Seconded by Regional Councillor Jack Heath

1. That the following persons be appointed or re-appointed to the Environmental Advisory Committee with a term expiry as indicated:

Name	Term
Karl Lyew	November 30, 2023
Ashok Bangia	November 30, 2023
Karl Fernandes	November 30, 2021
Natasha Welch	November 30, 2021
Andrew Hazen	November 30, 2024

2. That the resignations of Anthony Lewis from the Markham Public Library Board be received with regret for information purposes and that a letter of appreciation be forwarded by Mayor Frank Scarpitti.

Carried

14.2.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE CITY OR LOCAL BOARD; PROPOSED ACQUISITION OF REAL PROPERTY (8.6) [SECTION 239 (2) (c)]

Moved by Regional Councillor Jack Heath
Seconded by Councillor Khalid Usman

Council referred this matter to the February 1, 2021 General Committee meeting.

Carried

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

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

That staff proceed as directed by Council at January 26, 2021 confidential session.

Carried

14.3 NEW/ OTHER BUSINESS

14.3.1 DEVELOPMENT SERVICES COMMITTEE CONFIDENTIAL MINUTES – DECEMBER 8, 2020 (10.0) [Section 239 (2) (h)]

Moved by Councillor Keith Irish
Seconded by Deputy Mayor Don Hamilton

1. That the minutes of the Development Services Committee confidential meeting held December 8, 2020, be confirmed.

Carried

14.3.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL – 201 HELEN AVENUE (8.0) [SECTION 239 (2) (e)]

Moved by Councillor Reid McAlpine
Seconded by Councillor Alan Ho

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board -LPAT Appeal, 201 Helen Avenue, be received; and,
2. That Council direct the City Solicitor and staff not to attend the Local Planning Appeal Tribunal ("LPAT") hearing regarding the appeal of the decision of the Committee of Adjustment (the "Committee") in respect of 201 Helen Avenue, denying the requested minor variance application to permit an increase to the maximum Gross Floor Area of an accessory building, subject to imposing the following conditions of approval as set out below in the event that the LPAT allows the variance:
    a. The variance applies only to the Subject Development for as long as it remains.
    b. That the variance applies only to the Subject Development, in substantial conformity with the batch stamped plans attached as Appendix "B" to the Staff Report dated October 7, 2020, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.
    c. That the Owner plant two trees along the west elevation and two trees along the south elevation of the Subject Development, ensuring that the trees selected are of Native Species as identified in the City of Markham's Native Tree Species Selection List attached as Appendix "C" to the Staff Report dated October 7, 2020, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction; and,
3. That Staff do all things necessary to give effect to these resolutions.

Carried

14.3.3 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; LPAT APPEAL – YONGE AND STEELES DEVELOPMENTS INC. (8.0) [SECTION 239 (2) (e)]

Moved by Councillor Keith Irish
Seconded by Councillor Khalid Usman

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board -LPAT Appeal, Yonge and Steeles Developments Inc., be received; and,
2. That Council direct the City Solicitor, or designate, and Staff to appear before the Local Planning Appeal Tribunal ("LPAT") as a party to the appeal; and further,
3. That Staff do all things necessary to give effect to these resolutions.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Keith Irish
Seconded by Councillor Reid McAlpine

That By-law 2021-10 be given three readings and enacted.

Three Readings

BY-LAW 2021-10 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF JANUARY 26, 2021.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee
Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 2:23 pm.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Subject: FW: Markham Development Service Committee re: MZO

From: lpogue@ <
Sent: February 08, 2021 9:30 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public; paul.calandra@pc.ola.org
Subject: Markham Development Service Committee re: MZO

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

Dear Mayor and Council,

I urge you not to endorse the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community", and circumvent wholistic planning practices. The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands. Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Louise Pogue

Subject: FW: North Markham MZO's

From: Jordan Hedderwick
Sent: Tuesday, February 9, 2021 10:52 AM
To: Clerks Public <clerkspublic@markham.ca>
Subject: North Markham MZO's

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

Hello

I am writing you about the vote to support the Flato MZO proposal for the properties on 19th Avenue.

PLEASE DO NOT SUPPORT THIS MZO. I have lived in this area my entire life and to lose these lands to further development would be a travesty.

I understand that development needs to be considered to make space for a growing population. But DO NOT rush this process. DO NOT allow the developers to push their underdeveloped plans through with the use of MZO's. It is YOUR responsibility to decide what the city and it's people needs. NOT to accept unsolicited plans from developers who seek only their own gain from the projects. They are not concerned about the existing population of the area.

Supporting this MZO would tell the population you serve that you are working not in fact working for them.

Thank you for your time and consideration. I will be watching the meeting today.

-Jordy

Subject: FW: Please

From: kevin
Sent: Tuesday, February 09, 2021 11:36 AM
To: Clerks Public <clerkspublic@markham.ca>
Subject: Please

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

Dear Mayor and Council,

I urge you not to endorse the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community", and circumvent wholistic planning practices. The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands. Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Kevin Pogue

Bisera, Leikha

Subject: FW: Deputation RE: MZO for 19th Avenue/McCowan Rd.

From: Maker's Acre Farm <
Sent: Monday, February 8, 2021 9:36 PM
To: Clerks Public <clerkspublic@markham.ca>
Subject: Deputation RE: MZO for 19th Avenue/McCowan Rd.

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

Hello,

My name is Ryan Drudge and I am the grandson of Norman Drudge who owned the land and sold it to Flato Developement. I also happen to own an acre of land and farm an additional 2 acres on the northern border of the land subject to the MZO as discussed in today's (February 8th) council meeting.

The reason I am writing is to

1. Request a virtual deputation regarding this matter. I can be reached at 647-867-4674 of this email address.

2. Express my disbelief at the lack of seriousness given to the opportunity the object this MZO which, to me, so clearly is only to the benefit of FLATO Dev. and not to either Stouffville, Markham, and especially not to any current residents in the area.

FLATO Dev. has been clear cutting acres of forest and grinding the stumps and tilling it into the ground, as if they had never been there, just to make a connection point from Stouffville's recent rezoning (by way of MZO) to today's proposed development. This is illegal, and showcases FLATO's desire to accomplish their own objectives, without regard, or permission from the developement planners or the local residents.

Furthermore, the meeting today showcased Shakir's plan to go behind the back of local planners by applying to the province for an MZO directly and bypassing the local preceeding's while making empty promises to meet the request's of markham council. He is not the first developer to do this and then when the time comes to fulfill his promise, back out and pay whatever penalties necessary to keep things moving towards his, and only his objective.

I also want to inform you, that Flato Dev. is renting the land to the same farmer that farmed the land before their acquisition. A farm which grows sweet corn for human consumption. Not, "corn for the animals" as Shakir told council today, when to subject of the land being class-1 farmland came up.

I just want the councillors who have clearly not taken the time to educate themselves fully on this matter, to do so. I invite any of them to come to my farm, walk around, learn the history of the land which my family has been a part of for a century, and look at the actual physical borders, the will show them that this is in fact "spot-rezoning".

Thank you for taking your time to read this, and as stated above, I am requesting a virtual deputation.
Ryan Drudge
Maker's Acre Farm

Report to: Development Services Committee Meeting Date: January 25, 2021

SUBJECT: South Park Road and Saddle Creek Drive Proposed All-way Stop (Ward 8)

PREPARED BY: David Porretta, Manager, Traffic Engineering, ext. 2040

RECOMMENDATION:

1) That the report entitled "South Park Road & Saddle Creek Drive Proposed All-way Stop (Ward 8)" be received; and

2) That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include all approaches to the intersection of South Park Road and Saddle Creek Drive; and

3) That the Operations Department be directed to install the appropriate signs and pavement markings at the subject location; and

4) That the cost of materials and installation for the traffic signs and pavement markings in the amount of $1,000, be funded from capital project account #083-5350-21178-005 (Traffic Operational Improvements); and

5) That York Region Police be requested to enforce the all-way stop control upon installation of these stop signs and passing of the By-law; and further

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

PURPOSE:
This report recommends implementing an all-way stop at the intersection of South Park Road and Saddle Creek Drive, to improve intersection operations and pedestrian safety.

BACKGROUND:
Traffic Engineering staff have received requests from multiple residents regarding traffic safety concerns at the intersection of South Park Road and Saddle Creek Drive. Specifically, residents have expressed challenges entering the intersection from Saddle Creek Drive and a high volume of pedestrians crossing South Park Road to access Ada Mackenzie Park is creating a potential safety concern.

The subject intersection is located in the Leitchcroft community, south of Highway 7 and west of Leslie Street. Both South Park Road and Saddle Creek Drive are classified as 2-lane minor collector streets. Stop control at the intersection is currently assigned to Saddle Creek Drive only, giving traffic on South Park Road the right-of-way. An illustration of the intersection and surrounding area is provided in Attachment "A".

South Park Road, between Saddle Creek Drive and Highway 7, was recently open to through traffic. A new residential subdivision development to the west is currently under development. Both factors are contributing to increased traffic volume through the subject intersection.

OPTIONS/ DISCUSSION:

All-way stop control warrant analysis was conducted at the subject intersection

An all-way stop control may be considered where the minimum provincial warrant criteria are satisfied, as outlined by the Ministry of Transportation of Ontario (MTO). The warrant considers both the total vehicular volume and the volume distribution between the intersecting roadways during the busiest hour of the day.

In November 2020, Traffic Engineering staff conducted an all-way stop warrant analysis during the busiest one-hour period of a typical weekday at the intersection. The warrant analysis results are as follows:

Figure 1: South Park Road & Saddle Creek Drive - All-way Stop Study Results

CRITERIA #1 **Peak Hour Traffic Volume** ***(All Approaches)***			**CRITERIA #2** **Volume Assigned to "Minor" Street** ***(Saddle Creek Drive)***		
Minimum Criteria	**Recorded Value**	**Criteria Met?**	**Minimum Criteria (3-way)**	**Recorded Value**	**Criteria Met?**
350	309	NO	25%	39%	YES

Results of the study have concluded that the minimum justification criteria has not been satisfied. Specifically, the peak hour traffic volume fell below the minimum criteria by 41 vehicles.

There is a high volume of pedestrians crossing at the intersection

Ada Mackenzie Park is located on the south side of the intersection. This facility is a significant pedestrian generator; the intersection analysis identified 120 pedestrians crossing South Park Road over an 8-hour period, of which a significant portion consist of children. Under current conditions, pedestrians crossing South Park Road are required to wait for a safe gap in traffic before crossing. They are also exposed to potential conflicts with vehicles on Saddle Creek Drive turning onto South Park Road.

All-way stop control at the intersection is recommended

Traffic data collection and intersection analysis at the intersection was conducted during the COVID-19 pandemic. As such, traffic volumes across the City are well below what is considered "typical". It is expected that traffic volume at the intersection will increase post-pandemic and the minimum requirements for an all-way stop will be achieved.

Due to a combination of these factors, it is recommended that an all-way stop control at the intersection of South Park Road and Saddle Creek Drive be implemented. The provision of an all-way stop will improve intersection operations and safety by requiring

all vehicles to come to a complete stop at the intersection and provide pedestrians with opportunities to cross.

FINANCIAL CONSIDERATIONS

The cost of materials and installation for the traffic signs and pavement markings in the amount not exceeding $1,000 will be funded from capital project account #083-5350-21178-005 (Traffic Operational Improvements). On-going maintenance costs will be managed within the Operations Department's existing operating budget.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendations identified within this report align with the strategic focus for a Safe & Sustainable Community, through the ongoing management of the City's transportation network.

BUSINESS UNITS CONSULTED AND AFFECTED:

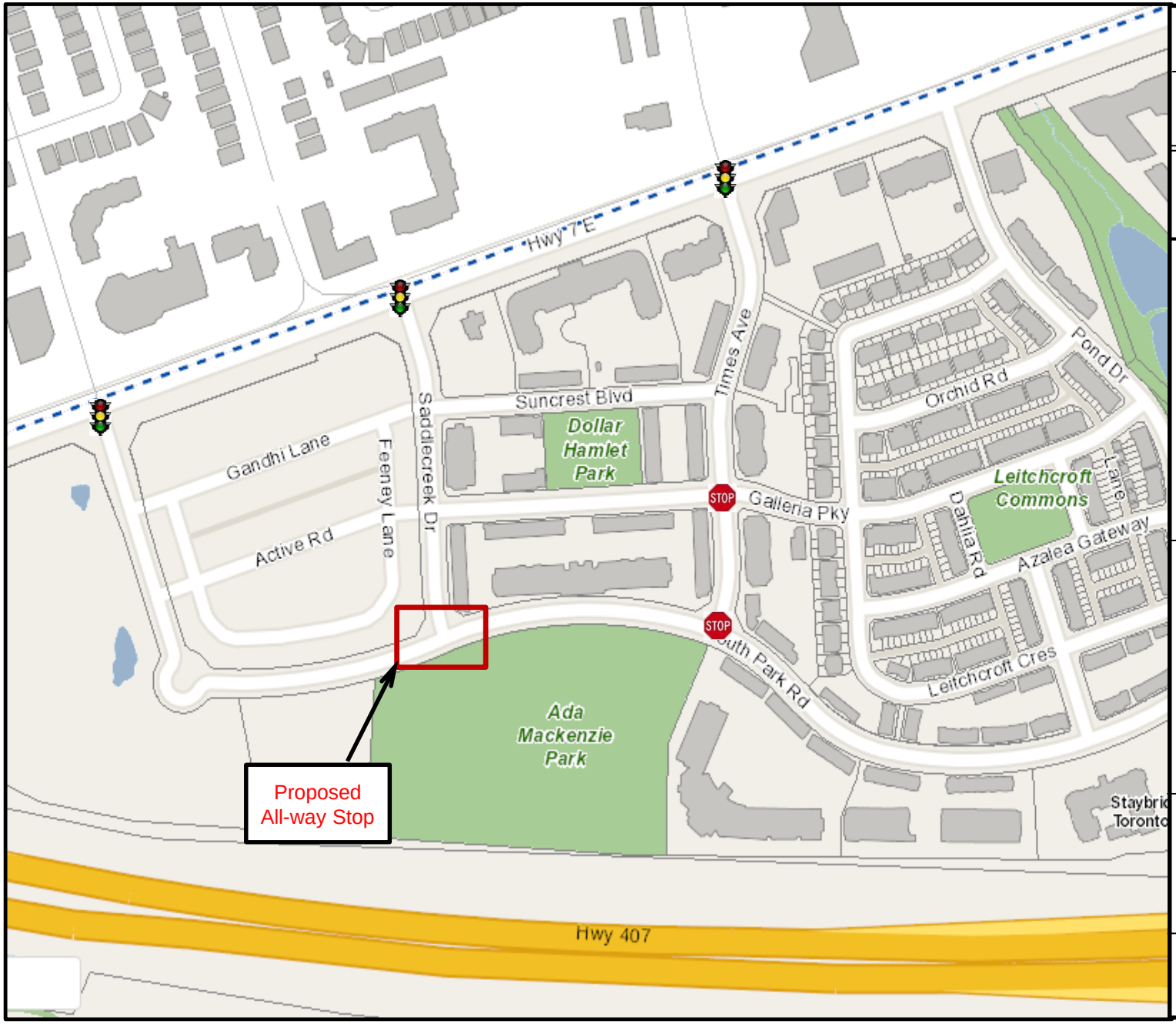
Operations Department has been circulated this report, and acknowledges the operating impacts associated with the additional regulatory signs and pavement markings.

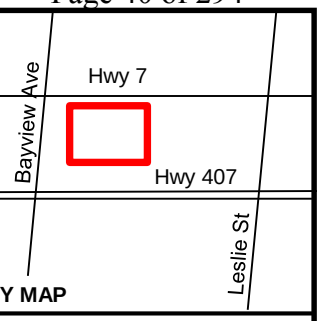
RECOMMENDED BY:

Brian Lee, P.Eng	Arvin Prasad, MPA, RPP, MCIP
Director, Engineering	Commissioner, Development Services

ATTACHMENTS:

Attachment "A" – Map: South Park Road & Saddle Creek Drive Proposed All-way Stop
Attachment "B" – All-way Stop Control By-Law Amendment





LEGEND

Existing All-way Stop

Existing Traffic Signals

South Park Rd. & Saddle Creek Dr.

Proposed All-way Stop

MARKHAM

Engineering Dept.

January 2021

ATTACHMENT A

ATTACHMENT "B"

BY-LAW NUMBER _____

TO AMEND BY-LAW 106-71

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT TRAFFIC BY-LAW 106-71 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule 12 of Traffic By-law 106-71, pertaining to "Compulsory Stops", be amended by adding the following:

COLUMN 1	COLUMN 2	COLUMN 3
INTERSECTION	FACING TRAFFIC	LOCATION OF STOP SIGN
South Park Road & Saddle Creek Drive	Eastbound on South Park Road	South side of South Park Road, west side of Saddle Creek Drive
South Park Road & Saddle Creek Drive	Westbound on South Park Road	North side of South Park Road, east side of Saddle Creek Drive

2. The By-Law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2021.

_____
KIMBERLY KITTERINGHAM
CITY CLERK

_____
FRANK SCARPITTI
MAYOR

Report to: Development Services Committee Meeting Date: January 25, 2020

SUBJECT: RECOMMENDATION REPORT
Leporis Construction Inc.
Applications for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Leporis Construction Inc. at 2705 and 2755 Elgin Mills Road East to facilitate the development of the subject lands for employment uses (Ward 2)
File Nos. ZA 16 137567 and SU 16 137567

PREPARED BY: Marty Rokos, MCIP, RPP, ext. 2980, Senior Planner

REVIEWED BY: Ron Blake, MCIP, RPP, ext. 2600, Senior Manager, Development

RECOMMENDATION:

1. That the report titled "RECOMMENDATION REPORT, Leporis Construction Inc., Applications for Zoning By-law Amendment and Draft Plan of Subdivision, submitted by Leporis Construction Inc. at 2705 and 2755 Elgin Mills Road East to facilitate the development of the subject lands for employment uses (Ward 2)" be received;

2. That Zoning By-law Amendment application (ZA 16 137567) submitted by Leporis Construction Inc. be approved and the implementing by-law attached as Appendix 'B' be finalized and enacted without further notice;

3. That Draft Plan of Subdivision application (SU 16 137567) submitted by Leporis Construction Inc. be approved subject to the conditions outlined as Appendix 'A';

4. That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out as Appendix 'A', as may be amended by the Director of Planning and Urban Design or designate;

5. That draft plan approval for Plan of Subdivision 19TM-18009 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;

6. That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council; and

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

EXECUTIVE SUMMARY:

The site at 2705 and 2755 Elgin Mills Road East is located on the south side of Elgin Mills Road East, between Woodbine Avenue and Highway 404 (the "subject lands"). It has an area of approximately 7.8 ha (19.4 acres). This report recommends approval of an application for a Zoning By-law Amendment and Draft Plan of Subdivision submitted by Leporis Construction Inc., to create development blocks, an open space block, and a road block, and establish site specific development standards for a proposed employment development. The proposed development includes six buildings and a total GFA of between 21,447 m^2 and 24,568 m^2 (230,854 to 264,448 ft^2). The proposed development includes offices, retail, restaurants, a convention centre, and an industrial building. The overall GFA depends on the final height of the office building, which is proposed to be between 3 and 5 storeys in height. The proposed road provides access to the subject development and also the abutting property to the west owned by Flato Developments Inc., which is subject to a zoning by-law amendment application. This application is currently under review.

The subject lands are designated "Employment Area – Service Employment", "Employment Area – Business Park Employment" and "Greenway – Natural Heritage Network" under the 2014 Official Plan. Under the 1987 Official Plan, the subject lands are designated "Industrial – Business Corridor Area", "Industrial – Business Park Area", and "Valleylands". Because of the date that the application was submitted, it is subject to the policies of the 1987 Official Plan, however the policies of the 2014 Official Plan must also be taken into account. The Official Plan policies provide for the proposed uses.

The subject lands are zoned "Rural Residential 4 (RR4) Zone" by By-law 304-87, as amended. A zoning by-law amendment is required to permit the proposed development.

Staff are satisfied with the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications, with the changes discussed in this report.

PURPOSE:

The purpose of this report is to provide an overview, evaluation and recommendation of the applications for zoning by-law amendment and draft plan of subdivision (the "Application") by Leporis Construction Inc. (the "Owner").

BACKGROUND:

Location and Area Context

The lands subject to the proposed zoning by-law amendment are located on the south side of Elgin Mills Road East, between Woodbine Avenue and Highway 404 (see Figure 1). The lands have an area of approximately 7.8 ha (19.4 acres) with a frontage of approximately 210 m (688 ft) on Elgin Mills Road East. A single detached dwelling on the subject lands is proposed to be demolished. (See Figures 1 to 3.)

The surrounding land uses are as follows (see Figure 2):

North:	Elgin Mills Road East, stormwater management pond, residential lands designated "Service Employment"
East:	Gas station and vacant lands designated "Service Employment" which are the subject of a rezoning and site plan application
South:	Vacant lands designated "Business Park Employment" and "Greenway"
West:	Vacant lands designated "Greenway", "Business Park Employment", and "Service Employment" which are the subject of a subdivision and rezoning application

Process to Date

On July 11, 2006, the previous owners of the subject lands (Ontario N30 Investment Inc.) appealed Draft Plan of Subdivision 19T-95075 (see Figure 7) and the related by-laws to the Ontario Municipal Board (OMB) (now LPAT). Draft Plan 19T-95075 abuts the subject lands and includes the Clera Holdings site on Block 73, (OPA and ZBA approved and site plan endorsed by Development Services Committee on October 14, 2020). The primary reasons for the appeal was that multiple stream corridors were planned to be consolidated into a single Open Space corridor, which was wider than originally anticipated (approximately 40 m in width) and located mostly on the subject lands, reducing the developable area of these lands. The parties entered mediation and a settlement was reached. The Minutes of Settlement were issued by the OMB on December 18, 2006.

On April 8, 2016 the current applicant submitted applications for Zoning By-law Amendment and Draft Plan of Subdivision. The applications were deemed complete on May 4, 2016. A virtual public meeting was held on June 11, 2020. The comments made at the public meeting are summarized in the Options/ Discussion section below.

Next Steps

Should the zoning and draft plan of subdivision applications be approved, staff recommend enacting the Zoning By-law Amendment at an upcoming Council meeting. Following clearance of conditions of draft plan approval, the owner will enter into a subdivision agreement with the City. An application for site plan approval will be required for each phase of development.

Proposal:

The applicant is proposing to rezone and subdivide the subject lands and create blocks as summarized in Table 1 below to facilitate the future development of the lands for employment use (see Figures 6 and 7).

Table 1: Proposed Draft Plan of Subdivision

Block Number	Use	Size (ha)
1-2	Employment	5.635
3-4	Natural wildlife corridor	1.495
5	0.3 m reserve	0.005
6	Open space	0.220
Street "1"	22 m municipal road	0.480
Total		**7.835**

A site plan application has not been submitted at this time. Street "1" is proposed as a municipal road with a 22 m right of way that terminates at the westerly property line. The road provides access into the subject lands and the abutting Flato Developments Inc. site to the west (2695 Elgin Mills Road East), which is subject to separate applications for Zoning By-law Amendment under File No. PLAN 19 119540 (see Figure 8). The draft plan includes part of the planned natural wildlife corridor discussed above that parallels Carleton Creek and terminates to the north at a stormwater management pond on the north side of Elgin Mills Road. This wildlife corridor in this general area is largely on the Leporis lands.

A conceptual site plan has been submitted to demonstrate how the site may develop with a future site plan application (See Figure 6). The conceptual site plan shows six buildings on the subject lands to be developed in phases, with an approximate total gross floor area (GFA) of between 21,447 m^2 and 24,568 m^2. The plan is split into two sites: Site A (the south parcel) is on the south side of Future Street "1" and is proposed to be developed as a multi unit industrial building. Site B (the north parcel) is on the north side of Future Street "1" and includes a proposed convention centre, two multi unit commercial buildings, a stand-alone restaurant, and a 3-5 storey office building. Both surface and underground parking are proposed, with approximately 632 parking spaces in total. No trails are shown within the wildlife corridor in the concept plan, however staff recommend that the owner add a walking trail designed to municipal standards, as discussed further in the Options/Discussion section of the report.

On the north parcel, the proposed zoning by-law amendment adds a child care centre, place of amusement, place of entertainment, day kennel, and pet grooming. On the south parcel, the proposed additional uses are child care centre, place of entertainment within an office building or hotel, commercial schools, and commercial fitness centre (see Appendix 'B').

Staff continue to work with the applicant to refine the development concept which will be addressed in detail through future site plan applications.

Official Plan And Zoning By-Law:

Official Plan 2014

The subject lands are designated "Employment Area – Service Employment", "Employment Area – Business Park Employment" and "Greenway – Natural Heritage Network" under the 2014 Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) (see Figure 5).

The "Business Park Employment" designation applies to settings offering high visibility and excellent access to 400 series highways, arterial roads and transit services and is to be planned and developed for prestige industrial and office development, frequently in larger scale buildings located on large properties. The uses that are provided for include office, manufacturing, trade and convention centre, accessory and ancillary retail, day care centre, commercial school, restaurants, and service uses.

Lands designated "Service Employment" are intended to accommodate uses that serve and support other business uses and employees in Markham, but are not provided for in other 'Employment Lands'. Some of these uses may also serve residents. The uses provided for include service, office, manufacturing, limited retail, restaurant, commercial school, and banquet hall.

The "Natural Heritage Network" designation is a core element of the Greenway System and includes remaining examples of Markham's natural ecosystem which are essential for preserving biodiversity. The "Natural Heritage Network" designation applies to the proposed natural wildlife corridor and part of the southerly portion of the subject lands.

The subject applications were submitted on April 8, 2016 and deemed complete on May 4, 2016. At that time, the 2014 Official Plan was approved by Council but several sections were under appeal, including the Employment Lands and Greenway System policies. As a result, the policies of the 1987 Official Plan were in effect when the application was submitted and continue to apply. However, the policies of the 2014 Official Plan represent Council policy and must be taken into account when reviewing the application.

Official Plan 1987

The subject lands are designated "Industrial – Business Corridor Area", "Industrial – Business Park Area", and "Valleylands" under the 1987 Official Plan (See Figure 4).

The area of the site located south of the proposed new road is designated "Business Park Area". This designation applies to office and industrial business parks characterized by development displaying high design standards including corporate head offices and research facilities. Generally, these lands have exposure to provincial highways or major arterial roads and are served by public transit. The uses provided for include office, light industrial, accessory and ancillary retail, trade and convention centre, commercial school, day care centre, and banquet hall.

The majority of the lands located north of the proposed new road are designated "Business Corridor Area" and are intended for industrial and office uses that require the exposure offered by locations in corridors along major road frontages to accommodate the business and service needs of the nearby employment areas that they serve. The uses provided for include office, light industrial, trade and convention centre, limited retail, service, commercial school, day care centre, and restaurant.

Lands along the eastern boundary of the site are designated "Valleylands". This designation includes lands that are intended for preservation and conservation in their

natural state. The "Valleylands" designation applies to the proposed natural wildlife corridor and part of the southerly portion of the subject lands.

The proposed uses are provided for by the Official Plan with limits that will be discussed further in the Options/Discussion section of this report.

Zoning By-law 304-87

The subject lands are zoned "Rural Residential 4 (RR4) Zone" by By-law 304-87, as amended. The RR4 Zone does not permit employment development. The owner proposes to remove the site from By-law 304-87 and incorporate it into By-law 177-96 and rezone it to the Business Corridor (BC) and Business Park (BP) Zones with site specific provisions, as well as the Open Space (OS1) Zone, as summarized in Appendix 'C': Summary of Proposed Zoning Standards.

The proposed Business Corridor (BC) Zone on the north parcel would add child care centre, place of entertainment, place of amusement, day kennel, and pet grooming as permitted uses. Site specific performance standards have been developed to limit the size of retail stores and reflect the proposed development concept in accordance with the policies of the Official Plan. These include permitting buildings to be located farther to the south on the subject lands while ensuring that the buildings at the north end of the site address the street edge of Elgin Mills Road.

The proposed Business Park (BC) Zone on the south parcel would add child care centre, commercial school, and commercial fitness centre as permitted uses. Place of entertainment is also proposed as a permitted use within an office building or a building containing a hotel. Site specific performance standards affect landscaping, accessory retail, and building heights.

The draft zoning by-law amendment is attached as Appendix B. Proposed zoning standards are summarized in Appendix C. Proposed land uses are discussed further in the Options/Discussion section of the report.

OPTIONS/ DISCUSSION:

Statutory Public Meeting

An electronic statutory public meeting was held on June 11, 2020. One written submission has been received regarding the proposal, which is summarized below. There were no comments from the public at the public meeting. Committee members made several comments about the proposed zoning by-law amendment and draft plan, including:

- Providing a direct internal connection along a private north-south driveway between Elgin Mills Road and the new east-west public road;
- Revisions to the plan to provide for better integration with the adjacent Flato site to the west;
- Permit the office building to be taller than five storeys.

A letter was received from RJ Forhan and Associates on behalf of Romandale and King David Inc. A number of points were raised including the following that are relevant to the Leporis site:

- The proposed plan is not consistent with the Cathedral Community Design Plan;
- Parking should be concealed and buildings should be at the street edge;
- The built form does not meet the architectural character of the Community Design Plan;
- Buildings should be no taller than three storeys and should not obfuscate the prominence of the cathedral;
- The east-west road should extend south as an extension of Markland Street; and
- Include pedestrian connections between streets.

Proposed development concept plan is satisfactory

Staff have considered the above comments and have discussed them with the owner. Staff responses to the comments raised are set out below.

Consistency with Community Design Plan

The Cathedral Community Design Plan was prepared to guide urban design in the Cathedral community. It contains urban design guidelines intended to create a distinct, vibrant, and urbanized community with the Cathedral of the Transfiguration at its core. The subject lands are part of the Cathedral community.

The guidelines state that the business park should be designed to create a visually attractive area that balances function with aesthetics. In the business park, the guidelines encourage the siting of buildings to allow views of the Cathedral, buildings close to the street edge with parking screened from street view, and a vehicular circulation system primarily accessed from an extension of Markland Street. In staff's opinion the proposed development is consistent with the intent of the Cathedral CDP, as discussed in more detail below.

Relationship between buildings, parking areas and street edge

The concept plan shows two proposed buildings along the Elgin Mills Road frontage of the property: a 3-5 storey office building and a one storey restaurant. The office building has a landscaped area along the Elgin Mills Road frontage and a direct pedestrian connection to the public sidewalk. The restaurant includes a drive-through queuing lane that wraps around the building.

The Cathedral Community Design Plan (CDP) states that buildings should be located to address the street edge, particularly at corner and gateway locations. Principle entrances should be oriented to the street with walkways to the sidewalk, on-site parking, and between buildings. The visual impact of parking from the street should be minimized through a combination of site planning, landscaping, and architectural walls. Landscaping should screen parking where it abuts the street.

In addition to the CDP, the Drive-through Facilities Design Guidelines (DFDG) also apply to uses with a drive-through facility. They are intended to contribute to the development of pedestrian friendly and transit supportive streetscapes, in particular on major roads with

public transit routes. The Guidelines encourage buildings with a drive-through facility to be located at or near the street frontage and discourage drive-through queuing lanes that wrap around a building or are located within the front and exterior side yard. Direct pedestrian access should be provided from the public road to the building entrance without crossing a queuing lane.

To foster a design that is more in keeping with the DFDG, staff recommend including zoning standards that keep the drive through facility and queuing lanes out of the front yard and require the building to be located closer to the street (see Appendix 'B'). Similar zoning standards have been implemented at other locations throughout Markham and are now part of By-law 177-96.

The proposed east-west public street bisecting the subject lands will have the hotel on the Flato site as a view terminus, the convention centre on the north side, and future employment development on the south side. Urban Design staff are generally satisfied with the proposed concept plan showing shallow parking areas and drive aisles on the south side of the convention centre and the north side of the building on the south parcel. On both the north and south parcels the balance of the parking would be at the interior of the site. The proposed layout was felt to provide a balanced approach between functionality and aesthetics. Detailed site layouts will be determined when site plan applications are submitted. The concept plans in combination with the additional provisions recommended by staff for the zoning by-law bring buildings close to the street edges of Elgin Mills Road and the new east west street. Where parking is visible from the street, it will be screened by a landscape strip with a variety of design features and plantings

Compatibility with the architectural character of the Community Design Plan
Staff are working with the owners of all three development sites between Woodbine Avenue and Highway 404 (Clera Holdings, Flato, and Leporis) to encourage complementary architecture between the three developments. It should be noted that the Clera Holdings proposal is currently the only one with an active site plan application. Staff will continue to work towards this goal as site plan applications are submitted for the Leporis and Flato applications.

Heights of proposed buildings and impacts on views to the Cathedral
Written comments on the application have expressed concerns about the proposed height of the office building, while some DSC Committee members proposed additional heights for this building at the Public Meeting. The Cathedral CDP states that building heights should be one to three storeys and that on the north parcel building heights should be a function of the lot area and allowable coverage.

The proposed buildings are generally one storey in height with the exception of the two storey convention centre and the office building located along the Elgin Mills Road edge, which is proposed to be between three and five storeys. The office building visually anchors the approach into the area from Highway 404. The additional height at this location is compatibly scaled with the surrounding highway environment. In addition, locating a significant employment use adjacent to Elgin Mills Road will support transit and pedestrian

activities. The building is at the far end of the site in relation to the Cathedral and has no impact on view corridors to the Cathedral identified by the Community Design Plan.

Configuration of east –west street

The new east –west street is proposed to end in a cul de sac at the edge of the Flato property, which will provide access to the Flato site but will not continue into the site. The CDP proposes that Markland Road should be extended to the south to provide additional access to the employment lands to the south. This configuration was reviewed by Transportation staff and it was determined that access to future development on the southern employment lands could instead be provided effectively from Woodbine Avenue. The proposal to end the east west road in a cul de sac at the Flato site would have the added benefit of limiting impacts on an environmental protection corridor to the south and east of the subject lands by not having the new road cross through this feature (see Figure 7).

Internal pedestrian and vehicular circulation and integration between the Flato and Leporis sites

An internal walkway network is proposed in the concept plan, which connects to Elgin Mills Road to the north, the proposed east-west street to the south and the proposed Flato development to the west. The walkways connect all the buildings on the site.

Vehicle access is provided by a right-in-right-out (RIRO) driveway from Elgin Mills Road and three driveways from the proposed east-west street. The main driving route goes north from the east-west road, turns west towards the convention centre, and then turns back to the east to connect with the rest of the site and Elgin Mills Road. Transportation staff have reviewed the proposed concept plan and are generally satisfied that the proposed layout provides safe and effective vehicle and pedestrian access to and within the site. York Region has requested a functional design for the RIRO access from Elgin Mills Road to ensure consistency with the Region's design standards.

In addition, City staff continue to work with both Leporis and Flato (to the west) to enhance the relationship between the proposed convention centre (on the north parcel of the Leporis site; the hotel (on the Flato site at the terminus of the new east west street) and the office building on the Flato site, which is proposed to be located mid way between the hotel on the Flato site and the Convention Centre on the Leporis site. The objective will be to provide attractive, well defined walking routes between these major site anchors to facilitate and promote pedestrian travel between the sites.

These objectives will be addressed in detail through future site plan applications on both sites. In addition, these future site plan applications will be reviewed against the Official Plan, Cathedral Community Design Plan, Drive-through Facilities Design Guidelines, and the Zoning By-law. Staff are generally satisfied with the conceptual layout and have included site specific standards in the zoning by-law to guide the design of a future site plan application.

Draft Zoning By-law will permit an appropriate mix of uses

A**s** described in the Proposal section of this report, the owner is proposing to facilitate the development of six buildings with an approximate total GFA of between 21,447 m^2 and

24,568 m^2 (230,854 to 264,448 ft^2). As stated previously, the 1987 OP policies apply to this application, however the 2014 OP policies must also be taken into account.

On the north parcel, the proposed additional uses are child care centre, place of amusement, place of entertainment, pet grooming, and day kennel. Zoning By-law 177-96 defines a place of amusement as premises with games of skill and competition for the amusement of the public, while a place of entertainment is defined as a motion picture or live theatre, arena, auditorium, planetarium, concert hall, or other similar uses. Both the "Industrial – Business Corridor Area" designation in the 1987 OP and the "Employment Area – Service Employment" designation in the 2014 OP provide for these uses. Retail uses are limited to stores with GFAs between 300 and 1,000 m^2 with the exception that stores located within a mixed use centre, may be less than 300 m^2. Computer or office supply stores may be up to 3,000 m^2. The total retail GFA shall generally not exceed the total GFA of the other uses. The zoning by-law limits retail uses to a maximum of 30% of the total GFA of the site.

On the south parcel, the proposed additional uses are child care centre, place of entertainment within an office building or a building containing a hotel, and commercial schools. Both the "Industrial – Business Park Area" designation in the 1987 OP and the "Employment Area – Business Park Employment" designation in the 2014 OP provide for these uses. With respect to the proposed accessory retail, personal service, and restaurant uses within a hotel, convention centre, office building, or industrial building, the 2014 OP limits these to 15% of the total GFA of the building. These uses and floor area limits have been incorporated into the zoning by-law.

Natural Wildlife Corridor to be completed as part of the development

As stated in the Proposal section of this report, the natural wildlife corridor is largely on the Leporis lands. The owner has indicated that they are working with Clera Holdings to ensure that the corridor is constructed. Staff are also working with the owner and TRCA to implement a walking trail through the wildlife corridor, which would run from the new Street "1" to Elgin Mills Road. The trail design is subject to review and approval from TRCA. If a trail is deemed not feasible, a direct north-south connection should be provided through the development block. These items will be finalized through the process of clearing conditions of draft plan approval (see Appendix 'A'). Furthermore, the wildlife corridor will be dedicated to the City as a condition of draft plan approval.

In addition to the natural wildlife corridor, a greenway corridor including a watercourse runs east-west along the south property line of the subject lands. This corridor connects the natural wildlife corridor to a woodland and wetland south and west of the subject lands. A portion of this corridor is located on Block 6 on the draft plan of subdivision, which will be conveyed to the City for environmental protection (see Figure 7). TRCA staff are working with the owner to ensure that the natural heritage system is protected and are generally satisfied with the greenway corridor.

Parkland dedication to be provided through cash in lieu contribution

The applicant will be required to provide a 2% cash in lieu of parkland contribution. This requirement is set out in the conditions of draft plan approval attached as Appendix A.

FINANCIAL CONSIDERATIONS:
Not applicable.

HUMAN RESOURCES CONSIDERATIONS:
Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:
The proposed applications have been reviewed in the context of the City's Strategic Priorities of Safe Sustainable and Complete Community.

BUSINESS UNITS CONSULTED AND AFFECTED:
The application has been circulated to various City departments and external agencies and no concerns were identified. Technical staff comments can be resolved through the conditions of draft plan approval (see Appendix 'A').

CONCLUSION:
It is the opinion of staff that the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications are appropriate and are acceptable. It is therefore recommended that the proposed applications be approved subject to the draft plan approval conditions attached as Appendix 'A' and the draft zoning by-law attached as Appendix 'B'.

RECOMMENDED BY:

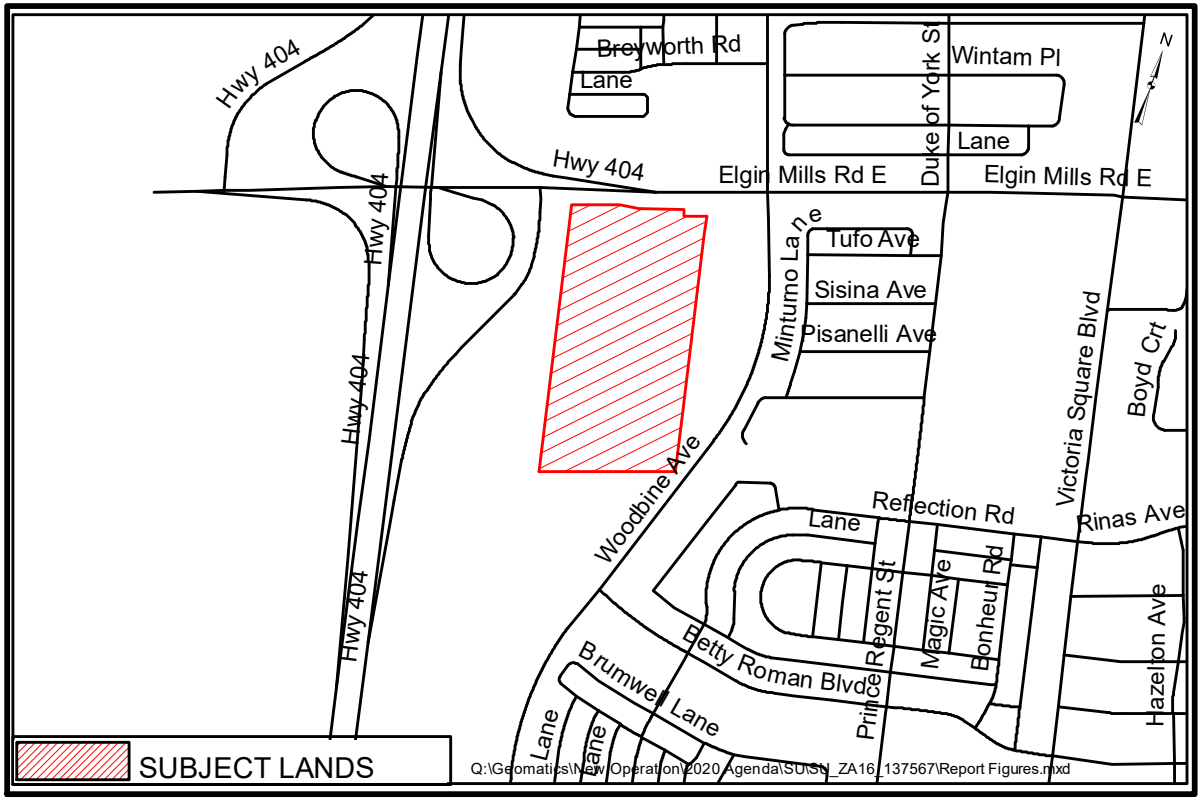
Biju Karumanchery, M.C.I.P, R.P.P
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:
Figure 1 – Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Aerial Photo (2020)
Figure 4 – 1987 Official Plan Land Use
Figure 5 – 2014 Official Plan Land Use
Figure 6 – Conceptual Site Plan
Figure 7 – Proposed Draft Plan
Figure 8 – Draft Plan of Subdivision 19T-95075

APPENDICES:
Appendix 'A': Recommended Conditions of Draft Plan Approval
Appendix 'B': Draft Zoning By-law Amendment
Appendix 'C': Summary of Proposed Zoning Standards

AGENT:
Lisa La Civita, MCIP, RPP
Armland Group
8700 Dufferin Street
Concord, Ontario L4K 4S6
Tel.: 905-6603765 ext. 535
llacivita@armlandgroup.com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Mintumo Lane
Tufo Ave
Sisina Ave
Pisanelli Ave
Victoria Square Blvd
Boyd Crt
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Reflection Rd
Lane
Rinas Ave
Regent St
Magic Ave
Bonheur Rd
Betty Roman Blvd
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SUBJECT LANDS
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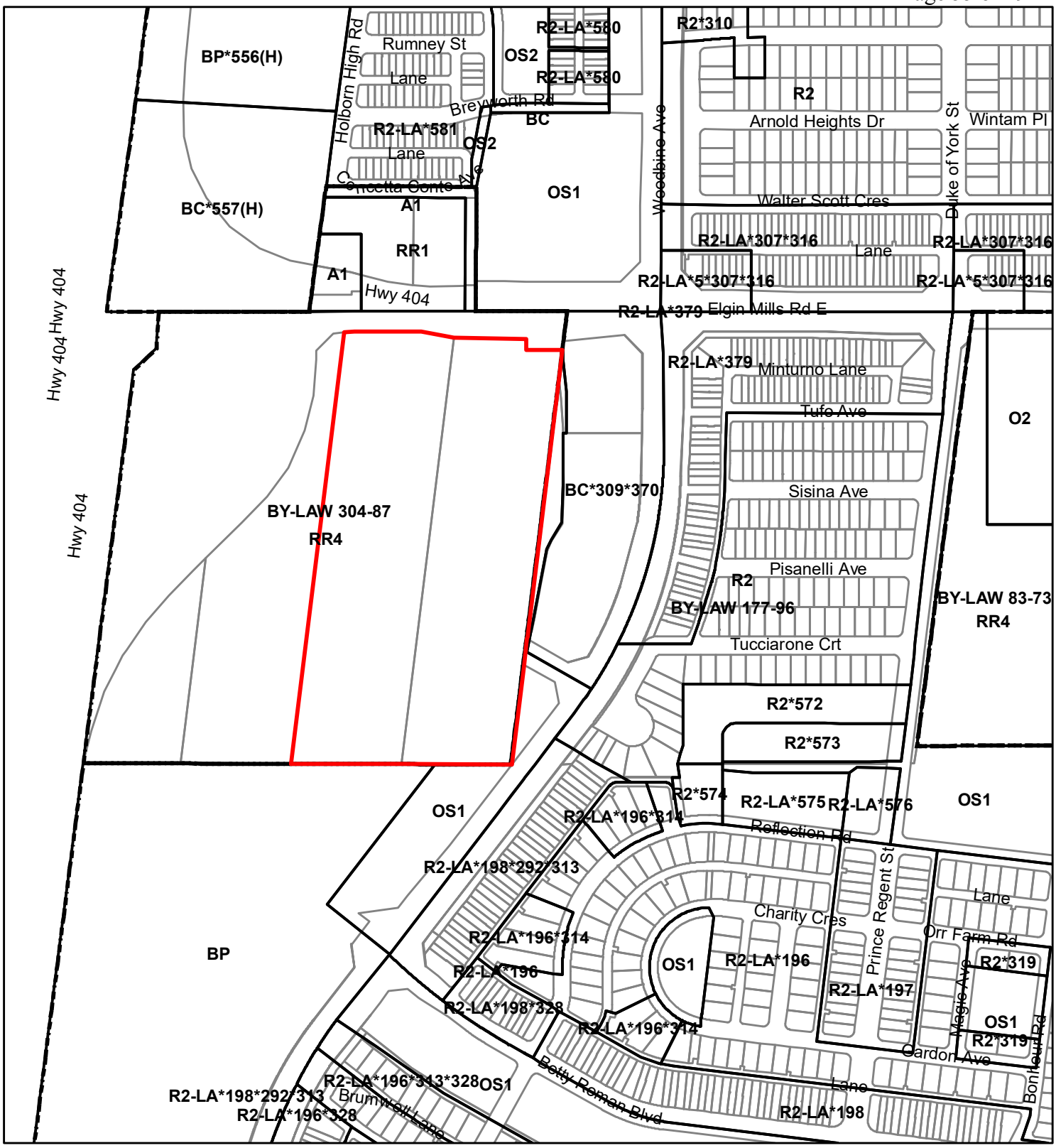

AREA CONTEXT / ZONING

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

SUBJECT LANDS

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DATE: 14/04/2020

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: RT Checked By: MR

FIGURE No. 2

AERIAL PHOTO (2019)

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

SUBJECT LANDS

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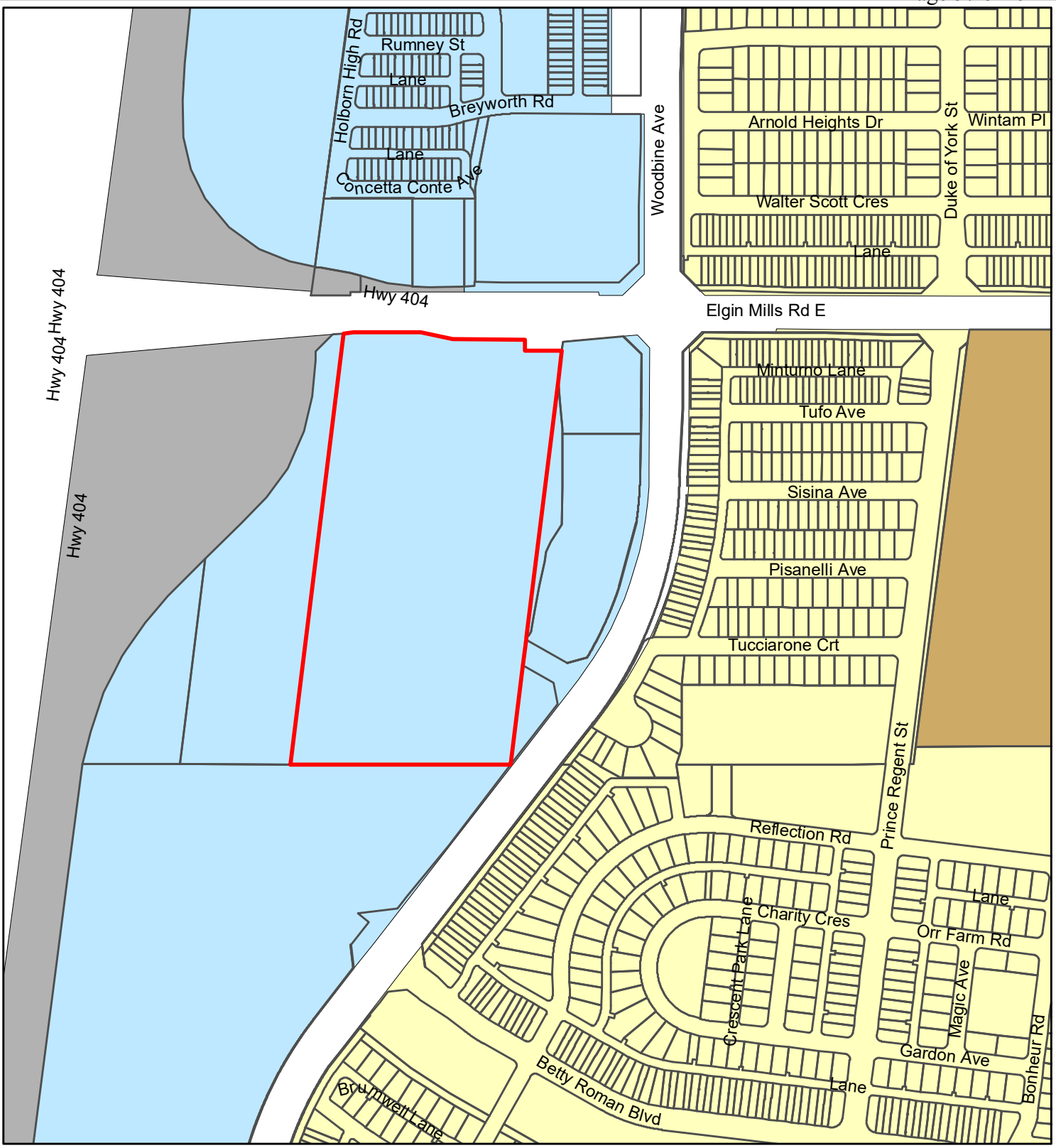
DATE: 14/04/2020

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: RT Checked By: MR

FIGURE No. 3



OFFICIAL PLAN (1987) LAND USE

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

Industrial
Urban Residential
Hamlet
Transportation and Utilities
SUBJECT LANDS

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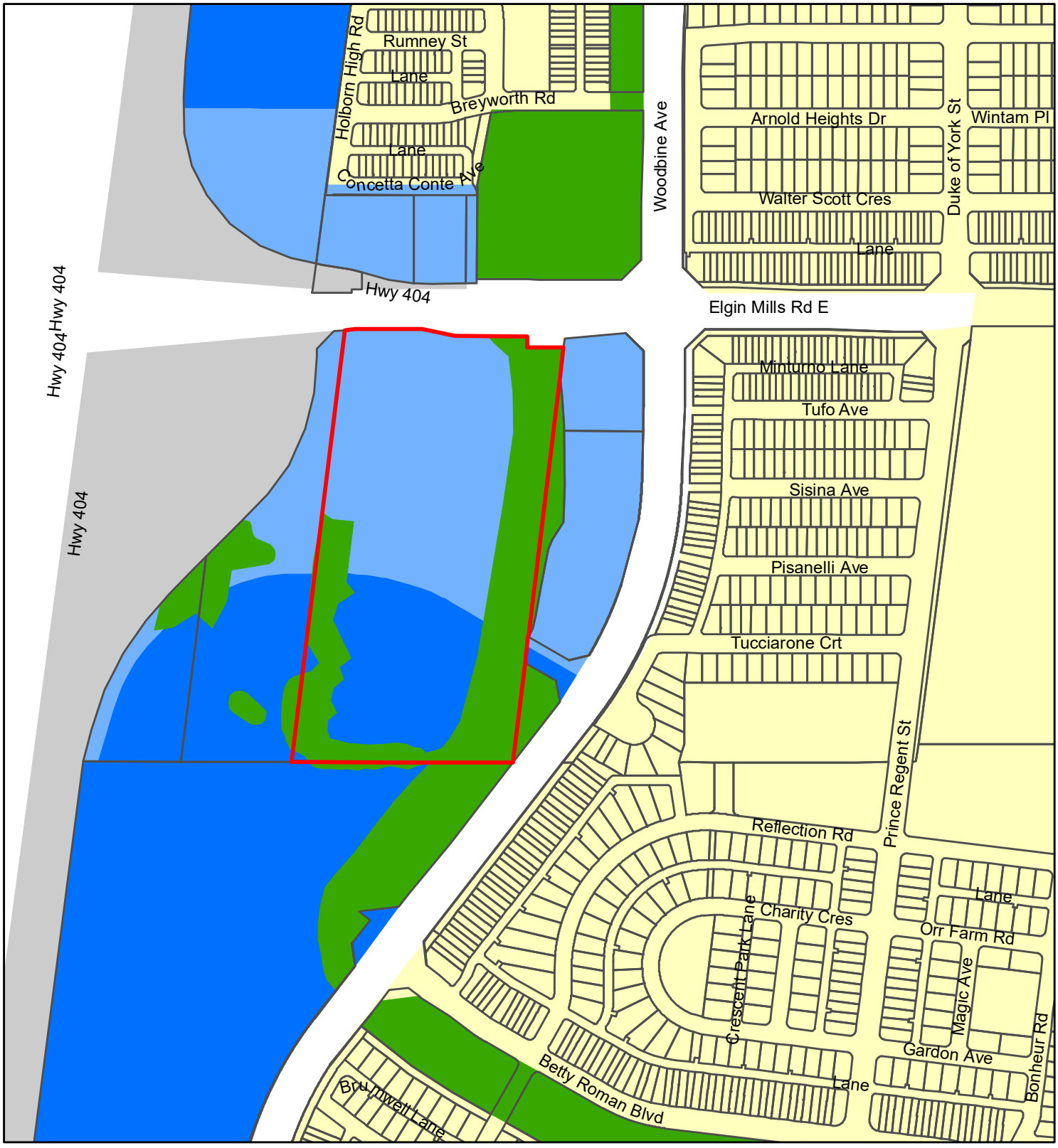
DATE: 14/04/2020

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: MR

FIGURE No. 4



OFFICIAL PLAN (2014) LAND USE

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

Business Park Employment
Service Employment
Residential Low Rise
Transportation and Utilities
Greenway
SUBJECT LANDS

N

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DATE: 14/04/2020

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: MR

FIGURE No. 5

CONCEPTUAL SITE PLAN

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

Legend

- Subject Lands
- Business Park Designation
- Business Corridor Designation
- Open Space
- Primary Pedestrian Circulation

Statistics

Flato Gross Floor Area	18,057 m² / 194,364 ft.²
Leporis Gross Floor Area	21,447.42 - 24,586.42 m² / 230,858 - 264,646 ft.²
Clear Gross Floor Area	3,697 m² / 39,794 ft.²
Total Gross Floor Area	**43,201.42 - 46,340.42 m² / 465,016 - 498,804 ft.²**

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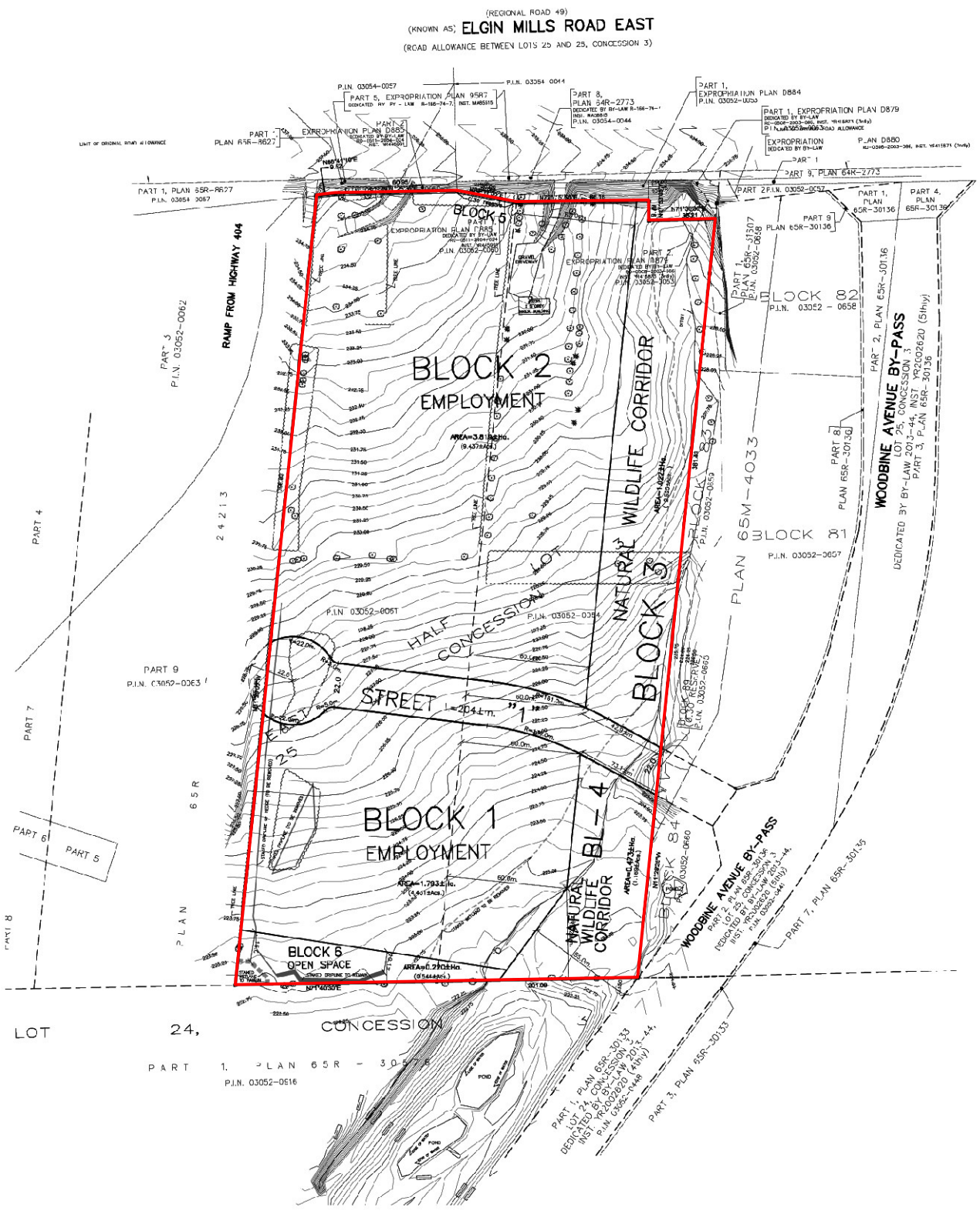
DATE: 14/04/2020

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: RT Checked By: MR

FIGURE No. 6



PROPOSED DRAFT PLAN

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

SUBJECT LANDS

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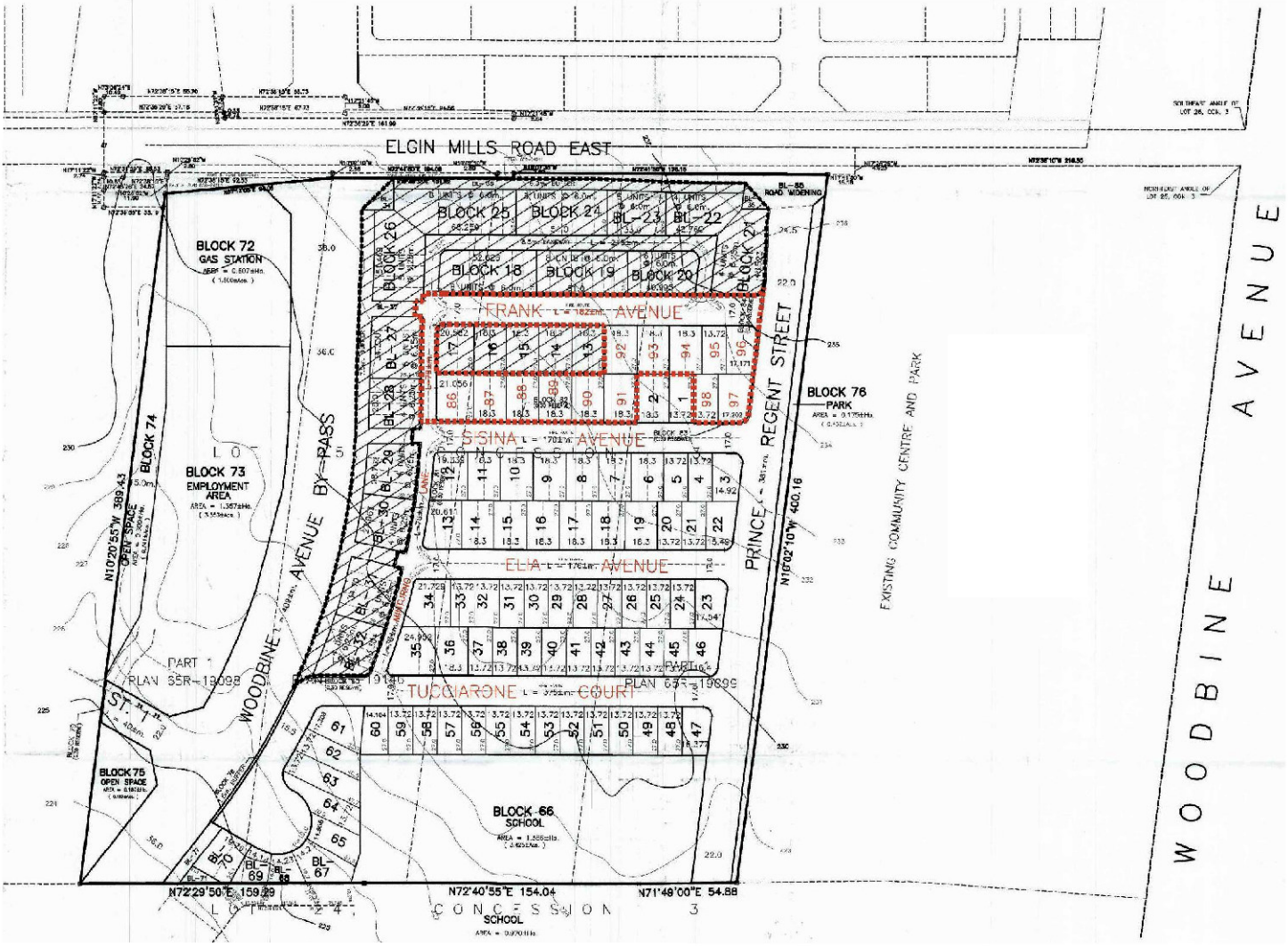
DATE: 14/04/2020

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: RT Checked By: MR

FIGURE No. 7



DRAFT PLAN 19T-95075

APPLICANT: Leporis Construction Inc.
2705 & 2755 Elgin Mills Road East

FILE No. SU ZA16137567

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DATE: 14/04/2020

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: RT Checked By: MR

FIGURE No. 8

APPENDIX 'A'

RECOMMENDED CONDITIONS OF DRAFT PLAN APPROVAL
PLAN OF SUBDIVISION 19TM-16006
LEPORIS CONSTRUCTION INC.

1. General

1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project No. P-2513, dated August 7, 2020, as amended.

1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City unless extended by the City upon application by the Owner.

1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.

1.4 Prior to the release for registration of this Draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design, all required technical reports, studies, and drawings, including but not limited to functional traffic designs, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to support the Draft Plan of Subdivision. The Owner agrees to revise this Draft Plan of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.

1.5 The Owner shall agree in the Subdivision Agreement to implement the designs and recommendations of the accepted technical reports/studies submitted in support of the draft Plan of Subdivision including but not limited to, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, watermain analysis reports, detailed design drawings, noise studies, etc., to the satisfaction of the City's Director of Engineering and Director of Planning and Urban Design, and at no cost to the City.

1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Municipal Class Environmental Assessment, Traffic Impact Study, Internal Functional Traffic Design Study, Transportation Demand Management Plan, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

1.7 The Owner shall covenant and agree in the Subdivision Agreement to design and construct all required relocations of, and modifications to existing infrastructure, including but not limited to sewers, watermains, light standards, utilities, and stormwater management facilities to the satisfaction of, and at no cost to, the City.

1.8 The Owner shall agree in the Subdivision Agreement to pay to the City all required fees, in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.

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

1.10 The Owner acknowledges and agrees to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

1.11 The Owner acknowledges and understands that prior to release for registration of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96, as amended, to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.

2. Engineering

General

2.1 The Owner shall enter into a Subdivision Agreement with the City with terms and conditions satisfactory to the City of Markham.

2.2 Prior to the release for registration of this draft Plan of Subdivision, the Owner shall prepare and submit to the satisfaction of the City of Markham, all technical reports, studies, and drawings, including but not limited to, traffic studies, functional traffic designs, stormwater management reports, functional servicing reports, design briefs, detailed design drawings, noise studies, servicing, etc., to support the draft Plan of Subdivision. The Owner agrees to revise the draft Plan(s) of Subdivision as necessary to incorporate the design and recommendations of the accepted technical reports, studies, and drawings.

2.3 The Owner shall implement the designs and recommendations of the accepted technical reports/studies submitted in support of the draft Plans of Subdivision including but not limited to, traffic studies, functional traffic design study, stormwater management reports, functional servicing reports,

design briefs, detailed design drawings, noise studies, to the satisfaction of the City of Markham, and at no cost to the City.

The Owner agrees to revise the draft Plan of Subdivision as necessary to incorporate the recommendations to implement or integrate any recommendations from the above studies, and drawings.

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

2.5 The Owner shall agree in the Subdivision Agreement to pay to the City, all required fees, in accordance with the City's Fee By-Law 211-83, as amended by Council from time to time.

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

2.7 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the draft plan of subdivision (or site plan) and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.

2.8 The Owner shall submit updates or addendums, as appropriate, to address all outstanding transportation comments from City of Markham, related to the Transportation Impact Study, to the satisfaction of the Director of Engineering.

2.9 The Owner shall submit functional design plans for the future Street 1 and Woodbine Avenue intersection under interim and ultimate conditions for review and approval, to the satisfaction of the Director of Engineering.

Roads

2.10 The road allowances within the draft plan shall be named to the satisfaction of the City and Regional Municipality of York ("Region").

2.11 The Owner shall covenant and agree to design and construct all municipal roads in accordance with City standards and specifications.

2.12 The Owner shall covenant and agree in the Subdivision Agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City of Markham. The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the Subdivision Agreement to the satisfaction of the City.

2.13 The Owner covenants and agrees that the City will issue building permits in accordance with section 2 of the By-law 2005-104, as amended subject to the following conditions having been met for the proposed turning circle:

- The Owner shall make satisfactory arrangement to provide a turning circles at the west end of Street 1, to the satisfaction of the Director of Engineering.

- The Owner shall convey to the City all lands required for the construction of the turning circle, including any external lands to the west, or provide any alternative arrangement to the satisfaction of Director of Engineering.

- The owner shall design and construct the turning circle to the satisfaction of the Director of Engineering.

Municipal Services

2.14 The Owner shall covenant and agree to design and construct all municipal services in accordance with City standards and specifications.

2.15 The Owner shall agree in the Subdivision Agreement not to apply for any building permits until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.

2.16 The Owner shall agree in the Subdivision Agreement to revise and/or update the accepted functional servicing and stormwater management reports, if directed by the City in the event that the Director of Engineering determines that field conditions are not suitable for implementation of the servicing and stormwater strategy recommended in the previously accepted functional servicing and stormwater management reports.

2.17 The Owner shall covenant and agree in the Subdivision Agreement that if the proposed sewers connect to existing downstream sewers that are not assumed by the City, to undertake and pay for a sewer video inspection program for the existing sewers to the satisfaction of the Director of Engineering. The Owner further agrees to do the sewer video inspection:

a) Prior to the connection being made;

b) Upon the removal of the temporary bulkhead or as directed by the Director of Engineering; and

c) Upon all roads, parking lots, driveways in the Owners Subdivision having been paved to the final grades, sidewalks, walkways, multi-use paths constructed and boulevards sodded.

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

Lands to be Conveyed to the City/Easements

2.18 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. The owner shall also provide for any easements and works external to the draft Plan of Subdivision necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities to the satisfaction of the City.

Utilities

2.19 The Owner shall agree in the Subdivision Agreement that hydro-electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City of Markham and authorized agencies.

2.20 The Owner shall agree in the Subdivision Agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc.

2.21 The Owner shall agree in the Subdivision Agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.

2.22 The Owner shall agree in the Subdivision Agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.

2.23 The Owner shall covenant and agree in the Subdivision Agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.

2.24 The Owner acknowledges that standard community mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. The Owner agrees that should it propose an enhanced community mailbox installation, any costs over and above the standard installation must be borne by the Owner, and be subject to approval by the City in consultation with Canada Post.

2.25 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

Environmental Clearance

2.26 The Owner shall agree in the Subdivision Agreement to retain a "Qualified Person" to prepare all necessary Environmental Site Assessments (ESA) and file Record(s) of Site Condition with the Provincial Environmental Site Registry for all lands to be conveyed to the City. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the *Environmental Protection Act* and O. Reg. 153/04, as amended. The lands to be conveyed to the City shall be defined as any land or easement to be conveyed to the City, in accordance with the City's Environmental Policy and Procedures for Conveyance of Land to the City Pursuant to the Planning Act.

2.27 Prior to the earlier of any construction, including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement, the Owner agrees to submit Environmental Site Assessment (ESA) report(s) prepared by a Qualified Person, in accordance with the Environmental Protection Act and its regulations and all applicable standards, for all lands to be conveyed to the City for peer review and concurrence.

2.28 Prior to the earlier of any construction including site alteration, the execution of a pre-servicing agreement or Subdivision Agreement of a phase within the draft Plan of Subdivision, the Owner agrees to submit

environmental clearance(s) and Reliance Letter(s) from a Qualified Person to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the City of Markham. The Environmental Clearance and Reliance Letter will be completed in accordance with the City's standard and will be signed by the Qualified Person and a person authorized to bind the Owner's company. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter, except as and where indicated in the template.

2.29 The Owner agrees that if, during construction of a phase within the draft Plan of Subdivision, contaminated soils or materials or groundwater are discovered, the Owner shall inform the City of Markham immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the City of Markham and the Ministry of the Environment, Conservation and Parks.

2.30 The Owner shall agree in the Subdivision Agreement to assume full responsibility for the environmental condition of the lands comprising the draft Plan of Subdivision. The Owner shall further agree in the Subdivision Agreement to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and assumption by the City of the municipal infrastructure, the construction and use of the municipal infrastructure or anything done or neglected to be done in connection with the use or any environmental condition on or under lands comprising the draft Plan of Subdivision, including any work undertaken by or on behalf of the City in respect of the lands comprising the draft Plan of Subdivision and the execution of this Agreement.

2.31 Prior to the conveyance lands to the City, the Owner shall agree to provide to the City, a Letter of Acknowledgement of the Record of Site Condition from the Ministry of Environment, Conservation and Parks (MECP) for the lands to be conveyed to the City.

Streetlight Types

2.32 The Owner shall agree in the Subdivision Agreement to contact the City of Markham prior to commencing the design for streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

2.33 The Owner shall covenant and agree in the subdivision to include in the building permit application all mitigation recommendation from the geotechnical consultant to waterproof basements which are below the

ground water to the satisfaction of the Chief Building Official on a lot specific basis. The Owner shall further covenant and agree that the acceptance of these measures will be subject to approval from the Chief Building Official.

3. Tree Inventory and Preservation Plans

3.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.

3.2 The Owner shall submit for approval a tree inventory and tree preservation plan showing the trees to be preserved prior to the issuance of a "Top Soil Stripping Permit, Site Alteration Plan or Pre-Servicing Agreement" to the satisfaction of the Director of Planning and Urban Design.

3.3 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit, Site Alteration Plan or Pre-Servicing Agreement to the satisfaction of the Director of Planning and Urban Design. The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.

3.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:

a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

4. Parks and Open Space

4.1 The Owner covenant and agrees that parkland dedication is required at a rate specified in Parkland Dedication By-law 195-90, as amended. The Owner covenants and agrees that the parkland dedication requirement for

the draft plan of subdivision is 0.112 hectare and based on a rate of 2% of the land area and calculated as follows:

- 2% x land area = parkland dedication requirement
- 2% x 5.612 ha. = 0.112 ha.

4.2 The Owner covenants and agrees to satisfy the parkland dedication requirement through the payment of cash-in-lieu to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.

5. Landscape Works

5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans and a cost estimate prepared by a qualified landscape architect for Street "1" to the satisfaction of the Director of Planning and Urban Design:

a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;

b) **S**treetscape plans including street trees for Street "1";

c) A **specialized** depth of topsoil (300mm) in the entire municipal boulevard to appropriately plant boulevard trees, including a continuous planting trench to appropriately plant boulevard trees and provide submit a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the City's Director of Planning and Urban Design.

d) Fencing, as required.

5.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.

6. Financial

6.1 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing and, streetscape other landscaping requirements.

6.2 The Owner shall provide a Land Appraisal Report to the Manager of Real Property for the purpose of determining the required cash-in-lieu of parkland amount. The Land Appraisal Report is subject to the City's terms of reference and conformance with the *Parkland Dedication By-law 195-90* and with the *Planning Act*.

7. Natural Heritage

7.1 The Owner covenants and agrees to convey Blocks 3, 4 and 6 to the City of Markham in a physical condition to the satisfaction of the City.

7.2 Prior to final approval, the Owner shall prepare restoration planting plans for Blocks 3, 4 and 6 to the satisfaction of the Director of Planning and Urban Design. The applicant agrees to assess the feasibility and design for a north-south nature-based trail within Block 3.

7.3 Prior to execution of the subdivision agreement, the Owner shall provide a letter of credit to secure all restoration and landscaping works to the satisfaction of the Director of Planning and Urban Design.

8. Development Charges

8.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

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

9. York Region

Clauses to be Included in the Subdivision Agreement

9.1 The Owner shall agree to implement the recommendations provided in the revised Transportation Study, to the satisfaction of the Region.

9.2 The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services.

9.3 The Owner shall agree, in wording satisfactory to Development Engineering, that a Site Plan Application approval from York Region is required to be in place before the commencement of any site alteration or construction works for Block 2 abutting Elgin Mills Road East.

9.4 The Owner shall agree, in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.

9.5 The Owner shall agree, in wording satisfactory to Development Engineering, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

9.6 The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

9.7 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree, in wording satisfactory to York Region's Development Engineering, as follows:

a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;

b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;

c) that maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.

9.8 The Owner shall agree, in wording satisfactory to Development Engineering, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable Provincial legislation and guidelines and to the satisfaction of the area municipality.

9.9 The Owner shall agree, in wording satisfactory to Development Engineering, that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

Conditions to be Satisfied Prior to Final Approval

9.10 The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services division and the Infrastructure Asset Management branch for record.

9.11 The Owner shall demonstrate that a vehicular, pedestrian and cycling interconnection from the proposed cul-de-sac at the Street "1" terminus to the south shall be protected and provided. This interconnection is required to minimize the potential impacts on Woodbine Avenue and make efficient use of the internal road network.

9.12 The Owner shall provide an updated Transportation Study Addendum that addresses all the comments provided, to the satisfaction of the Region.

9.13 Highly Vulnerable Aquifer: Should the proposed major development include bulk fuel (≥ 2500L) or bulk chemicals (≥ 500L) within the HVA, a Contaminant Management Plan (CMP) will be required prior to plan of subdivision final approval, for Water Resources review and approval.

If a CMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above noted activities will not be occurring.

9.14 Concurrent with the submission of the subdivision servicing application (MECP) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:

a) Plan and Profile for the York Region road and intersections;
b) Cross Section on York Region right-of-way at 20m interval where the site is abutting;
c) Grading and Servicing;
d) Intersection/Road Improvements, including the recommendations of the Traffic Report;
e) Construction Access Design;
f) Utility and underground services Location Plans;
g) Signalization and Illumination Designs;
h) Line Painting;
i) Traffic Control/Management Plans;
j) Erosion and Siltation Control Plans;
k) Landscaping Plans, including tree preservation, relocation and removals;
l) Arborist Report;

m) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
n) Functional Servicing Report;
o) Stormwater management Report;
p) Water supply and distribution report and model.

9.15 The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region Right-Of-Way. Only those works located in their ultimate location based on the next planning upgrade for this Right-Of-Way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.

9.16 The Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality.

9.17 The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.

9.18 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.

9.19 The Owner shall demonstrate, to the satisfaction of Development Engineering, that the streetline elevations shall maintain a minimum 2% cross slope within the boulevard from the streetline to the top of curb, unless otherwise specified by Development Engineering.

9.20 The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:

a) All existing woody vegetation within the York Region road right of way.

b) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved.

c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.

d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance.

e) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

9.21 The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.

9.22 Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:

a) A widening across the full frontage of the site where it abuts Elgin Mills Road of sufficient width to provide a minimum of 18 metres from the centreline of construction of Elgin Mills Road and any lands required for additional turn lanes at the intersections, and,

b) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Elgin Mills Road and adjacent to the above noted widening(s).

9.23 The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.

9.24 The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The

Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

9.25 The Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered

by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

9.26 The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

9.27 The Owner shall submit engineering plans for York Region's approval that identify on the plans the Transit requirements.

9.28 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.

9.29 The Owner shall provide a copy of the executed Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.

9.30 The Owner shall enter into an agreement with York Region, to satisfy all conditions, financial and otherwise, and state the date at which development charge rates are frozen, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

10. Fire Department

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

a) Fire break lots shall be designated within the subdivision agreement, to the satisfaction of the Fire Chief or his designate. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
b) The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
c) To ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the development. Accesses shall remain clean and clear at all times during the duration of construction; including after hours, weekends and holidays.

11. Toronto and Region Conservation Authority

11.1 That **prior to** any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit, provide and/or attain the approval from the TRCA for:

a) A development phasing plan illustrating the various phases of development and associated timing of construction, including the development of the Natural Wildlife Corridor, Street 1 and employment development, to the satisfaction of TRCA;

b) Development limit "constraint" mapping on the Draft Plan of Subdivision and all site plans showing existing and proposed natural features, natural hazards and associated buffers as applicable to the site (e.g. stable top of slope, meander belt, Regulatory flood plain, wetlands, significant vegetation/driplines, required buffers) to the satisfaction of TRCA.

c) A detailed engineering report stamped by a professional engineer that, in addition to describing the storm drainage system for the proposed development of the subject lands, at a minimum includes the following to the satisfaction of TRCA:

i. location and description of all outlets and other facilities, grading, site alterations or development which may require a permit pursuant to Ontario Regulation 166/06, as amended (TRCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation);

ii. confirmation that TRCA's stormwater management criteria (including stormwater quantity and quality control) and the criteria requirements for water balance and erosion control have been met or exceeded;

iii. water balance and Low Impact Development (LID) measures with supporting calculations that, in addition to satisfying site water balance requirements, demonstrate how LIDs will provide support to the Natural Wildlife Corridor or implement alternative sources for hydrological support;

iv. detail drawings, locations and plans for proposed water balance and LID measures on the appropriate drawings (all LID measures are required to be located outside of the natural system including setbacks);

v. detailed grading plans, site servicing plans and cross section drawings.

d) A Water Balance Assessment outlining the required water balance criteria (for both site water balance and feature-based) and how they are to be met or exceed by the proposed mitigation measures which have been deemed appropriate for the site to the satisfaction of TRCA. The feature-based water balance assessment is required as it relates to all the hydrological inputs (groundwater, surface water and stormwater drainage) in the watercourse and proposed and existing wetlands in order demonstrate the hydrological and ecological function of the features;

e) Detailed reports and plans for the construction and post-construction of the Natural Wildlife Corridor to the satisfaction of the TRCA, including:

i. an appropriate connection to the tributary of the East Carlton Creek at the south end of the property to the satisfaction of the TRCA. This may include entering into an agreement with the adjacent landowner(s) or providing an adequate on-site Natural Wildlife Corridor design that meets TRCA requirements;

ii. delineation of all natural features, hazards, and their associated buffers within the Natural Wildlife Corridor;

iii. an interim hydrologic strategy to support the wetland in the absence of completed construction of Buildings C and D;

iv. an updated geomorphology report and design brief;

v. terrestrial and aquatic habitat features including but not limited to birdboxes, snags, perches, sweeper logs, boulder clusters and root wads;

vi. detailed plans for wetland pockets;

vii. detailed trail plans if a trail within the corridor is required by the City or confirmation from the City that a trail is not required;

viii. detailed planting plans;

ix. a monitoring program for a period of 5 years that demonstrates the design objectives through providing

1. as-built survey;

2. surveys (e.g. breeding birds, breeding amphibians, health of the plantings, visual fish observations);

3. wildlife passage camera demonstrating use of the corridor;

4. Channel Geomorphic Assessments;

5. adaptive monitoring in the event of design failure;

6. reports submitted to the TRCA in Year 1, 3 and 5 post-construction;

f) An updated Flood Plain Map sheet as well as accompanying digital modeling based upon new works within the Natural Wildlife Corridor to the satisfaction of TRCA;

g) A detailed and comprehensive Erosion and Sediment Control Plan and Erosion and Sediment Control Report, which complies with the TRCA's current Erosion and Sediment Control Guidelines for Urban Construction (available at: https://trca.ca/planning-permits/procedural-manual-and-technical-guidelines/).

11.2 That detailed planting / restoration plans be provided and implemented for all Open Space Blocks and associated with the crossing of the Natural Wildlife Corridor, which at a minimum include the proposed species, quantities, densities, planting locations and seed mixtures to the satisfaction of TRCA;

11.3 That the applicant provide sufficient securities for the proposed Natural Wildlife Corridor works and restoration plantings;

11.4 That permanent fencing be erected along the entire length of the Natural Wildlife Corridor and other Open Space areas as applicable to the satisfaction of TRCA;

11.5 That the applicant obtain all Ontario Regulation 166/06 (as amended) permits from the TRCA for all works proposed within TRCA's Regulated Area of the subject property and adjacent properties (as permitted by the landowners);

11.6 That the applicant provide confirmation that the natural features, hazards and associated buffer lands (e.g. Blocks 3, 4 and 6) have been placed an appropriate zoning category (e.g. Open Space or equivalent) and will be

gratuitously dedicated to the City of Markham to ensure their long term protection;

11.7 That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA's conditions, or in order to meet current established standards in place at time of registration of the Plan;

11.8 That the applicant provides all outstanding fees (e.g. top up fees, red-line fees, etc.) as required by TRCA;

11.9 That the owner agrees in the subdivision agreement, in wording acceptable to the TRCA:

a) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and analyses to be approved by TRCA;

b) to agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;

c) to design and implement on-site erosion and sediment controls in accordance with current TRCA standards;

d) to maintain all stormwater management and erosion and sedimentation control structures operating in good repair during the construction period, in a manner satisfactory to the TRCA;

e) to design and implement all water balance/infiltration measures identified in the water balance assessment(s) to be completed for the subject property;

f) to include appropriate clauses in all agreements of purchase and sale, for lots or blocks on which infiltration infrastructure (whether structural or passive) is to be located that clearly identifies maintenance responsibilities of the landowner;

g) to provide for the creation of a Natural Wildlife Corridor and the planting, restoration and enhancement of all natural feature and associated buffer areas to the satisfaction of TRCA staff. Additionally, that monitoring and replanting of these areas (as necessary) be completed for a minimum period of 2 years with sufficient funds be secured through this period through a letter of credit in favour of the City of Markham or other appropriate measure;

h) that all blocks containing natural features, hazards and their associated buffers be gratuitously conveyed free of all encumbrances into public ownership;

i) to obtain all necessary TRCA permits pursuant to Ontario Regulation 166/06 (as amended) from the TRCA.

12. Alectra Utilities

12.1 The Owner shall covenant and agree in the Subdivision Agreement to satisfy Alectra Utilities as follows:

a) The owner(s), or his/her/their agent, for this plan is/are required to contact Alectra Utilities to obtain a subdivision application form (SAF) and to discuss all aspects of the above project. The information on the SAF must be accurate to reduce unnecessary customer costs, and to provide a realistic in-service date. The information from the SAF is also used to allocate/order materials, to assign a technician to the project, and to place the project in the appropriate queue. A subdivision application form is enclosed with this request for comments.

b) Alectra Utilities will prepare the electrical distribution system (EDS) design for the subdivision. The subdivision project will be assigned to an Alectra Utilities design staff upon receipt of a completed SAF. The design of the subdivision can only commence upon receiving a design prepayment and the required information outlined on the SAF.

c) Alectra Utilities will obtain the developer(s) approval of the EDS design, and obtain the required approvals from local government agencies for EDS installed outside of the subdivsion limit. Alectra Utilities will provide the developer(s) with an Offer to Connect (OTC) agreement which will specify the responsibilities of each party and an Economic Evaluation Model outlining the cost sharing arrangement of the EDS installation between both parties. The OTC agreement must be executed by both parties and all payments, letter of credits and easements received in full before Alectra Utilities can issue the design for construction.

d) All proposed buildings, billboards, signs, and other structures associated with the development must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the Ontario Electrical Safety Code and the Occupational Health and Safety Act.

e) All communication, street light or other pedestal(s) or equipment(s) must not be installed near Alectra Utilities transformers and/or switchgears. Enclosed with this request for comments are Alectra Utilities clearance standards.

f) Existing Alectra Utilities plant in conflict due to driveway locations or clearances to the existing overhead or underground distribution system will have to be relocated by Alectra at the Developer's cost.

13. Canada Post

13.1 The owner/developer agrees to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox.

13.2 The owner/developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any unit sale.

13.3 The owner/developer will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailbox and to indicate these locations on the appropriate servicing plans.

13.4 The owner/developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:

a) An appropriately sized sidewalk section (concrete pad) to place the Community Mailboxes on.
b) Any required walkway across the boulevard.
c) Any required curb depressions for wheelchair access.

13.5 The owner/developer further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to the new homes as soon as they are occupied.

13.6 The owner/developer further agrees to provide Canada Post at least 60 days' notice prior to the confirmed first occupancy date to allow for the community mailboxes to be ordered and installed at the prepared temporary location.

13.7 Further information can be found by visiting the following link to Canada Post's Delivery Standards Manual.
https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf?_ga=1.255544584.102383918.1446243719

14. Bell Canada

14.1 The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

15. External Clearances

15.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

a) The Regional Municipality of York Transportation and Community Planning Department shall advise that Conditions 9.1 to 9.30 have been satisfied.
b) The Toronto and Region Conservation Authority ("TRCA") shall advise that all lands containing natural features, hazards and their associated buffers are zoned for environmental protection, densely planted and gratuitously dedicated into public ownership, free and clear of all encumbrances to the City of Markham and are to the TRCA's satisfaction and that Conditions 11.1 to 11.9 has been satisfied.
c) Alectra Utilities shall advise that Condition 12.1 has been satisfied.
d) Canada Post shall advise that Conditions 13.1 to 13.7 have been satisfied.
e) Bell Canada shall advise that Condition 14.1 has been satisfied.

BY-LAW 2021-_____

A By-law to amend By-law 304-87, as amended
(to delete lands from the designated areas of By-law 304-87)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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

1. That By-law 304-87, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 304-87, as amended.

2. That By-law 177-96, as amended, is hereby further amended as follows:

   2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule "A" attached hereto.

   2.2 By zoning the lands outlined on Schedule "A" attached hereto:

   from:
   Rural Residential (RR4) Zone

   to:
   Business Corridor*670 (BC*670) Zone
   Business Park*671 (BP*671) Zone
   Open Space One (OS1) Zone

3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.670	**Leporis Construction Inc.** **2705 and 2755 Elgin Mills Road East**	**Parent Zone BC**
File ZA 16 137567		Amending By-law 2021-___
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *670 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.670.1 Additional Permitted Uses		
a)	*Child Care Centre*	
b)	*Place of Amusement*	
c)	*Place of Entertainment*	
d)	*Kennel, Day*	
e)	Pet Grooming	
7.670.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Notwithstanding any further division or partition of the land subject to this Section, all lands zoned with Exception *670 shall be deemed to be one *lot* for the purposes of this By-law and all zone standards are applicable to the lands zoned with Exception *670 as a whole and not to any subdivided part thereof.	
b)	For the purposes of this By-law, the *lot line* abutting Elgin Mills Road East shall be deemed to be the *front lot line.*	
	Maximum building *height*: i. Office building – 19 metres ii. All other buildings – 12 metres	

c)	Maximum *front yard* shall not apply.
d)	Maximum Depth of *parking area* in the *front yard* shall not apply.
e)	The minimum required width of *landscaping* shall be: i. Adjacent to the front lot line – 5.5 metres ii. Adjacent to any other *lot line* – 1.2 metres.
f)	Within 40 metres of the Elgin Mills Road East *streetline*, the following additional provisions shall apply: i. Minimum building *height* – 8.0 metres; ii. Maximum setback from front lot line – 6.0 metres; iii. *Drive-through service facilities* and *queuing lanes* are not permitted within 5.5 metres of the front lot line.
g)	Special Provisions #3, #5, and #6 of Table A4 shall not apply.
h)	Retail stores are only permitted subject to the following: i. A *retail store* shall have a minimum *gross floor area* of 150 square metres per *premises*; ii. In all building types, a *retail store* shall have a maximum *gross floor area* of 1,000 square metres per *premises* unless the *retail store* is an office supply or computer supply store which may have a maximum *gross floor area* of up to 3,000 square metres per *premises*; iii. The total combined *gross floor area* for all individual *retail store premises* shall not exceed 30% of the combined *gross floor area* of all buildings.
i)	Notwithstanding Section 6.9, where one loading space is required in accordance with section 6.9.1, the minimum size of the loading space shall be not less than 5.8 metres long, 3.5 metres wide, and have a vertical clearance of not less than 4.2 metres

Exception 7.671	**Leporis Construction Inc.** **2705 and 2755 Elgin Mills Road East**	**Parent Zone BP**
File ZA 16 137567		Amending By-law 2021-___

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *671 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.671.1 Additional Permitted Uses

a)	*Child Care Centre*
b)	*Place of Entertainment*
c)	*Schools, Commercial*
d)	*Commercial Fitness Centre*

7.671.2 Special Zone Standards

The following special zone standards shall apply:

a)	Notwithstanding any further division or partition of the land subject to this Section, all lands zoned with Exception *671 shall be deemed to be one *lot* for the purposes of this By-law and all zone standards are applicable to the lands zoned with Exception *671 as a whole and not to any subdivided part thereof.
b)	Maximum Depth of *parking area* in the *front yard* shall not apply.
c)	A *Place of Entertainment* shall only be located within an office *building* or a *building* containing a *hotel*
d)	The minimum required width of *landscaping* shall be: i. Adjacent to any *lot line* not abutting a street – 0.0 metres ii. Adjacent to a *lot line* abutting a cul de sac – 0.0 metres
e)	The maximum *floor space index* shall be 2.0.
f)	For lands zoned with Exception *671, Special Provision #2 of Table A4 shall be replaced with the following: "An accessory retail store in which goods produced and/or stored in a building containing an industrial use is permitted provided the retail store has a net floor area that does not exceed the lessor of 500 square metres or 15 percent of the net floor area of the building containing the industrial use."
g)	Special Provision #3 of Table A4 shall not apply.
	Maximum building *height* – 15 metres

Read and first, second and third time and passed on _____, 2021.

_____
Kimberley Kitteringham
City Clerk

_____
Frank Scarpitti
Mayor

Amanda File No. ZA 16 137567

EXPLANATORY NOTE

BY-LAW 2021-___
A By-law to amend By-laws 304-87 and 177-96, as amended

Leporis Construction Inc.
Part 1, Plan of Part of the East Half of Lot 25, Concession 3 (Geographic Township of Markham)
2705 and 2755 Elgin Mills Road East
ZA 16 137567

Lands Affected
The proposed by-law amendment applies to a parcel of land with an approximate area of 7.835 hectares (19.361 acres), which is located south of Elgin Mills Road East and west of Woodbine Avenue.

Existing Zoning
The subject lands are zoned Rural Residential Four (RR4) Zone under By-law 304-87, as amended.

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

from:
Rural Residential Four (RR4) Zone

to:
Business Corridor*670 (BC*670) Zone;
Business Park*671 (BP*671) Zone; and
Open Space One (OS1) Zone.

in order to permit the development of a convention centre, office building, restaurants, and retail.

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

APPENDIX 'C'

SUMMARY OF PROPOSED ZONING STANDARDS
LEPORIS CONSTRUCTION INC.

Proposed BC Zone		
Zone Standard	**Parent BC Zone**	**Proposed**
Additional uses	n/a	Child care centre Place of entertainment Place of amusement Day kennel Pet grooming
Maximum front yard	6.0 m	Shall not apply
Maximum depth of parking area in the front yard	12.0 m	Shall not apply
Within 40 m of Elgin Mills Road		Maximum setback of main wall – 6.0 m Drive-through service facilities and queuing lanes not permitted within 5.5 m of front lot line
Maximum height	46 m	Office buildings – 19 metres All other buildings – 12 metres
Retail stores	Permitted subject to: Minimum net floor area: 300 m^2 Maximum net floor area: 6000 m^2	Permitted subject to: Minimum GFA of 150 m^2 Maximum GFA of 3000 m^2 for office or computer supply store Maximum GFA of 1000 m^2 for all other retail Combined total GFA of all retail store premises shall not exceed 30% of combined GFA
Proposed BP Zone		
Zone Standard	**Parent BP Zone**	**Proposed**
Additional uses	n/a	Child care centre Place of entertainment within an office building or a building containing a hotel Commercial schools Commercial fitness centres
Retail, personal service shop, day kennel, pet grooming, restaurant	Only as accessory use in a hotel, convention centre, or on first floor of an office building	Only as accessory use in a hotel, convention centre, or on first floor of an office building or industrial building, maximum 15% of total GFA of the building

Maximum depth of parking area in the front yard	12.0 m	Shall not apply
Minimum width of landscaping	6.0 m adjacent to front lot line 3.0 m adjacent to other lot line	6.0 m adjacent to front lot line 0.0 m adjacent to any lot line not abutting a street
Maximum FSI	1.75	2.0
Maximum height	46 m	15 m
Maximum net floor area for accessory retail store in which goods produced/ stored in a building containing an industrial use	300 m^2 or 10%, whichever is less, of net floor area of the building	500 m^2 or 15%, whichever is less, of net floor area of the building
Banquet halls	Permitted only within a hotel or a building containing a trade and convention facility	Restriction shall not apply

Report to: Development Services Committee Meeting Date: January 25, 2021

SUBJECT: Victoria Square Boulevard – Detailed Design Update and Purchase Order Increase Request (Ward 2)

PREPARED BY: Alain Cachola, Senior Manager, Infrastructure and Capital Projects, Ext. 2711

RECOMMENDATION:

1. That the report entitled "Victoria Square Boulevard – Detailed Design Update and Purchase Order Increase Request (Ward 2)" be received;
2. That Purchase Order PD 19403 issued to Ainley & Associates for the detailed design of Victoria Square Boulevard reconstruction be increased by $371,943.33, inclusive of HST, to cover the additional design work required for the project; and
3. That Purchase Order PD 19404 for the contingency of the detailed design of Victoria Square Boulevard reconstruction be increased by $37,193.43, inclusive of HST, to cover any additional design work required for the project and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and
4. That the Engineering Department Capital Administration Fee in the amount of $52,148.13, inclusive of HST, be transferred to revenue account 640-998-8871 (Capital Admin Fees); and
5. That the 2018 Engineering Capital Account 18059 (Victoria Square Boulevard Design) be increased to cover the additional project estimates in the amount of $461,275.89, inclusive of HST, and funded from City Wide Hard Development Charges Reserve, and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain Council approval to:

- Increase the Ainley & Associates Purchase Order in the amount of $371,943.33, to cover the additional detailed design work for Victoria Square Boulevard reconstruction;
- Increase the Contingency Purchase Order in the amount of $37,193.43, to cover any additional detailed design work for Victoria Square Boulevard reconstruction;
- Transfer the Capital Administration Fee in the amount of $52,148.13 to the Engineering Department's revenue account 640-998-8871; and
- Increase the 2018 Engineering Capital Account 18059 (Victoria Square Boulevard Design) in the amount of $461,275.89, and be funded from City Wide Hard Development Charge Reserve, to cover the cost for the additional design work;

BACKGROUND:

Victoria Square Boulevard is an existing north-south roadway, approximately 3 km in length, between Woodbine Avenue (south) and Woodbine Avenue (north), see Attachment 'A'. It is comprised of two lanes with varying cross sections. This road was formerly Woodbine Avenue, which was part of the York Region road network. Jurisdiction of the road was transferred from York Region to the City of Markham in January 2016 after the Region assumed jurisdiction of the (new) Woodbine Avenue.

The Municipal Class EA was filed for Victoria Square Boulevard in May 2018 and received final approval from the Minister of the Environment in May 2020 because of a Part II Order request. The detailed design contract was awarded in November 2019 and the detailed design commenced in December 2019. To date, the consultant has submitted the 60% of the design for the project.

The proposed road reconstruction of Victoria Square Boulevard is tied to the future development of the North Markham Future Urban Area (FUA). There are a number of future collector roads from the FUA that will eventually connect to Victoria Square Boulevard as identified in the FUA transportation studies. The original schedule was to commence construction in Victoria Square Boulevard in 2021 but was partly delayed due to the delayed approval of the Municipal Class EA. The updated schedule and phasing are discussed further in the report.

OPTIONS/ DISCUSSION:

Utility Structure Design

As part of the detailed design scope, the consultant was required to investigate the site based on information provided from the Municipal Class EA Study. Design of utility relocation is part of the detailed design scope of work.

The design consultant commenced the utility coordination meetings in Spring 2020 to identify the existing utility infrastructure that may be in conflict with the proposed road reconstruction. Based on preliminary information provided by the utility companies and site investigation, most of the utility relocation design and coordination are included within the original scope of work. However, a major Bell Canada conflict was identified at a proposed culverts under Victoria Square Boulevard.

Based on review with Bell Canada, the City has 2 options to address the issue:

- Option 1 – Keep the culvert design and relocate Bell infrastructure
- Option 2 – Revise the culvert design and keep / protect Bell infrastructure

Below are the pros and cons to the 2 options:

Options	Pros	Cons
Option 1 – Relocate Bell Infrastructure	No additional consultant fees to redesign culvert	Relocating Bell structure is currently estimated at $2.2M, of which, Markham's share will be 50% ($1.1M)
Option 2 – Redesign culvert to keep / protect existing Bell Infrastructure	Reduce overall cost impact by changing the culvert design to keep / protect Bell Structure	Require to increase scope of work to redesign culvert ($151K). Additional culvert construction costs (±$300K) which will be included in the 2022 construction budget request.

Based on the above, staff recommends Option 2 – redesign culvert to keep / protect the existing Bell infrastructure, as this is the more cost effective option. This option requires an increase of ***$151,115.13***, inclusive of HST, for the redesign of the proposed culvert.

Excess Soil Management

In December 2019, the Ontario Ministry of Environment, Conservation and Parks (MECP) released a new regulation under the Environmental Protection Act, R.S.O. 1990, c. E.19, titled "On-Site and Excess Soil Management" (O. Reg. 406/19) to better manage excess soil.

The new regulation includes a number of additional requirements on construction projects which were not included in the original scope of work for the detailed design as this regulation was implemented after the project was awarded. As such, the consultant has submitted a proposal to fulfil the requirements of the regulation as part of the detailed design and site investigation, in the amount of ***$86,496.00***, inclusive of HST. Staff has reviewed this request and recommend this additional fee be approved.

Project Phasing

The original plan for Victoria Square Boulevard reconstruction was for the full length of the road to be completed under one contract.

For the past year, Engineering Staff has been in regular meetings with York Region staff and the Developer representatives for the FUA regarding the timing and coordination of various Markham and Regional infrastructure to service the FUA. Due to the ongoing Elgin Mills Road Municipal Class EA undertaken by Markham, and the extension of a trunk water main to service the new subdivisions south of Elgin Mills Road, the detailed design for the intersection of Elgin Mills Road and Victoria Square Boulevard is on hold while other design work is being finalized. As a result of this schedule, staff has to re-schedule the Victoria Square Boulevard reconstruction into 3 phases.

The new phasing for construction of Victoria Square Boulevard is as follows:

- Phase 1 – Woodbine Avenue (South) to Stoney Hill Avenue
- Phase 2 – Prince of Wales Drive to Woodbine Avenue (North)
- Phase 3 – Stoney Hill Avenue to Prince of Wales Drive

Staff will be requesting a pre-approval for the 2022 Capital Budget process for the construction of Phase 1 of Victoria Square Boulevard as well as reporting back on the timing of the construction of Phases 2 and 3 of the project. Refer to Attachment 'A' for the phasing plan of Victoria Square Boulevard.

As a result of separating the project into 3 separate phases, the design consultant has to prepare 3 separate sets of engineering plans and tender documents. Additional design work will also be required to prepare interim / temporary conditions on certain sections of the project. The consultant will also be required to coordinate the phasing of the projects with the utility companies as well as the environmental agencies.

With the proposed phasing of the project, the design consultant has submitted a proposal for the increase in scope. Staff negotiated with the consultant and recommends that the reduced amount of ***$134,323.20***, inclusive of HST, be approved as it is in line with the costs included in the original RFP.

Contingency

As per typical awards, staff recommend a 10% contingency for the proposed scope increase as identified above. Staff recommend a contingency amount of ***$37,193.43***, to cover any additional design revisions.

FINANCIAL CONSIDERATIONS

The table below provide a detailed summary of the financial requirements for this report:

Table 1 – Design and Utility Cost Increase

Description	Amount	Comments
Utility Structure Design	$ 151,115.13	
Excess Soil Management	$ 86,496.00	
Project Phasing	$ 134,323.20	
Sub-total:	**$ 371,934.33**	*PO PD 19403
10% Contingency	$ 37,193.43	PO PD 19404
Sub-total:	**$ 409,127.76**	
Engineering Capital Admin Fee	$ 52,148.13	640-998-8871
Total:	**$ 461,275.89**	

*Note: The proposed Purchase Order increase is calculated based on rates consistent with the original 2019 RFP rates.

The original Purchase Order issued to Ainley & Associates for the original scope of work was $615,648, inclusive of HST. This proposed PO increase for the additional work, as noted above, represents an increase of 60% from the original scope of work.

In accordance to the City's Expenditure Control Policy, the proposed Purchase Order increase (greater than $100,000 and no available funding) requires Council approval.

The following are the current financial summary for the Victoria Square Boulevard capital account:

Table 2 – Financial Summary

Description	Amounts
Budget (Projects 18059) (A)	$ 786,665.00
Original Award (B)	($ 786,665.00)
Current Balance Available (C=A+B)	**$ 0.00**
PO Increase for Design (D)	($ 409,127.76)
Capital Admin Fee (E)	($ 52,148.13)
Shortfall Requiring Additional Funding (F=C+D+E)	**($ 461,275.89)**

Based on the above, staff recommends that the 2018 Engineering Capital Account 18059 (Victoria Square Boulevard Design) be increased to cover the additional project costs in the amount of ***$461,275.89***, inclusive of HST, and to be funded from City Wide Hard Development Charge Reserve. There is sufficient funding in the Development Charges Background Study and City Wide Hard Development Charge Reserve for this proposed budget increase, based on the latest cost estimate and inclusive of requested budget increase.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed work for the Victoria Square Boulevard are required to continue to accommodate development in the City of Markham and southern York Region, particularly within the North Markham Future Urban Area. As such, the recommendations align with the City's Strategic Plan goals of "Safe & Sustainable Community" and "Stewardship of Money & Resources".

BUSINESS UNITS CONSULTED AND AFFECTED:

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

RECOMMENDED BY:

Brian Lee, P. Eng.
Director of Engineering

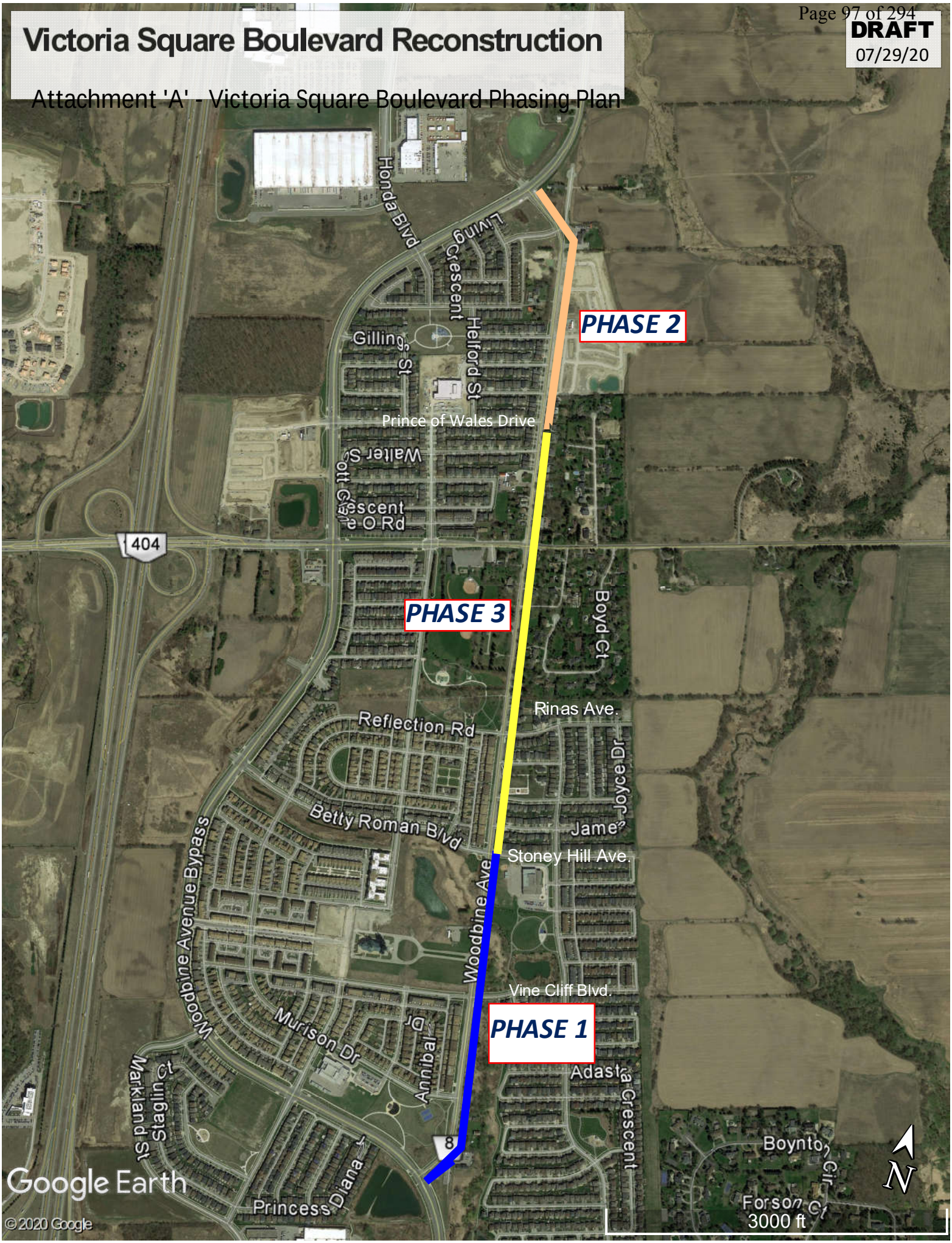
Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:
Attachment ‘A’ – Victoria Square Boulevard Phasing Plan

Victoria Square Boulevard Reconstruction

DRAFT
07/29/20

Attachment 'A' - Victoria Square Boulevard Phasing Plan



Report to: Development Services Committee Meeting Date: January 25, 2021

SUBJECT: Proposed Amendments to By-law 2011-232 - *A By-law to Regulate or Prohibit Removal of Topsoil, Placing or Dumping of Fill, and Alteration of The Grade of Land within the City of Markham* and related amendments to By-law 2016-84 - *A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences*

PREPARED BY: Mansoor Ali, P. Eng.
Senior Development Engineer, Ext. 2523

REVIEWED BY: Reza Fani, P. Eng.
Manager, Development Engineering, Ext. 2414

Victoria Chai
Assistant City Solicitor, Ext. 7781

RECOMMENDATION:

1) That the report entitled "Proposed Amendments to By-law 2011-232 - *A By-law to Regulate or Prohibit Removal of Topsoil, Placing or Dumping of Fill, and Alteration of The Grade of Land within the City of Markham* and related amendments to By-law 2016-84 - *A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences*", be received; and

2) That the amendments to By-law 2011-232 - *A By-law to Regulate or Prohibit Removal of Topsoil, Placing or Dumping of Fill, and Alteration of the Grade of Land with the City of Markham* ("Site Alteration By-law") described in this report and set out in Attachments A to C be approved and enacted; and

3) That the amendments to By-law 2016-84 - *A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences* ("AMPS Non-Parking By-law") described in this report and set out in Attachment D, be approved and enacted; and further

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

EXECUTIVE SUMMARY:
Not Applicable

PURPOSE:
This report seeks Council's approval to amend the Site Alteration By-law.

This report also seeks Council's approval for housekeeping amendments to the AMPS Non-Parking By-law in order to add the Site Alteration By-law to the City of Markham's (the "City") Administrative Monetary Penalty System.

BACKGROUND:

Section 142 of the *Municipal Act*, 2001, S.O. c. 25, as amended, authorizes municipalities to pass by-laws to regulate the removal of topsoil, the placing or dumping of fill, and the alteration of the grade of land ("Site Alteration"). The City's Site Alteration By-law is currently used to regulate and enforce Site Alteration activities in the City. The Site Alteration By-law requires landowners and developers to obtain a permit for Site Alteration activities within the City.

A Site Alteration Permit is not intended to allow developers to construct permanent features such as buildings, facilities, or parking lots ("Developments"). Developments are and should continue to be regulated separately through the planning review process.

The existing Site Alteration Permit process leaves opportunities for developers to circumvent the planning review process to construct Developments. Staff propose the following amendments to the Site Alteration By-law to stop the improper use of the by-law for Developments.

OPTIONS/ DISCUSSION:

Recommended Amendments to By-law 2011-232

Staff recommend the following amendments to By-law 2011-232, as outlined in Attachment 'A' - Proposed Amendments to By-law 2011-232.

The following amendments clarify: a) the definition of Site Alteration activities, and b) what activities are not permitted under the Site Alteration By-law:

- Adding a purpose clause to clarify the purpose of the Site Alteration By-law.
- Revising the definition of "Site Alteration" to clarify the meaning of Site Alteration, and make it consistent with the *Municipal Act*.
- Adding a new provision in Section 2 to prohibit any person from carrying out any activities other than Site Alteration pursuant to the Site Alteration By-law.
- Expanding the definition of "Development" to include the Development activities that are presently captured under the Site Plan Control By-law, such as construction of buildings, facilities and parking lots.
- Adding a new provision in Section 2 to prohibit any person from carrying out "Development" activities pursuant to the Site Alternation By-law.
- Adding a new provision in Section 2 to prohibit any person from using an unauthorized haul route for transporting fill and topsoil.
- Replacing the definition of "Fill" to clarify the materials that constitute fill.

The following administrative amendments and amendments to update the By-law to reference new and updated legislation are proposed:

- Adding new "Whereas" clauses to establish the legislative authority for administrative monetary penalties and current enforcement powers.
- Replacing terms to reflect current proper nouns, capitalizing defined terms, and removing definitions that are no longer in use.
- Replacing and adding definitions to align definitions to current legislation and policies, and replacing such terms in related offence provisions, including:
    - Replacing terms including "Agricultural Uses", "Valleyland", "Wetlands" and "Woodland" with the definitions in the Official Plan;
    - Replacing the terms "Body of Water", "Environmental Protection Areas" and "Hazard Lands" with "Natural Heritage Network", which is the term used in the Official Plan that encompasses these features; and
    - Replacing terms related to endangered species with the definition of Habitat of Endangered or Threatened Species in the Official Plan.
- Replacing, revising and adding provisions to reflect current legislation, policies and to clarify By-law requirements, including:
    - Adding provisions to require that Site Alteration activities comply with the Greenbelt Plan; and
    - Adding provisions to require that imported soil comply with the new O. Reg 406/19 On-Site and Excess Soil Management.
- Adding enforcement provisions pursuant to updated legislation.
- Adding provisions for increased fines pursuant to the *Municipal Act*.

The following amendments are proposed to the Schedules of the By-law:

- Deleting former Schedules "A" to "D" regarding Security Deposits, Standards for Site Alteration Plans, Site Design Guidelines, and Permit Conditions because the City now has standard Design Criteria that encompasses all of the above, that are available online and used in all applications.
- Adding new Schedules "A" and "B", which include the application form for the Site Alteration Permit and boundary maps for the Oak Ridges Moraine and the Greenbelt Plan.

Recommended Amendments to By-law 2016-84

Staff recommend housekeeping amendments to By-law 2016-84 - *A By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences,* as outlined in Attachment 'D'. The purpose of these amendments is to add By-law 2011-232, as amended, to the City's Administrative Monetary Penalty System. This will allow the City to impose Penalty Notices to enforce violations of the Site Alteration By-law through the City's Administrative Monetary Penalty System.

FINANCIAL CONSIDERATIONS

There are no financial implications to the City of Markham resulting from the amendments to this By-law. The use of AMPS for penalties for violations of the Site Alteration By-law will streamline the penalty process, which will be a deterrent to violations. The penalties will be used to off-set the costs of enforcement of the Site Alteration By-law.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed amendments to By-law 2011-232 align with the Safe, Sustainable & Complete Community goal of the City's 2020-2023 Strategic Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Planning & Urban Design, and Legal departments have provided comments to this report and their comments have been incorporated.

RECOMMENDED BY:

_____

Claudia Storto
City Solicitor and Director of Human Resources

_____ _____

Brian Lee, P. Eng.
Director, Engineering Services

Arvin Prasad, RPP, MCIP
Commissioner, Development

ATTACHMENTS:

Attachment 'A': Proposed Amendments to By-law 2011-232
Attachment 'B': Proposed Schedule "A" to By-law 2011-232
Attachment 'C' Proposed Schedule "B" to By-law 2011-232
Attachment 'D': Proposed Schedule "A" to By-law 2016-84

BY-LAW 2021 - XXX

TO AMEND BY-LAW 2011-232 BEING A BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM ("Site Alteration By-law")

WHEREAS Section 142 of the *Municipal Act*, 2001, S.O. c. 25, as amended, authorizes municipal councils to pass by-laws to regulate or prohibit the removal of topsoil, the placing or dumping of fill, and the alteration of the grade of land, as set out in By-law 2011-232;

AND WHEREAS amendments are required to the said By-law from time to time to reflect current legislation and for administrative and enforcement purposes;

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

That the Site Alteration By-law 2011-232 be amended as follows:

1) That the first letter of all words defined in section 1 (DEFINITIONS) be capitalized throughout the By-law; e.g. 'permit' to 'Permit' and 'order' to 'Order', etc.

2) That the numbering of all sections of the By-law be adjusted, considering the proposed changes.

3) That the following words in the By-law be replaced throughout the By-law, as follows:

	Existing Words in the By-law	**To be Replaced by**
1	Town	City
2	Hazard Lands	Natural Heritage Network
3	Environmental Protection Areas	Natural Heritage Network
4	Ministry of Natural Resources	Ministry of Natural Resources and Forestry

4) That in the WHEREAS section, the following WHEREAS Clauses be added:

"AND WHEREAS Section 391 of the *Municipal Act* provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 425 of the *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS Section 429(1) of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS Section 435 of the *Municipal Act* provides for conditions governing the powers of entry of a municipality;

AND WHEREAS Section 441.1 of the *Municipal Act* provides that upon the request of a municipality that has entered into a transfer agreement under Part X of the *Provincial Offences Act*, the treasurer of a local municipality may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the *Provincial Offences Act* to the tax roll for any property in the local municipality for which all of the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes;

AND WHEREAS Section 444 of the *Municipal Act* provides that a municipality may make an Order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Section 445 of the *Municipal Act* provides that a municipality may make an Order requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

AND WHEREAS Section 446 of the *Municipal Act* provides that where a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed to or required to do it, the matter or thing may be done at the person's expense, and further provides that the costs of so doing may be added to the tax roll and collected in the same manner as municipal taxes."

5) That a new section 'PURPOSE AND INTENT' be added before section 1 (DEFINITIONS), as follows:

"PURPOSE AND INTENT

The purpose of this By-law is to regulate the Placing or Dumping of Fill, the removal of Topsoil, and the alteration of the grade of land through the movement, removal or placement of Topsoil or Fill in order to ensure that:

(a) existing drainage patterns are maintained;

(b) changes to drainage or grade are appropriate to protect natural heritage features and archaeological resources;

(c) interference and damage to watercourses or water bodies are limited;

(d) water quality is maintained;

(e) the use of contaminated Fill is prevented;

(f) haul routes for the transportation of Fill and Topsoil will be designated to and/or from a site by the Director to minimize damage to City and Regional roads and minimize interference and/or disturbance to the City's residents and businesses;

(g) the City's other regulatory by-laws are complied with;

(h) the benefits of any proposed Site Alteration outweigh its potential impacts on other properties and Persons; and

(i) the proponent of the Site Alteration project pays for its costs associated with the processing and enforcement of this By-law."

6) That in section 1 (DEFINITIONS), the following definitions be deleted:

"Authorized Agent"
"Retaining Wall"

7) That in section 1, the following definitions be deleted and replaced as follows:

"Agricultural Uses" means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;

"Development" means:
a) the construction, erection or placing of one or more buildings or structures on land; or,
b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof; or,
c) the laying out, establishment or expansion of a parking lot, or of sites for the location of three or more trailers as defined in Section 164(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 or of sites for the location of three or more mobile homes as defined in clause 46(1) of the *Planning Act*; or,
d) the laying out and establishment of commercial outdoor recreational facilities including golf courses, driving ranges, sports fields and the like; or,
e) the laying out and establishment of outdoor patios associated with restaurants;

"Dump" or ***"Dumping"*** means depositing of Fill in a location other than where the Fill was obtained;

"Fill" or ***"Filling"*** means Soil, rock, rubble, organic material or a combination of these that is transported and placed on the natural surface of a Soil or rock or organic terrain; it may or may not be compacted;

"Oak Ridges Moraine" means lands subject to *Ontario Regulation* 140/02 and subject to the requirements of the Provincial Oak Ridges Moraine Conservation Plan, as amended;

"Place" or ***"Placing"*** means the distribution of fill on lands to establish a finished grade higher or lower than the existing grade;

"***Security Deposit"*** means financial security submitted to the City by the Applicant and it can be in the form of a certified cheque, or a letter of credit;

"Significant" means identified as significant by the Ministry of Natural Resources and Forestry, the Region, or the City using evaluation procedures established by that Ministry, the Region, or the City, as amended;

"Site Alteration" means the Placing, or Dumping of Fill, the removal of Topsoil from land, or the alteration of the grade of land through the movement, removal or placement of Soil or Fill;

"Valleylands" means a natural area occurring in a valley or other landform depression that has water flowing through or standing for some period of the year. They include well or ill-defined depressional features associated with a river or stream, whether or not they contain a watercourse in which a flow of water regularly or continuously occurs;

"Wetlands" means lands that are seasonally or permanently covered by shallow water or have the water table close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be Wetlands for the purposes of this definition;

"Woodland" means an area of land of at least 0.2 hectares and includes at least:

a) 1,000 *trees* of any size, per hectare;
b) 750 trees measuring over 5 centimetres diameter at breast height, per hectare;
c) 500 trees measuring over 12 centimetres diameter at breast height, per hectare; or,
d) 250 trees measuring over 20 centimetres diameter at breast height, per hectare, but does not include a cultivated fruit or nut orchard, a plantation established and used for the purpose of producing Christmas trees or nursery stock. For the purposes of defining a Woodland, treed areas separated by more than 20 metres will be considered a separate *Woodland*. When determining a W*oodland*, continuous agricultural hedgerows and W*oodland* fingers or narrow *Woodland* patches will be considered part of the W*oodland* if they have a minimum average width of at least 40 metres and narrower sections have a length to width ratio of 3:1 or less. Undeveloped clearings with *Woodland* patches are generally included within a W*oodland* if the total area of each clearing is no greater than 0.2 hectares. In areas covered by Provincial Plan policies, W*oodland* includes treed areas as further described by the Ministry of Natural Resources and Forestry. For the purposes of determining densities for *Woodland*s outside of the Provincial Plan areas, the following species are excluded: staghorn sumac, European buckthorn, common lilac.

8) That in section 1, the definitions of ***"Body of Water", "Environmental Protection Areas"*** and ***"Hazard Lands"*** be deleted and replaced with the following:

"Natural Heritage Network" means lands defined as part of the Natural Heritage Network in the City of Markham Official Plan, as amended. It includes Wetlands, Significant Wetlands, Woodlands, Significant Woodlands, Significant Wildlife Habitat, Fish Habitat, Habitat of Endangered and Threatened Species, Valleylands, Significant Valleylands, Areas of Natural and Scientific Interest, permanent and intermittent Watercourses, and other lands (including vegetation protection zones and hazardous lands) as defined in the City of Markham Official Plan;

9) That in section 1, the definitions of ***"Habitat of Endangered, Rare and Threatened Species", "Endangered Species", "Rare Species"*** and ***"Threatened Species"*** be deleted and replaced with the following:

"Habitat of Endangered or Threatened Species" means

a) with respect to a species listed on the Species at Risk in Ontario List as endangered or threatened species for which a regulation made under Clause 55(1)(a) of the Endangered Species Act, 2007, is in force, the area prescribed by the regulation as the habitat of the species; or
b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ministry of Natural Resources and Forestry; and places in the areas described in a) or b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

10) That in section 1, the definition of ***"Town"*** be deleted and replaced as follows:

"City" means The Corporation of the City of Markham.

11) That in section 1, the following definitions be added:

"Protected Countryside" means lands designated as Protected Countryside in the Ontario Greenbelt Plan (2017), as amended;

"Greenbelt Plan" means the Ontario Greenbelt Plan (2017), as amended;

"Laying Out" means the arrangement, planning or designing of any facility such as a building or a parking lot.

"Order" includes Notice, Work Order, Order to Comply, and Order to Discontinue;

"Qualified Person" means the person who meets the qualifications prescribed by the *Environmental Protection Act*, RSO 1990 c E.19 and associated regulations O. Reg. 153/04 or O. Reg. 406/19, as amended;

"Receiving Site" means the location where the imported Soil is being reused;

"Soil Importation" means to bring Soil from a Source Site to a Receiving Site;

"Source Site" means the location where the imported soil is being excavated or coming from;

"Treasurer" means the Treasurer of the City of Markham or his/her designate.

12) That section 2.0 be repealed and replaced as follows:

"No Person shall permit, perform or cause to permit or to have performed any Site Alteration without a Permit, unless otherwise exempt as set forth in this By-law."

13) That two new sections be added after section 2.0 as follows:

"No Person shall permit, perform or cause to permit or to have performed any activity other than Site Alteration pursuant to this By-law; and"

"No Person shall permit, perform or cause to permit or to have performed any activity of Development pursuant to this By-law; and"

14) That section 2.1 be repealed and replaced as follows:

"No Person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City identified as Natural Heritage Network that is not permitted by the City's Official Plan, as amended."

15) That a new section be added after existing section 2.3 as follows:

"No Person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City that is not permitted by the Greenbelt Plan, as amended and as shown on Schedule "B"."

16) That in section 2.5, add the following "and environmental conditions" after 'to the pre-existing grades'.

17) That section 2.8 be repealed and replaced as follows:

"No Person shall permit, perform or cause to permit or to have performed any Site Alteration on any lands Adjacent to or within 30 metres of the Natural Heritage Network as identified in the City's Official Plan without having been issued a Permit under this By-law by the Director."

18) That section 2.10 be amended as follows:

a) "permited" be changed to "permitted"

b) section 2.10.9 be repealed and replaced as follows:

"negative impact on any lands identified as Natural Heritage Network in the City's Official Plan or Areas of Natural or Scientific Interest, Wetland or Wetland complex as identified by the Toronto and Region Conservation Authority, the Ministry of Natural Resources and Forestry, the Region or the City;"

c) In section 2.10.10, remove the following "Town of Markham Official Plan Amendment No. 117."

19) That the following new sections be added after existing section 2.10:

"No Person shall use a haul route for the transportation of Fill and Topsoil that is not authorized by the Director."

“No Person shall permit, perform or cause to permit or to have performed the removals of vegetation designated as environmentally significant or trees unless approval is obtained from the City.”

20) That section 3.1.1 be repealed and replaced as follows:

“such land is not within 30 meters of the Natural Heritage Network as identified in the City’s Official Plan; or”

21) That in section 3.1, add “AND WHEREAS” at the start of the sentence.

22) That a new section be added after section 3.1.2.1, as follows:

“the Site Alteration does not in any way affect the land Drainage of the abutting properties;”

23) That section 3.1.13 be amended as follows:

Add “or a conditional building permit” after ‘building permit’

add “or the installation of on-site plumbing services,” after ‘building or structure’

24) That section 4.1.2 be amended to remove “Town’s Fee By-law 2002-276, as amended” and replace it with “City’s By-law 211-83, as amended.”

25) That section 4.1.3 be repealed and replaced as follows, and any reference to “securities” or “security deposit” in this By-law be replaced with “Security Deposit”.

“Security Deposit as per the Permit;”

26) That section 4.1.4 be repealed and replaced as follows:

“proof of liability insurance with a minimum coverage amount pursuant to the City’s requirements for insurance coverage;”

27) That section 4.1.5 be repealed and replaced as follows:

“a Site Alteration Plan, certified by an Engineer, meeting the standards set out in the City’s Design Criteria, as amended;”

28) That a new section be added after section 4.1.5, as follows:

“tree protection fencing, as per the accepted Tree Protection Plan and Arborist Report, shall be installed, inspected and approved by City Staff prior to issuance of the Permit;”

29) That section 4.1.6 be repealed.

30) That section 4.1.7 be repealed and replaced as follows:

“reports and/or plans describing the Site Alteration Plan showing features and special site conditions, including erosion and sediment control measures and their design details to the satisfaction of the Director;”

31) That section 4.1.9 be repealed and replaced as follows

“if located on the Oak Ridges Moraine as shown on Schedule “B”, studies or reports to confirm that the Site Alteration is in compliance with Ontario Regulation 140/02, the Oak Ridges Moraine Conservation Plan, as amended;”

32) That the following new sections be added after section 4.1.10:

“confirmation that any Soil Importation will comply with all applicable regulatory requirements related to the Soil Importation including, but not limited to, the *O. Reg*. 406/19 (*On-Site and Excess Soils Management Regulations*), as amended;”

“confirmation that a Qualified Person shall document and certify the Soil Importation work ensuring that it meets all applicable regulatory requirements related to the Soil Importation including, but not limited to, the *O. Reg*. 406/19 (On-Site and Excess Soils Management Regulations), as amended, and make such document(s) available for the City’s review upon request;”

“if lands are designated as Protected Countryside on the Greenbelt Plan as shown on Schedule “B”, studies or reports to confirm that the Site Alteration is in compliance with the Greenbelt Plan;”

“if located within 120.0 m of Natural Heritage Network lands, studies or reports to confirm that the Site Alteration is in conformity with the City’s Official Plan; and”

33) That a new section be added after 4.1.11 as follows:

“The Applicant shall obtain all other approvals that may be required from any level of government or authority having jurisdiction or any agencies thereof.”

34) That section 5.2 be repealed and replaced as follows:

“A Permit which is no longer valid or which has expired pursuant to this By-law must be renewed by making a written application to the Director. The Director can renew the expired Permit and issue a Permit extension for a maximum 180 days upon payment to the City for costs incurred in processing the Permit extension, with such costs to be calculated on an hourly rate, in accordance with the City’s By-law 211-83, as amended.”

35) That section 5.3.1 be repealed and replaced as follows:

“provides the City with an undertaking to comply with all the conditions under which the existing Permit was issued and also provide Letters of Credit, insurance, and any other documents requirement by the Director in accordance with the Permit; or”

36) That section 6 be repealed and numbering adjusted accordingly.

37) That a new section be added after section 7.2 as follows:

“An Owner shall be presumed to have carried out an activity related to Site Alteration located on the Owner’s property or to have contravened or caused the contravention of the conditions of a Permit issued under this By-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.”

38) That section 10.0 be amended to delete the words “prepaid registered mail” and replaced with the words “regular mail”.

39) That the title of section 12 be repealed and replaced as follows:

“OFFENCES, PENALTIES AND FINES”

40) That section 12.0 be amended to add the following words after the word “offence”:

“and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.”

41) That sections 12.1 and 12.2 be repealed and replaced as follows:

“Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:

a) Upon a first conviction, to a fine of not less than $500 and not more than $50,000.

b) Upon a second or subsequent conviction for the same offence, to a fine of not less than $500 and not more than $100,000.

c) Upon conviction for a continuing offence, to a fine of not less than $100 and not more than $10,000 for each day or part of a day that the offence continues. The total of the daily fines may not exceed $100,000.

d) Upon conviction for a Multiple Offence, for each offence included in the Multiple Offence, to a fine of not less than $100 and not more than $10,000. The total of all fines for each included offence is not limited to $100,000."

e) "Where a Person convicted of an offence is a corporation, the corporation is liable to a fine not less than $500 and not more than $100,000."

42) That the following new administrative penalty sections be added after section 12.2:

"Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law, an Order, a Work Order, or any other Order issued pursuant this By-law, an Officer may issue an administrative penalty to the Person who has contravened this By-law.

The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended. If an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

The amount of the administrative penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in By-Law No. 2016-84, A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.

A Person who is issued an administrative penalty shall be subject to the procedures as provided for in By-Law 2016-84, A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.

An administrative penalty imposed on a Person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Where a fine is in default, the City may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

The City may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine, and collect it in the same manner as municipal taxes.

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed on the Person convicted."

43) That section 15 be repealed and replaced as follows:

"The following Schedules attached to this By-law form and are part of this By-law:

Schedule "A" Application for Site Alteration Permit; and

Schedule "B" Oak Ridges Moraine and Greenbelt Plan Boundaries."

44) That section 17 be repealed.

45) That existing Schedule “A”, Schedule “B”, Schedule “C”, Schedule “D”, Schedule “E”, and Schedule “F” be repealed and replaced with Schedule “A” and Schedule “B” attached to this By-law.

46) That any reference to Schedule ‘E’ be replaced with Schedule “A” and reference to Schedule “F” be replaced with Schedule “B”.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON……..,
2021.

KIM BERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE "A"
(By-law 2011-232)

THE CORPORATION OF THE CITY OF MARKHAM
DEVELOPMENT SERVICES COMMISSION
101 TOWN CENTRE BOULEVARD, MARKHAM, ONTARIO L3R 9W3
Tel (905) 475-4861, Fax (905) 479-7768

APPLICATION FOR SITE ALTERATION PERMIT

Pursuant to the City of Markham By-law No: 2011-232

Please complete all applicable sections of the application form. An incomplete application will be returned to the Applicant.

OWNER / APPLICANT INFORMATION			
PROPERTY OWNER: ***(check one)***		☐ Person (s)	☐ Company
Registered Land Owner:	*Last Name:*	*First Name:*	*Initial:*
Name *(if Company)*		Company Officer:	
Address:			
Contact Nos.	Tel.	Email:	
Application Contact Person:	*Last Name:*	*First Name:*	*Position:*
Address:			
Contact Nos.	Tel.	Email:	

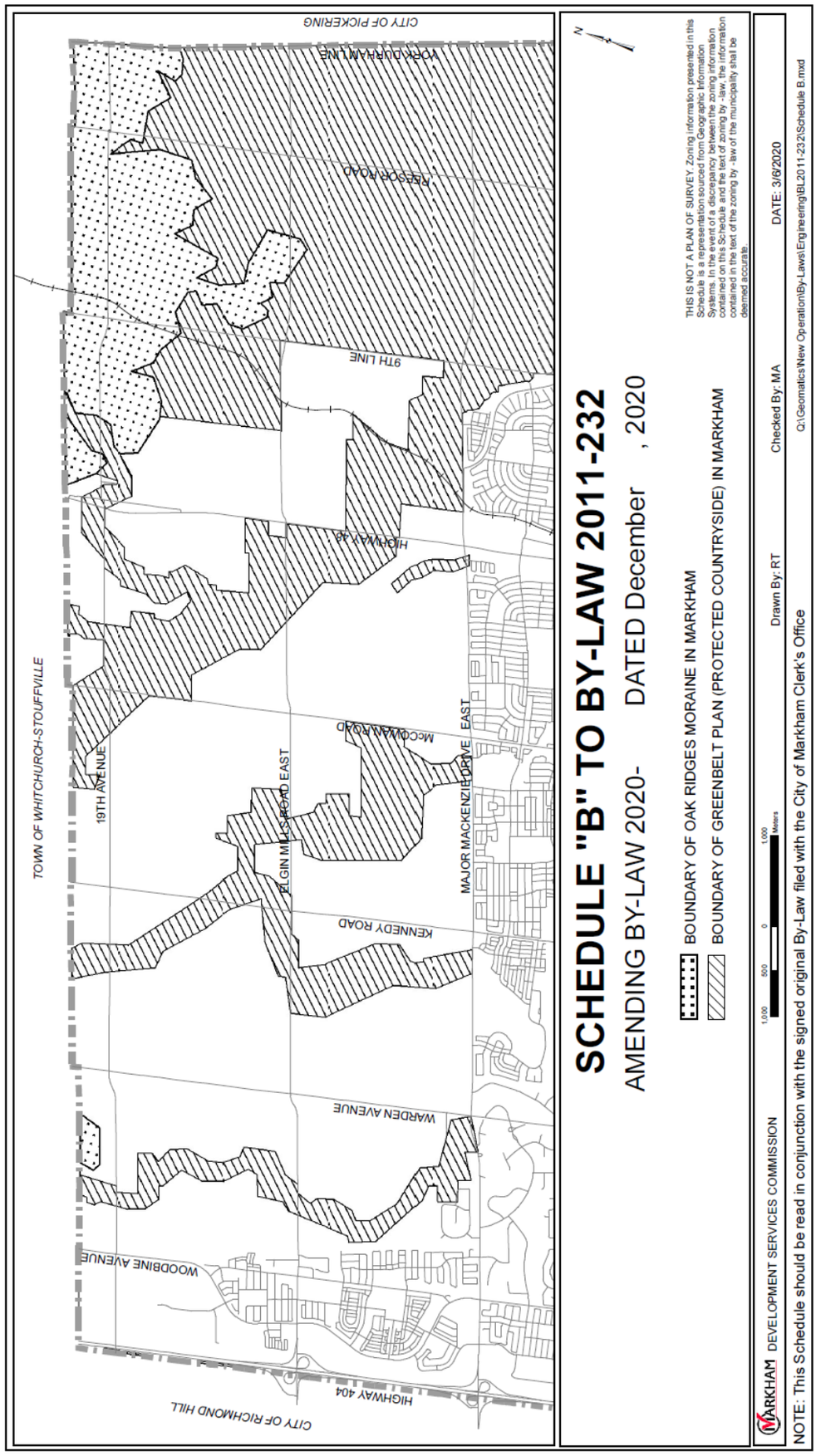
PROPERTY INFORMATION	
Address:	
Total Site Area (Ha):	Site Alteration Area (Ha):

CONSULTING ENGINEER INFORMATION			
Company Name			
Contact Person:	*Last Name:*	*First Name:*	*Position:*
Address:			
Contact Nos.	Tel.	Email:	

APPLICANT'S CERTIFICATION ***THE APPLICANT certifies to have read the Site Alteration By-law and Schedules and agrees to abide by all the conditions therein.***	
I, hereby make the above application for Site Alteration, declaring that all information contained herein is true and correct, and acknowledging the City of Markham will process the application based on the information provided.	
Signature:	Title:
Printed Name of Signatory:	Date:

SCHEDULE "B"
(By-law 2011-232)

Map of Oak Ridges Moraine and Greenbelt Boundaries



BY-LAW 2020-XX

To amend Bylaw 2016-84 being a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences.
(Amendments to AMPS For Non Parking Offences By-law)

WHEREAS the Council of The Corporation of the City of Markham, (the "City) considers it desirable to amend By-law 2016-84, a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences and;

WHEREAS subsection 434.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*") authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and

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

(1) By adding the following to Schedule "A" of the By-law 2018-84:

(a) **BY-LAW 2011-232**, as amended (SITE ALTERATION BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM)

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON ……2021.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

Add the following to Schedule "A" of By-law 2016-84

Designated Provisions for Site Alteration By-law 2011-232, as amended			
Column 1 Item	**Column 2 Designated Provisions**	**Column 3 Short Form Wording**	**Column 4 Administrative Penalty Amount**
1	2.0	No Person shall permit, perform or cause to permit or to have performed any Site Alteration without a Permit, unless otherwise exempt as set forth in this By-law	$500.00
2	2.0(a)	No Person shall permit, perform or cause to permit or to have performed any activity other than Site Alteration pursuant to this By-law	$500.00
3	2.0(b)	No Person shall permit, perform or cause to permit or to have performed any activity of Development pursuant to this By-law	$500.00
4	2.1	No person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City identified as Natural Heritage Network that is not permitted by the City's Official Plan, as amended	$500.00
5	TBD[1]	No person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City that is not permitted by the Greenbelt Plan, as amended	$500.00
6	TBD	No person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City that is not permitted by Ontario Regulation 140/02, The Oak Ridges Marine Conservation Plan as shown on	$500.00

[1] Numbering of the new or moved provisions in the Site Alteration By-law to be determined by Clerks as instructed in the Amending By-law.

		Schedule F Ontario Regulation 01/02, or any other applicable law or regulation as may be approved or amended from time to time	
7	TBD	No person shall fail to obey an Order	$500.00
8	2.8	No person shall permit, perform or cause to permit or to have performed any Site Alteration on any lands Adjacent to or within 30 metres of the Natural Heritage Network as identified in the City's Official Plan without having been issued a Permit under this By-law by the Director	$500.00
9	TBD	No person shall use a haul route for the transportation of Fill and Topsoil that is not authorized by the Director	$500.00
10	TBD	No person shall permit, perform or cause to permit or to have performed the removals of vegetation designated as environmentally significant or trees unless approval is obtained from the City	$500.00
11	7.2	No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law	$500.00

Report to: General Committee Meeting Date: February 1, 2021

SUBJECT: Award of Proposal 054-R-20 Implementation and Support of Lucity Enterprise Asset Management (EAM) Solution and the Lucity EAM Software

PREPARED BY: Mustafa Rahman, Ext. 2884
Ned Sirry, Ext. 4885
Rosemarie, Patano, Ext. 2990

RECOMMENDATION:

1) THAT the report entitled "Award of Proposal 054-R-20, Implementation and Support of Lucity Enterprise Asset Management (EAM) Solution and the Lucity EAM Software" be received; and,

2) THAT the contract 054-R-20 be awarded to the highest ranked/lowest priced bidder, CentralSquare Canada Software for $992,083.68 ($827,232.48 + $164,851.20) inclusive of HST for the implementation and training, $827,232.48 and software license, $164,851.20; and,

3) THAT a contingency in the amount of $24,707.52 inclusive of HST be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,

4) THAT the capital costs of implementation, training, software licenses and contingency be funded from capital project account 400-101-5399-18077, with an available budget of $1,016,791.20; and,

5) THAT the contract for ongoing support and software maintenance for 10 years be awarded to CentralSquare Canada Software in the amount of $922,574.85 ($406,622.80 + $515,952.05) inclusive of HST, to be funded from 400-400-5361 with a current annual budget of $57,760.00, and subject to Council approval of the 2023-2032 operating budgets in the amounts of:

Year 1 (2023) - $ 38,261.76
Year 2 (2024) - $ 89,141.76
Year 3 (2025) - $ 90,668.16
Year 4 (2026) - $ 92,194.56
Year 5 (2027) - $ 93,720.96
Year 6 (2028) - $ 100,185.78*
Year 7 (2029) - $ 101,899.47*
Year 8 (2030) - $ 103,664.57*
Year 9 (2031) - $ 105,482.62*
Year 10 (2032) - $ 107,355.21*
Total - $ 922,574.85

* Optional Year Renewal

6) THAT the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve the additional renewal years (Years 6 to 10) on behalf of the City (in its sole discretion), and execute any required documentation in a form satisfactory to the City Solicitor; and,

7) THAT CentralSquare Canada Software Inc. be designated as the preferred vendor for the City's Enterprise Asset Management (EAM) service needs at the sole discretion of the City and for CentralSquare Canada Software Inc. software products for the term of this contract; and,

8) THAT the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve any new purchases related to this contract needed due to growth and/or future EAM upgrades due to change in technology or system integration with other applications related to the project during the term of this contract, subject to the Expenditure Control Policy and budget approval, in a form satisfactory to the City Solicitor and at the sole discretion of the City; and further,

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

PURPOSE:

As a result of the unsuccessful negotiations with the 2018 contract award, staff are seeking approval to award a new contract for the Implementation and Support of Lucity Enterprise Asset Management (EAM) Solution and the Lucity EAM Software to CentralSquare Canada Software Inc.

BACKGROUND:

In December 2018, staff received Council resolution to award the contract to eGov Solutions Inc. ("eGov") for the supply and implementation of an Enterprise Asset Management Solution (EAM). Included in the award to eGov was the software component provided by a third party (Lucity Inc).

During negotiations, eGov Solutions informed the City of the sale of Lucity Inc. (the software company) to Central Square Technologies, LLC ("Central Square"). As a consequence of the acquisition by Central Square, eGov's re-seller agreement would not be renewed, and that eGov would no longer be licensed to sell or market the Lucity product in Canada. Under the new arrangement, new clients awaiting issue of licenses would have licenses provided directly by Central Square, and eGov would undertake\negotiate any implementation services under a separate contact.

Under the new arrangement, the negotiations with eGov were unsuccessful due to their stipulated exclusions specific to the ongoing support and maintenance component (specific to configurations, customizations and integrations), exposing the City to unnecessary risk

that could not be mitigated internally. Staff recommended not to move forward with the negotiations and to cancel the award with eGov. The City did not outlay any funds to eGov.

Conferring with the project stakeholders, they confirmed their desire to continue with the Lucity EAM Software. Stakeholders did not believe a new investigation would be required to determine the City's preferred software.

Accordingly, an RFP to implement and provide ongoing support (specific to configurations, customizations and integrations) of the Lucity EAM software solution was issued to the market to obtain proposals.

PROJECT:

The Waterworks department work order system, Hansen, was first implemented in 2000, has served the City well for the past two decades, and is currently being used primarily by staff in Environmental Services, and to a small extent in Operations and Sustainability and Asset Management departments. It is used for inventory control, work order management, asset life-cycle analysis and reporting. The version of Hansen (v7) being utilized at the City is outdated, support is difficult to obtain and the software is anticipated to be no longer supported in the future.

Though use of Hansen has been limited to the above noted departments, it is the City's vision to implement a scalable EAM solution that will address similar needs across the corporation with increased depth of use. The new solution will be a robust and comprehensive application that delivers the ability to meet current customer expectations and expand to meet future demands of the business as their needs continue to evolve by benefiting from the opportunity presented by newer technology capabilities.

Accordingly, the City of Markham issued a Request for Proposal (RFP) for a solution to deliver, implement and support an EAM that provides functionality inclusive of (but not limited to):

- Asset/infrastructure/part inventory capabilities;
- Asset registry and valuation (Asset Registry and Public Sector Accounting Board (PSAB);
- Life cycle planning of infrastructure for capital programming;
- Work order management from initiation to closure of a service request;
- Generate reports / management dashboard; track and analyze service trends;
- Enable customer self-service on City of Markham web technologies (both web and mobile);
- Ability to integrate with other City systems using industry standard protocol;
- Ability for field staff to easily work offsite with full access the aspects of the solution; required as dictated by their user profiles;
- Provide audit capabilities; monitor staff and department service levels.

Once implemented, a robust, scalable EAM solution will help eliminate the need for manual processes as well as improve, standardize and streamline processes within the

participating five primary departments: Environmental Services, Operations, Sustainable and Asset Management, Recreation, and Finance.

The plan includes ensuring the City's transition from the Hansen system to the new solution. The end goal of this project is to have a solution that is flexible, that allows necessary integrations with other City applications, meets all the current City users' needs and broadens the adoption and uses of the tool and standards by other departments. In addition, the solution will allow for enablement of quick user uptake, consolidation and standardization of asset record management across the City of Markham. The number of users of the new system is expected to increase as compared to the current base.

Replacing the existing Hansen system that has come to end of life is very important for the City to continue to manage its assets properly and to expand this capability across the organization. It is recommended that staff procure the appropriate system and proceed with its implementation as soon as possible.

BID INFORMATION:

Advertised, place and date	June 22, 2020
Bid closing date	August 06, 2020
Number picking up documents	6
Number responding to bid	3

Due to the COVID pandemic, the project was put on hold pending evaluation of all capital projects. In late June, the RFP was released and commenced thereafter.

PROPOSAL EVALUATION

The Evaluation Team for this RFP was comprised of staff from Environmental Services, Operations, Sustainability and Asset Management, Finance, ITS, with Procurement staff acting as the facilitator. Staff evaluated three (3) proposal submissions.

The evaluation was based on pre-established evaluation criteria as listed in the RFP: 25 points for Experience and Qualification of the Bidder and Project Team; 20 points for Project Understanding, Methodology and Delivery Management, 25 points for Technical Requirements, and 30 points for Price, totaling 100 points, with resulting score as noted below.

Bidder	**Score Technical and Financial (out of 100)**
CentralSquare Canada Software Inc.	91.41

CentralSquare was the highest ranked, lowest priced bidder. CentralSquare scored highest on its technical submission, demonstrated a thorough understanding of the project and its requirements. Their proposal demonstrated to the City's satisfaction that they have the ability to undertake the project and they have a strong understanding of the project deliverables, key issues and challenges. Through the evaluation process, CentralSquare demonstrated a depth of experience and expertise as it specifically relates to being a full

service company, providing consulting, design, implementation and support (meeting City's business and technical requirements) resulting in an overall highest ranking.

After evaluation was completed, Procurement staff negotiated with CentralSquare, the highest ranked/lowest priced bidder and achieved a 18% ($264,360 inclusive of tax) cost reduction from their initial proposed price for implementation as allowed under the Purchasing By-Law, while still maintaining the same level of project deliverables.

OPTIONS/ DISCUSSION:

As CentralSquare is both the developer of the Lucity software and the implementer, the City is receiving a complete end-to-end Enterprise Asset Management Delivery System solution. The professional services offering via RFP 054-R-20 leads the industry in a number of ways:

- dedicated EAM implementations, with complexity of EAM projects managed and deployed
- thorough knowledge and experience of the Lucity EAM features and functions which support optimum flexibility and ease-of-use
- flexible licensing and deployment of Lucity EAM software solution
- manned end user help desk support (Monday – Friday from 8am to 8pm EST)
- appropriate skillset for robust application integration capability and open architecture, and scalability

FINANCIAL CONSIDERATIONS

The cost of award includes 3 components: one-time cost for implementation and training, one-time cost for software licenses, and recurring operating costs for ongoing support and software maintenance for 5 years, with an option to renew the contract for an additional 5 years.

Capital Costs

The one-time cost in the amount of $992,083.68, inclusive of HST impact, will be funded from Capital Project 18077, Enterprise Asset Management Solution, with an available component budget of $1,016,791.20.

Project	**Amount**	
Budget Available for this Award	$1,016,791.20	(A)
One-Time Implementation and Training Cost	827,232.48	(B)
One-Time Software Licenses Cost	164,851.20	(C)
Budget to remain in account as Contingency	**24,707.52**	(D) = (A) - (B) -(C)*

*A contingency in the amount of $24,707.52 inclusive of HST impact will be established to cover any additional project costs be approved and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy.

In addition, the overall project budget includes additional funding for reporting analytics and tools to address financial analysis and reporting requirements, and they may be awarded in the future.

Operating Costs

The award includes services of ongoing support and software maintenance for 10 years, from 2023 to 2032, for a total amount of $922,574.85 ($406,622.80 + $515,952.05) inclusive of HST impact, to be funded from GL account 400-400-5361, Computer Software Service Agreements, subject to Council approval of the annual operating budget from 2023 to 2032.

The maintenance cost schedule is as follows:

Year	Ongoing Support & Maintenance	Software Maintenance	Total
Year 1	$ 38,261.76	$ 0.00	$ 38,261.76
Year 2	38,261.76	50,880.00	89,141.76
Year 3	38,261.76	52,406.40	90,668.16
Year 4	38,261.76	53,932.80	92,194.56
Year 5	38,261.76	55,459.20	93,720.96
	191,308.80	212,678.40	403,987.20
Optional			
Year 6	$ 43,062.80	$ 57,122.98	$ 100,185.78
Year 7	43,062.80	58,836.67	101,899.47
Year 8	43,062.80	60,601.77	103,664.57
Year 9	43,062.80	62,419.82	105,482.62
Year 10	43,062.80	64,292.41	107,355.21
	215,314.00	303,273.65	518,587.64
Total	**406,622.80**	**515,952.05**	**922,574.85**

Year 1 annual maintenance cost of $38,261.76 will commence in 2023 upon completion of implementation. The current operating budget for Hansen software maintenance is $57,760. The operating budget of Year 2 to Year 10 will be incrementally increased, subject to Council approval of the operating budget in the respective year.

	2024 Budget Impact	
Current Annual Budget for Maintenance	$ 57,760.00	(E)
2024 Maintenance Cost	89,141.76	(F)
2024 Operating Budget Shortfall	**(31,381.76)**	(G) = (E) - (F)

Comparison to Original Award (December 2018)

Capital

The capital cost of the current award, excluding contingency allowance, is $992,083.68, and is $44,707.24 or 4.3% lower than the capital cost of the same scope to eGov, which was $1,036,790.92.

Operating

The ongoing support & maintenance cost of the current award has increased by $38,261.76 due to the City now attaining the ongoing support & maintenance (specific to configurations, customizations and integrations) for 10 years that was not provided in the previous award.

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Goal	Examples – How the Solution can Help Achieve the Goal
Exceptional Services by Exceptional People	The new system will facilitate enhanced service delivery and staff performance efficiencies.
Engaged, Diverse & Thriving City	The new EAM system will facilitate participation in City programs by integrating with the Customer Relationship Management system to handle and respond to service requests.
Safe & Sustainable Community	The new EAM system will provide City staff the ability to manage infrastructure in a coordinated, sustainable manner that is consistent with the City's Corporate Asset Management Plan and industry best practices.
Stewardship of Money & Resources	The new EAM system will facilitate a full view of City assets with an understanding of total cost of ownership to manage the asset through its life cycle

BUSINESS UNITS CONSULTED AND AFFECTED:

Community and Fire Services Commission, Corporate Services Commission

RECOMMENDED BY:

Rob Cole
Acting Chief Information Officer, ITS

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

None

Report to: General Committee Meeting Date: February 1st 2021

SUBJECT: Award of Contract # 195-R-20 Electrical Services for Various City Locations on an As-Required Basis

PREPARED BY: Jason Ramsaran, Facility Assets Coordinator, ext. 3526
Flora Chan, Senior Buyer, ext. 3189

RECOMMENDATION:

1) That the report "Award of Contract #195-R-20 Electrical Services for Various City Locations on an As-Required Basis" be received; and,

2) That the contract be awarded to the three (3) highest ranked bidders / lowest priced bidders - Aps Electric, Holley Electric Ltd., and Igman Electric Ltd., in the estimated annual amount of $295,250.00 inclusive of HST impact; and,

3) That Staff be authorized to extend the contract for three (3) additional years. Years 1&2 will be at same itemized pricing, and prices for Years 3&4 will be adjusted at Year 3 in accordance with the consumer price index (CPI) Canada all-items not to exceed a 2% price increase, subject to supplier performance; and,

4) That the contract be funded from various City Departments' Operating Budgets on an as required basis; and,

5) That the award amounts in 2022 to 2024 be subject to Council approval of the respective year's operating budgets and that the award amounts be amended to reflect changes to the various departments' budget accounts as approved by Council during the annual budget process; and,

6) That Staff be authorized to issue three (3) purchase orders for each of the three (3) awarded bidders in an annual amount of $98,470.00 and to reallocate purchase order fund commitments among the three (3) awarded bidders based on actual usage within each term of the contract; and further,

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

PURPOSE:

The purpose of this report is to obtain approval to award the contract to a roster of three (3) electrical contractors for services required at various City locations on an as-required basis for a period of four (4) years.

BACKGROUND:

The contract is to provide electrical services on a 24 hour, 7-day-per-week basis. The contract also includes priority response time within 1-2 hours for emergency services at citywide facilities.

The specified work under this contract includes all such electrical work that cannot be undertaken by City employees and may include, but is not limited to the following:

- Cleaning and re-lamping
- Replacement of faulty or broken luminaire components
- Repairs to fusible or breaker-type disconnects, contactors, time switches, and similar type of work
- Repairs to underground and overhead wiring
- Sports field lighting
- Alarm systems
- Fire safety equipment
- Irrigation electrical components
- Underground locates
- High voltage
- Electrical inspection of Facilities
- Short term calls for special high amperage tie-ins at Markham Theatre - where certain touring groups require high amperage tie-ins

The City issues an average of 260 work orders per year for requirements valued under than $5,000.00. To ensure service levels are met across all City locations, a roster of three (3) highest ranked electrical contractors that meet the mandatory and technical requirements is recommended. Contractors on this roster are also pre-qualified to submit a quotation in response to the City's electrical service requirements valued up to $25,000.00. Projects with value over $25,000.00 are not covered under this contract, as they will be publicly advertised and open to all bidders that possess the necessary qualifications and experience.

PROPOSAL INFORMATION:

Bids closed on	November 20, 2020
Number picking up bid documents	27
Number responding to bid	21

EVALUATION RESULTS:

The Bid Evaluation Committee was comprised of staff from Recreation Services and Sustainability & Asset Management Department, with staff from Procurement acting as the evaluation facilitator.

The evaluation was based on the pre-established evaluation criteria as listed in the Request for Proposal: Price 30%, Experience and Qualification of Company 35%, Experience and Qualification of Personnel 15%, and Service Delivery and Methodology 20%, for a total of 100% with resulting scores as below:

Bidder	**Total Score (100%)**	**Overall Ranking**
APS Electric	**99.0**	**1**
Holley Electric Ltd	**95.7**	**2**

Igman Electric Ltd.	**92.3**	**3**

Note: The average hourly rate is $47/hr among the three recommended bidders compared to an average hourly rate of $80/hour from all other bidders.

FINANCIAL CONSIDERATIONS

Budget Available	$ 295,250.00	Various operating accounts from Library, Recreation, Operations, SAM & Culture*
Cost of award	$ 295,250.00 $ 295,250.00 $ 301,155.00 $ 301,155.00 $1,192,810.00	Year 1 - 2021** Year 2 - 2022*** Year 3 - 2023*** Year 4 - 2024*** Total Award (Inclusive of HST)
Budget Remaining	$ 0.00	

* Funded from the various departments' operating budget accounts on an as-required basis

** Cost of award is estimated based on prior years' actual volume over 45 accounts

*** Subject to Council approval of the annual operating budgets

Note: Under this new contract, estimated annual spend is expected to decrease by 19%, from $295,250.00 to $239,416.14, based on previous actual volume and average prices of the three recommended bidders for hourly rates, material and equipment rental mark-ups . In 2021, Staff will monitor the results and based on usage will review the opportunity to reduce the 2022 budget accordingly.

OPERATING BUDGET AND LIFE CYLE IMPACT:

Since the operating budget are shared across various departments and pay for various facilities maintenance costs, the budget will not be reduced at this time and will be reviewed as part of the annual budget review process. There is no impact to Life Cycle Reserve Study.

ENVIRONMENTAL CONSIDERATIONS:

The contract will include the replacement of old lights with new LED lights, the contractors will ensure the City receives applicable energy incentives when replacing old lights with new LED lights. All waste will be disposed of at an authorized dump, waste treatment site or recycling facility by the Contractor, and will be disposed of in accordance with applicable by-laws and regulations.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Recreation and Sustainability & Asset Management departments have historically been primary users of this contract and were involved in the tender evaluation process of this award.

RECOMMENDED BY:

Graham Seaman Director of Sustainability & Asset Management	Trinela Cane, Commissioner, Corporate Services

Report to: General Committee Meeting Date: February 1, 2021

SUBJECT: Award of Contract #221-T-20 Fire and Life Safety System Inspection, Testing and Repairs

PREPARED BY: Dana Honsberger, Project Manager, Sustainability & Asset Management ext. 2331
Flora Chan, Senior Buyer, ext. 3189

RECOMMENDATION:

1. That the report "Award of Contract #221-T-20 Fire and Life Safety System Inspection, Testing and Repairs" be received; and,

2. That the contract be awarded to the lowest priced bidder, Onyx-Fire Protection Services Inc. in the estimated annual amount of $101,545.23 inclusive of HST; and,

3. That Staff be authorized to extend the contract for an additional 4 years (5 years in total). Year 1-3 will be at same itemized pricing, and prices will be adjusted at Year 4 in accordance with the consumer price index (CPI) Canada all-items not to exceed a 2% price increase, subject to supplier performance; and,

4. That the contract be funded from various City Departments' operating budgets; and,

5. That the award amounts in 2022 to 2025 be subject to Council approval of the respective annual operating budgets and that the award amounts be amended to reflect changes to the various departments' budget accounts as approved by Council during the annual budget process; and further,

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

PURPOSE:
The purpose of this report is to obtain approval to award the contract for fire and life safety system inspection, testing and repairs.

BACKGROUND:
This preventative maintenance service contract includes inspection, testing and maintenance of all fire safety systems located at various City locations in conformance with the current Ontario Fire Code, including all amendments, and any other applicable codes and standards in the following frequencies:
1. Quarterly inspection of dry pipe sprinkler systems
2. Semi-annual inspection of kitchen hood suppression systems

3. Annual inspection of fire alarm system, smoke & carbon monoxide detectors, wet & dry pipe sprinkler system, fire pumps, standpipes, hoses & fire department connections, portable fire extinguisher, and emergency lighting & exit lights
4. Repair services on an as-required basis (with 24/7 response on all emergency repairs)

BID INFORMATION:

Bids closed on	December 10, 2020
Number picking up bid documents	11
Number responding to bid	4

FINANCIAL CONSIDERATIONS:

Budget Available	$101,548.23	Various operating accounts
Cost of award	$101,548.23	Year 1 - 2021
	$101,548.23	Year 2 - 2022*
	$101,548.23	Year 3 - 2023*
	$103,579.19	Year 4 - 2024*
	$103,579.19	Year 5 –2025*
	$511,803.07	Total Award (Inclusive of HST)
Budget Remaining	$ 0	

*Subject to Council approval of the annual operating budgets.

Onyx-Fire Protection Services Inc. (Onyx) is the current service provider with satisfactory performance and the existing contract has been in place since 2017 and expires in February 2021. Compared to the previous contract, all prices are consistent and the hourly rates remained unchanged for as-required services.

OPERATING BUDGET AND LIFE CYLE IMPACT:
There is no incremental impact to the operating budget and Life Cycle Reserve Study.

ENVIRONMENTAL CONSIDERATIONS:
There is no environmental impact with this award.

HUMAN RESOURCES CONSIDERATIONS:
Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:
This project aligns with Building Markham's Future Together goal of Safe, Sustainable and Complete Community. This project will continue to maintain facility fire and life safety systems as required under the Ontario Fire Code.

BUSINESS UNITS CONSULTED AND AFFECTED:
Recreation and Sustainability & Asset Management departments have historically been primary users of this contract and were involved in the tendering process of this award.

RECOMMENDED BY:

Graham Seaman
Director of Sustainability & Asset Management

Trinela Cane
Commissioner, Corporate Services

Comments to Province on Minister's Zoning Order request by Mon Sheong Foundation for 36 Apple Creek Boulevard (Ward 2) File MZO 21 105377

Development Services Committee

February 8, 2021

Minister's Zoning Order ("MZO")

- The *Planning Act* allows the Minister of Municipal Affairs and Housing to zone lands through a Minister's Zoning Order (MZO)
- MZOs are intended to be used to protect or facilitate matters of provincial interest and the Minister's decision is required to be consistent with the Provincial Policy Statement
- MZOs override local official plans and zoning by-laws
- On February 2, 2021, the Ministry requested City of Markham comments on a MZO request by Mon Sheong

Provincial Government Commitment

- In 2020, the Province committed to modernize the long-term care sector
- $1.75 billion investment
- Create 30,000 long-term care spaces over ten years
- The new spaces would increase access to long-term care

Ontario

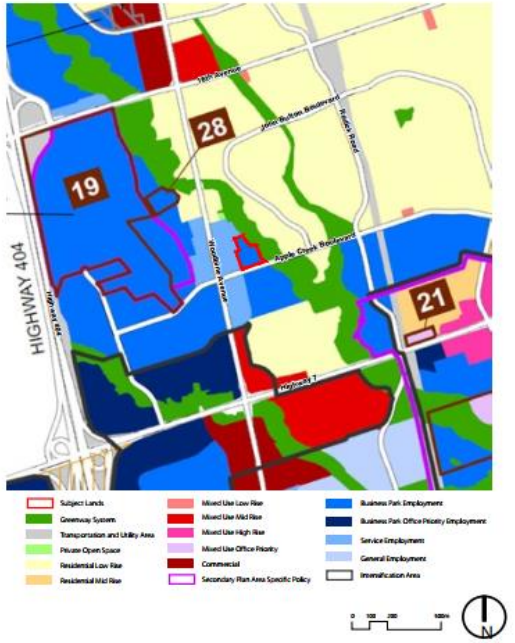
Ministry of Health
Ministry of Long-Term Care

Mon Sheong MZO Request

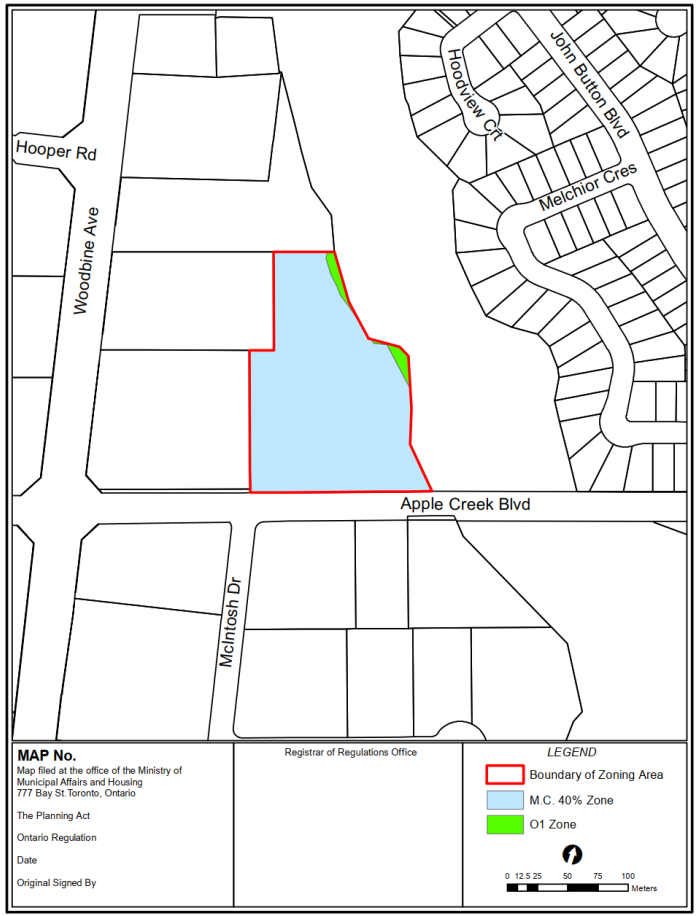
Policy Context

YORK REGION OFFICIAL PLAN
MAP 1 - REGIONAL STRUCTURE

CITY OF MARKHAM OFFICIAL PLAN
MAP 3 - LAND USE



Mon Sheong MZO Request
36 Apple Creek Boulevard



- To permit a long-term care facility within a learning centre and assisted living community
- Within an existing Employment Area – Conversion request to York Region lapsed on November, 29, 2019
- MZO request responds to timing challenges in light of Provincial commitment

Mon Sheong MZO Request
Proposed Development

- Two mixed-use Buildings (seven-storeys)
- GFA: 52,595 m^2 (566,127 ft^2)
- Density: 2.5 FSI
- 112 Parking Spaces

Building 1: 250 affordable units (vocational training, heritage learning, youth immersion)

Building 2: 160 beds LTC (medical, classrooms, common dining)

Mon Sheong MZO Request
36 Apple Creek Boulevard
City Recommendation

City of Markham supports the MZO request for the following reasons:

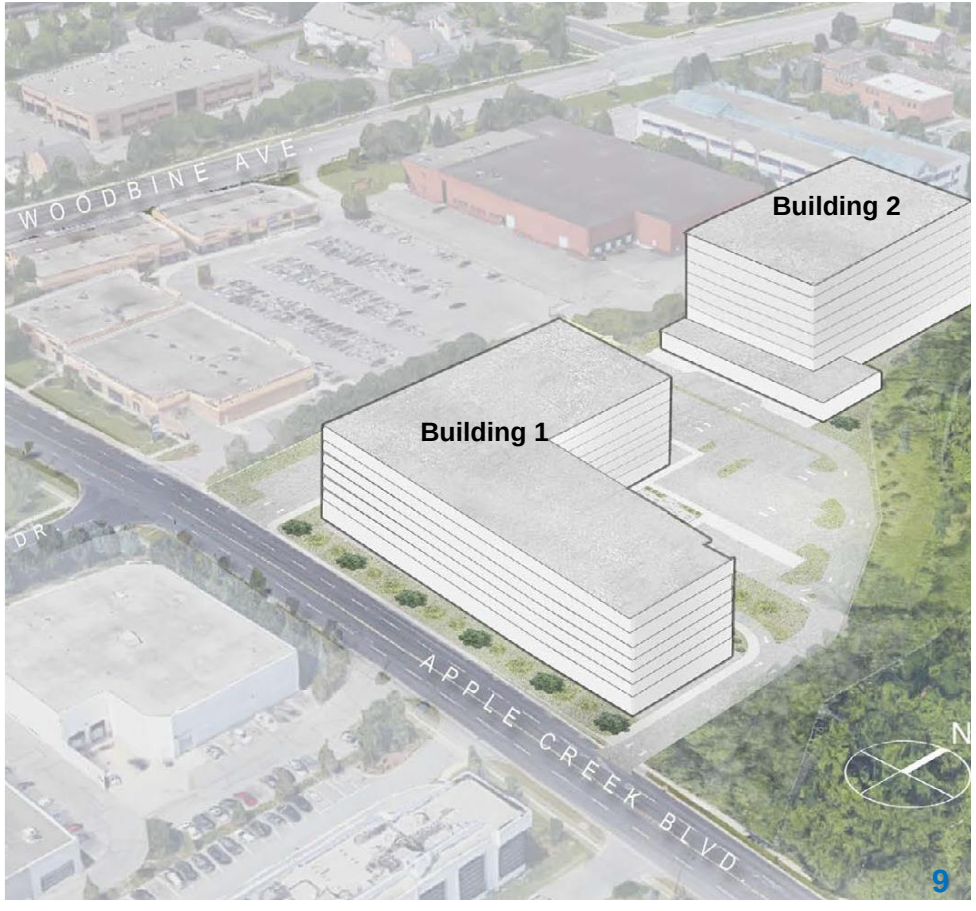
a) close proximity to the existing low-rise residential area to its east
b) Subject Lands area distinguished
c) the Subject Lands are well served with existing infrastructure
d) other supporting services within a 500 m radius
e) Proposed Development subject to future municipal Site Plan Approval Process
f) The MZO request include partial rezoning to Open Space

Mon Sheong MZO Request
36 Apple Creek Boulevard
Next Steps

Staff recommend that the February 8, 2021, report be forwarded to:

a) the Minister of Municipal Affairs and Housing
b) York Region
c) the Toronto and Region Conservation Authority

Thank you



Report to: Development Services Committee Meeting Date: February 8, 2021

SUBJECT: City of Markham Comments to the Province on a Minister's Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2) File No.: MZO 21 105377

PREPARED BY: Stephen Lue, M.C.I.P., R.P.P. ext., 2520
Manager, Central District

REVIEWED BY: Ron Blake, M.C.I.P., R.P.P. ext., 2600
Senior Manager, Development, Planning & Urban Design

RECOMMENDATION:

1. That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Mon Sheong Foundation to permit a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard (Ward 2), File No.: MZO 21 105377", be received;
2. That the City of Markham support the Minister's Zoning Order request by Mon Sheong Foundation for the lands at 36 Apple Creek Boulevard, subject to the recommended zoning standards in Appendix "D", attached to this staff report;
3. That this report be forwarded to the Minister of Municipal Affairs and Housing, York Region, and the Toronto and Region Conservation Authority as the City of Markham's comments on the MZO request by Mon Sheong Foundation for 36 Apple Creek Boulevard; and
4. And further that staff be authorized and directed to all things necessary to give effect to this resolution.

PURPOSE:

This report provides City of Markham comments on a request for a Minister's Zoning Order ("MZO") by Mon Sheong Foundation ("Mon Sheong") to permit the development of a long-term care facility within a learning centre and assisted living community at 36 Apple Creek Boulevard.

BACKGROUND:

The Ministry of Municipal Affairs and Housing has asked the City of Markham for comments on a MZO request from Mon Sheong

The *Planning Act* authorizes the Minister of Municipal Affairs and Housing to issue a MZO to control the use of land anywhere in Ontario. MZOs prevail over local Official Plans and zoning by-laws, and they are intended to be used to protect matters of provincial interest. A minister's decision on a MZO application is required to be consistent with the Provincial Policy Statement, 2020, (the "PPS") in accordance with Section 3 of the *Planning Act*.

On February 2, 2021, the Ministry of Municipal Affairs and Housing (the "MMAH") requested City comments (see Appendix "A") on a January 13, 2021, request by Mon Sheong to permit two seven-storey buildings for senior's housing, through a life lease model, with ancillary uses focused on a multi-purpose training centre, and a long-term care facility at 36 Apple Creek Boulevard. Mon Sheong's draft MZO (see Appendix "B") accompanied the request.

Site and Area Context

The 2.14 ha (5.29 ac) subject lands are located on the north side of Apple Creek Boulevard, east of Woodbine Avenue, to the west side of the Rouge River, and are municipally known as 36 Apple Creek Boulevard (the "Subject Lands"), as shown on Figure 1. Figure 2 shows the surrounding land uses. A two-storey office building and a large steel frame structure for industrial warehousing (formerly Magma International) currently occupies the Subject Lands.

Proposal

Mon Sheong proposes to demolish the existing structures on the Subject Lands and construct two seven-storey buildings (the "Proposed Development"), as conceptually shown on Figure 3 and in Appendix "C." The Proposed Development consists of a Gross Floor Area ("GFA") of 52,595 m^2 (566,127 ft^2), a density of 2.5 times the area of the Subject Lands (Floor Space Index - "FSI"), 112 parking spaces, and the following:

Proposal	**Building 1**	**Building 2**
Land Use	Life-lease***** mixed-use building	Long-Term Care Facility
Units	250 affordable units	Minimum 160 beds
GFA	30,779 m^2 (331,302 ft^2)	16,382 m^2 (176,334 ft^2)
Accessory Uses	vocational training centre for personal support workers, heritage learning centre and after school and weekend heritage and immersion youth programs******, flex space, and age-in-place opportunities	Medical exam rooms, classrooms, common, resident's dining halls

***** The life lease housing concept gives the senior the right to occupy their unit for an extended period of time than a rental unit, often for the duration of their lifetime, which provides a more affordable housing option framework compared to similar sized condominium units in the area and greater housing security for seniors (compared to rentals).

****** The integration of youth programs with emphasis on Chinese heritage and language is intended to support a mixed-age development that would increase opportunities for multi-generational interaction.

The Proposed Development is subject to municipal Site Plan Approval to address local matters of interest as generally detailed in Appendix "E", attached hereto, and discussed further below.

York Region Official Plan 2010 (the "YROP 2010")

The Subject Lands are designated "Urban Area" and "Regional Greenlands System" by the YROP 2010. Section 4.3, Planning for Employment lands of the YROP 2010 requires local municipalities to designate and protect employment lands in local municipal official plans and only permits the conversion to non-employment uses through a Municipal Comprehensive Review.

Furthermore, section 2.1.5 of the YROP 2010 requires local official plans to identify opportunities to integrate the "Regional Greenlands System" into community design and encourage remedial works and enhancement opportunities. Should a MZO be issued for these lands, then a future municipal Site Plan Approval application and approval by the Toronto and Region Conservation Authority (the "TRCA") would address remedial works and enhancement opportunities adjacent to the Regional Greenland System.

City of Markham's Official Plan and Zoning

The Subject Lands are designated "Business Park Employment" and "Greenway System" in the 2014 Official Plan and are located at the easterly periphery of an established employment area. Within employment areas, the policies in the Official Plan provide for a range of employment uses at appropriate locations that contribute to the creation of complete communities and the protection of employment lands from land uses that may affect the continued viability of existing employment uses. Similar to the YROP 2010, the 2014 Markham Official Plan only permits the conversion of employment lands to non-employment uses through a Municipal Comprehensive Review.

The 2014 Official Plan, also permits discretionary land uses, subject to matters (built form, traffic impact, and compatibility with the adjacent lands) that would be addressed through a Site Plan Approval application as generally described in Appendix "E" of this report. The uses permitted in the "Business Park Employment" designation include uses similar to those identified as accessory uses in the draft MZO, attached hereto as Appendix "B" and revised in Appendix "D", and include a commercial school, a business office, a restaurant, a financial institution, a retail store, a medical office, ancillary service uses, and sports and fitness recreation. The Official Plan does not permit the Proposed Development, specifically the long-term care facility and the life lease housing uses.

The Subject Lands are zoned M.C.(40%) - Select Industrial with Limited Commercial under By-law 165-80, as amended. The Proposed Development is not permitted in the Zoning By-law. Any redevelopment proposal would require appropriate zoning to accommodate it as well as rezoning of a portion of the easterly side of the Subject Lands to O1 Open Space.

DISCUSSION:

The Ontario Government commits to modernize the long-term care sector

In 2020, the Ontario government committed to an aggressive modernization plan to create a long-term care sector that is resident-centered while providing high quality care. The commitment included a $1.75 billion investment to create 30,000 modern long-term care spaces over ten years (the "Commitment"). The new spaces would increase access to long-term care to meet clinical, safety, and social needs of Ontarians.

Mon Sheong requested a MZO to overcome timing barriers to provide for a long-term care facility on the Subject Lands

In Q3-2020, Mon Sheong expressed interest to locate a long-term care facility and life lease housing on the Subject Lands to respond to the escalating demands for support to the City's aging population. The Subject Lands are currently within an existing and established business park employment area. The introduction of a long-term care facility and life lease housing uses in this area is not permitted and is considered an employment land conversion, subject to Policy 8.5.1.4 of the 2014 Official Plan.

York Region is currently conducting a review of its Official Plan through a Municipal Comprehensive Review ("MCR") process. The Growth Plan for the Greater Golden Horseshoe, 2019 (the "Growth Plan") requires municipalities to plan for employment to 2051 by ensuring employment lands are available in appropriate locations. The Growth Plan also requires the designation of employment areas in the Regional Official Plan and only allows for employment area conversions through a Regional MCR. The Region imposed the November 29, 2019, deadline for conversion requests submissions as part of their current MCR process.

In response to the timing challenges resulting from York Region not considering any further employment area conversions during the Regional MCR process, Mon Sheong requested the Minister of Municipal Affairs and Housing for a MZO as it would prevail over local official plans and zoning by-laws with the intention to protect matters of provincial interest.

City of Markham supports, in principle, the MZO request by Mon Sheong for the Subject Lands

The City supports, in principle, the MZO request by Mon Sheong for the following reasons:

a) though situated in an established employment area, the Subject Lands are at the periphery of the employment area and is in close proximity to the existing low-rise residential area to its east, which would complement the uses proposed in the MZO request

b) at its immediate adjacency to the north, south, and west, businesses exist at smaller scale office, industrial, and retail uses distinguishes the location of the Subject Lands from the overall employment area in the vicinity, as shown in Figure 2

c) the Subject Lands are within a built up area that is well served with existing infrastructure, including water and sanitary
d) other supporting services within a 500 m radius of the Subject Lands would complement the uses proposed in the MZO request including, but not limited to, medial facilities, retail, places of worship, and educational institutions

Subject to the Minister's determination of its appropriateness, a MZO would deliver, with a level of certainty, on the Province's recent Commitment to transition seniors from waitlists to modern long-term care facilities. The introduction of the Proposed Development on the Subject Lands, which is situated at the easterly periphery of an established employment area, would provide the opportunity to introduce a complementary mix of uses that would assist the Province with their recent Commitment. Furthermore, the Proposed Development and the introduction of the mix of uses contemplated in the MZO request would contribute to a complete community and would be compatible with the surrounding scale of uses in an area currently characterized predominately by low-rise single dwellings and single-storey commercial and retail buildings, as shown on Figure 2.

Therefore, in principle, staff support the MZO request, as it is appropriate within the distinguishing context of the Subject Land's location; will have minimum impacts to the surrounding area, subject to a municipal Site Plan Approval application and the zoning parameters identified in Appendix "D"; and will not create future precedence that would destabilize the existing remaining employment area.

Should the Minister determine it appropriate to issue a MZO, it is recommended that the Minister consider the zone standards in Appendix "D" attached to this report

Although staff support, in principle, the MZO, the City's review of the draft MZO provided by the Mon Sheong (Appendix "B") culminated with recommended revisions, which predominately involved aligning minor zoning terminologies with the City's parent zoning by-law. Staff, however, identified two major revisions, as follows:

a) that Section 3 of the draft MZO be removed respecting non-application of Section 41 of the *Planning Act* respecting site plan control
b) that a portion of the Subject Lands be rezoned to O1 Open Space, as identified in the zoning section of this report

The removal of Section 3 of the draft MZO is supported by the January 25, 2021, report to the City of Markham DSC. The report provided City comments on the Province's Environmental Registry proposal (ERO #019-2811) that sought input regarding recent changes to the *Planning Act* that would give the Minister authority to address and implement site plan control and inclusionary zoning as part of a MZO. Site plan control is an optimal tool to thoroughly evaluate the Proposed Development on matters identified in Appendix "E." Mon Sheong is aware of this requirement to remove paragraph 3 of the draft MZO and has advised that they have no objection.

The introduction of the O1 Open Space Zone in the draft MZO would ensure protection and enhancement of the interface with the Rouge River natural heritage, which is consistent with the PPS, conforms to the YROP 2010, and reflects the Greenway designation in the City's 2014 Official Plan.

As result of the revisions, the City proposes that the Minister consider the revised MZO attached hereto as Appendix "D", should the Minister determine it appropriate to issue a MZO for the Subject Lands.

NEXT STEPS:
Staff recommend that this report be forwarded to the Ministry of Municipal Affairs and Housing, York Region, and the TRCA as the City's comments on the MZO request for 36 Apple Creek Boulevard.

CONCLUSION:
Staff support, in principle, the MZO request to allow the Proposed Development on the Subject Lands, subject to Appendix "D" and that the City's authority for Site Plan Approval is maintained, and the matters outlined in Appendix "E".

FINANCIAL CONSIDERATIONS AND TEMPLATE
Not Applicable

HUMAN RESOURCES CONSIDERATIONS
Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:
Should the Minister determine it appropriate to issue a MZO for the Subject Lands, the Proposed Development would be evaluated in the context of growth management, environmental, and strategic priorities of Council.

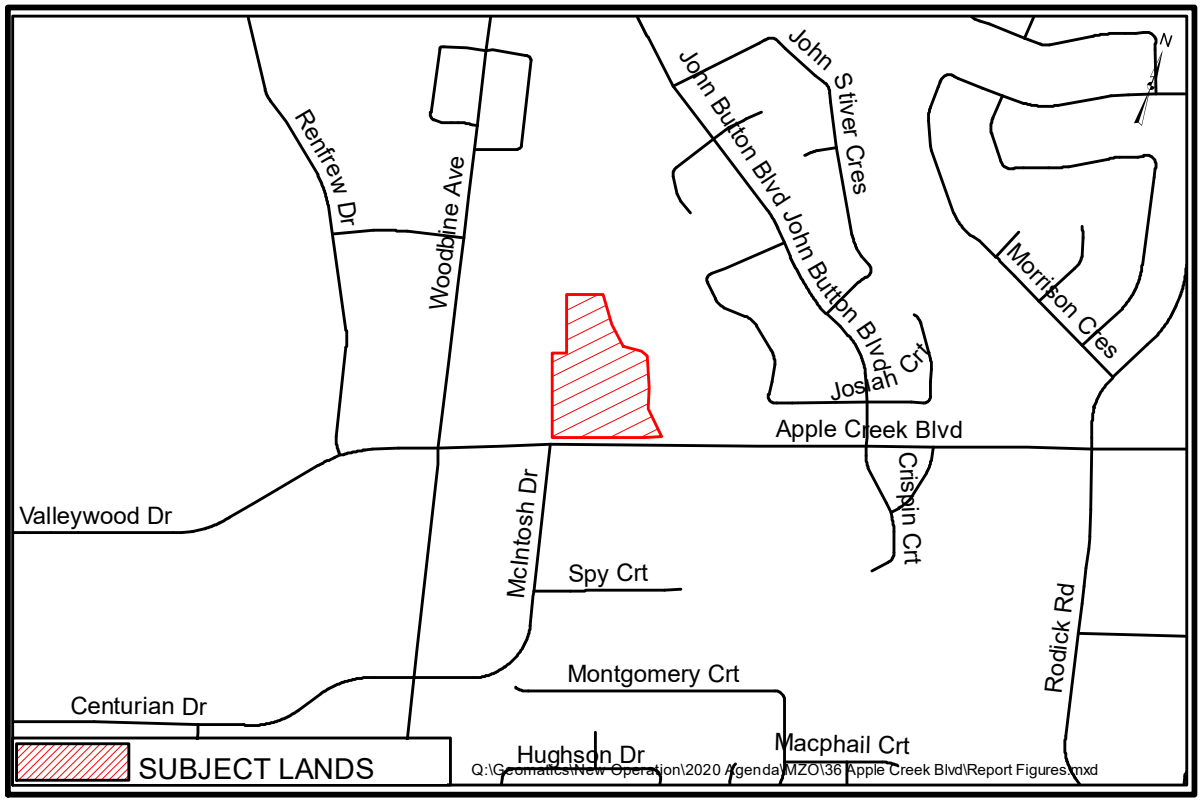
BUSINESS UNITS CONSULTED AND AFFECTED:
Policy Planning, Planning and Urban Design, and Engineering were consulted on this report.

RECOMMENDED BY:

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

ATTACHMENTS:
Figure 1: Location Map
Figure 2: Aerial Photo
Figure 3: Conceptual Site Plan

Appendix “A”: Letter from Ministry of Municipal Affairs and Housing, dated February 2, 2021
Appendix “B”: Draft Minister’s Zoning Order
Appendix “C”: Vision Document Mixed-Use Multi-purpose Learning Centre and Assisted Living Community and Long Term Care Facility, January 2021
Appendix “D”: Revised Draft Minister’s Zoning Order
Appendix “E”: Matters for Consideration as Part of a Future Site Plan Approval Application


Renfrew Dr
Woodbine Ave
John Button Blvd
John Stiver Cres
John Buttpn Blvdn Cr
Morrison Cres
Josiah
Apple Creek Blvd
Valleywood Dr
McIntosh Dr
Crispin Crt
Spy Crt
Rodick Rd
Montgomery Crt
Centurian Dr
Hughson Dr
Macphail Crt
SUBJECT LANDS
Q:\Geomatics\New Operation\2020 Agenda\MZO\36 Apple Creek Blvd\Report Figures.mxd

AERIAL PHOTO (2020)

APPLICANT:
Mon Sheong Foundation

FILE No.
MZO 21 105377

SUBJECT LANDS

Q:\Geomatics\New Operation\2020 Agenda\MZO\36 Apple Creek Blvd\Report Figures.mxd

DATE: 01/02/2021

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: SL

FIGURE No. 2

CONCEPTUAL SITE PLAN

APPLICANT:
Mon Sheong Foundation

FILE No.
MZO 21 105377

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DATE: 01/02/2021

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: RT Checked By: SL

FIGURE No. 3

Appendix "A"

Ministry of Municipal Affairs and Housing

Office of the Deputy Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100

Ministère des Affaires Municipales et du Logement

Bureau du ministre

777, rue Bay, 17e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100

Ontario

242-2021-3

February 2, 2020

Andy Taylor
Chief Administrative Officer
City of Markham
ataylor@markham.ca

Staff at the Ministry of Municipal Affairs and Housing have received a request from the Mon Sheong Foundation asking that the Minister make a Zoning Order under section 47 of the *Planning Act*. The subject lands are approximately 2.15 hectares in size and located just east of the intersection at Woodbine Avenue and Apple Creek Boulevard. The municipal address is 36 Apple Creek Boulevard.

The request proposes to replace an existing 2-storey building with two 7-storey structures. One building would be a mixed-use development of approximately 30,779 sq. m. The primary use would be for seniors' housing, through a life lease model, with secondary uses focused on a multi-purpose training centre. The second building would support a new long-term care facility, with a minimum of 160 resident beds and be approximately 16,382 sq. m in size.

Ministry staff are seeking your input on the proposed development. The attached materials include additional information on the proposal as well as current land use designations, for your reference.

Should you have any questions regarding this matter, please contact Maya Harris, Manager, Community Planning and Development, at 416-585-6063 or Maya.Harris@ontario.ca.

Yours truly,

K. Manson-Smith

Kate Manson-Smith
Deputy Minister

Appendix "B"

ONTARIO REGULATION

made under the

PLANNING ACT

Made: XXXX, 2020
Filed: XXXX, 2020
Published on e-Laws: XXXX, 2020
Printed in *The Ontario Gazette*: XXXX, 2020

ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Definitions

1. In this Order,

"accessory", when used to describe a use, building or structure, means a use, building or structure that is normally incidental or subordinate to a principal use, building or structure located on the same lot, including but not limited to,

(a) a camp,

(b) an administrative office,

(c) a restaurant,

(d) a restaurant, take-out,

(e) a financial institution,

(f) a retail store,

(g) a medical office,

(h) a personal service shop,

(i) a worship area, and

(j) a health centre

“institutional use” means a Building or part of a Building containing uses such as Places of Worship, Community Centres, libraries, or government offices.

"long-term care home" has the same meaning as in the *Long-Term Care Homes Act, 2007;*

“retirement home” means a Premises that provides accommodation primarily to retired persons or couples where each private room or living unit has separate private bathrooms and separate entrance from a common hall, and may contain cooking facilities, but where common facilities for the preparation and consumption of food are provided, and where common loungers, recreation rooms and medical care facilities may also be provided.

"zoning by-law" means Zoning By-law 165-80 and 28-97 of the City of Markham.

Application

2. This Order applies to lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being PIN 0304-3000(LT) and municipally addressed as 36 Apple Creek boulevard.

Non-application of s. 41 of the Act, site plan control area

3. Section 41 of the Act does not apply to the lands described in section 2 of this Order.

Matters that may be dealt with in agreement

4. Each person who owns all or any part of the lands described in section 2 shall enter into one or more agreements with the City of Markham dealing with the matters listed in subsection 47 (4.4) of the Act.

Permitted uses

5. In addition to the uses permitted in the zoning by-law on the lands described in Section 2, retirement home, nursing home, long term care home, institutional use, private school, together with accessory uses, buildings and structures is permitted.

Zoning requirements

6. The zoning requirements in the Select Institutional with Limited Commercial Zone M.C (40%) in the zoning by-law apply to the uses, buildings and structures permitted under section 5, with the following exceptions:

1. The minimum front yard setback is 9.0 metres.
2. The minimum yard setback is 5.5 metres.
3. The minimum yard setback to a stop slope is 10.0 metres.
4. The minimum rear yard setback is 5.5 metres.
5. The minimum distance between buildings is 11 metres.
6. The maximum height is 25 metres.
7. The maximum floor area ratio is 250%.

8. The minimum number of required parking spaces including visitor parking spaces for a retirement home, nursing home or long term care home is 0.5 spaces/unit.

Terms of use

7. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

8. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Markham.

Commencement

9. This Regulation comes into force on the day it is filed.

Made by:

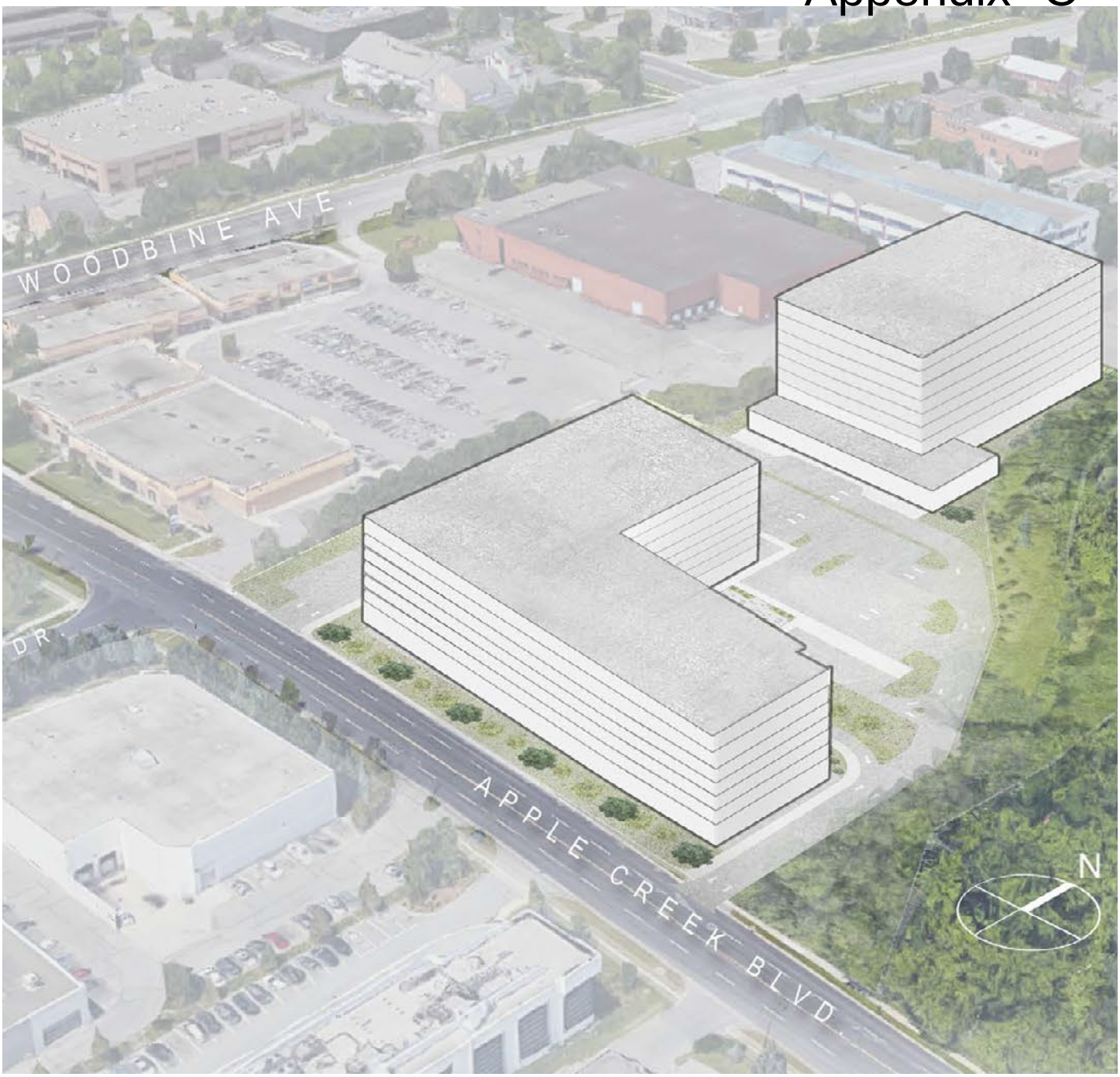
……

Signature (in Blue ink)

Minister of Municipal Affairs and Housing

Date made…….

Appendix "C"



VISION DOCUMENT

Mixed-Use Multi-purpose Learning Centre and Assisted Living Community and Long Term Care Facility

January, 2021

36 APPLE CREEK BOULEVARD
MARKHAM, ON, CANADA

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

VISION
Document

36 APPLE CREEK BOULEVARD
MARKHAM, ON, CANADA

Our File #: 1137J

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5.0	Opportunities and Constraints	p. 9
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8.0	The Rationale	p. 22
9.0	The Request	p. 30

1.0 Introduction

This vision document has been prepared in support of a mixed use multi-purpose learning centre and life lease seniors community, as well as a new long term care facility proposed on behalf of the Mon Sheong Foundation. The location for this vision is the lands municipally addressed as 36 Apple Creek Boulevard in the City of Markham, Ontario (hereinafter referred to as the subject lands). The subject lands are approximately 21,425 sq. m (5.29 acres) in size and are located approximately 139.6 metres east of the intersection at Woodbine Avenue and Apple Creek Boulevard, west of the Rouge River (**Figure 1.1**).

This document outlines the rationale for the creation of a complete seniors and educational facility comprised two buildings on the subject lands. The first building will be located towards the front of the property along Apple Creek Boulevard and will involve demolishing the existing 2-storey brick building to construct a 7-storey mixed-used development approximately 30,779 sq. m (331,302.4 sq. ft) in size (Building 1). The primary programming of this building will be as a life lease community (i.e., assisted living senior residence), offering approximately 250 affordable senior units. The secondary use will be as a multipurpose learning centre with programming opportunities such as: 1) a vocational training centre for personal support workers (PSW); and 2) a heritage learning centre, featuring after school and weekend Chinese heritage and immersion programs for youth. This educational programming will be achieved through a flexible building design, whereby classroom usage can change and grow with the community's needs. This offers opportunities for additional program uses such as recreational classes (e.g., art, culture and dancing classes) and youth/adult training programs (e.g., business classes), as seen fit.

Located behind the multipurpose learning centre will be a long term care (LTC) facility. This building will be located towards the rear of the property and will be approximately 16,382 sq. m (176,334.4 sq ft.) in size. This building is contemplated at 7 storeys and will provide a minimum of 160 resident beds.

The proposed buildings will have a synergistic relationship, whereby the LTC facility provides practical opportunities for the PSW training program and where potential culture and education programming provides recreational opportunities for older adults in addition to youth. The mixed use programming of this vision supports an age-friendly community where multi-generational interaction can occur and where residence of Markham can live, learn and play in place.

A concept plan for the subject lands has been prepared in support of these uses. Approval of this vision will create a community asset that is welcoming to individuals of various ages, abilities and backgrounds. This vision will create employment opportunities for surrounding communities and will help to achieve the City of Markham's desire for high-quality senior care though affordable and diverse housing options.

Figure 1.1 - Aerial view of the subject lands

Figure 1.2 - Massing perspective of the proposal viewed from the southwest, prepared by Larkin architect limited

2.0
Site

The subject lands are located on the north side of Apple Creek Boulevard approximately 139.6 metres east of its intersection with Woodbine Avenue in the City of Markham. The subject lands are bounded to the east by the Rouge River Valleylands consisting of a woodlot area and a low-rise residential community beyond. To the west the subject lands are adjacent to small format commercial-retail buildings and their associated surface parking. Similarly, north and south of the subject lands are large format commercial-service and industrial buildings (**Figure 2.3**).

The subject lands are 21,390 sq. m (5.29 acres) in size and have an approximate north-south elevation change of 4 metres. The subject lands are currently occupied by two buildings, including a 2-storey brick office building fronting onto Apple Creek Boulevard, previously used by Magna International Inc., and a large steel frame industrial warehouse tent located at the rear of the property towards the site's north lot line (**Figure 2.2**)

Figure 2.2 - Street view from: 1) Apple Creek Boulevard (top); and 2) the westerly commercial plaza

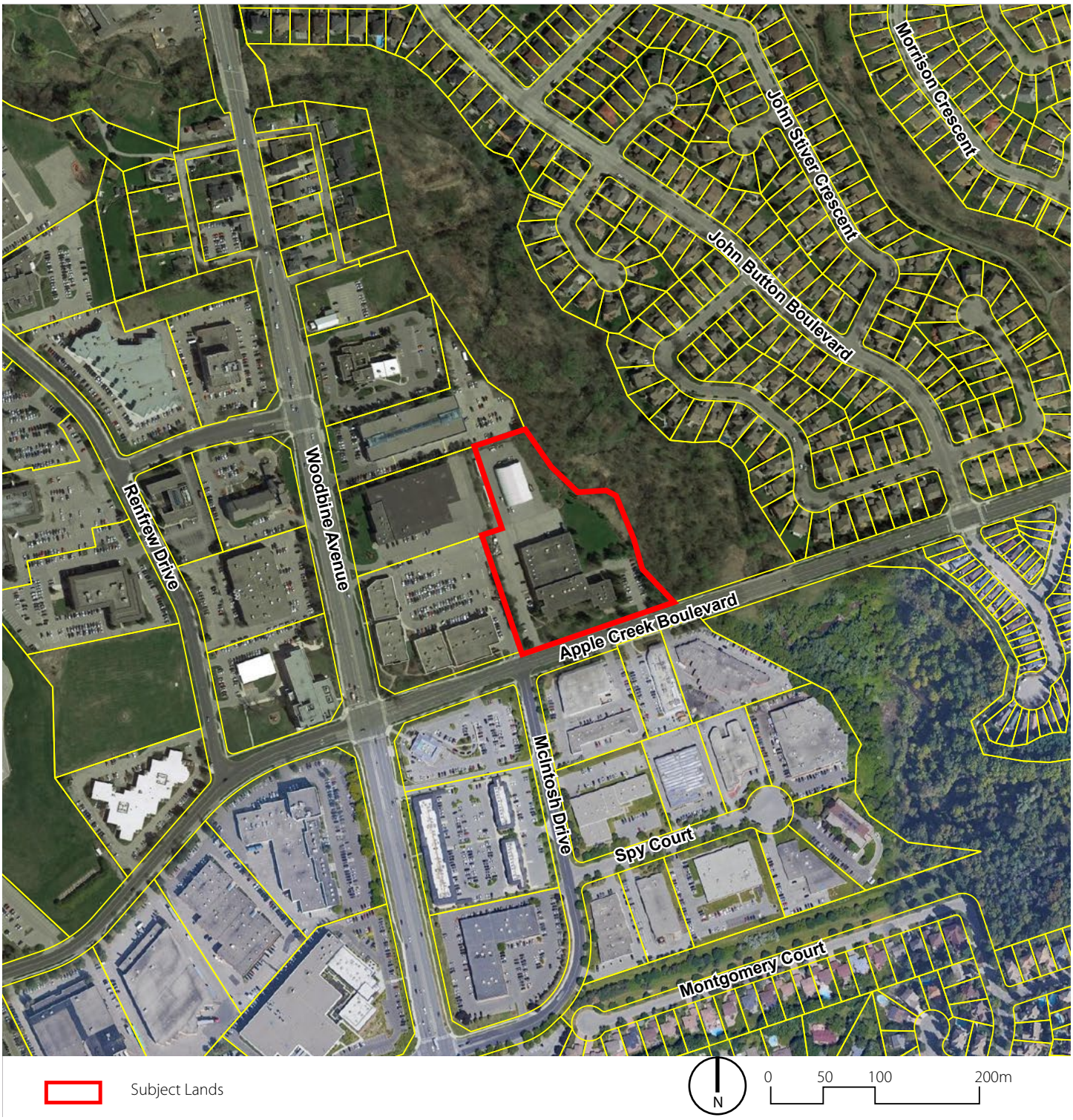


Figure 2.3- Site location map, prepared by MHBC

3.0
Surrounding Context

The subject lands are located along Apple Creek Boulevard, which resides east of Highway 404 and north of Highway 7 in the City of Markham. The subject land's immediate surrounding land uses are illustrated in **Figure 3.1** and include:

NORTH: Due north of the subject lands is an existing commercial-service/commercial-retail building containing uses such as a pool hall, insurance agency, realtor and an education centre, to name a few. Further north resides smaller commercial-service uses and community facilities such as a funeral home and spa, as well as a low-rise residential community and Presbyterian Church beyond.

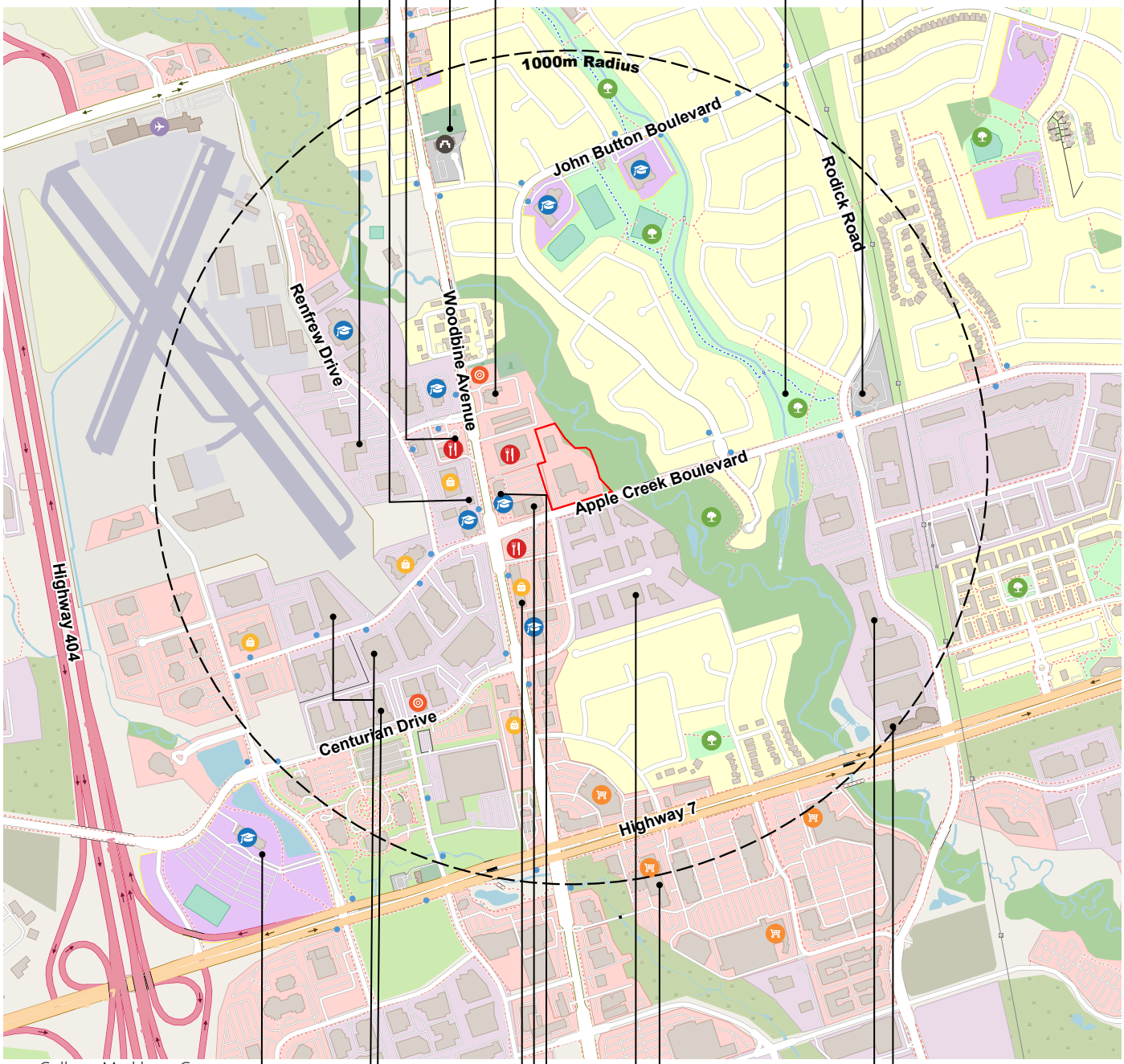
EAST: The east edge of the subject lands is defined by a densely wooded area that constitutes the Rouge River Valleylands as part of the City of Markham's Greenway System within the Rouge River Watershed. Beyond this further east is a low-rise residential community consisting of single detached, 2-storey dwellings.

SOUTH: Located south of the subject lands beyond Apple Creek Boulevard are large format commercial-industrial facilities with employment uses in the form of professional offices, research and development, manufacturing, logistic warehousing and distribution warehousing. These lands also include some retail uses located in a small-scaled strip plazas located along Woodbine Avenue.

WEST: Existing commercial-service and commercial-retail buildings and their associated surface parking are located west of the subject lands, included uses among others, fast food restaurants, an education centre, health services, and a veterinary clinic. Further west beyond Woodbine Avenue resides institutional and industrial uses including among others, the Markham Heritage Schoolhouse Museum and Archives, J Addison Elementary School and Buttonvillle Municipal Airport beyond. To the northwest beyond Woodbine Avenue resides a hotel, research and development services and a memory health clinic, among other commercial-service uses.

The subject lands have access to high quality transit services and are in close proximity to YRT Bus Routes No. 24, 40, 302, and 405. These transit services provide connection to the Regional Centre located at Woodbine Avenue and Highway 7, as well as the Highway 7 rapid transit corridor that provides bus rapid transit connections to Downtown Markham, Richmond Hill and Vaughan. These regional connections provide greater linkages to other bus routes, GO Transit services, and higher order transit services, including the future Yonge Street TTC Subway extension which provide further connection to Toronto and the Greater Toronto Area (see **Figure 4.2**). These transit services also provide connections to the Markham train station offering GO Train regional services and Via Rail national and international services. In addition, the subject lands are within a 2 minute drive from Buttonville Municipal Airport and a 20 minute drive to Toronto Pearson International Airport.

The subject lands are within 1000 metres of residential land uses and 7 schools of varying types (i.e., Catholic, Public, and Montessori) and the Seneca College Markham Campus is a 4 minute drive, or 19 minute walk from the subject lands. Specifically, this campus is the location of the Confucius Institute at Seneca, which promotes Chinese language and culture through community-based learning and academic programming. These residential and education connections makes the subject lands an ideal location for the vision's multi-purpose programming including seniors accommodation, PSW training and potential language and Chinese cultural programs that will provide community employment and co-operative education opportunities.



Monte Carlo Inn
Heritage Schoolhouse Museum & Archives
Memory & Company - Memory Health Club
Chapel Place Presbyterian Church
Chapel Ridge Funeral Home
Apple Creek Park
Ismaili Community Centre/Mosque
Seneca College Markham Campus
Kosim & Inter Medico Medical Supply
My Table Tennis Club Markham
St. Maurice & St. Verena Coptic Orthodox Church
C2 Badminton Club
Longo's
Golden Bakeshop
Apple Creek Dental Office
Apple Creek Animal Hospital
LifeLabs Medical Laboratory

LEGEND

Subject Lands
Natural Reserve
Wood
Park
Sports Pitch
Commercial/Industrial
Commercial/Retail
Institutional
Residential
Cycling Route
Pesdetrian Route
Schools
Parks
Airport
Food
Place of Worship
Library
Community/ Recreation Centers
Grocery
Retail
Transit Stops

0 100 200 500m

N

Figure 3.1- Map of the surrounding context and land uses, prepared by MHBC

4.0
Regional Context

The subject lands are located in an area that benefits from many existing and emerging regional transportation connections, assets and infrastructure (**Figure 4.2**). Specifically, the subject lands are in close proximity to the Highway 404 Expressway and Highway 407 Express Toll Route which provide ease of access to area municipalities and area health care facilities such as the Richmond Hill Urgent Care Centre and Markham Stouffville Hospital. As previously mentioned the subject lands are within a 2 minute drive to Buttonville Municipal Airport and a 20 minute drive to Toronto Pearson International Airport, providing connection to regional and international air travel for residents and visitors alike.

The subject lands are also in close proximity to Downtown Markham and Richmond Hill via the Highway 7 East Rapidway and the newly completed Young Street / Richmond Hill Rapidway (Bus Rapid Transit system). These transit connections will be further enhanced through the Region's emerging transportation infrastructure including the proposed Yonge Street subway extension and the Cornell bus terminal located at Highway 7 and Ninth Line in the City of Markham, just a two minute walk to the Markham-Stoffville Hospital. These transit connections will improve regional access for residents, employees and visitors, as well as improve resident's access to regional services and amenities.

The subject lands are well connected to active forms of transportation through the shared roadways along Apple Creek Boulevard and Rodick Road, which further connect to the dedicated bike lanes located along Highway 7.

These regional connections demonstrate that the subject lands is an ideal location for both seniors living accommodation and an education/cultural facility.

Figure 4.1- Regional context images, clockwise from top left - Buttonville Municipal Airport, Highway 404 Expressway, aerial view of the Downtown Markham Master Plan area, Highway 7 BRT Rapidway

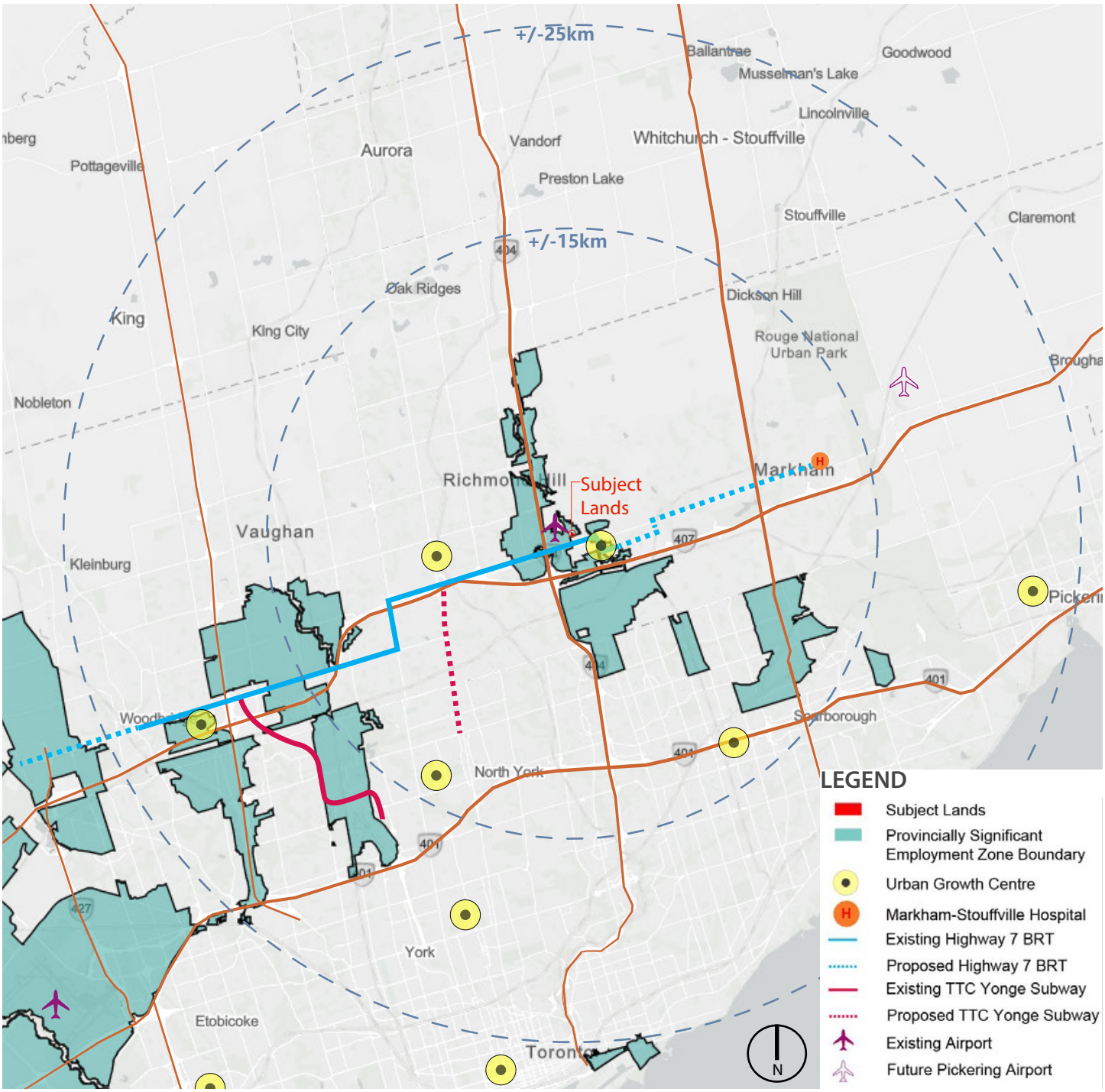


Figure 4.2- Regional context map, prepared by MHBC

5.0
Opportunities and Constraints

The following opportunities and constraints analysis evaluates the various factors that may impact future uses of the subject lands. These opportunities and constraints are illustrated in **Figure 5.1** and are discussed below.

OPPORTUNITIES:

1. ACCESS TO LOCAL & REGIONAL TRANSIT

The subject lands are within walking distance to several YRT bus routes that provide both local and regional connections, specifically to the Highway 7 rapid transit corridor, which provides access to Downtown Markham, Richmond Hill and Vaughan. This regional transportation corridor also provides connection to the Markham GO Station and Union Station in downtown Toronto. Access to transit is important in achieving a successful education/cultural facility and seniors' community to provide access for workers, students, visitors and residents alike, specifically vulnerable populations such as youth and seniors who rely on these services for independence.

2. PROXIMITY TO RESIDENTIAL COMMUNITIES AND COMPATIBLE COMMUNITY SERVICES

The subject lands are within a 10 minute walk (1000 m) to a commercial plaza to the west, and an industrial-commercial plaza to the southwest, which will support the creation of an active, convenient and people oriented development. In addition, the subject lands are located in close proximity to residential communities to the north, east and south. Providing a full spectrum of senior care options will allow residents of these communities to age in place, in close proximity to existing loved ones and familiar community services regardless of their needed level of care.

3. PROXIMITY TO PARKS, RECREATION SPACES, AND GREENLAND SYSTEM

A range of existing public parks and recreation spaces are located in proximity to the subject lands, offering different active and passive recreation activities to promote a healthy and vibrant community. Existing parks and recreational facilities include: Apple Creek South Park;Apple Creek Park; and John Button Park; York Downs Golf and Country Club; and YMCA of Greater Toronto, to name a few. The subject lands are directly adjacent to the Rouge River Valleylands which provides recreation and nature viewing opportunities for future residents.

4. CONNECTION TO LOCAL AND REGIONAL HEALTH & EDUCATION SERVICES

The subject lands are also well connected to local and regional health services. Health facilities such as the Memory & Company - Memory Health Club and Respite Resort, and LifeLabs Medical Laboratory Services are within 800m of the subject lands. The subject lands are also well connected by transit to the Markham Stouffville Hospital. Ease of connection to local and regional health services is advantageous for future residents and work-sharing opportunities for healthcare workers. This also allows for ease of access for regional PSW candidates to access the training faculties and hands-on learning experience the vision affords.

CONSTRAINTS:

a. TRANSITION TO SURFACE PARKING AND INDUSTRIAL AREAS

Immediately west of the subject lands is an existing commercial-service/retail plaza and to the southwest is an existing commercial-industrial plaza. Both of these locations have surface parking and the potential for adverse noise and visual affects on the subject lands. These ares are current screened from view by mature trees and vegetation, however the design treatment along these interfaces may require additional attention to ensure compatibility.

b. GREENLAND SYSTEM

The existing Greenland System will require protection from future development. The establishment of setbacks from the feature boundary is important to maintain ecological preservation. These features should be defined at the Site Plan stage.

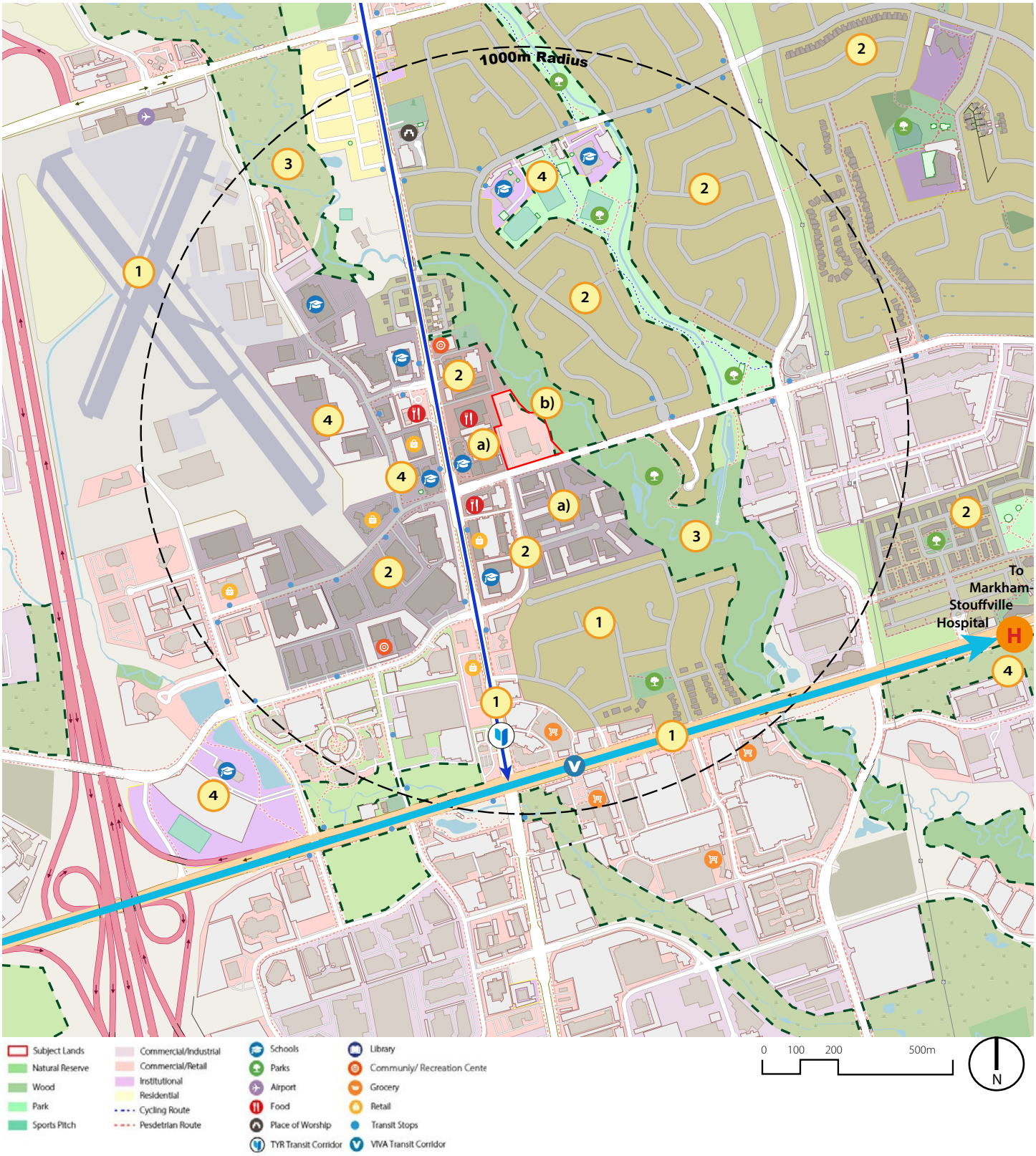


Figure 5.1- Opportunities and constraints map, prepared by MHBC

6.0
Policy Analysis

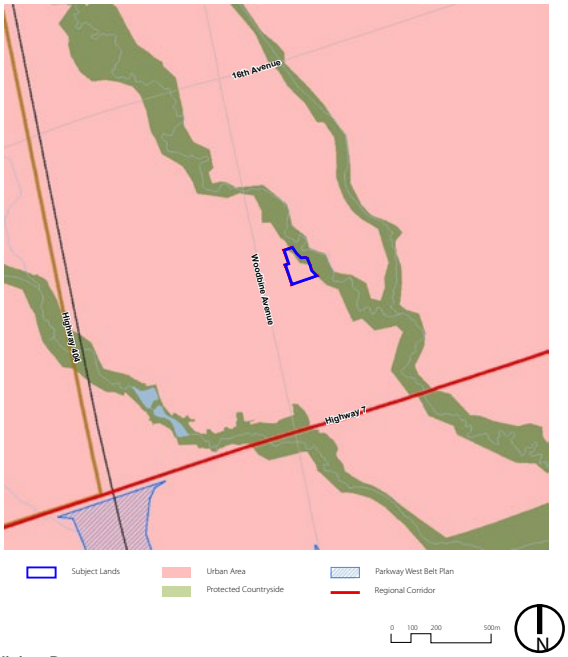
The subject lands are located within York Region's "Urban Area" on **Map 1 - Regional Structure**. The subject lands are also in close proximity to Woodbine Avenue, which is designated a "Regional Transit Priority Network" on **Map 11 - Transit Network**. These designations promote moderate intensification projects that implement urban services to meet the capacity requirements of the Urban Area, while protecting natural heritage. The subject lands are located along Apple Creek Boulevard, which is considered a major collector road and shared roadway that further connects to regional cycling networks along Rodick Rd and Highway 7, as illustrated in **York Region's Map 10 - Regional Cycling Network**.

The subject lands are located within the City of Markham's Urban Area Boundary. Under the local OP policy the subject lands are identified as "Employment Area" (including commercial lands)" in **Map 1 - Markham Structure** and are located within close proximity to the regional transit priority network along Woodbine Ave and the regional rapid transit corridor along Highway 7, as illustrated in **Map 2 - Centres and Corridors and Transit Network**. More specifically, the subject lands are designated "Business Park Employment" in **Map 3 - Land Use** within the City of Markham's Official Plan and are located within the Provincially Significant Employment Zone Boundary as per the Growth Plan for the Greater Golden Horseshoe (see **Figure 4.2**).

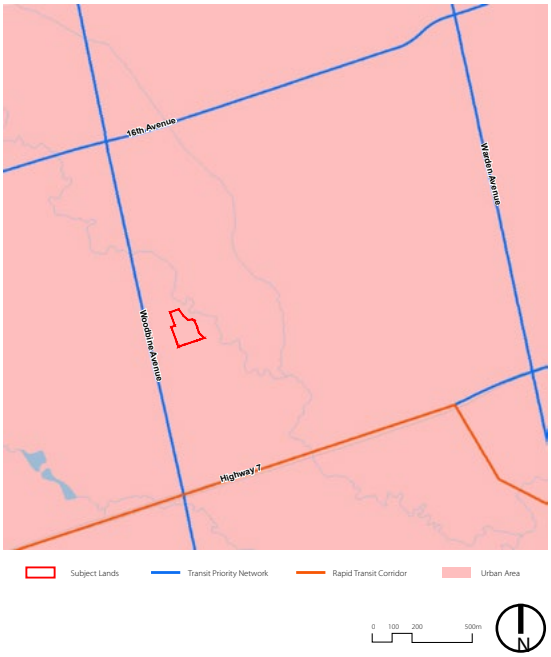
Lands designated "Business Park Employment" are planned to become high-profile employment areas that will focus on providing offices and a range of prestige industrial buildings that display high-quality architectural design. This land use designation permits the discretionary use of the lands as a trade and commercial school. This land use designation does not permit the introduction of new sensitive land uses, such as a life lease community or LTC facility.

As shown in **Map 5 - Natural Heritage Features and Landforms** and **Map 6 - Hydrological Features** in the City of Markham's Official Plan, the subject lands

YORK REGION OFFICIAL PLAN
MAP 1 - REGIONAL STRUCTURE



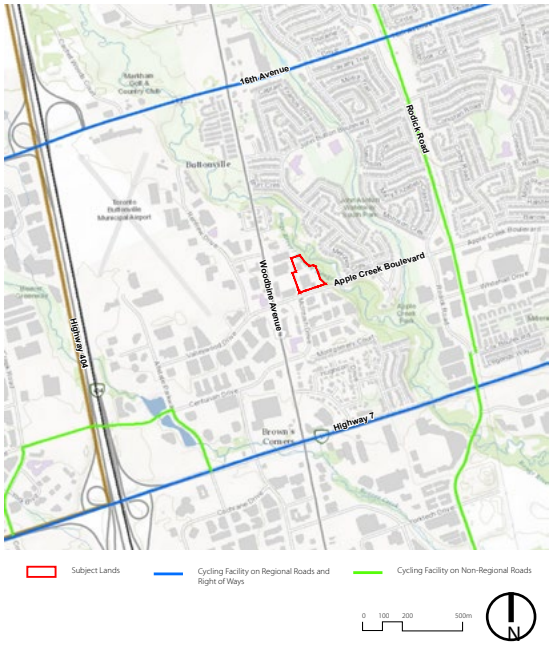
YORK REGION OFFICIAL PLAN
MAP 11 - TRANSIT NETWORK



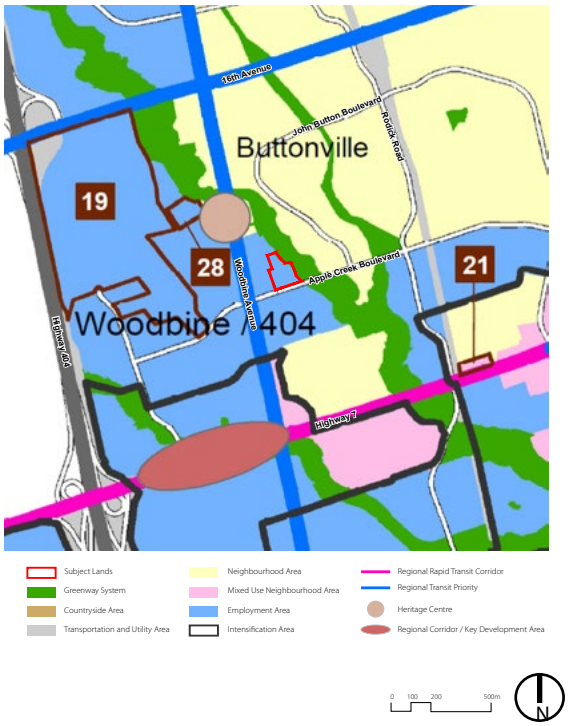
are adjacent to the extended Greenway System that runs through the City in the northwest to southeast direction, a part of the Rouge River Valleylands. Furthermore, TRCA mapping illustrates that a small portion of the subject lands are located within the TRCA regulated area and therefore development on this land portion will require evaluation and development permits will be acquired from TRCA.

The subject lands are zoned M.C. (40%) - Select Industrial with Limited Commercial, under By-law 165-80 as amended. This zone permits commercial uses including commercial schools. This zoning also permits private clubs and health centres as well as public uses as described in **Section 4.3.2** of this By-law. However, this zoning restricts residential uses on the subject lands with more than one dwelling unit and therefore, the subject lands use as seniors housing and seniors care such as Long Term Care is restricted.

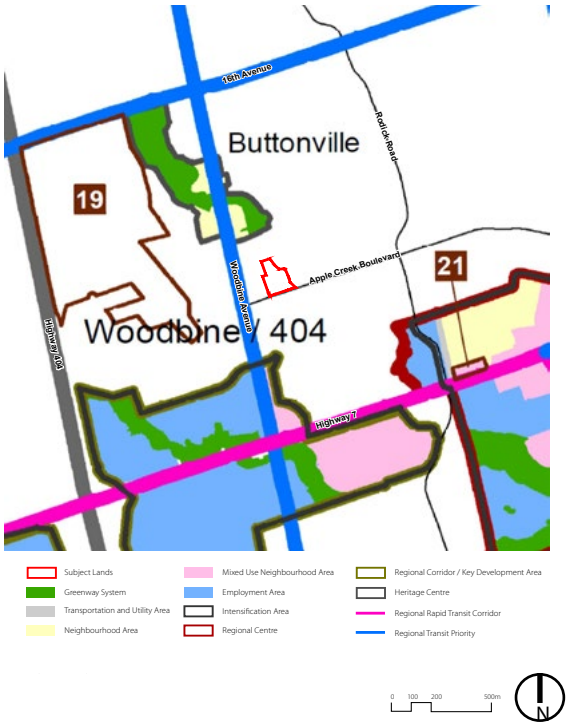
YORK REGION OFFICIAL PLAN
MAP 10 - REGIONAL CYCLING NETWORK



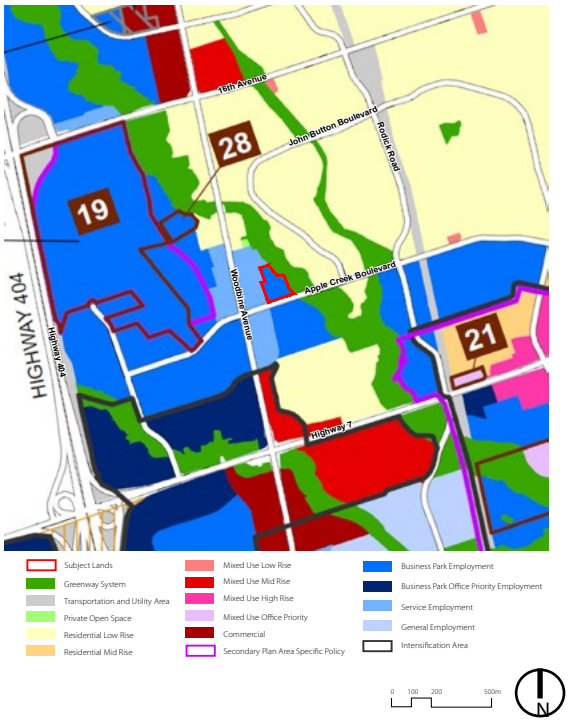
CITY OF MARKHAM OFFICIAL PLAN
MAP 1 - MARKHAM STRUCTURE



CITY OF MARKHAM OFFICIAL PLAN
MAP 2 - CENTRES AND CORRIDORS AND TRANSIT NETWORK



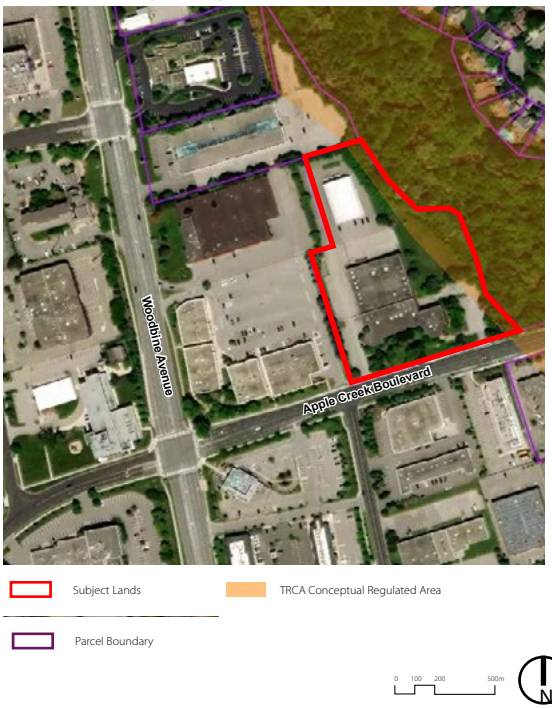
CITY OF MARKHAM OFFICIAL PLAN
MAP 3 - LAND USE



CITY OF MARKHAM OFFICIAL PLAN
MAP 5 - NATURAL HERITAGE FEATURES AND LANDFORMS

CITY OF MARKHAM OFFICIAL PLAN
MAP 6 - HYDROLOGIC FEATURES

TORONTO AND REGION CONSERVATION AUTHORITY (TRCA) MAPPING

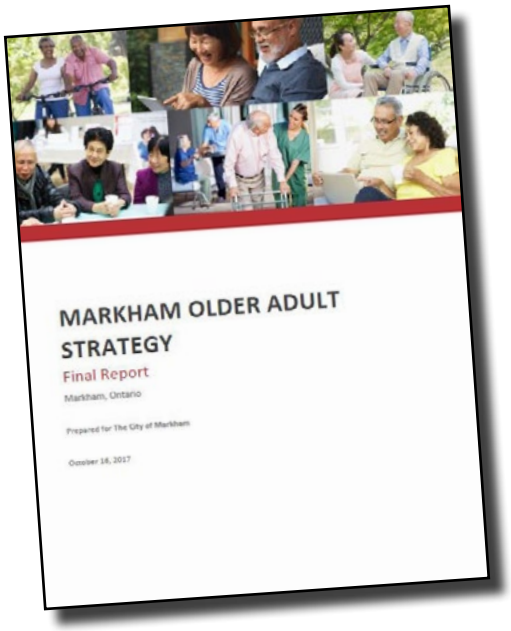


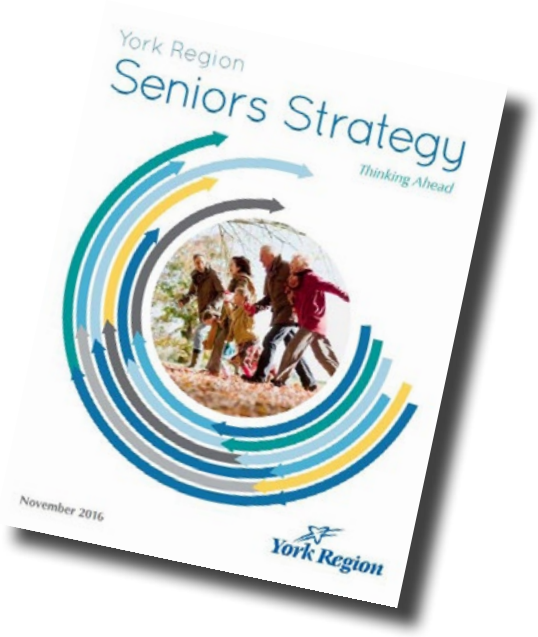
York Region Seniors Strategy: Thinking Ahead (2016)

Regional Council approved the Seniors Strategy in November, 2016. The York Region Seniors Strategy is a proactive policy response to better manage the growing proportion of older adults in York Region. This document guides other levels of government and community partners to better target seniors programming and services where seniors needs are the greatest.

One of the key ways the region is taking action to support the aging population is by supporting age-friendly and complete communities, where older adults can live in the home or community of their choice for as long as they are able to. To achieve this goal the Region is:

- Working with local municipalities and community organizations to discuss ways to create accessible spaces, innovative and affordable housing options, convenient transportation and programs that support independence and inclusion.
- The Region is advocating to support the need for more long-term care beds across York-Region.





City of Markham Older Adult Strategy (2017)

In 2010, the City released the Integrated Leisure Master Plan, which recommended that the City of Markham establish a formal plan to address the dynamic needs of older adults and proactively respond to future increases in demand for seniors programming and services. The 2017 City of Markham Older Adult Strategy is intended to build on the Region's strategy by focusing exclusively on the programs and services that the City of Markham is responsible for delivering to local residents. The OAS sets out goals and recommended actions across six focus areas. Relevant recommendations within each of these focus areas are as follows:

- Introduce more inclusive programming to appeal to specific cultural ethnic and religious groups based on guidance and input from local cultural organizations.
- Provide education for self-employment and entrepreneurship in partnership with Markham Public Library and local economic development and business association partners.
- Commit to ensuring that the City's decision making process always considers the components of age friendly cities and recognizes the diverse needs of older adults in Markham.

City of Markham Diversity Action Plan

The City of Markham's Diversity Action Plan was released in June 2010 to provide City direction in an effort to better serve the City's diverse community and to leverage the community's rich cultural wealth. This plan identifies inclusion barriers of newcomers, visible minorities, seniors, and youth, and outlines a number of recommendations for action, some of which include:

Economic Development

- Leverage the multicultural and multilingual character of Markham's population to attract international partners and new opportunities for economic development.

Development Services:

- Provide a diversified housing stock to serve the growing population, including intensification at appropriate locations.
- Support the future application of sustainable community design, transit investment and infrastructure improvement. Provide a mix of housing and jobs supportive of improved life and work options in Markham.
- Continue to advocate for the development of more assisted housing.

Recreation:

- Seek out community volunteers who speak the languages of newcomers and ask them to assist in delivering programs to newcomer seniors.
- Promote programs that allow seniors to stay in the community.
- Increase the number of programs and workshops held in neighbourhood schools to decrease the need for youth to pay for transportation to get to programs.

Establishing a LTC facility, life lease community and multi-purpose school on the subject lands will help to achieve the goals of these studies by establishing a complete and inclusive community within the City of Markham, that serves the interest of people of all ages and abilities.

The vision's multi-purpose programming will provide a unique and affordable housing option for seniors in the neighbourhood, and the educational component will create opportunities for accessible adult and youth recreation/education with a focus on Chinese heritage and language programs which are welcoming and accessible for international newcomers to Canada. The subject lands are an ideal location for this programming option due to its close proximity to 7 school/education faculties.

Furthermore, the vocational training program for PSWs will serve as an incubator for high-quality healthcare workers in York Region that will help to support the health care facilities on site and across the entire City and Region.

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7.0 Vision

The vision for the subject lands is the establishment of a mixed use community, with an emphasis on senior care and educational training and recreational services. This vision will be carried out by developing two buildings on the subject lands. The first building (Building 1) is located on the south portion of the site and will have mixed-use programming, primarily functioning as a life lease community (assisted living seniors housing), with a secondary usage as a multi-purpose learning centre that will provide a school setting to support PSW training and other educational and recreational programming as deemed fit. The vision for the subject lands incorporates a second building (Building 2) located on the north portion of the site that will function as a LTC facility for more intensive senior care needs. The holistic vision for this development is to provide a full spectrum of care for seniors, with a diversity of housing types and tenure. This development will provide a site where seniors can age in place regardless of their growing needs or increasing level of care requirements.

The vision for the assisted living component considers the life lease housing concept, whereby the buyer purchases interest in the property which gives the senior the right to occupy their unit for a long period of time, often for the duration of their lifetime. This housing framework provides a more affordable option, compared to similarly sized condominium units in the area and provides greater housing security for seniors compared to renting.

Regarding the LTC facility the Owner is open to implementing building innovations and enhanced facility design, such as single rooms and private washrooms that will improve potential infection and disease control, a need that has been illustrated by the recent Covid-19 pandemic.

Figure 7.1 - Perspective of the development's massing looking from the southeast, prepared by Larkin architect limited

Figure 7.2 - Perspective rendering showing an example of a well designed drop-off area

Figure 7.3 - Photo Examples of accessible and inclusive amenity areas

The school component of this vision provides a space for PSW training as well as adult/youth education programs, with the potential to change based on the communities needs or time of day (e.g., PSW training during the day, and language or cultural education at night). The vocational training component of this vision will help to ensure that the life lease community and LTC facility are consistently supplied with high quality healthcare workers where education programming provides opportunity for co-op placements and work practicums. Furthermore, the potential for adult education programs will provide recreational services for more independent-living senors, visitors and outside community members.

The flexible programming spaces envisioned for the mixed-use building (Building 1) will also provide a space for potential youth education services, with emphasis on Chinese heritage and language. In doing so, this vision proposes a mixed-age development, increasing the opportunities for multi-generational interaction. This provides opportunities where youth can learn about culture from elders and where younger

Figure 7.4 - Rendering example of a well-glazed active building frontage

Figure 7.5 - Perspective of the development's massing looking from the northwest, prepared by Larkin architect limited

Figure 7.6 Conceptual site plan, prepared by Larkin architect limited

users provide vibrancy and social interaction for seniors' amusement and companionship.

As mentioned, this mixed-used Building (Building 1) will occupy the front portion of the property, and will result in a 7-storey building approximately 30,779 sq. m (331,302.4 sq. ft) in size.

The LTC facility (Building 2) will be located towards the back of the property to the north and will also be 7 storeys in height, featuring a 1-story podium containing the resident's dining hall along the south facade. This building will be approximately 16,382 sq. m (176,334.4 sq. ft) in size and will contain a minimum of 160 LTC beds.

Building 1 and 2 culminate in a total GFA of 52,595 sq. m (566,127.9 sq. ft) and have a FSI of 2.5. These buildings will feature indoor and outdoor amenity areas, office space, kitchen(s), storage and loading facilities and other spaces that are supportive of the building's use and level of education/care provided (e.g., medical exam rooms and classrooms).

Vehicular access to the development is provided at the opposing ends of the south lot line along Apple Creek Boulevard. A total of 112 surface parking spots are proposed, directed towards the west property line and behind Building 1 towards the northeast. The remainder of the parking will be provided by 1 level of underground parking located below both Building 1 and 2, provided at a parking rate of 0.5 spaces per LTC bed/life lease unit.

The development will provide outdoor amenity space for active and passive recreation for users of all ages and abilities. Therefore, both paved and vegetative recreational spaces are provided. Large landscape setbacks are provided at the front, rear and east side of Building 1, and a large 10 m grassland buffer from the top of slope protects the adjacent valleylands from adverse development impacts. A paved courtyard is contemplated at the rear of Building 1, which will be easily accessed by the residences of the life lease community and provide space for informal gathering and interaction. These amenity spaces also offer passive recreation spaces for students and employees to enjoy lunch or take a break on a busy day.

Overall the vision for a mixed-used development is anticipated to improve the affordable housing options for seniors in the City of Markham, while simultaneously promoting a diversity of jobs opportunities and celebrating the City's cultural diversity by making more accessible services geared towards international newcomers.

The City of Markham has the fastest growing senior population and long-term care needs in the Region, and therefore, it is anticipated that this vision will be essential in filling the growing gap between demand and supply of quality, and affordable senior care.

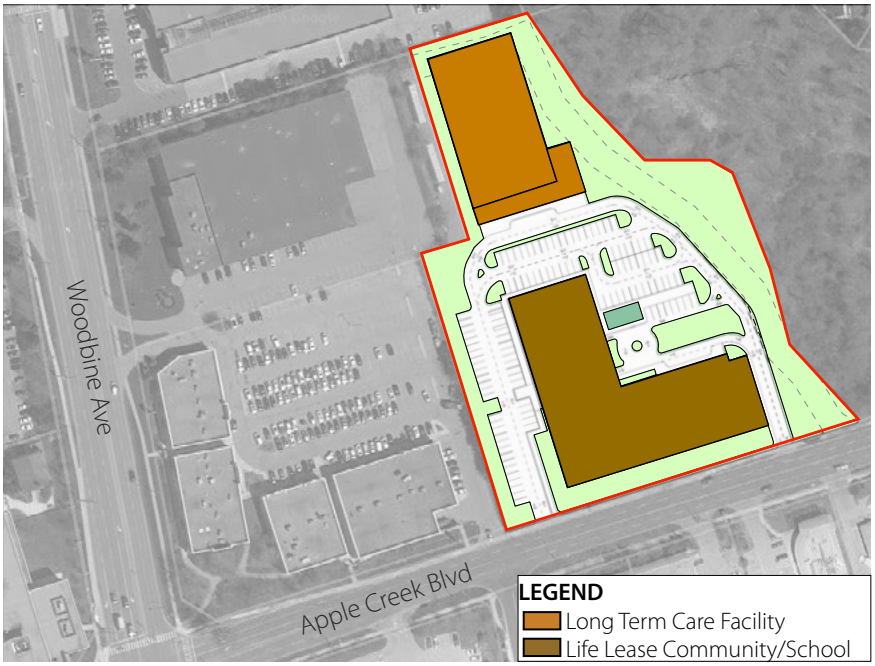
8.0
Rationale

In order to confirm the appropriateness of the proposal, we have undertaken an assessment of a number of the proposal's design parameters and balanced those with the objectives of establishing a LTC facility, life lease community and multi-purpose learning centre on the subject lands.

Specifically, we have undertaken an assessment of land use, height, vehicular and sustainable transportation hierarchies, amenity spaces and active building frontages and balanced those considerations with both the City of Markham's design direction and functional requirements for a successful mixed-use development. This assessment allowed us to determine fit and compatibility relative to the surrounding context and the planned character of the emerging community.

The following pages provide a summary of our findings.

Land Uses



The vision for the subject lands involves redeveloping the site into a mixed-used structure used for a life lease community and multi-purpose learning centre, as well as the construction of a new LTC facility.

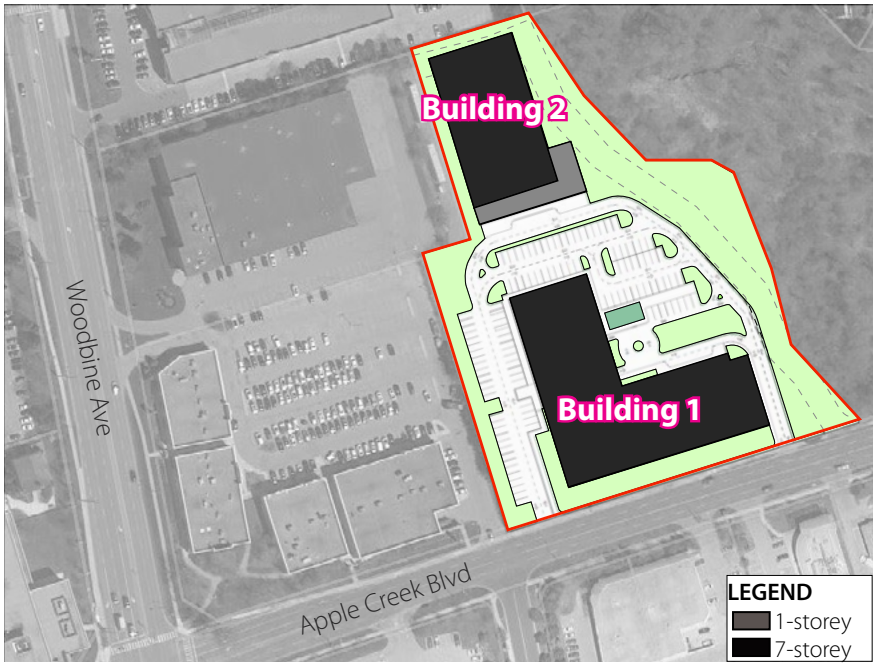
The proposed assisted living facility is a desirable use for the City as it will provide a greater diversity of housing tenure that will assist residents who prefer some aspects of both home ownership and rental agreements given their household size and composition, their stage of life, and level of ability, or their economic status. The life lease housing concept is more affordable than similarly sized condominium units in the area and provides a greater level of housing security than renting with less maintenance responsibilities compared to home ownership. The restaurants, retail establishments and commercial-service uses that surround the subject lands provide everyday goods and services within walking distance, which promotes an accessible and active lifestyle for seniors. In addition, the multi-purpose learning centre located at the ground floor of this building has the opportunity to provide human services and cultural programming that meet the needs of people of all ages, backgrounds and capabilities. Therefore, following Official Plan policy, the vision for Building 1 is to provide new community infrastructure that : 1) allows for the sharing of facilities including programming; 2) promote the development of flexible multi-purpose facilities which can be adjusted to meet the varied needs of residents; and 3) encourage clustering of community services within multi-purpose facilities or mixed-use neighbourhoods.

The addition of a new LTC facility (Building 2) will allow residence of the life lease community, as well as those in the surrounding low-rise residential neighbourhoods to age in place, within their chosen community, even when their level of required care intensifies.

These land uses are considered compatible with the surrounding context, which features other nearby health services, education facilities and schools, and will provide opportunities for co-op placements, after-school programs, summer camps and youth training. Furthermore, the mixed-use nature of this vision will provide a diversity of employment opportunities that will fit harmoniously into the area's employment context.

Markham Official Plan Policy Reference:
4.1.1.2; 4.1.2; 4.1.2.6 a); 4.1.2.7; 4.1.3.1 c); and 4.4.1.3 a)

Building Heights and Orientation



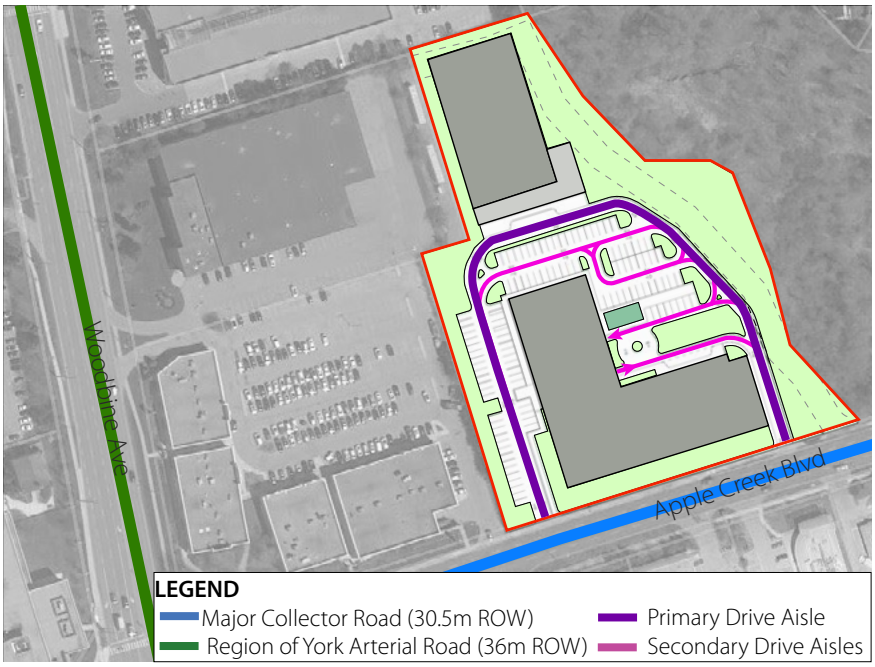
The proposal will include two buildings, both 7 storeys in height with Building 2 featuring a 1-storey dining room portion (podium) extending from the south facade. The proposal is designed to provide a transition in use and activity levels across the subject lands. Accordingly, the more private LTC facility (Building 2) is located to the north, whereas the more public and active uses are directed towards the south, located within Building 1 which fronts onto Apple Creek Boulevard. These design interventions increase the opportunities for active building frontages at grade, directed towards the public realm. This offers opportunity for high quality architecture and fenestration to further enhance the development's presence along Apple Creek Boulevard while also offering an ample landscape setback to beautify the streetscape and creates an attractive building frontage that is comfortable for pedestrians passing by.

The 7-storey building heights are considered compatible with the surrounding context as the subject lands are well separated from sensitive land uses, such as other residential developments, where on-looking would be a concern. In addition, the proposed building heights take advantage of the extensive greenway system bordering the east edge of the subject lands by enhancing views and vistas of natural heritage features (i.e., the Rouge River).

Overall, the proposal will complement the emerging character and quality of existing built form through moderate intensification along Apple Creek Boulevard.

City of Markham Official Plan Policy Reference:
6.1.2.4; 6.1.2.5; 6.1.5.4 and 6.1.8.4 a), d)

Vehicular Movement Hierarchy

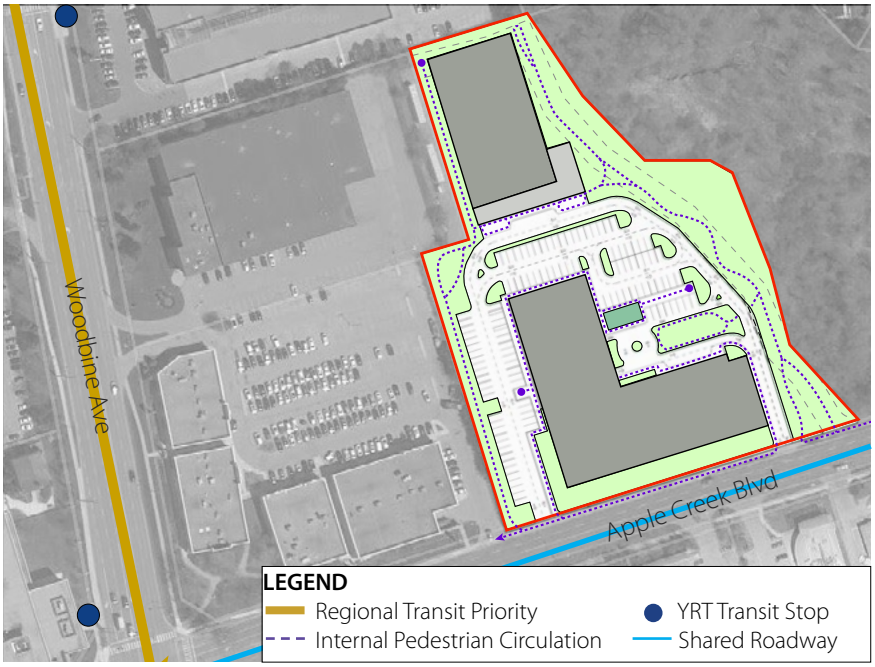


The proposal will connect with the existing regional and local road system, consolidating site vehicular access to two points along Apple Creek Boulevard to ensure the majority of this streetscape is preserved for built form, soft landscaping and active building frontages. Parking on site will make use of existing asphalt and will be located towards the west and rear of Building 1, predominately screened from view along Apple Creek Boulevard. Along the west property line parking will be screened by existing mature trees, and additional vegetative plantings that will soften the appearance of the site from the adjacent commercial plaza. Vegetative plantings will also help screen and soften the appearance of surface parking internal to the site.

Additional parking for Building 1 and 2 will be located underground, below these respective structures, where garbage and loading facilities will also be consolidated in order to minimize visual impact from the public realm, ensuring an attractive presence from the street. Each building is provided with a vehicular drop-off area that will ease resident arrival and departure and improve emergency vehicle access; keeping these areas away from the parking drive aisles to ensure ease of access and reduced vehicular congestion on site. A primary drive aisle is proposed along the perimeter of the site to further reduce vehicular congestion and parking interference.

City of Markham Official Plan Policy Reference:
6.1.8.4 h) vi., vii.; and 6.1.8.7

Sustainable Movement Hierarchy



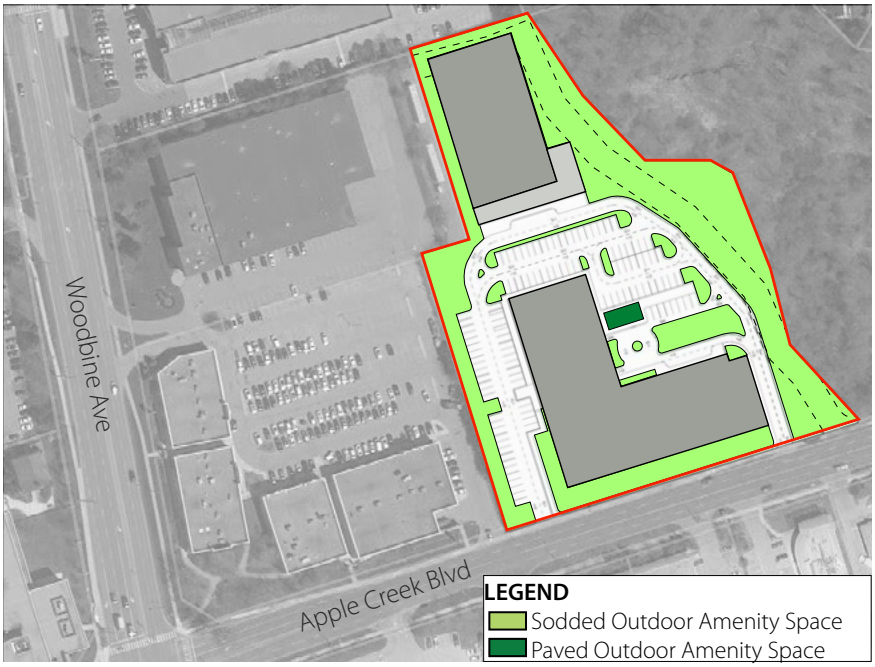
The vision promotes a mixed-use community that is well connected to sustainable transportation options and promotes active movement where feasible. The 10m landscape setback along the easterly greenway system provides an opportunity for a comfortable walking trail or multi-purpose pathway that creates a clear and logical pedestrian connection from the sidewalk along Apple Creek Boulevard to the public sidewalk and to the paths that surround the buildings and lead to primary building entrances. This also increases accessibility to the existing and future transit options in the area.

The subject lands benefit from being located in close proximity to commercial retail and commercial services as well as compatible land uses (i.e., local schools and residential communities) which promotes walkability for everyday amenities and access (e.g., groceries, medical services, after school programs). In addition, the subject lands are located in proximity to shared roadways along Apple Creek Boulevard and Rodick Road, which further connect to designated bike lanes along Highway 7. Therefore, this development takes advantage of a multi-modal approach for residents, employees and visitors. Short term and long term bicycle parking will be accommodated to ensure sustainable transportation options are encouraged for residents, employees and visitors.

The Subject Lands are located approximately 139.6 m away from Woodbine Avenue, which is designated a Regional Transit Priority Network that connects to Highway 7, a designated Regional Rapid Transit Corridor. These transit connections improve the subject land's local and regional accessibility to prominent locations such as Downtown Markham, Richmond Hill, Vaughan and Toronto. High quality transit helps to improve the subject lands accessibility for its more vulnerable senior and youth users.

City of Markham Official Plan Policy Reference:
6.1.8.4 b); 6.2.3.1 a); 6.1.3.4 c) iv.; 7.1.1.5 a)

Amenity Areas



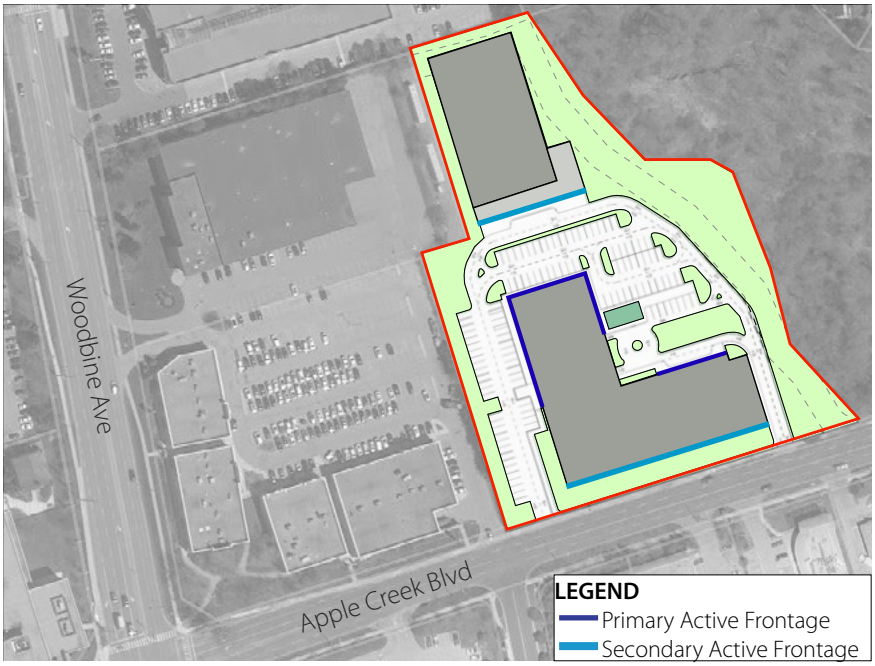
The vision for the Subject Lands deploys both a soft- and hardscape environment for outdoor amenity and congregation. For instance, Building 1, which fronts onto Apple Creek Boulevard, offers an attractive landscape setback to the south that wraps around the building's east and west facade to connect with the public sidewalk and paved pathways located at the building's rear. This landscaped open space allows for ground floor uses to spill-out towards the public realm. Additionally, the development contemplates: 1) a landscape setback along the west property line; 2) a treed greenspace adjacent to the north of Building 1's drop off area; and 3) a 10 m landscape setback adjacent to the greenway system to the east. These softscape areas provide areas for passive recreation and contemplation for residents, employees and visitors.

The development also envisions a paved amenity space at the rear of Building 1 that is more accessible for seniors in a wheelchair or with restricted mobility. This amenity space is located along the secondary active frontage of Building 1, making the space more private, while also encouraging informal congregation and gathering of the multi-generational users of this mixed-used building.

The opportunity for outdoor amenity space on building balconies and the application of rooftop amenity spaces that take advantage of the natural heritage views towards the east will be explored at the more detailed design stage.

City of Markham Official Plan Policy Reference:
6.1.8.1; 6.1.8.4 h) iii.; 6.1.8.5;

Active Frontages



The proposal provides opportunities for active frontages along Apple Creek Boulevard, a public street located to the south of the subject lands. Ground floor animation can include uses such as classrooms, the life lease community lobby, and/or indoor amenity spaces. Opportunities for fenestration, clear glazing and spill-out areas towards the public realm will be explored to allow Building 1 to engage with the public realm. Prioritizing building animation and active frontages along Apple Creek Boulevard helps to ensure that the proposal supports transit and active transportation investments of the City and Region by directing activity towards these connections.

Internal to the site, secondary active frontages have been identified for Building 1, which contemplates clear glazing, spill-out opportunities and informal surveillance onto adjacent amenity spaces. Building 1's secondary active frontage is located along its west and rear facade, overlooking the paved amenity space at the building's rear, and is directed towards Building 2 to create an active interplay between the two built forms.

The primary active frontage of the LTC facility (Building 2) faces the site internally, towards Building 1, and helps to animate the north portion of the subject lands. Ground floor animation is provided by the 1-storey dining room that extends off the 7-storey building along the south facade.

City of Markham Official Plan Policy Reference:
6.1.8.7 a)

9.0
The Request

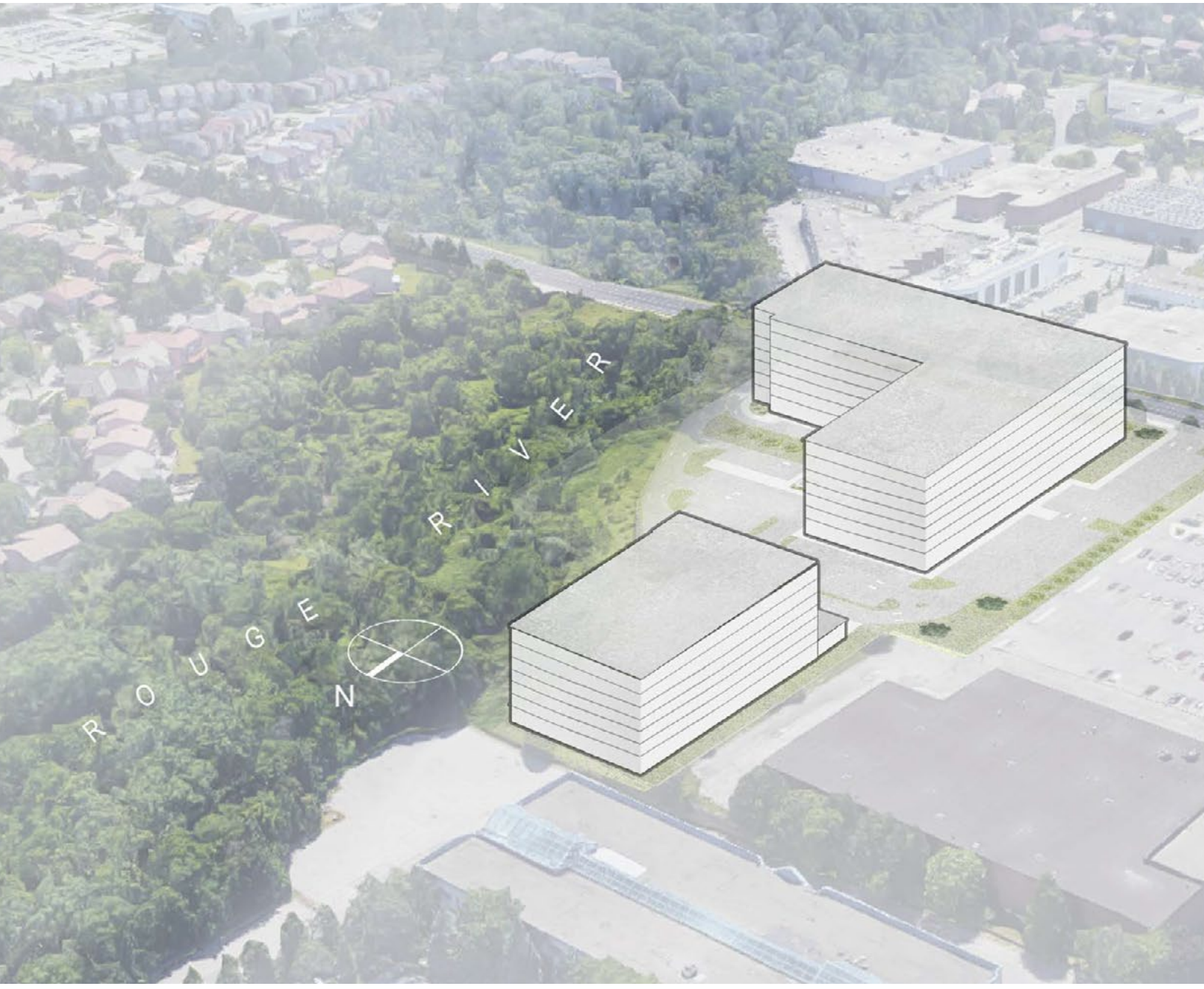
The vision for the subject lands is the creation of a mixed-use community with emphasis on high-quality health care and education opportunities. This vision will be achieved in an intensified form that supports the existing community by allowing residents to age in place and by providing synergies with surrounding land uses such as existing schools, community services and facilities and helps to support the diverse needs of Markham's residences.

A primary component of this vision is building a new LTC facility and life lease community (i.e., assisted living community) that will allow for a full spectrum of care for the City of Markham's diverse and growing senior population. This vision offers the opportunity for a unique tenure framework that increases senior housing options and affordability. The subject lands make an ideal location for seniors housing in Markham as they are able to leverage local and regional health care services and facility connections, which are important in the successful provision of holistic healthcare.

Seniors living and care is well complemented by the vision for a multi-purpose learning centre that includes a vocational training centre for PSWs. By providing training programs for healthcare workers on site ensures a consistent supply of high-quality employees for both the life lease community and LTC facility. The programming of this space also has the potential to change and adapt based on the time of day, or as the needs of the community change and grow. Therefore, the vision boasts a flexible multi-purpose facility where the opportunity to incorporate youth and adult heritage programs exists, which will promote multi-generation interaction on site in the achievement of a complete community.

To implement the vision, an Official Plan and Zoning By-law amendment would be required which would normally take 18 to 24 months. Furthermore, given the subject lands are employment and part of a Provincially Significant Employment Zone, they would require a conversion to non-employment purposes, the window for which consideration of conversion could be made has passed. In order to advance this project, we request the support of the City to help secure land use approvals by means of a Minister's Zoning Order (MZO) to expedite the approvals process such that construction can begin in late 2021 or early 2022, aiming to have the development fully completed in approximately 2.5 years. It is believed that this request aligns with Official Plan Policy and the City's goal to work in collaboration with the development industry, community partners, and senior levels of government to ensure the timely processing of affordable and shared housing projects.

The 2020 Covid-19 pandemic has shed light on the need for quality long term care for seniors in Ontario, as well as the vulnerabilities that seniors and culturally diverse newcomers face in this country. Issuing an MZO for the subject lands will assist in increasing the supply and accommodating the demand for quality and more affordable seniors care in Markham. This proposal will provide a excellent example of a mixed-use, program flexible, multi-generational and culturally diverse development where people can live, learn, work and play in harmony.


ROUGE RIVER
N

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

230 - 7050 WESTON ROAD / WOODBRIDGE / ON / L4L 8G7 / P: 905.761.5588 / F: 905.761.5589 / W: WWW.MHBCPLAN.COM

Appendix "D"

ONTARIO REGULATION XXX/21
made under the
PLANNING ACT

ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Application
1. This Order applies to,
(a) lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being PIN 0304-3000(LT) and municipally addressed as 36 Apple Creek boulevard, and being the lands identified on a map numbered XXX and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Definitions
2. In this Order

"accessory", when used to describe a use, building or structure, means a use, building or structure that is normally incidental or subordinate to a principal use, building or structure located on the same lot, including but not limited to,

(a) a commercial school,
(b) a business office,
(c) a restaurant,
(d) a restaurant, take-out,
(e) a financial institution,
(f) a retail store,
(g) a medical office,
(h) a personal service shop,
(i) a community centre,
(j) a use operated by a public authority
(k) a place of worship, and
(l) a health centre

“institutional use” means a Building or part of a Building containing uses such as Places of Worship, Community Centres, libraries, or government offices.

"long-term care home" has the same meaning as in the *Long-Term Care Homes Act, 2007*;

"retirement home" means a *building* or part of a *building* that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided, and is licensed under the *Retirement Home Act*.

"zoning by-law" means Zoning By-law 165-80 and 28-97 of the City of Markham.

Permitted uses - Markham
3. (1) Every use of land and every erection, location or use of any building or structure is prohibited on those lands described in clause 1 (a), except for the following:

(2). In the area shown as “M.C. 40%” on the map described in section 1,
1. Retirement Homes
2. Long Term Care Homes
3. Accessory uses to any other permitted use.

(3) In the area shown as “O1” on the map described in section 1,
1. no buildings or structures are permitted within the O1 zone.

Zoning requirements - Markham
4. (1) The zoning requirements for the area shown as “M.C. 40%” on the map described in section 1 are the requirements set out in Parking Standards By-law 28-97 and below:

1. The minimum front yard setback is 9.0 metres,
2. The minimum setback to any other yard 5.5 metres,
3. The minimum distance between buildings is 11 metres,
4. The maximum height is 25 metres,
5. The maximum floor area ration is 250%,
6. The minimum setback to a top of bank as defined by the Toronto and Region Conservation Authority is 10 metres,
7. The minimum number of required parking spaces:
   Retirement home – 0.5 spaces per unit
   Long-term care home - 0.5 spaces per bed
   Accessory uses – 1 space per 40 square metres of net floor area of the use.

Terms of use

5. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

(5) All other parts of By-Law 165-80, not inconsistent with this order shall apply to the lands

Deemed by-law

6. (1) The parts of this Order that pertain to the City of Markham are deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Markham.

MAP No.

Map filed at the office of the Ministry of Municipal Affairs and Housing
777 Bay St.Toronto, Ontario

The Planning Act

Ontario Regulation

Date

Original Signed By

Registrar of Regulations Office

LEGEND

- Boundary of Zoning Area
- M.C. 40% Zone
- O1 Zone

0 12.5 25 50 75 100 Meters

Report to: Development Services Committee Report Date: February 8, 2021

APPENDIX "E"

City of Markham
Matters for Consideration as Part of a Future Site Plan Approval Application
Mon Sheong Foundation
36 Apple Creek Boulevard
Minister's Zoning Order

The matters for consideration in a future Site Plan Approval application by Mon Sheong to the City of Markham shall include, but not be limited to, the following:

1. Mon Sheong shall ensure that a future Site Plan Approval application shall include, but not limited to, the following matters, to the satisfaction of the Commissioner of Development Services:

    a) a site plan and building elevation drawings
    b) underground parking garage layout plans
    c) grading
    d) servicing
    e) other engineering drawings
    f) landscape plans
    g) studies and reports which are required to comply with the requirements of the City and external agencies including, but not limited to:

        i) an environmental site assessment
        ii) a comprehensive traffic and transportation study
        iii) sight line analyses
        iv) geotechnical top of bank study
        v) scoped environmental impact study
        vi) wind impact study
        vii) sun/shadow study

2. That Mon Sheong shall obtain a permit from the Toronto and Region Conservation Authority.

3. That Mon Sheong shall obtain approval from Buttonville Airport.

4. That Mon Sheong acknowledges the requirements in support of a submission of a future Site Plan Approval application must be identified at a scheduled Pre-Consultation Meeting with Staff and the required public agencies.

ONTARIO REGULATION XXXX
ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Application

1. This Order applies to,
(a) Lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being the lands identified on a map numbered XXX and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Permitted uses — Markham

2. (1) Every use of land and every erection, location or use of any building or structure is prohibited on those lands described in clause 1 (b), except for the following:

1. In the area shown as "R2" on the map described in section 1,

   i) the uses identified in the City of Markham Zoning By-law 177-96 for the Residential Two (R2) Zone, and
   ii) one accessory dwelling unit located within a single detached, semi-detached, or townhouse dwelling.

2. In the area shown as "R4" on the map described in section 1,

   i) The uses identified in the City of Markham Zoning By-law 177-96 for the Residential Four (R4) Zone
   ii) Retirement Homes
   iii) Business Offices
   iv) Medical Offices
   v) Retail Stores
   vi) Restaurants
   vii) Supermarkets
   viii) Personal Service Shops

(3) Despite subparagraph 2 i of subsection (1), the following uses are not permitted in the area shown as "R4" on the map described in section 1:
1. Multiple dwellings.

Zoning requirements — Markham

3. (1) The zoning requirements for the area shown as "R2" on the map described in section 1 are the requirements for the uses set out in section 5 Table B2 of the City of Markham Zoning By-law 177-96 and Parking Standards By-law 28-97, with the following exceptions:
1. The maximum number of single detached dwelling units is 250.
2. The maximum number of townhouse dwelling units is 250.

(2) The zoning requirements for the area shown as "R4" on the map described in section 1 are the requirements for the uses set out in section 5 Table B6 of the City of Markham Zoning By-law 177-96 and Parking Standards By-law 28-97, with the following exceptions:
1. The minimum rear yard setback is 11 metres.
2. The minimum number of apartment dwelling units is 300.
3. Business offices, medical offices, retail stores, restaurants, supermarkets, and personal service shops shall be located on the ground floor of any building.
4. Business offices and medical offices are also permitted on the second floor of a building that does not contain apartment dwellings.
5. The maximum gross floor area of any individual unit containing a business offices, medical offices, retail stores, supermarket, or personal service shops shall be 3000 square metres.
6. The maximum combined gross floor area of all non-residential uses including business offices, medical offices, retail stores, supermarket, or personal service shops shall be 6000 square metres.

Terms of use

4. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.
(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.
(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.
(5) All other parts of By-Law 177-96, not inconsistent with this order shall apply to the lands

Deemed by-law
7. (1) The parts of this Order that pertain to the City of Markham are deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Markham.

Comments to Province on Minister's Zoning Order request by Flato Developments Inc. for 5474 and 5662 19th Avenue

Development Services Committee
February 8, 2021

Flato Minister's Zoning Order (MZO) Request

Flato Developments Inc. has requested an MZO to permit residential development on 32 hectares of land at 5474 and 5662 19th Avenue

Province has requested comments from the City

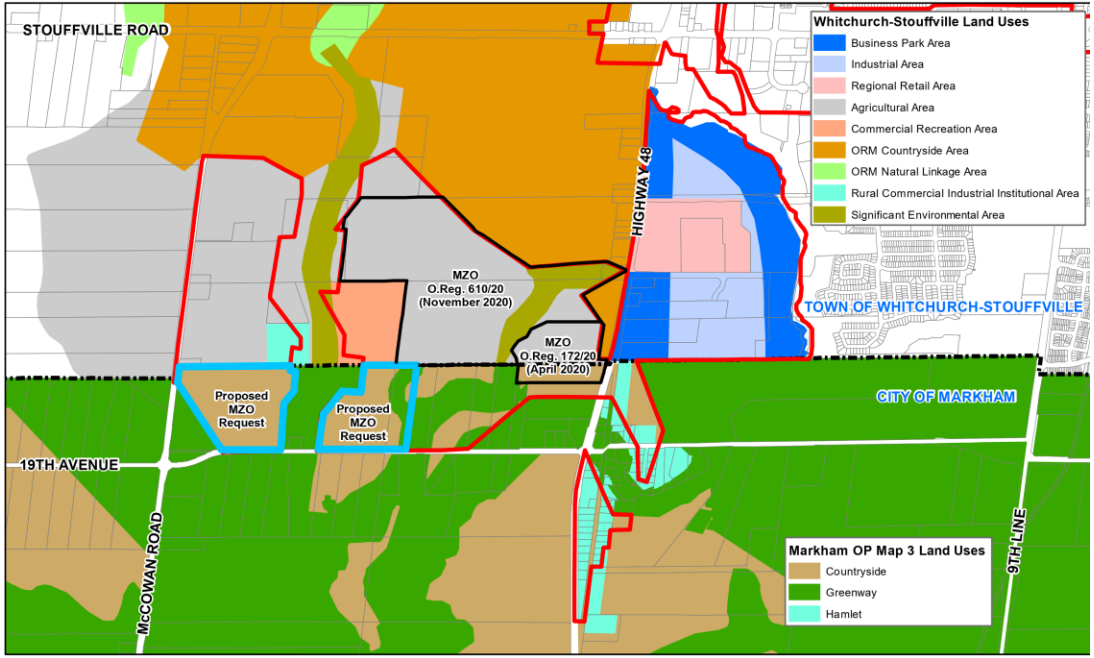


FIGURE 1 Location of Approved and Requested Minister's Zoning Orders by Flato Developments Inc.

Whitchurch-Stouffville Highway 48 Land Use Planning Study
Minister's Zoning Order Boundaries
Proposed Minister's Zoning Order Request Boundary

Minister's Zoning Order

- The *Planning Act* allows the Minister of Municipal Affairs and Housing to zone lands through a Minister's Zoning Order (MZO)

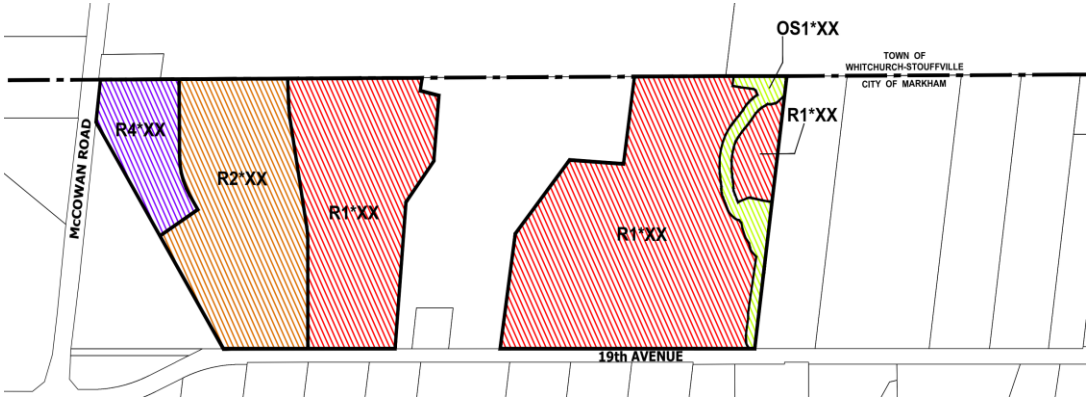
- MZOs are intended to be used to protect or facilitate matters of provincial interest and the Minister's decision is required to be consistent with the Provincial Policy Statement

- MZOs override local official plans and zoning by-laws

Flato MZO Request

The MZO request is seeking to permit:

- 325 to 485 single-detached dwellings (R1 Zone),
- 190 to 380 townhouses (R2 Zone), and
- two 6-8 storey apartment buildings of 240 to 320 units (R4 Zone)



LEGEND

- Boundary of Zoning Area
- R1*XX - Residential 1 (R1*XX) Zone
- R2*XX - Residential 2 (R2*XX) Zone
- R4*XX - Residential 4 (R4*XX) Zone
- OS1*XX - Open Space 1 (OS1*XX) Zone

City Staff Recommendation 1

Recommendation #1 – That the City of Markham not support the Minister's Zoning Order (MZO) request by Flato Developments Inc., for the lands at 5474 and 5662 19th Avenue and that the requested urban boundary expansion be considered instead through York Region's current MCR

- York Region is undertaking a Land Needs Assessment (LNA) as part of its Official Plan Review to inform land use needs and allocate population and employment growth to area municipalities to 2051
- The LNA will apply a region-wide approach to determine how much growth can be accommodated within the current urban boundary and how much additional land, if any, is needed through urban boundary expansions
- The LNA is expected to be released in the coming months, and Markham Council will have an opportunity to consider implications of forecast on city-wide basis
- Staff are of the opinion that the MZO request is premature pending completion of York Region's MCR

City Staff Recommendation 2

Recommendation #2 – Should the Minister determine it appropriate to issue an MZO, it is recommended that the Minister consider the zoning standards in Appendix 'D' attached to this staff report.

- Although staff does not support the Flato MZO request revised zoning standards are provided for the Minister's consideration should an MZO be issued for these lands:
  - Townhouses be distributed through the R1 and R2 designations in the Flato draft MZO to facilitate on-street parking, street tree planning and more appropriate streetscape;
  - R1 designation be replaced with R2 designations, with uses restricted to only single-detached dwellings, townhouse dwellings, accessory dwelling units, home child care, and home occupations.
  - That OS zone be revised to reflect the Greenway designation in the Markham Official Plan, 2014.

Next Steps

- Staff recommends this report be forwarded to the Ministry of Municipal Affairs and Housing, York Region and Town of Whitchurch-Stouffville as the City's comments on the MZO request submitted by Flato Developments Inc. for 5474 and 5662 19th Avenue.

Thank you

Report to: Development Services Committee Meeting Date: February 8, 2021

SUBJECT: City of Markham Comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 2)

PREPARED BY: Liliana da Silva, R.P.P., M.C.I.P., Senior Planner, Policy & Research (x. 3115)

REVIEWED BY: Darryl Lyons, R.P.P., M.C.I.P., Manager of Policy, Policy & Research (x. 2459)
Marg Wouters, R.P.P., M.C.I.P., Senior Manager, Policy & Research (x. 2909)

RECOMMENDATION:

1) That the report entitled, "City of Markham Comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue (Ward 2)", dated February 8, 2021, be received;
2) That this report be forwarded to the Ministry of Municipal Affairs and Housing, York Region, and the Town of Whitchurch-Stouffville as the City of Markham's comments on the Minister's Zoning Order (MZO) request submitted by Flato Developments Inc. for 5474 and 5662 19th Avenue;
3) That the City of Markham not support the Minister's Zoning Order (MZO) request by Flato Developments Inc., for the lands at 5474 and 5662 19th Avenue and that the expansion of Markham's urban boundary needed to accommodate the development be considered instead through York Region's current Municipal Comprehensive Review;
4) Should the Minister determine it appropriate to issue an MZO, it is recommended that the Minister consider the zoning standards in Appendix 'D' attached to this staff report;
5) And further that staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides City of Markham's comments on a request for a Minister's Zoning Order (MZO) by Flato Developments Inc. (Flato) to permit 325 to 485 single-detached dwellings, 190 to 380 townhouses, and two 6-8 storey apartment buildings of 240 to 320 units on lands at 5474 and 5662 19th Avenue in northeast Markham.

BACKGROUND:

The Ministry of Municipal Affairs and Housing has asked the City of Markham for comments on a Minister's Zoning Order request from Flato Developments Inc.
The *Planning Act* authorizes the Minister of Municipal Affairs and Housing to issue an MZO to control the use of land anywhere in Ontario. MZOs prevail over local Official Plans and zoning by-laws, and they are intended to be used to protect matters of provincial interest. A minister's decision on an MZO application is required to be consistent with the Provincial Policy Statement in accordance with the *Planning Act*.

On January 5, 2021, the Ministry of Municipal Affairs and Housing requested City of Markham comments on a November 2020 request by Flato for an MZO to permit residential development on 32 hectares of lands municipally known as 5474 and 5662 19th Avenue. The Flato MZO request is attached as Appendix 'A' and Ministry request for comments is attached as Appendix 'B'. The subject lands are shown in Figure 1.

Site and Area Context
The subject lands are generally located east of McCowan Road, and north of 19th Avenue, wholly within the City of Markham. The request is to permit 325 to 485 single-detached dwellings, 190 to 380 townhouses, and two 6-8 storey apartment buildings containing a total of 240 to 320 units.

The subject lands are to the south and west of two recent MZOs granted to Flato, also shown in Figure 1, one of which included approximately 3.5 ha in Markham near Highway 48. MZO O.Reg. 172/20 permits 353 dwelling units on 8.4 hectares in Whitchurch-Stouffville, and an additional 154 units on 3.5 hectares within the City of Markham. Markham Council supported that proposal on the basis that the MZO require a range of a minimum of 120 to a maximum of 500 purpose built rental seniors units and 34 market ownership townhouse units with accessible ground floor secondary suites; and that Flato be requested to work with the City of Markham to incorporate various housing types including but not limited to bungaloft, duplexes, bungalow townhouses, etc.

A second MZO O.Reg. 610/12, was approved in November 2020 for approximately 60.14 hectares of lands owned by Flato in the Town of Whitchurch-Stouffville located to the north and west of the April 2020 MZO lands. The November 2020 MZO permits residential development (estimated at approximately 1,964 units) of various densities along with retail and service commercial uses. According to the August 25, 2020, Whitchurch-Stouffville Council staff report, the November MZO could yield approximately 151 to 238 single-detached dwelling units in the low-density residential areas, 373 to 995 units within the medium density residential area and 418 to 731 units within the high density residential and mixed use areas. A park, a school, mixed-use areas and a neighbourhood commercial block are proposed to provide for local retail, neighbourhood service commercial and employment opportunities for the community.

Both of these approved MZOs are within the study area of the Whitchurch-Stouffville Highway 48 Visioning Exercise, the purpose of which was to identify potential areas of

future urban boundary expansion in Whitchurch-Stouffville. Given the approval of the MZOs, the scope of the study has been recently changed to that of a land use planning study. Markham staff has been participating in the study and will be reporting back to Markham Development Services Committee with an update on the nature of the change of scope and direction for continued staff involvement.

Proposal

The MZO request is seeking development permissions in accordance with the Residential One (R1) Zone, Residential Two (R2) Zone, Residential Four (R4) Zone, and Open Space (OS1) Zone in By-law 177-96, with the exceptions to allow the following:

- minimum lot frontage of 11.5 metres and minimum lot area of 345 square metres in the R1 Zone;
- minimum lot frontage on a lot not accessed by a lane of 6 metres and maximum height of 12 metres in the R2 Zone; and
- minimum rear yard setback of 11 metres and number of apartment dwelling units of between 120 minimum and 500 maximum in the R4 Zone.

Figure 2 provides the proposed zoning within the subject lands.

Official Plan and Zoning

York Region Official Plan 2010

The lands within the Flato MZO request are designated Agricultural Area in the York Region Official Plan (YROP) and outside of the Urban Area. According to the YROP lands outside of the Urban Area can only be considered for urban development through a Municipal Comprehensive Review (MCR).

Markham Official Plan, 2014

The subject lands are designated ‘Countryside’ and ‘Greenway’ in the Markham Official Plan (see Figure 1). The lands are located outside of the City’s urban boundary and are identified as prime agricultural lands to be used mainly for agricultural uses. Markham’s Official Plan policies state that expansions to the urban area shall only be initiated in conformity with the Growth Plan and YROP.

In both the YROP and Markham Official Plan the lands are identified as lands outside the urban area and outside the Greenbelt Plan Area, which could potentially be identified for urban development through a future MCR.

Zoning

The subject lands are zoned A1 (Agriculture) and RR4 (Rural Residential) in zoning by-law 304-87, as amended.

DISCUSSION:

The MZO request is premature pending completion of York Region's MCR
York Region is undertaking an Official Plan Review through an MCR to plan for population and employment growth to 2051 in conformity with Provincial Plans including the Growth Plan, Greenbelt Plan, and Oak Ridges Moraine Conservation Plan.

A component of the MCR is a lands needs assessment that considers how the Growth Plan population and employment forecast for York Region to 2051 should be allocated to the nine local municipalities. Taking into account the minimum intensification target identified in the Growth Plan, minimum targets for designated greenfield areas and employment areas, as well as infrastructure needs, the land needs assessment determines how much growth can be accommodated within the current urban boundary and how much, if any, additional land is needed through urban boundary expansions. Undertaking a land needs assessment at a Region-wide scale ensures a comprehensive approach to growth management in an effort to, among other things, ensure efficient use of existing and future infrastructure.

York Region is expected to release a draft land needs assessment for consultation in the coming months which will identify the need and appropriate location for any required urban boundary expansion in Markham or elsewhere in the Region to 2051. Once the draft land needs assessment and forecast for Markham is released, Markham Council will consider the implications of the forecast on a City-wide basis.

As the lands with the Flato MZO request are outside the urban boundary and Markham Council has not yet considered how growth to 2051 should be directed, Markham staff is of the opinion that the request is premature pending completion of York Region's MCR and recommends that Council not support the Minister issuing an MZO in this location.

Notwithstanding the consideration of whether the subject lands are needed, or in the appropriate location to accommodate future growth, any development approvals should be done within the context of a comprehensive study (e.g., a secondary plan) for the area to ensure that appropriate infrastructure and public amenities are available to future residents of these lands. This includes, among other things, the protection and enhancement of natural heritage features, availability of an appropriate transportation network and servicing, and adequate and appropriately located community facilities such as parks and open space, schools, community centres and libraries. City of Markham staff have not had the opportunity to sufficiently evaluate any of these requirements to date. As an example, preliminary municipal servicing concepts propose that municipal drinking water be supplied from Whitchurch-Stouffville. Staff will therefore need further discussions with Legal, the Town and the Region to discuss cross border servicing issues and to confirm compliance with current legislation including the *Municipal Act*.

Recommendation #1: That the City of Markham not support the Minister's Zoning Order (MZO) request by Flato Developments Inc., for the lands at 5474 and 5662 19th

Avenue and that the requested urban boundary expansion be considered instead through York Region's current Municipal Comprehensive Review.

Should the Minister determine it appropriate to issue an MZO, it is recommended that the Minister consider zoning standards in Appendix 'D' attached to this staff report

Although staff does not support the Flato MZO request for the reasons stated above, the draft MZO from Flato has been reviewed and revisions are recommended to address the following matters:

- That the townhouses be distributed throughout the R1 and R2 designations in the Flato draft MZO to facilitate on-street parking, street tree planting and more appropriate streetscape;
- That the R1 designation be replaced with R2 designations, with uses restricted to only single-detached dwellings, townhouse dwellings, accessory dwelling units, home child care, and home occupations. The proposed R1 designation is not appropriate as it is more typically applied to areas that transition from larger lot developments to urban area developments. The introduction of restricted uses under the R2 designation is in line with City's design principles of two car garages on 11.6 metre lots, and would give flexibility to include housing mix smaller than 9 metre wide single-detached dwellings with single car garages; and
- The Open Space zones be revised to reflect the Greenway designation in the Markham Official Plan, 2014.

For details of the above staff recommended revisions to the draft MZO, refer to Appendix 'D' of the staff report.

Recommendation #2: Should the Minister determine it appropriate to issue an MZO, it is recommended that the Minister consider the zoning standards in Appendix 'D' attached to this staff report.

NEXT STEPS:

Staff recommends that this report be forwarded to the Ministry of Municipal Affairs and Housing, to York Region, and to the Town of Whitchurch-Stouffville as the City of Markham's comments on the Minister's Zoning Order request by Flato Developments Inc. at 5662 and 5474 19th Avenue.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

FINANCIAL CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The MZO request is not consistent with the Markham Official Plan 2014 which is captured in Goal 3, "Safe, Sustainable and Complete Community", Building Markham's Future Together, 2020-2023.

BUSINESS UNITS CONSULTED AND AFFECTED:
Planning and Urban Design, Engineering and Legal Departments were consulted on this report.

RECOMMENDED BY:

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

ATTACHMENTS:
Figure 1: Location of Approved and Requested Minister's Zoning Orders by Flato Developments Inc.
Figure 2: Draft Minister's Zoning Order Zoning from Flato Developments Inc.

Appendix 'A': Minister's Zoning Order Request from Flato Developments Inc.
Appendix 'B': Comment Request Letter from Ministry of Municipal Affairs and Housing
Appendix 'C': Draft Minister's Zoning Order from Flato Developments Inc.
Appendix 'D': City of Markham Staff Recommended Edits to Draft Minister's Zoning Order from Flato Developments Inc.

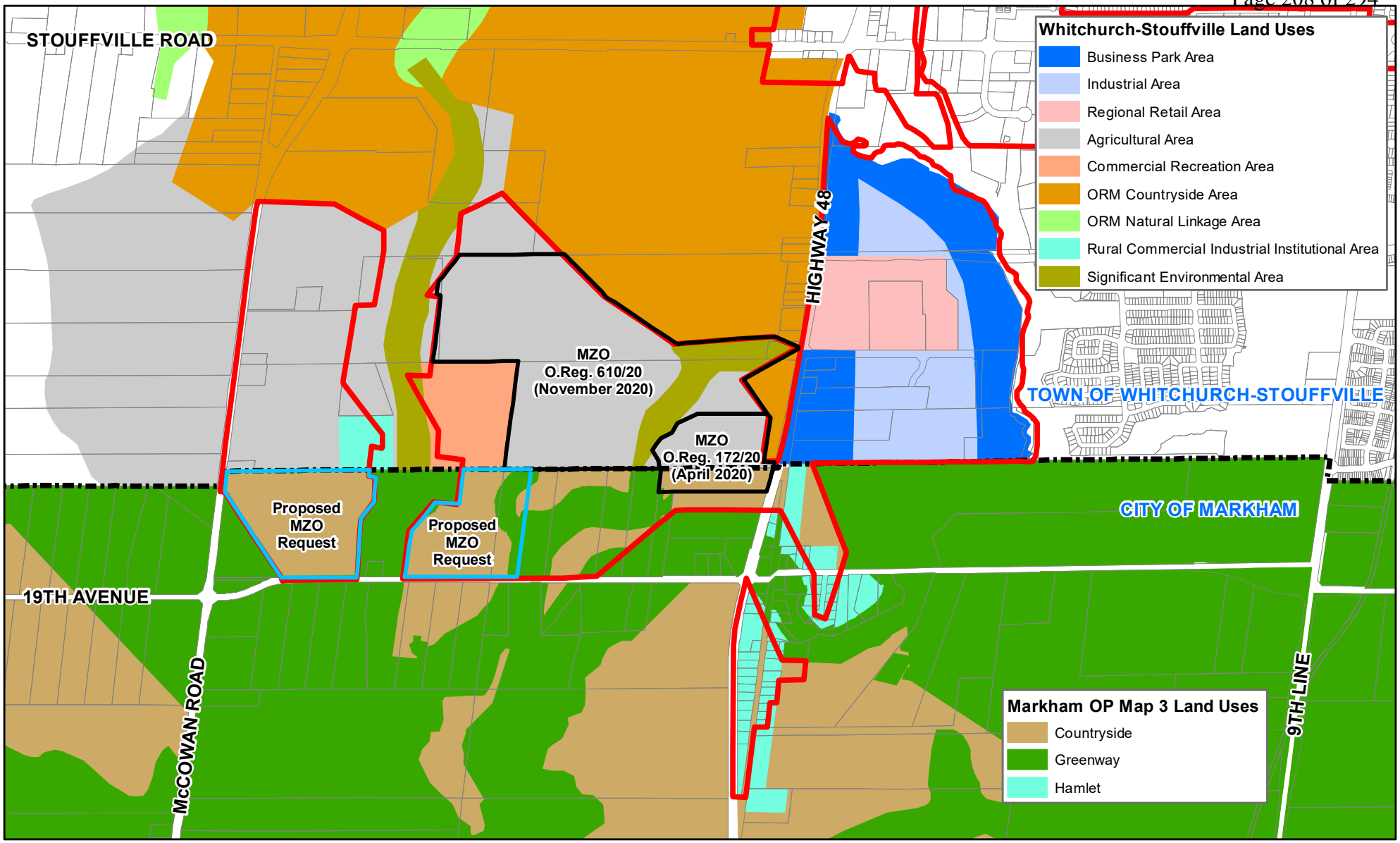


FIGURE 1

Location of Approved and Requested Minister's Zoning Orders by Flato Developments Inc.

Whitchurch-Stouffville Highway 48 Land Use Planning Study

Minister's Zoning Order Boundaries

Proposed Minister's Zoning Order Request Boundary

Q:\Geomatics\Departments\Planning\Policy\Liliana Da Silva\Flato MZO Request\Report Figures.mxd

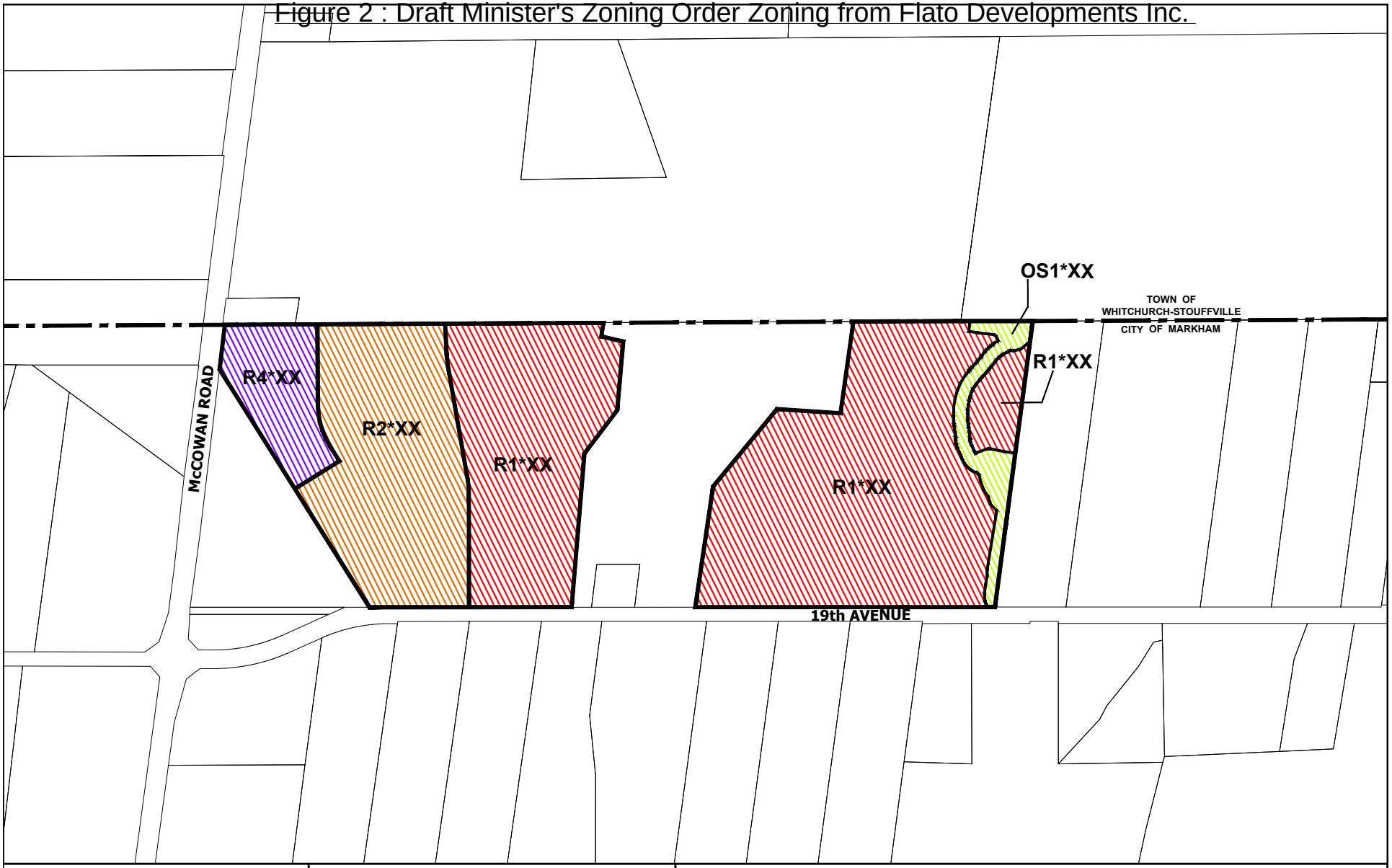
MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: RT

Checked By: LD

DATE: 4/11/2020

Figure 2 : Draft Minister's Zoning Order Zoning from Flato Developments Inc.



MAP NO. XXX

Map Filed at the office of the Ontario Ministry of Municipal Affairs and Housing
777 Bay Street, Toronto, Ontario

The Planning Act Ontario Regulation:
Date:
Original Signed By:

Registrar of Regulations Office

A REGISTRAR OF REGULATIONS ONTARIO

DATE: _____

_____

LEGEND

- Boundary of Zoning Area
- R1*XX - Residential 1 (R1*XX) Zone
- R2*XX - Residential 2 (R2*XX) Zone
- R4*XX - Residential 4 (R4*XX) Zone
- OS1*XX - Open Space 1 (OS1*XX) Zone

0 60 120 240 Meters

Katarzyna Sliwa
Partner

kat.sliwa@dentons.com
D +1 416 863 4628

Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

November 19, 2020

File No.: 568098-13

Hand Delivered

Hon. Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON M5G 2E5

Dear Minister Clark:

Re: Minister's Zoning Order ("MZO") Application Submission
Part of Lot 31, Concession 7
5474 19th Avenue and 5662 19th Avenue
City of Markham, Regional Municipality of York
Flato Developments Inc. ("Flato")

We are counsel for Flato with respect to the above noted matter.

Flato is the owner of approximately 32 hectares in the City of Markham, north of 19th Avenue, east of McCowan, municipally known as 5474 19th Avenue and 5662 19th Avenue (the "Lands"). The Lands are within the boundary of the ongoing Highway 48 Visioning Study, which is being jointly undertaken by the Town of Whitchurch-Stouffville and the City of Markham, which identifies the Highway 48 Corridor as offering a significant opportunity for growth. The Lands are adjacent to the lands in the Town of Whitchurch-Stouffville that are subject to O. Reg 610/20, the MZO issued on October 30, 2020, and in proximity to the lands that are subject to O.Reg 172/20, the MZO issued on April 24, 2020 (together, the "Existing MZOs").

The purpose of this MZO is to further facilitate the development of the Highway 48 Corridor in a manner that aligns with the Highway 48 Visioning Study and builds upon the Existing MZOs to create a complete community that respects the surrounding Oak Ridges Moraine Conservation Plan and Greenbelt Plan areas. The proposed development, as shown on the attached Concept Plan, provides for approximately 325 to 485 single detached dwellings, 190 to 380 townhouses, and two six to eight-storey apartment buildings totalling approximately 240 to 320 units. The Concept Plan also provides the Existing MZOs with access to 19th Avenue.

The proposed development addresses several of the Province's priorities set out in the *More Homes, More Choice* action plan. It will increase housing supply and bring that supply to market quickly, while respecting and maintaining Ontario's strong environmental protections, and enabling the creation of a complete community within the Highway 48 Corridor.

Durham Jones & Pinegar ► LEAD Advogados ► Rattagan Macchiavello Arocena ► Jiménez de Aréchaga, Viana & Brause ► Lee International ► Kensington Swan ► Bingham Greenebaum ► Cohen & Grigsby ► Sayarh & Menjra ► Larraín Rencoret ► For more information on the firms that have come together to form Dentons, go to dentons.com/legacyfirms

In support of this MZO application, please find the following materials enclosed:

- Two (2) copies of the Concept Plan, prepared by Bousfields Inc., dated November 17, 2020 (a copy of which is attached hereto as Appendix 1);
- Two (2) copies of the Planning Letter, prepared by Bousfields Inc., dated November 18, 2020;
- Two (2) copies of the Draft Zoning Order, prepared by Bousfields Inc.;
- Two (2) copies of the Functional Servicing and Stormwater Management Brief, prepared by C.F. Crozier & Associates Consulting Engineers, dated November 18, 2020;
- Two (2) copies of the Traffic Opinion Letter, prepared by C.F. Crozier & Associates Consulting Engineers, dated November 18, 2020;
- Two (2) copies of the Natural Heritage Features Screening and Delineation, prepared by SLR Consulting (Canada) Ltd., dated November 18, 2020;
- Two (2) copies of the Economic Contribution Study, prepared by Deloitte, dated June 2020; and
- One (1) USB drive containing a digital copy of the above noted materials.

Please do not hesitate to contact the undersigned if you have any questions regarding the foregoing. We thank you for your consideration of this request.

Yours truly,
Dentons Canada LLP

Katarzyna Sliwa
Partner

KS/ak

Enclosures

Copy: Client

Ministry of Municipal Affairs and Housing

Office of the Deputy Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100

Ministère des Affaires Municipales et du Logement

Bureau du ministre

777, rue Bay, 17e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100

Ontario

242-2021-1

January 5, 2021

Andy Taylor
Chief Administrative Officer
City of Markham
ataylor@markham.ca

Dear Andy Taylor:

The Ministry of Municipal Affairs and Housing has received a request from Flato Developments Inc. that the Minister make a Zoning Order under section 47 of the *Planning Act*. The proposal is for approximately 32 hectares of lands located north of 19th Avenue and east of McCowan Road, municipal addresses of 5474 19th Avenue and 5662 19th Avenue.

The request notes that the lands are adjacent to the lands subject to an existing Zoning Order, filed as Ontario Regulation 610/20; and the proposed concept plan sets out the development is for 325 to 485 single dwellings, 190 to 380 townhouses, and two 6 to 8-storey apartment buildings of 240 to 320 units.

Ministry staff are seeking your input on the proposed residential development.

Should you have any questions regarding this matter, please contact Maya Harris, Manager, Community Planning and Development, at 416-585-6063 or Maya.Harris@ontario.ca.

Yours truly,

K. Manson-Smith

Kate Manson-Smith
Deputy Minister

Appendix 'C': Draft Minister's Zoning Order from Flato Developments Inc.

DRAFT

ONTARIO REGULATION

Made under the

PLANNING ACT
ZONING ORDER - CITY OF MARKHAM,
REGIONAL MUNICIPALITY OF YORK

Application

1. This Order applies to lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being the lands identified on a map numbered XXX and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Permitted Uses

2. (1) Every use of land and every erection, location or use of any building or structure is prohibited on those lands described in clause 1, except for the following:

1. The uses identified in the City of Markham Zoning By-law 177-96 for the Residential One Exception *XX (R1*XX) in the area shown as "R1*XX" on the map described in section 1;
2. The uses identified in the City of Markham Zoning By-law 177-96 for the Residential Two Exception *XX (R2*XX) in the area shown as "R2*XX" on the map described in section 1;
3. The uses identified in the City of Markham Zoning By-law 177-96 for the Residential Four Exception *XX (R4*XX) in the area shown as "R4*XX" on the map described in scetion1; and
4. The uses identified in the City of Markham Zoning By-law 177-96 for the Open Space Exception *XX (OS1*XX) in the area shown as "OS1*XX" on the map described in section 1.

(2) Despite section 2 (1) (2), the following uses are not permitted in the area shown as "R2*XX* on the map described in section 1:

1. Semi-detached dwellings
2. Duplex dwellings
3. Triplex dwellings
4. Fourplex dwellings
5. Apartment dwellings

(3) Despite subsection (1), in all the Zone areas including Residential One (R1*XX), Residential Two (R2*XX), Residential Four (R4*XX) and Open Space (OS1*XX) zones, the following uses are permitted:

1. A stormwater management facility.
2. Flood and erosion control.

Zoning requirements

3. (1) The zoning requirements for the area shown as "R1*XX" on the map described in clause 1 are the requirements for the uses set out in Section 5 Table B1 of the City of Markham Zoning By-law 177-96 and Parking Standards By-law 28-97, with the following exceptions:

1. The minimum lot frontage is 11.5 metres.
2. The minimum lot area is 345 square metres.

(2) The zoning requirements for the area shown as "R2*XX" on the map described in clause 1 are the requirements for the uses set out in Section 5 Table B2 of the City of Markham Zoning By-law 177-96 and Parking Standards By-law 28-97, with the following exceptions:

1. The minimum lot frontage on a lot not accessed by a lane is 6.0 metres.
2. The maximum height is 12.0 metres.

(3) The zoning requirements for the area shown as "R4*XX" on the map described in clause 1 are the requirements for the uses set out in Section 5 Table B6 of the City of Markham Zoning By-law 177-96 and Parking Standards By-law 28-97, with the following exceptions:

1. The minimum rear yard setback is 11 metres.
2. The minimum number of apartment dwelling units is 120.
3. The maximum number of apartment dwelling units is 500.

(4) The zoning requirements for the area shown as "OS1*XX" on the map described in Section 1 are the requirements for the uses set out in Section 5 Table B9 of the City of Markham Zoning By-law 177-96.

Terms of use

4. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

5. This Order is deemed for all purposes, except the purposes of section 24 of the *Planning Act*, to be

and to always have been a by-law passed by the Council of the City of Markham.

Commencement

6. This Regulation comes into force on the day it is filed.

Appendix 'D': City of Markham Staff Recommended Edits to Draft Minister's Zoning Order from Flato Developments Inc.

ONTARIO REGULATION XXXX
ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Application
1. This Order applies to,
(a) Lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being the lands identified on a map numbered XXX and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Permitted uses — Markham
2. (1) Every use of land and every erection, location or use of any building or structure is prohibited on those lands described in clause 1 (b), except for the following:

1. In the area shown as "R2*647" on the map described in section 1,

   i) the uses identified in the City of Markham Zoning By-law 177-96 for the Residential Two (R2) Zone, and
   ii) one accessory dwelling unit located within a townhouse dwelling or single detached dwelling.

2. In the area shown as "R4*675" on the map described in section 1,

   i) the uses identified in the City of Markham Zoning By-law 177-96 for the Residential Four (R4) Zone

(2) Despite subparagraph 1 i of subsection (1), the following uses are not permitted in the area shown as "R2" on the map described in section 1:
1. Semi-detached dwellings.
2. Duplex dwellings.
3. Triplex dwellings.
4. Fourplex dwellings.

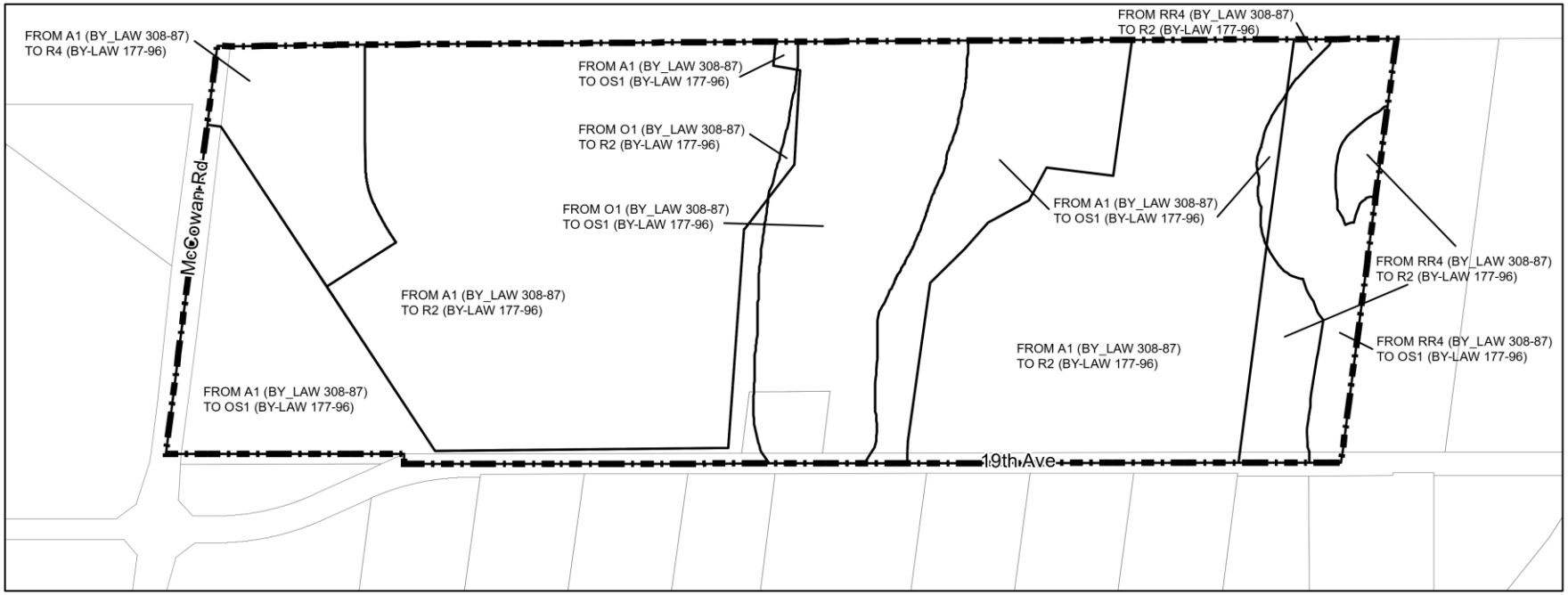
(3) Despite subparagraph 2 i of subsection (1), the following uses are not permitted in the area shown as "R4" on the map described in section 1:
1. Multiple dwellings.

Zoning requirements — Markham
3. (1) The zoning requirements for the area shown as "R2" on the map described in section 1 are the requirements for the uses set out in section 5 Table B2 of the City of Markham Zoning By-law 177-96 and Parking Standards By-law 28-97, with the following exceptions:
1. The minimum number of single detached dwelling units is 325.
2. The maximum number of single detached dwelling units is 485.
4. The minimum number of townhouse dwelling units is 240.
5. The maximum number of townhouse dwelling units is 320.

(2) The zoning requirements for the area shown as “R4” on the map described in section 1 are the requirements for the uses set out in section 5 Table B6 of the City of Markham Zoning By-law 177-96 and Parking Standards By-law 28-97, with the following exceptions:
1. The minimum rear yard setback is 11 metres.
2. The minimum number of apartment dwelling units is 120.
3. The maximum number of apartment dwellings units is 500.

Terms of use
4. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.
(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.
(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.
(5) All other parts of By-Law 177-96, not inconsistent with this order shall apply to the lands

Deemed by-law
7. (1) The parts of this Order that pertain to the City of Markham are deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Markham.



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAWS 304-87 AND 177-96 DATED

N

BOUNDARY OF AREA COVERED BY THIS SCHEDULE TO BE DELETED FROM 304-87 AND ADDED TO 177-96

BOUNDARY OF ZONE DESIGNATION(S)

RR4	RURAL RESIDENTIAL FOUR	R2	RESIDENTIAL TWO	OS1	OPEN SPACE ONE
O1	OPEN SPACE ONE	R4	RESIDENTIAL FOUR		

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

MARKHAM DEVELOPMENT SERVICES COMMISSION

75 37.5 0 75 Meters

Drawn By: RT | Checked By: BR | DATE: 21/01/2021

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

Q:\Geomatics\New Operation\By-Laws\MZO\Flato\Schedule.mxd

From: Carolyn Reesor <[redacted]>
Date: Feb. 7, 2021 9:47 p.m.
Subject: Most recent MZO - Do not support
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:

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

Dear Mayor and Council,

I urge you **not to endorse** the most recent MZO request by Flato Developments in the vital Rouge Watershed. This MZO is not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and circumvents holistic planning practices.

The health and wellbeing of myself and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands. Please adopt your staff's recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Carolyn Reesor

From: Carolyn Burke <[redacted]>
Sent: Sunday, February 07, 2021 10:35 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public <clerkspublic@markham.ca>
Subject: Flato Development MZO Application, 5474, and 5662 19th Avenue

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

To The Mayor and Members of Development Services Committee

RE: Flato Development MZO Application, 5474, and 5662 19th Ave.

Please deny Flato Development's Ministerial Zoning Order (MZO) application. I am very concerned about the process and potential negative effects on our environment. This MZO application circumvents the democratic planning process and harms our environment and wildlife.

Each day, while at work, I have witnessed the destruction of countless acres of farm fields and beautiful natural and built heritage from development. I want to be ensured that Markham is planned properly to protect our food security, biodiversity and resilience to climate crisis.

I sincerely hope that you will listen to Markham residents and deny this application.

Yours Truly,

Carolyn Burke
Thornhill Resident

From: Kim Empringham <[redacted]>
Sent: Monday, February 08, 2021 8:43 AM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public <clerkspublic@markham.ca>; Councillor, Keith Irish - Markham <KIrish@markham.ca>; Councillor, Alan Ho - Markham <Alan.ho@markham.ca>; Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>; Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>; Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>; Councillor, Khalid Usman - Markham <KUsman@markham.ca>; Councillor, Isa Lee - Markham <ILee@markham.ca>; Deputy Mayor, Don Hamilton – Markham <DHamilton@markham.ca>; Regional Councillor, Jim Jones - Markham <jjones@markham.ca>; Regional Councillor, Joe Li - Markham <JLi3@markham.ca>; Regional Councillor, Jack Heath - Markham <jheath@markham.ca>
Subject: Written Deputation to Feb. 8th Development Services Committee Item 7.2 Flato MZO

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

Clerk,

Please find attached a written deputation for Today's Development Services Committee Meeting - item 7.2

Thank you

Board of Directors,
York Region Federation of Agriculture

YORK REGION
FEDERATION OF AGRICULTURE
SERVING THE FARM COMMUNITY SINCE 1940

February 8, 2021

Markham Development Services Committee
c/o Markham Clerk
PDF via e-mail to
clerkspublic@markham.ca
mayorandcouncillors@markham.ca

RE: Development Service Committee Meeting of February 8, 2021 - Agenda Item 7.2 – City of Markham comments to the Province on a Minister's Zoning Order request by Flato Developments Inc. to permit residential development on lands at 5474 and 5662 19th Avenue

Mayor and Members of Council,

The York Region Federation of Agriculture (YRFA) represents its 625 farmer members in York Region and we urge Council to not support the Flato Developments Inc. request to the Province on a Minister's Zoning Order (MZO) to permit residential development on lands at 5474 and 5662 19th Avenue, Markham.

While the Planning Act authorizes the Minister of Municipal Affairs and Housing to make zoning orders regulating the use of land and the location, use, height, size and spacing of buildings and structures, MZO's have traditionally been used in norther Ontario where municipalities don't have official plans or to advance projects where there is clearly an emergency. The lands in question are currently governed by both the York Region Official Plan 2010 (YROP) and Markham Official Plan 2014 in place and there is no clear emergency need for this project to proceed. We are opposed to the use of MZO's in this manner. Over thirty MZO's have been issued in the last year which is more than in the past fifteen years combined.

Minister's Zoning Orders circumvent the normal planning process which allows for community consultation and considers things such as a land needs assessment and the impact on agriculture, the availability of sewage and water infrastructure, transportation and schools. The subject lands are located outside the urban boundary and are designated Agricultural Area in the YROP and Prime Agricultural lands in the Markham Official Plan.

The continued loss of Prime Agricultural land is of great concern to the York Region Federation of Agriculture. It affects the viability of agriculture in Ontario and the ability to feed our people.

Sincerely,

The Board of Directors
York Region Federation of Agriculture
york@ofa.on.ca

From: roscoe <[redacted]>
Date: Feb. 5, 2021 8:30 p.m.
Subject: LETTER TO MARKHAM COUNCIL AND MAYOR:
To: paul.calandra@pc.ola.org,Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>,"Councillor, Keith Irish - Markham" <KIrish@markham.ca>,"Councillor, Alan Ho - Markham" <Alan.ho@markham.ca>,"Councillor, Reid McAlpine - Markham" <RMcAlpine@markham.ca>,"Councillor, Karen Rea - Markham" <KRea@markham.ca>,"Councillor, Andrew Keyes - Markham" <AKeyes@markham.ca>,"Councillor, Amanda Collucci - Markham" <ACollucci@markham.ca>,"Councillor, Khalid Usman - Markham" <KUsman@markham.ca>,"Councillor, Isa Lee - Markham" <ILee@markham.ca>
Cc:

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

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Cookie Roscoe
Farmers Market Manager

From: Linda McIntosh <[redacted]>
Date: Feb. 5, 2021 9:45 p.m.
Subject: PLEASE DON'T SUPPORT the MZO
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>,"Councillor, Keith Irish - Markham" <KIrish@markham.ca>,"Councillor, Alan Ho - Markham" <Alan.ho@markham.ca>,"Councillor, Reid McAlpine - Markham" <RMcAlpine@markham.ca>,"Councillor, Karen Rea - Markham" <KRea@markham.ca>,"Councillor, Andrew Keyes - Markham" <AKeyes@markham.ca>,"Councillor, Amanda Collucci - Markham" <ACollucci@markham.ca>,"Councillor, Khalid Usman - Markham" <KUsman@markham.ca>,"Councillor, Isa Lee - Markham" <ILee@markham.ca>,paul.calandra@pc.ola.org
Cc:

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Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Linda McIntosh

From: Trish K <[redacted]>
Date: Feb. 5, 2021 10:08 p.m.
Subject: Information for Monday's meeting
To:
Cc: paul.calandra@pc.ola.org

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Dear Mayor and Council,

Thank you for your efforts in the past year during the pandemic. I am writing to you today in regards to a matter that is urgently important, the Flato development.

I urge you *NOT to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Trishna Kamath

From: Alexander Wolf <[redacted]>
Date: Feb. 5, 2021 10:17 p.m.
Subject: Rural Internet Speed issues - Stouffville
To:
Cc: paul.calandra@pc.ola.org

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Dear Mayor and Council,

Thank you for your efforts in the past year during the pandemic. I am writing to you today in regards to a matter that is urgently important, the Flato development.

I urge you *NOT to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed.
These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Best Regards,

Alexander Wolf, Dipl.-Ing.
Product and Solutions Engineer

From: Jean Rennie <[redacted]>
Date: Feb. 6, 2021 12:13 p.m.
Subject: Proposed Destruction of Farmland by MZO
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,paul.calandra@pc.ola.org,"Councillor, Karen Rea - Markham" <KRea@markham.ca>
Cc:

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Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Jean Rennie
[redacted]

From: Katrina Basso <[redacted]>
Date: February 6, 2021 at 12:47:07 PM EST
Subject: MZO Request & Protecting Wetlands
To: Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>,Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>,Councillor, Alan Ho - Markham <Alan.ho@markham.ca>,Clerks Public <clerkspublic@markham.ca>,Councillor, Isa Lee - Markham <ILee@markham.ca>,Councillor, Keith Irish - Markham <KIrish@markham.ca>,Councillor, Karen Rea - Markham <KRea@markham.ca>,Councillor, Khalid Usman - Markham <KUsman@markham.ca>,Mayor & Councillors <MayorAndCouncillors@markham.ca>,paul.calandra@pc.ola.org,Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>

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Dear Mayor and Council,

I urge you **NOT to endorse** the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

As our politicians, we all
hope you are putting your citizen’s futures above capital gain, for it is not just us who will be negatively affected, but you, your children and grandchildren.

Sincerely,

Katrina Basso

From: Hitesh Parmar <[redacted]>
Date: February 6, 2021 at 12:46:46 PM EST
Subject: RE: Not to endorse MZO Request
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>,Councillor, Keith Irish - Markham <KIrish@markham.ca>,Councillor, Alan Ho - Markham <Alan.ho@markham.ca>,Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>,Councillor, Karen Rea - Markham <KRea@markham.ca>,Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>,Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>,Councillor, Khalid Usman - Markham <KUsman@markham.ca>,Councillor, Isa Lee - Markham <ILee@markham.ca>,paul.calandra@pc.ola.org

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LETTER TO MARKHAM COUNCIL AND MAYOR:

Please copy and paste this into the body of your email

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Hitesh Parmar
Markham Resident

From: Michael, High Perspective Hang Gliding <[redacted]>
Date: February 6, 2021 at 12:39:35 PM EST
Subject: NO MZO
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>,Councillor, Keith Irish - Markham <KIrish@markham.ca>,Councillor, Alan Ho - Markham <Alan.ho@markham.ca>,Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>,Councillor, Karen Rea - Markham <KRea@markham.ca>,Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>,Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>,Councillor, Khalid Usman - Markham <KUsman@markham.ca>,Councillor, Isa Lee - Markham <ILee@markham.ca>,paul.calandra@pc.ola.org

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Dear Mayor and Council,

I beg you, please *do **not** to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

I thank you as do my children and grandchildren

Sincerely,

Michael Robertson

[redacted]

[redacted]

From: J moore <[redacted]>
Date: February 6, 2021 at 12:22:40 PM EST
Subject: Stop farmland loss ... DONOT SUPPORT THE MZO
To: Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>,Clerks Public <clerkspublic@markham.ca>,paul.calandra@pc.ola.org,Councillor, Karen Rea - Markham <KRea@markham.ca>,Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>,Councillor, Alan Ho - Markham <Alan.ho@markham.ca>,Councillor, Keith Irish - Markham <KIrish@markham.ca>,Mayor & Councillors <MayorAndCouncillors@markham.ca>,Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>,Councillor, Khalid Usman - Markham <KUsman@markham.ca>,Councillor, Isa Lee - Markham <ILee@markham.ca>

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The area in question is between Markham Road and McCowan Road, from 19th Ave north to Stouffville Road.

LETTER TO MARKHAM COUNCIL AND MAYOR:

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Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

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Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Joan Moore ... Markham Resident

From: Karen Grimshaw <[redacted]>
Date: Feb. 6, 2021 2:33 p.m.
Subject: MZO request
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,paul.calandra@pc.ola.org,"Councillor, Alan Ho - Markham" <Alan.ho@markham.ca>
Cc:

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Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Karen Grimshaw

From: Susan Reesor [redacted]>
Date: Feb. 6, 2021 6:17 p.m.
Subject: vote no to MZO request on Monday
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:

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Dear Mayor and Councillors,

I urge you **not to endorse** the MZO request by Flato Developments along the 19th Ave east of McCowan. These MZOs are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community". The plans don't represent anything resembling a walkable community and are distant from feasible mass transit.

- Policies and procedures are in place to consider the greater good beyond what land developers desire. These procedures are being ignored. Please listen to the advice of your Planning Dept.
- If you vote yes to this MZO to me it appears that as elected leaders you are putting the interests of private, for-profit companies ahead of the needs of the community. Flato has jumped the queue ahead of other developers by requesting this MZO. What makes this so urgent that a decision should be made during the COVID pandemic when citizens cannot properly engage in this process?
-

Please separate your decision-making from the Flato name and from all of the donations and naming they have done in Markham. Those donations are from the profit they make from the citizens who buy those houses.

If the Conservation Authority were still in place and effective it is my understanding it would not approve either.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and wetlands. Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Susan Reesor
[redacted]

From: Susan Reesor <[redacted]>
Sent: February 06, 2021 6:14 PM
To: Clerks Public <clerkspublic@markham.ca>
Subject: submission re. Flato's request for an MZO

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

Dear Mayor and Council,

I urge you **not to endorse** the MZO request by Flato Developments along the 19th Ave east of McCowan. These MZOs are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community". The plans don't represent anything resembling a walkable community and are distant from feasible mass transit.
Approval goes against the recommendations of Markham Planning Dept. staff. Why do you have staff if you do not follow their guidance?
Please separate your decision-making from the Flato name and from all of the donations and naming they have done in Markham. Those donations are from the profit they make from the citizens who buy those houses.
If the Conservation Authority were still in place and effective it is my understanding it would not approve either.
The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and wetlands. Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Susan Reesor
[redacted]

From: Margaret Calver <[redacted]>
Date: Feb. 6, 2021 5:34 p.m.
Subject: MZOs
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>,"Councillor, Keith Irish - Markham" <KIrish@markham.ca>,"Councillor, Alan Ho - Markham" <Alan.ho@markham.ca>,"Councillor, Reid McAlpine - Markham" <RMcAlpine@markham.ca>,"Councillor, Karen Rea - Markham" <KRea@markham.ca>,"Councillor, Andrew Keyes - Markham" <AKeyes@markham.ca>,"Councillor, Amanda Collucci - Markham" <ACollucci@markham.ca>,"Councillor, Khalid Usman - Markham" <KUsman@markham.ca>,"Councillor, Isa Lee - Markham" <ILee@markham.ca>,"Calandra, Paul" <paul.calandra@pc.ola.org>
Cc:

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Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

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Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Margaret Calver

From: Peeter Vanker <[redacted]>
Sent: Saturday, February 06, 2021 9:00 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc: Clerks Public <clerkspublic@markham.ca>; paul.calandra@pc.ola.org
Subject: FW: MZO request by Flato Developments

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February 6, 2021.

Dear Mayor Frank Scarpitti and Members of Markham Council:

In a phone conversation with Paul Calandra just a short time ago I expressed my great concern with the Ontario Provincial Government's recent radical reduction of the authority of the Conservation Authorities role in protecting precious farmlands, wetlands etc. from the insistent pressures of developers. The "playing field" is being increasingly tilted in their favour against the legitimate concerns of citizens who have urged caution, a process of thorough environmental assessment, as well as robust public engagement.

Along with many others I am shocked by the recent MZO request by Flato Developments in the vital Rouge Watershed. It appears that MZO's are presently being used by developers in increasingly larger numbers to circumvent public engagement and thorough review.

I would therefore urge you **not** to endorse the request by Flato Developments regarding the parcel of land between Markham Road and McCowan Road from 19th Ave. north to Stouffville Road, at your upcoming Council meeting.

I recognize that communities in this rapidly growing region are in need for additional land for residential and industrial purposes. However, any development must be in keeping with Markham's growth strategy.

Sincerely,

Peeter Vanker
[redacted]

cc. Paul Calandra, MPP (Markham-Stouffville)

From: mygins mygins <[redacted]
Sent: Saturday, February 06, 2021 10:06 PM
To: Clerks Public <clerkspublic@markham.ca>; Mayor & Councillors <MayorAndCouncillors@markham.ca>
Subject: Development Services Committee, Feb. 8, 2021, Flato MZO Application

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Deputation for Development Services Committee, Feb. 8, 2021

RE: Flato Development MZO Application, 5474, and 5662 19th Ave.

My name is Marilyn Ginsburg and I have lived in Thornhill for 39 years.

I am opposed to the Flato Development application for an MZO for the properties on 19th avenue, Markham.

In my view there is one reason, and only one reason, that any member of Markham Council would vote in favour of this application. That is because Flato Development is a local, upstanding developer and is owned by a local, civic minded, nice guy. That is all this application has going for it.

Is that enough to upend, diminish and degrade the entire planning process of the City of Markham? I hope not because there are quite a few upstanding, local developers who are civic minded, nice guys just waiting in the wings to see how this application is handled before they get on the bandwagon and submit their own.

So what does this application have against it? Everything else.

To begin with it doesn't comply with the basic requirements of a Minister's Zoning Order. This MZO would not be used to protect or facilitate matters of provincial interest any more than any other housing development anywhere in Markham or in the rest of Ontario. Furthermore, there is no way it could be built in a timely manner since there is no sewer or water allocation from the Region and likely will not be for years.

After recognizing that the application simply does not comply with the basic elements of an MZO, we move on to some of the other reasons it should not be approved.

As Matt Rock, a Markham farmer, stated in his submission, the constant destruction of agricultural land for housing is endangering Canada's food security and water quality and supply. We cannot continue to go blithely down this path and ignore the effects it will have on future generations. At some point we have to begin to live up to our responsibilities to them. Why not now?

Mr. Rock also raised another excellent point. When Council approves an MZO for this kind of project it serves the developer but ignores the planners, the environmental scientists, the conservationists, the agriculturalists, and the rights of ordinary citizens who voted you into office in order to serve our interests and plan our city in a way that is best for all of us...in the long run.

What else would you have to ignore in order to vote in favour of this application?

You would have to ignore the York Region Official Plan 2010, the Markham Official Plan, 2014, the local zoning by-law, and the recommendations of your own planning staff.

Furthermore, you would have to ignore the very definition of "planning."

Webster's dictionary defines planning as *"the act or process of making or carrying out plans specifically: the establishment of goals, policies, and procedures for a social or economic unit, as in city planning".*

The application you have before you has nothing to do with planning. That is what your planning staff is telling you. This is reacting. The residents of Markham elected you to plan responsibility for our future, not to react favourably to every MZO application that every nice developer brings before you. As the deputation by the Unionville Residents Association says, this is spot zoning and, I might add, spot zoning of the worst kind.

Over the past several years Markham Council, and many other municipalities, have strongly objected when the Province increased the use of MZO's, when it increased the authority of the Local Planning Appeals Tribunal, when it diminished the authority of the Toronto Regional Conservation Authority, and when the Province decreased the required parkland allotment for each new housing development. Why did you object to these changes? Because they all decreased your ability to plan your own city's future.

If you approve this new Flato MZO you diminish you own authority to plan. You then lose credibility with your residents and Markham's residence associations because we see the inconsistency. You cannot object when the Province diminishes your authority to plan and then intentionally and publicly do it yourself.

(I want to add that this application is not in any way similar to the other MZO on this agenda, nor is it the same as the other Flato MZO that you previously approved, but which was mainly in Whitchurch Stouffville and included seniors and affordable housing).

Make no mistake. This application is the thin edge of the wedge of future MZO applications from developers who want to avoid the cost, hassle and delay that is involved in allowing you to actually use your authority, and exercise your responsibility as elected officials, to plan for the future of our city.

I urge you to stick with the plan.

Marilyn Ginsburg, Thornhill

From: Mary Jo Turner <[redacted]>
Sent: February 07, 2021 9:31 AM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public <clerkspublic@markham.ca>; Councillor, Keith Irish - Markham <KIrish@markham.ca>; Councillor, Alan Ho - Markham <Alan.ho@markham.ca>; Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>; Councillor, Karen Rea - Markham <KRea@markham.ca>; Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>; Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>; Councillor, Khalid Usman - Markham <KUsman@markham.ca>; Councillor, Isa Lee - Markham <ILee@markham.ca>; paul.calandra@pc.ola.org
Subject: mzo application--flato developments

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

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizens' voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision-making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Mary Jo Turner

From: Corie Bonnaffon <[redacted]>
Sent: February 07, 2021 9:39 AM
To: Clerks Public <clerkspublic@markham.ca>; Mayor & Councillors <MayorAndCouncillors@markham.ca>
Subject: Development Services Committee meeting re Flato MZO application

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

RE: Flato Development MZO Application, 5474, and 5662 19th Ave.

I am very much opposed to both the plan to build a sizeable residential sub-division on Class One farmland that sits at the headwaters of the Rouge and to the proposed process that would allow it to happen.

The neighbourhood in which my family has lived for the past forty years is about to be changed beyond recognition by policies requiring strategic intensification. I accept this because the farmland and green space surrounding the GTA has to be protected. We must not sprawl our way to oblivion.

Official Plans are important. At best, they represent a democratic consensus rooted in the expertise of professionals as to how, when and where the city should grow. They are based on grassroots democracy and technical know-how. To be effective, citizens must be able to trust them to be consistent and fair. The suggestion that **OUR** Official Plan is to be countermanded by an order from Queens Park with absolutely no valid justification is outrageous. The idea that Markham City Council might choose to be complicit is even more concerning.

I strongly urge Council to accept its staff recommendation and not adopt the Minister's Zoning Order for this area.

Corie Bonnaffon, Thornhill

From: Patricia Rennie <[redacted]>
Date: Feb. 6, 2021 9:29 p.m.
Subject: issue of concern
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:

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

Dear Mayor and Council,

I urge you **not** to endorse the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community", and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen's voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Patricia J. Rennie, ND

From: Reid Williamson <[redacted]>
Date: Feb. 7, 2021 10:33 a.m.
Subject: Misuse of MZOs
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>,"Councillor, Keith Irish - Markham" <KIrish@markham.ca>,"Councillor, Alan Ho - Markham" <Alan.ho@markham.ca>,"Councillor, Reid McAlpine - Markham" <RMcAlpine@markham.ca>,"Councillor, Karen Rea - Markham" <KRea@markham.ca>,"Councillor, Andrew Keyes - Markham" <AKeyes@markham.ca>,"Councillor, Amanda Collucci - Markham" <ACollucci@markham.ca>,"Councillor, Khalid Usman - Markham" <KUsman@markham.ca>,"Councillor, Isa Lee - Markham" <ILee@markham.ca>,paul.calandra@pc.ola.org
Cc:

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Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Reid Williamson

From: Valerie Burke <[redacted]>
Date: February 7, 2021 at 1:09:32 PM EST
Subject: RE: Flato Development MZO Application, 5474, and 5662 19th Avenue, February 8, Development Services Committee
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>

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

To The Mayor and Members of Development Services Committee

RE: Flato Development MZO Application, 5474, and 5662 19th Ave.

We strongly urge you to support staff recommendations and deny Flato Development's Ministerial Zoning Order (MZO) application in the Rouge Watershed. This request to develop outside of Markham's urban boundary is premature since York Region is in the process of conducting an Official Plan Review for population and employment growth to 2051. This MZO does not align with a complete and thorough planning process or Markham's Official Plan to build Safe, Sustainable and Complete Communities.

It is incumbent upon our elected representatives to follow a fair, holistic and comprehensive planning process, with proper evaluation of studies, scientific environmental analysis and public consultation. It is important to note that the staff report states "Undertaking a land needs assessment at a Region-wide scale ensures a comprehensive approach to growth management in an effort to, among other things, ensure efficient use of existing and future infrastructure." Markham has always endeavoured to be fiducially responsible with taxpayer money. Careful planning helps ensure cost-effective communities and positions us favourably in the global economy. Flato's request for an MZO application does not align with these principles.
In conclusion, Markham Council should support staff recommendations and deny the application.
Sincerely,

Valerie and Dave Burke
Thornhill Residents

From: L Tipton <[redacted]>
Sent: Sunday, February 07, 2021 2:10 PM
To: Clerks Public <clerkspublic@markham.ca>
Subject: Written Submission - Markham Council, February 8

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

Please find my written submission opposing the MZO request by Flato Developments for the February 8 meeting attached to this email. If there is anything further you need from me in order to submit this document, please let me know.

Sincerely,
Laura Tipton

Comments Public Meeting February 8, 2021

I oppose this MZO request by Flato Developments in the vital Rough Watershed. Please adopt the staff recommendation.

(1) MZO's are meant to be a tool for extraordinary cases

Minister's Zoning Orders undermine public participation and circumvent the planning process. These have been rarely used in past as they are considered a tool for only extraordinary cases. MZO's were introduced to make decisions over land that has no official plan and when a provincial issue was in question. There is nothing about this development that necessitates sidestepping the development process. It is especially grievous to do so during a pandemic when many residents are already in crisis and unable to respond to these plans.

(2) Markham should not be using MZO's to circumvent planning processes

None of the recent MZO's in Stouffville and Markham are part of walkable communities. They are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community," and circumvent planning processes. This rush to urbanize our remaining precious farmlands is unjustified. These developments will bring traffic, damage wetlands and bring flooding in Markham as the Rouge River is overwhelmed. Furthermore, it is York Region taxpayers that will have to fund the pipe and water waste sewage.

(3) Agricultural lands are finite and should be protected

The proposed development lands are currently designated agricultural lands. Ontario's agri-food sector is the largest economic sector in the province, employing more than 820,000 Ontarians and contributing $39 billion to the province's GDP. Only 0.5% of Canada's agricultural soil is classified as Class 1. In order to preserve the viability of Ontario's agri-food sector, it is critical to protect our finite supply of agricultural land.

(4) Markham should be embracing smart and sustainable growth as stated in its Official Plan

When governments do not abide by land-use plans, they create sprawl which increases car dependence, traffic congestions, disrupts watershed management and more. Smart growth has a host of benefits which range from healthier municipal finances to healthier residents. Efficient growth has a lower financial cost for municipalities than low-density towns. More than 40% of the costs of sprawl are passed onto taxpayers. By growing smarter, we are also protecting farmland and natural heritage areas, so residents continue to have access to fresh, local food and clean water sources. By choosing to develop greenfield lands, Markham is degrading the future of our region and the well-being of my family and fellow citizens.

From: Ajda El-Zabet <[redacted]>
Sent: Sunday, February 07, 2021 2:40 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public <clerkspublic@markham.ca>; Councillor, Keith Irish - Markham <KIrish@markham.ca>; Councillor, Alan Ho - Markham <Alan.ho@markham.ca>; Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>; Councillor, Karen Rea - Markham <KRea@markham.ca>; Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>; Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>; Councillor, Khalid Usman - Markham <KUsman@markham.ca>; Councillor, Isa Lee - Markham <ILee@markham.ca>; paul.calandra@pc.ola.org
Subject: Vote NO to the request by Flato Developments

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

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Ajda El-Zabet

From: Kimberly Seymour <[redacted]>
Sent: Sunday, February 07, 2021 2:59 PM
To: Clerks Public <clerkspublic@markham.ca>; Mayor & Councillors <MayorAndCouncillors@markham.ca>
Subject: Flato Development MZO Application, 5474, and 5662 19th Ave

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To: The Mayor and Members of Development Services Committee

RE: Flato Development MZO Application, 5474, and 5662 19th Ave

Dear Mayor and members of the Development Services Committee,

As citizens of Markham we are very supportive of the Markham staff recommendations to deny Flato Developments Ministerial Zoning Order (MZO) application in the Stouffville.

Unfortunately, the Ford Government has put some temporary short- sited policies in place that deteriorate democratic and scientific systems and side-step complex urban planning that strikes a balance between the community, environment and development.

Markham is a great city to live, work and play because of the planning, public meetings, infrastructure and environmental involvement.This development does not follow this philosophy. We need to carefully plan to protect watersheds, environmentally sensitive areas, control density, park lands and maintain agricultural areas. This application does not strike this balance.

In conclusion, please support staff recommendations to deny this application.

Thank you for your time,

Kimberly Seymour and Michael Oberpichler

Thornhill Residents.

From: Carey Yeoman <[redacted]>
Date: February 7, 2021 at 2:32:15 PM EST
Subject: MZO's
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>

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Dear Mayor and Council,
I urge you not to endorse the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community", and circumvent wholistic planning practices. The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands. Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.
Sincerely,
Carey Yeoman

From: Leslie Girdharry [redacted]>
Date: February 7, 2021 at 3:46:18 PM EST
Subject: Development Services Committee, Feb. 8, 2021, Flato MZO Application
To: Clerks Public <clerkspublic@markham.ca>,Mayor & Councillors <MayorAndCouncillors@markham.ca>,Mayor Frank Scarpitti - Markham <FScarpitti@markham.ca>,Deputy Mayor, Don Hamilton – Markham <DHamilton@markham.ca>,Regional Councillor, Jack Heath - Markham <jheath@markham.ca>,Regional Councillor, Jim Jones - Markham <jjones@markham.ca>,Regional Councillor, Joe Li - Markham <JLi3@markham.ca>,Councillor, Keith Irish - Markham <KIrish@markham.ca>

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Deputation for Development Services Committee, Feb. 8, 2021

RE: Flato Development MZO Application, 5474, and 5662 19th Ave.

My name is Leslie Girdharry and I have lived in Thornhill for 39+ years. I am writing to indicate my opposition to the Flato Development application for an MZO for the properties on 19th avenue, Markham.

There are existing official plans, processes and procedures in place for handling all such development applications coming before City Council for approval. The existing process is clear, the decisions are meant to be based on the facts of the application, zoning by-laws in place, environmental and other legal considerations. The decision is meant to reflect jurisprudence regarding the integrity of the process, safe-guard those working on the decision itself and assuage the overall impact and concerns of the general public.

It's when these processes breakdown by those who wish to capitalize on certain existing legal aspects of the law that give rise to question why this should not conform to existing practices. If this isn't spot zoning, the reaching out to another level of government to allow a developer by-pass existing local processes, then what is? This is not what Markham City Council is about! Rulings made before have been above reproach and the expectation is that one should continue to see this reflected in Council's deliberations.

Secondly, why do we need a Minister's Zoning Order (MZO)? We know from experience that the Provincial Government is pro-development, having back-tracked on decisions it made before to develop land that was protected. With such a reputation, why would Markham City Council want its own process be overtaken by allowing the Province to intervene in a situation they have little or no reason to be involved in?

To approve this Plato Development would be to seriously harm the integrity of a system already in place that is meant to be fair and equitable; such a system is the prized possession that the people of Markham and York region cherish. It is the hallmark of the Markham City Council. It would negate the plans and direction of what the people had hoped for, had voted for, thereby creating a lack of confidence that has been placed on elected officials to judiciously carry out their duties on behalf of the people of Markham.

I strongly advocate that this developer be denied its application for an MZO and that Council carry out its obligation to the people of Markham by following its own rules and regulations concerning any and all land development applications.

Sincerely,

Leslie Girdharry.

From: Judy Marshall <[redacted]
Date: February 7, 2021 at 4:09:36 PM EST
Subject: Please do not endorse the Flato MZO
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc: dave.smith@pc.ola.org,paul.calandra@pc.ola.org

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

Dear Mayor and Council,
I respectfully urge you to not endorse the most recent MZO request by Flato Developments in the environmentally important Rouge Watershed. These MZOs are not aligned with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”. They ignore your staff recommendations and your policies to consider the greater good, looking beyond what land developers would like.
The well-being of our fellow citizens is being put at risk in the rush, during a crisis, to approve building on precious farmland. It has become very apparent that we Canadians must be as self-sufficient as possible with regard to our food supply. Covering prime farmland with housing developments in the Markham area and elsewhere in the province does not support this goal.
These hasty MZOs could have a very wide-reaching impact throughout the province with regard to food supply. They do not just impact residents in Markham and Stouffville who will be living with possible damage to wetlands, increased traffic and the potential for flooding.
It is very inappropriate to push through these MZOs during a pandemic, when so many citizens in Markham and elsewhere are preoccupied with maintaining their health and livelihood. We can’t be expected to closely follow zoning changes in our communities at such a time, yet will be forced to live with the impact of these changes for decades.
Please adopt your Markham staff recommendation and also notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this Flato MZO is inappropriate and not aligned with Markham's growth strategy.
Since this is an issue that potentially impacts the entire province, I’m copying my own MPP, Dave Smith MPP Peterborough-Kawartha.
Sincerely,
Judith Marshall
Peterborough

From: DIANE BERWICK [redacted]>
Sent: Sunday, February 07, 2021 4:46 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public <clerkspublic@markham.ca>
Subject: Development Services Comm. Feb. 8, 2021 - Flato MZO Application: 5474 & 5662 19th Ave.

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To: Development Services Committee Members:

Flato Development MZO Application, 5474 and 5662 19th Ave.

I will make my comments short and to the point. Please deny Flato's application.

I agree with Markham staff recommendations to deny Flato's MZO application for all the reasons outlined by city staff in their report for tomorrow's meeting.

Please be on the right side of history and do what is right for our community.

Sincerely,

Diane Berwick
Thornhill Resident for 20 years

From: Kimberly Seymour <[redacted]
Sent: Sunday, February 07, 2021 6:47 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public <clerkspublic@markham.ca>
Subject: Flato Development MZO Application, 5474, and 5662 19th Ave.

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To: The Mayor and Members of Development Services Committee

Re: **Flato Development MZO Application, 5474, and 5662 19th Ave.**

On behalf of Settler's Park Residence Association, we would like to endorse Markham staff's recommendations to deny this Flato development application.

We are concerned as the process is not democratic or sensitive to Markham's visions and goals.

Currently this is agricultural land with significant wetlands and Flato's proposal does not comply with any zoning by-laws for official plans at this time.

This area needs to be comprehensively looked at from and environmental perspective with a longer-term vision from the municipality.

We are supportive of Markham Council in denying this application.

Regards,

Kimberly Seymour
V.P. Settlers Park Residents Association

On behalf of Settler's Park Residence Association

SPRA
Protect the
GREENSPACE

From: Valerie Tate <[redacted]>
Sent: Sunday, February 07, 2021 6:57 PM
To: Mayor&councilors@markham.ca; Clerks Public <clerkspublic@markham.ca>
Subject: Flato Development MZO Application, 5474 and 5662 19th Ave.

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To The Mayor and Members of Development Services Committee

RE: Flato Development MZO Application, 5474, and 5662 19th Ave.

My name is Valerie Tate and I am a resident of Thornhill. For many decades I have regularly driven north through Markham and Whitchurch Stouffville. In the past number of years, I have been increasingly concerned about the loss of our farmland to urban development. This latest proposal for 18th Ave. and Hwy 48 would mean yet more loss of agricultural land and it would be done without meeting any of the normal development requirements. The use of an MZO would by-pass procedures that have been put in place to control growth and protect our environment and sets a dangerous precedent for future development. I strongly urge you to support staff recommendations and deny Flato Development's Ministerial Zoning Order (MZO) application in the Rouge Watershed.

Sincerely,
Valerie Tate
[redacted]

From: jo.honsie jo.honsie <[redacted]>
Sent: Sunday, February 07, 2021 7:02 PM
To: Clerks Public <clerkspublic@markham.ca>; Mayor & Councillors <MayorAndCouncillors@markham.ca>
Subject: Feb 8th 2021 Development Services Committee

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Deputation:

Dear Sir and Madam,

As a resident of over 50 years I am alarmed that Markham might allow itself to become like cats attracted to the next shining bauble like a MZO order made by Flato developments for property on 19th Avenue in Markham.

MZO orders are a new thing that bypasses all planning made at the local level. Does this mean that Markham Councillors wish to abdicate their roles in planning? It is like the Councillors are seeking out the nearest jack hammer operator when they need a cavity removed from their mouths?

Councillors were elected to seek advice from farmers to tell them of how to create local foods for our consumption. Councillors were elected to listen to water managers to ensure that all creatures have access to potable water. Councillors were elected to seek information from people with greater knowledge than themselves.

If the Mayor and the Councillors agree to a MZO from the province than they are admitting that they don't need planners, nor do they need to follow the York Region Plan of 2010 or the Markham Plan of 2014. That means that Markham is willingly entering into a 'seat of the pants' planning structure, swayed by the shiny baubles of short term money gain and long term pain of paying for the development of sewers and other infrastructure. Who benefits this MZO? Is this the best use of the property to the benefit of all residents of Markham?

The Premier himself has said that they listen to the scientists when making decisions during the pandemic. Surely Markham wishes to follow the 'science' of their planners.

I urge the Mayor and the Councillors to follow the 'science' of their planners and their plan and reject the MZO request by Flato developments.

Sincerely,

Joan Honsberger,

Thornhill resident

From: Rhonda D <[redacted]
Sent: Sunday, February 07, 2021 8:16 PM
To: Clerks Public <clerkspublic@markham.ca>; Mayor & Councillors <MayorAndCouncillors@markham.ca>
Subject: Re: Flato Development MZO 5474 and 5662 19th Ave.

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

I am a Thornhill residence for 30 years. I have been involved with many residence developments in our area.
This development is being built on existing farm land. We need as much farm land as we can get at this time.
I feel that they are trying to push this development through without any input from the community.
In addition, nothing is being looked at including traffic management, waste disposal and existing infrastructure.
I feel Markham council should reject this proposal under the MZO as there is no support studies and information available to make an informed decision.

Markham staff have made a recommendation not to support this request. This should be respected and their decision supported to the maximum.

Rhonda Duma

From: Classic Furniture Restoration <[redacted]
Date: Feb. 7, 2021 6:42 p.m.
Subject: Please vote no to MZO request
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc: peter.bethlenfalvy@pc.ola.org

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

Dear Mayor and Council,

I respectfully urge you to not endorse the most recent MZO request by Flato Developments in the environmentally important Rouge Watershed. These MZOs are not aligned with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”. They ignore your staff recommendations and your policies to consider the greater good, looking beyond what land developers would like.

The well-being of our fellow citizens is being put at risk in the rush, during a crisis, to approve building on precious farmland. It has become very apparent that we Canadians must be as self-sufficient as possible with regard to our food supply. Covering prime farmland with housing developments in the Markham area and elsewhere in the province does not support this goal. These hasty MZOs could have a very wide-reaching impact throughout the province with regard to food supply. They do not just impact residents in Markham and Stouffville who will be living with possible damage to wetlands, increased traffic and the potential for flooding.

It is very inappropriate to push through these MZOs during a pandemic, when so many citizens in Markham and elsewhere are preoccupied with maintaining their health and livelihood. We can’t be expected to closely follow zoning changes in our communities at such a time, yet will be forced to live with the impact of these changes for decades.

Please adopt your Markham staff recommendation and also notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this Flato MZO is inappropriate and not aligned with Markham's growth strategy.

Since this is an issue that potentially impacts the entire province, I’m copying my own MPP Peter Bethlenfalvy.

Regards,
Yared Lakew
[redacted]

From: Vice-President Thornhill Ward One <[redacted]>
Sent: Sunday, February 07, 2021 8:26 PM
To: Clerks Public <clerkspublic@markham.ca>; Mayor & Councillors <MayorAndCouncillors@markham.ca>
Subject: Development Services Committee meeting re Flato MZO application, Monday morning 9:

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

Dear Members of Development Services Committee

The Ward One (South) Thornhill Residents Inc request Committee to **DENY** the application by Flato Development and support staff recommendations.
The protection of farmland, water sources and natural habitat is essential to the wellbeing of Markham residents.
Food security is very important and agricultural land should not be paved as buildings do not feed people. Agriculture is also very important to our economy providing jobs.

The Flato MZO application circumvents the democratic process and the fundamental planning process,

We recommend that Committee **DENY** this application as it will open the flood gates for all developers to use the MZO application process and we will have little say about how our City develops.
.

Sincerely,

The Executive of Ward One (South) Thornhill Residents Inc.

From: Arlene Reesor <[redacted]
Date: Feb. 7, 2021 4:53 p.m.
Subject: Please do not endorse the Flato MZO
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc: paul.calandra@pc.ola.org,"Lindo-QP, Laura Mae" <LLindo-QP@ndp.on.ca>

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

Dear Mayor and Council,
We respectfully urge you to not endorse the most recent MZO request by Flato Developments in the environmentally important Rouge Watershed. These MZOs are not aligned with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”. They ignore your staff recommendations and your policies to consider the greater good, looking beyond what land developers would like.
Although we do not reside in Markham at this time, we have deep roots in the community with many immediate and extended family members and friends living there. Their well-being and that of our fellow citizens is being put at risk in the rush, during a crisis, to approve building on precious farmland. It has become very apparent that we Canadians must be as self-sufficient as possible with regard to our food supply. Covering Class A farmland with housing developments in the Markham area and elsewhere in the province does not support this goal. These hasty MZOs could have a very wide-reaching impact throughout the province with regard to food supply. They do not just impact residents in Markham and Stouffville who will be living with possible damage to wetlands, increased traffic and the potential for flooding.
It is very inappropriate and anti-democratic to push through these MZOs during a pandemic, when so many citizens in Markham and elsewhere are preoccupied with maintaining their health and livelihood. We can’t be expected to closely follow zoning changes in our communities at such a time, yet will be forced to live with the impact of these changes for decades.
Please adopt your Markham staff recommendation and also notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this Flato MZO is inappropriate and not aligned with Markham's growth strategy.
Since this is an issue that potentially impacts the entire province, I’m copying my own MPP, Laura Mae Lindo, Kitchener Centre riding.
Sincerely,
Arlene Reesor & Denis Taylor
Kitchener

From: Tarun Dewan [redacted]
Sent: Sunday, February 07, 2021 8:51 PM
To: Clerks Public <clerkspublic@markham.ca>
Cc: Councillor, Keith Irish - Markham <KIrish@markham.ca>; Mayor & Councillors <MayorAndCouncillors@markham.ca>; [redacted]
Subject: Deputation for Development Services Committee, Feb 8, 2021, Flato MZO Application

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

Deputation for Development Services Committee, Feb 8, 2021

RE: Flato Development MZO Application, 5474, and 5662 19th Ave.

My name is Tarun Dewan and I am writing both as a concerned resident of the Thornhill area and also on behalf of the Executive of GARA (Grandview Area Residents Association), that represents just over 1000 households in the Thornhill area.

Flato developments have generally been civic minded, however in this instance there is no reason for a MZO.

The lands that are proposed to be developed are designated agricultural lands and should not be used for residential development.

Urban sprawl competes with the need to keep pace with a growing population. These must be balanced through a careful and thoughtful planning process. We have one in place that does not permit this particular development but has room for growth in many other parts of the city.

An exemption through an MZO would be necessary only if there are matters of provincial interest that need to be protected or facilitated. There are none in this case.

Moreover, there are already processes in place to consider any needed exemptions in the York region planning as pointed out by the staff report.

It is vitally important for our residents to trust the process. We have all seen recently what happens when citizens don't have faith in normal government processes and, since we have a robust planning mechanism in Markham, that is the process that people know and trust and that is what should be used.

As residents directly affected by loss of greenspace we urge members of this committee to vote to note support the MZO.

Sincerely,
Tarun Dewan

On behalf of Grandview Area Residents Association

www.thornhillgara.com

From: Echo Wood Farm <[redacted]>
Date: Feb. 7, 2021 9:06 p.m.
Subject:
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:

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

Dear Mayor and councillors
Re. the MZO proposal by Flato Developments.This kind of major rezoning during this covid crisis seems rather opportunistic. I firmly believe that our top farmland in Ontario needs permanent protection. Development should occur only on class 4 and lower.My family has been making their living on Markham farmlands for more than 200years and it is heartbreaking to see a good percentage of it paved over in less than 40years. Good soils cannot be replaced. Please reject this application.
Sincerely
Art Reesor

From: Alli Rock <[redacted]>
Sent: Friday, February 05, 2021 4:09 PM
To: Alli Rock <[redacted]>
Subject: I urge you to consider NOT supporting the Minister's Zoning Order

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

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a "Safe, Sustainable and Complete Community", and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen's voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Allison

Allison Rock

Occupational Therapist
M.Sc.OT., OT Reg.(Ont.)
Student of the Canadian College of Osteopathy (Thesis writer)

[redacted]

From: Alf Chalk <[redacted]>
Sent: Friday, February 05, 2021 4:11 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Councillor, Karen Rea - Markham <KRea@markham.ca>; Clerks Public <clerkspublic@markham.ca>
Subject: MZO request by Flato Developments

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

Dear Mayor and Council,

I urge you ***not to endorse*** the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Alfred Chalk
[redacted]

From: The Strutts <[redacted]>
Sent: Friday, February 05, 2021 5:09 PM
To: Clerks Public <clerkspublic@markham.ca>
Subject: Stop Farmland Loss

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

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Ralph Strutt

Contact Info for Markham Council, Mayor + MPP:
mayorandcouncillors@markham.ca
clerkspublic@markham.ca
kirish@markham.ca
alan.ho@markham.ca

rmcalpine@markham.ca
krea@markham.ca
akeyes@markham.ca
acollucci@markham.ca
kusman@markham.ca
ilee@markham.ca
paul.calandra@pc.ola.org

From: jaykamath jaykamath <[redacted]
Sent: Friday, February 05, 2021 5:14 PM
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>; Clerks Public <clerkspublic@markham.ca>; Councillor, Keith Irish - Markham <KIrish@markham.ca>; Councillor, Alan Ho - Markham <Alan.ho@markham.ca>; Councillor, Reid McAlpine - Markham <RMcAlpine@markham.ca>; Councillor, Karen Rea - Markham <KRea@markham.ca>; Councillor, Andrew Keyes - Markham <AKeyes@markham.ca>; Councillor, Amanda Collucci - Markham <ACollucci@markham.ca>; Councillor, Isa Lee - Markham <ILee@markham.ca>; paul.calandra <paul.calandra@pc.ola.org>
Subject: Request, Not to Endorse or Approve the Most Recent MZO by Flato Developments

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

Dear Mayor and Council,

As long time resident of this city, I urge you 'Not to Endorse or Approve' the most recent MZO request by Flato Developments in the vital and environmentally sensitive Rouge Watershed. The MZO is not consistent with Markham's official goal of a " Safe and Sustainable and Complete Community" and compromises the holistic planning practices that we value and cherish.

Further, the health and wellbeing of the residents of Markham is being compromised and being put into jeopardy by this rush to urbanize our precious remaining farm lands that we must preserve for posterity of generations to come. The use of MZO to do this, compromises public engagement and trust. It short-circuits the democratic process we have come to value highly. It gives the impression that citizens voices are not being given due importance that they deserve. Not only is this damaging our natural and environmentally sensitive, spaces and farm lands, it is not in keeping with good and responsible governance. So please adopt staff recommendation and notify the Provincial Minister of Housing and Municipal Affairs & our MPP Paul Calandra, that this MZO is unwelcome and is not in keeping with Markham's Growth strategy.

Sincerely,

A concerned Resident.

Feb 05, 2021

From: Amy Fabbo <[redacted]>
Date: Feb. 4, 2021 1:03 a.m.
Subject: Save Markham!
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:
CAUTION: This email originated from a source outside the City of Markham. DO NOT CLICK on any links or attachments, or reply unless you recognize the sender and know the content is safe.

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.
Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Amy Fabbo

From: Iris Leung <[redacted]>
Date: Feb. 3, 2021 11:01 p.m.
Subject: Letter to Markham mayor and councillors
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc: paul.calandra@pc.ola.org

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

Dear Mayor and Council,

I urge you not to endorse the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Iris Leung

From: Miranda Minhas <[redacted]>
Date: Feb. 2, 2021 9:04 p.m.
Subject: Please oppose MZO request
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:

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

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,
Miranda

From: Donald Strathroy <[redacted]>
Date: Feb. 3, 2021 10:50 a.m.
Subject: Resist MZOs. Stop Sprawl. Protect the Greenbelt.
To: "Councillor, Alan Ho - Markham" <Alan.ho@markham.ca>,"Regional Councillor, Jack Heath - Markham" <jheath@markham.ca>,"Councillor, Isa Lee - Markham" <ILee@markham.ca>,"Councillor, Khalid Usman - Markham" <KUsman@markham.ca>,"Councillor, Reid McAlpine - Markham" <RMcAlpine@markham.ca>,"Councillor, Keith Irish - Markham" <KIrish@markham.ca>,Mayor Frank Scarpitti - Markham <FScarpitti@markham.ca>,"Councillor, Amanda Collucci - Markham" <ACollucci@markham.ca>,"Councillor, Karen Rea - Markham" <KRea@markham.ca>,"Regional Councillor, Joe Li - Markham" <JLi3@markham.ca>,"Regional Councillor, Jim Jones - Markham" <jjones@markham.ca>,"Councillor, Andrew Keyes - Markham" <AKeyes@markham.ca>,"Deputy Mayor, Don Hamilton – Markham" <DHamilton@markham.ca>
Cc:

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

Dear Mayor and Councillors,

I hope you and your loved ones are well. Thank you for all your efforts over the past months to help get us through this terrible COVID-19 crisis.

I'm writing to you today with two specific requests:
- Please resist using MZOs and tell the Province you oppose the changes to the Conservation Authorities Act because both fast-track sprawl-style development, sidestep public consultation and override policies intended to protect Ontario's natural areas, water sources and farmland.
- Please represent the interests of your constituents and stand strong against developers and land speculators who want to develop Greenbelt lands. And please support the protection of agricultural and natural heritage lands, our streams and the sources of our drinking water. Remember, the Oak Ridges Moraine is the rainbarrel of Ontario.

There has never been a greater need for bringing more farmland and natural areas under government protection in protected areas like the Greenbelt.

The COVID-19 pandemic has shown us how important these spaces are to our well-being. We rely on natural areas for our mental and physical health, and farmland for the local food that keeps us healthy and our farmers employed. These lands are also critical to conserving biodiversity and enhancing community resilience to the impacts of climate change.

Some local governments in the GTA have ignored this reality and have tried to get permission to have protected Greenbelt land used for sprawl-style development. As well, an increasing number are relying on emergency-only Minister's Zoning Orders to bypass important environmental protections and local planning rules. And just recently, the Province has made changes to the Conservation Authorities Act that remove powers to stop bad sprawl-style development. The backlash from the voting public to these changes has been fast and furious.

As a resident of this municipality, I am calling on Council to commit to stopping the misuse of MZOs, opposing changes to the Conservation Authorities Act, stopping sprawl and growing the Greenbelt as part of a Green and Just Recovery.

Yours sincerely,
Donald Strathroy

From: Miriam Reesor <[redacted]>
Date: Feb. 3, 2021 12:03 p.m.
Subject: Flato Developments MZO request
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:

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

Dear Mayor and Council Members,

I am very concerned about the request by Flato Developments for a MZO in the vital Rouge Watershed. As a farm family living in Markham and the previous Executive Director of Willowgrove Farm and Outdoor Education Centre, I am very aware of the importance of farmland, nature and green space for a community's health (mental, emotional, and physical). We can not keep paving over and building on land without going through the appropriate local town procedures to ensure environmental and long term planning by local councils are taken into consideration. This cannot be just a developer and money issue. I urge you to not endorse this request. I have also written to our local MPP Paul Calandra regarding my concerns with MZOs in general and this one specifically.

Sincerely,

Miriam Reesor
[redacted]

From: Josh Griffin <[redacted]>
Date: Feb. 5, 2021 7:35 p.m.
Subject: Vote NO to the request by Flato Developments
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>,Clerks Public <clerkspublic@markham.ca>,"Councillor, Keith Irish - Markham" <KIrish@markham.ca>,"Councillor, Alan Ho - Markham" <Alan.ho@markham.ca>,"Councillor, Reid McAlpine - Markham" <RMcAlpine@markham.ca>,"Councillor, Karen Rea - Markham" <KRea@markham.ca>,"Councillor, Andrew Keyes - Markham" <AKeyes@markham.ca>,"Councillor, Amanda Collucci - Markham" <ACollucci@markham.ca>,"Councillor, Khalid Usman - Markham" <KUsman@markham.ca>,"Councillor, Isa Lee - Markham" <ILee@markham.ca>,paul.calandra@pc.ola.org
Cc:

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Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and wellbeing of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and demoratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Josh Griffin

From: [redacted]
Date: Feb. 5, 2021 7:07 p.m.
Subject: Protect our Waterched
To: Mayor & Councillors <MayorAndCouncillors@markham.ca>
Cc:

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

Dear Mayor and Council,

I urge you *not to endorse* the most recent MZO request by Flato Developments in the vital Rouge Watershed. These MZOs are not consistent with Markham's Official Plan goal of a “Safe, Sustainable and Complete Community”, and compromise holistic planning practices.

The health and well being of my family and fellow citizens is being put at risk by this rush to urbanize our remaining precious farmlands and the use of MZOs to do so is circumventing public engagement and indicating that citizen’s voices on these matters are not important. Not only is this damaging to our natural spaces and farmland, but it is damaging to public faith and democratic decision making.

Please adopt the staff recommendation and notify the Minister of Housing & Municipal Affairs, and MPP Paul Calandra, that this MZO is unwelcome and not in keeping with Markham's growth strategy.

Sincerely,

Judith Livingston

By-law 2021-xx

A BY-LAW TO AMEND BY-LAW 106-71

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT TRAFFIC BY-LAW 106-71 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule 12 of Traffic By-law 106-71, pertaining to "Compulsory Stops", be amended by adding the following:

COLUMN 1	COLUMN 2	COLUMN 3
INTERSECTION	FACING TRAFFIC	LOCATION OF STOP SIGN
South Park Road & Saddle Creek Drive	Eastbound on South Park Road	South side of South Park Road, west side of Saddle Creek Drive
South Park Road & Saddle Creek Drive	Westbound on South Park Road	North side of South Park Road, east side of Saddle Creek Drive

2. The By-Law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized signs have been erected.

Read a first, second, and third time and passed February 9, 2021.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

BY-LAW 2021 - XXX

TO AMEND BY-LAW 2011-232 BEING A BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM ("Site Alteration By-law")

WHEREAS Section 142 of the *Municipal Act*, 2001, S.O. c. 25, as amended, authorizes municipal councils to pass by-laws to regulate or prohibit the removal of topsoil, the placing or dumping of fill, and the alteration of the grade of land, as set out in By-law 2011-232;

AND WHEREAS amendments are required to the said By-law from time to time to reflect current legislation and for administrative and enforcement purposes;

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

That the Site Alteration By-law 2011-232 be amended as follows:

1) That the first letter of all words defined in section 1 (DEFINITIONS) be capitalized throughout the By-law; e.g. 'permit' to 'Permit' and 'order' to 'Order', etc.

2) That the numbering of all sections of the By-law be adjusted, considering the proposed changes.

3) That the following words in the By-law be replaced throughout the By-law, as follows:

	Existing Words in the By-law	**To be Replaced by**
1	Town	City
2	Hazard Lands	Natural Heritage Network
3	Environmental Protection Areas	Natural Heritage Network
4	Ministry of Natural Resources	Ministry of Natural Resources and Forestry

4) That in the WHEREAS section, the following WHEREAS Clauses be added:

"AND WHEREAS Section 391 of the *Municipal Act* provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 425 of the *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS Section 429(1) of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS Section 435 of the *Municipal Act* provides for conditions governing the powers of entry of a municipality;

AND WHEREAS Section 441.1 of the *Municipal Act* provides that upon the request of a municipality that has entered into a transfer agreement under Part X of the *Provincial Offences Act*, the treasurer of a local municipality may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the *Provincial Offences Act* to the tax roll for any property in the local municipality for which all of the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes;

AND WHEREAS Section 444 of the *Municipal Act* provides that a municipality may make an Order requiring a person who contravened a by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Section 445 of the *Municipal Act* provides that a municipality may make an Order requiring the person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

AND WHEREAS Section 446 of the *Municipal Act* provides that where a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed to or required to do it, the matter or thing may be done at the person's expense, and further provides that the costs of so doing may be added to the tax roll and collected in the same manner as municipal taxes."

5) That a new section 'PURPOSE AND INTENT' be added before section 1 (DEFINITIONS), as follows:

"PURPOSE AND INTENT

The purpose of this By-law is to regulate the Placing or Dumping of Fill, the removal of Topsoil, and the alteration of the grade of land through the movement, removal or placement of Topsoil or Fill in order to ensure that:

(a) existing drainage patterns are maintained;

(b) changes to drainage or grade are appropriate to protect natural heritage features and archaeological resources;

(c) interference and damage to watercourses or water bodies are limited;

(d) water quality is maintained;

(e) the use of contaminated Fill is prevented;

(f) haul routes for the transportation of Fill and Topsoil will be designated to and/or from a site by the Director to minimize damage to City and Regional roads and minimize interference and/or disturbance to the City's residents and businesses;

(g) the City's other regulatory by-laws are complied with;

(h) the benefits of any proposed Site Alteration outweigh its potential impacts on other properties and Persons; and

(i) the proponent of the Site Alteration project pays for its costs associated with the processing and enforcement of this By-law."

6) That in section 1 (DEFINITIONS), the following definitions be deleted:

"Authorized Agent"
"Retaining Wall"

7) That in section 1, the following definitions be deleted and replaced as follows:

"Agricultural Uses" means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;

"Development" means:

a) the construction, erection or placing of one or more buildings or structures on land; or,
b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof; or,
c) the laying out, establishment or expansion of a parking lot, or of sites for the location of three or more trailers as defined in Section 164(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 or of sites for the location of three or more mobile homes as defined in clause 46(1) of the *Planning Act*; or,
d) the laying out and establishment of commercial outdoor recreational facilities including golf courses, driving ranges, sports fields and the like; or,
e) the laying out and establishment of outdoor patios associated with restaurants;

"Dump" or ***"Dumping"*** means depositing of Fill in a location other than where the Fill was obtained;

"Fill" or ***"Filling"*** means Soil, rock, rubble, organic material or a combination of these that is transported and placed on the natural surface of a Soil or rock or organic terrain; it may or may not be compacted;

"Oak Ridges Moraine" means lands subject to *Ontario Regulation* 140/02 and subject to the requirements of the Provincial Oak Ridges Moraine Conservation Plan, as amended;

"Place" or ***"Placing"*** means the distribution of fill on lands to establish a finished grade higher or lower than the existing grade;

"***Security Deposit"*** means financial security submitted to the City by the Applicant and it can be in the form of a certified cheque, or a letter of credit;

"Significant" means identified as significant by the Ministry of Natural Resources and Forestry, the Region, or the City using evaluation procedures established by that Ministry, the Region, or the City, as amended;

"Site Alteration" means the Placing, or Dumping of Fill, the removal of Topsoil from land, or the alteration of the grade of land through the movement, removal or placement of Soil or Fill;

"Valleylands" means a natural area occurring in a valley or other landform depression that has water flowing through or standing for some period of the year. They include well or ill-defined depressional features associated with a river or stream, whether or not they contain a watercourse in which a flow of water regularly or continuously occurs;

"Wetlands" means lands that are seasonally or permanently covered by shallow water or have the water table close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be Wetlands for the purposes of this definition;

"Woodland" means an area of land of at least 0.2 hectares and includes at least:

a) 1,000 *trees* of any size, per hectare;
b) 750 trees measuring over 5 centimetres diameter at breast height, per hectare;
c) 500 trees measuring over 12 centimetres diameter at breast height, per hectare; or,
d) 250 trees measuring over 20 centimetres diameter at breast height, per hectare,

but does not include a cultivated fruit or nut orchard, a plantation established and used for the purpose of producing Christmas trees or nursery stock. For the purposes of defining a Woodland, treed areas separated by more than 20 metres will be considered a separate *Woodland*. When determining a W*oodland*, continuous agricultural hedgerows and W*oodland* fingers or narrow *Woodland* patches will be considered part of the W*oodland* if they have a minimum average width of at least 40 metres and narrower sections have a length to width ratio of 3:1 or less. Undeveloped clearings with *Woodland* patches are generally included within a W*oodland* if the total area of each clearing is no greater than 0.2 hectares. In areas covered by Provincial Plan policies, W*oodland* includes treed areas as further described by the Ministry of Natural Resources and Forestry. For the purposes of determining densities for *Woodland*s outside of the Provincial Plan areas, the following species are excluded: staghorn sumac, European buckthorn, common lilac.

8) That in section 1, the definitions of ***"Body of Water", "Environmental Protection Areas"*** and ***"Hazard Lands"*** be deleted and replaced with the following:

"Natural Heritage Network" means lands defined as part of the Natural Heritage Network in the City of Markham Official Plan, as amended. It includes Wetlands, Significant Wetlands, Woodlands, Significant Woodlands, Significant Wildlife Habitat, Fish Habitat, Habitat of Endangered and Threatened Species, Valleylands, Significant Valleylands, Areas of Natural and Scientific Interest, permanent and intermittent Watercourses, and other lands (including vegetation protection zones and hazardous lands) as defined in the City of Markham Official Plan;

9) That in section 1, the definitions of ***"Habitat of Endangered, Rare and Threatened Species", "Endangered Species", "Rare Species"*** and ***"Threatened Species"*** be deleted and replaced with the following:

"Habitat of Endangered or Threatened Species" means

a) with respect to a species listed on the Species at Risk in Ontario List as endangered or threatened species for which a regulation made under Clause 55(1)(a) of the Endangered Species Act, 2007, is in force, the area prescribed by the regulation as the habitat of the species; or
b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ministry of Natural Resources and Forestry; and places in the areas described in a) or b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

10) That in section 1, the definition of ***"Town"*** be deleted and replaced as follows:

"City" means The Corporation of the City of Markham.

11) That in section 1, the following definitions be added:

"Protected Countryside" means lands designated as Protected Countryside in the Ontario Greenbelt Plan (2017), as amended;

"Greenbelt Plan" means the Ontario Greenbelt Plan (2017), as amended;

"Laying Out" means the arrangement, planning or designing of any facility such as a building or a parking lot.

"Order" includes Notice, Work Order, Order to Comply, and Order to Discontinue;

"Qualified Person" means the person who meets the qualifications prescribed by the *Environmental Protection Act*, RSO 1990 c E.19 and associated regulations O. Reg. 153/04 or O. Reg. 406/19, as amended;

"Receiving Site" means the location where the imported Soil is being reused;

"Soil Importation" means to bring Soil from a Source Site to a Receiving Site;

"Source Site" means the location where the imported soil is being excavated or coming from;

"Treasurer" means the Treasurer of the City of Markham or his/her designate.

12) That section 2.0 be repealed and replaced as follows:

"No Person shall permit, perform or cause to permit or to have performed any Site Alteration without a Permit, unless otherwise exempt as set forth in this By-law."

13) That two new sections be added after section 2.0 as follows:

"No Person shall permit, perform or cause to permit or to have performed any activity other than Site Alteration pursuant to this By-law; and"

"No Person shall permit, perform or cause to permit or to have performed any activity of Development pursuant to this By-law; and"

14) That section 2.1 be repealed and replaced as follows:

"No Person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City identified as Natural Heritage Network that is not permitted by the City's Official Plan, as amended."

15) That a new section be added after existing section 2.3 as follows:

"No Person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City that is not permitted by the Greenbelt Plan, as amended and as shown on Schedule "B"."

16) That in section 2.5, add the following "and environmental conditions" after 'to the pre-existing grades'.

17) That section 2.8 be repealed and replaced as follows:

"No Person shall permit, perform or cause to permit or to have performed any Site Alteration on any lands Adjacent to or within 30 metres of the Natural Heritage Network as identified in the City's Official Plan without having been issued a Permit under this By-law by the Director."

18) That section 2.10 be amended as follows:

a) "permited" be changed to "permitted"

b) section 2.10.9 be repealed and replaced as follows:

"negative impact on any lands identified as Natural Heritage Network in the City's Official Plan or Areas of Natural or Scientific Interest, Wetland or Wetland complex as identified by the Toronto and Region Conservation Authority, the Ministry of Natural Resources and Forestry, the Region or the City;"

c) In section 2.10.10, remove the following "Town of Markham Official Plan Amendment No. 117."

19) That the following new sections be added after existing section 2.10:

"No Person shall use a haul route for the transportation of Fill and Topsoil that is not authorized by the Director."

"No Person shall permit, perform or cause to permit or to have performed the removals of vegetation designated as environmentally significant or trees unless approval is obtained from the City."

20) That section 3.1.1 be repealed and replaced as follows:

"such land is not within 30 meters of the Natural Heritage Network as identified in the City's Official Plan; or"

21) That in section 3.1, add "AND WHEREAS" at the start of the sentence.

22) That a new section be added after section 3.1.2.1, as follows:

"the Site Alteration does not in any way affect the land Drainage of the abutting properties;"

23) That section 3.1.13 be amended as follows:

Add "or a conditional building permit" after 'building permit'

add "or the installation of on-site plumbing services," after 'building or structure'

24) That section 4.1.2 be amended to remove "Town's Fee By-law 2002-276, as amended" and replace it with "City's By-law 211-83, as amended."

25) That section 4.1.3 be repealed and replaced as follows, and any reference to "securities" or "security deposit" in this By-law be replaced with "Security Deposit".

"Security Deposit as per the Permit;"

26) That section 4.1.4 be repealed and replaced as follows:

"proof of liability insurance with a minimum coverage amount pursuant to the City's requirements for insurance coverage;"

27) That section 4.1.5 be repealed and replaced as follows:

"a Site Alteration Plan, certified by an Engineer, meeting the standards set out in the City's Design Criteria, as amended;"

28) That a new section be added after section 4.1.5, as follows:

"tree protection fencing, as per the accepted Tree Protection Plan and Arborist Report, shall be installed, inspected and approved by City Staff prior to issuance of the Permit;"

29) That section 4.1.6 be repealed.

30) That section 4.1.7 be repealed and replaced as follows:

"reports and/or plans describing the Site Alteration Plan showing features and special site conditions, including erosion and sediment control measures and their design details to the satisfaction of the Director;"

31) That section 4.1.9 be repealed and replaced as follows

"if located on the Oak Ridges Moraine as shown on Schedule "B", studies or reports to confirm that the Site Alteration is in compliance with Ontario Regulation 140/02, the Oak Ridges Moraine Conservation Plan, as amended;"

32) That the following new sections be added after section 4.1.10:

"confirmation that any Soil Importation will comply with all applicable regulatory requirements related to the Soil Importation including, but not limited to, the *O. Reg*. 406/19 (*On-Site and Excess Soils Management Regulations*), as amended;"

"confirmation that a Qualified Person shall document and certify the Soil Importation work ensuring that it meets all applicable regulatory requirements related to the Soil Importation including, but not limited to, the *O. Reg*. 406/19 (On-Site and Excess Soils Management Regulations), as amended, and make such document(s) available for the City's review upon request;"

"if lands are designated as Protected Countryside on the Greenbelt Plan as shown on Schedule "B", studies or reports to confirm that the Site Alteration is in compliance with the Greenbelt Plan;"

"if located within 120.0 m of Natural Heritage Network lands, studies or reports to confirm that the Site Alteration is in conformity with the City's Official Plan; and"

33) That a new section be added after 4.1.11 as follows:

"The Applicant shall obtain all other approvals that may be required from any level of government or authority having jurisdiction or any agencies thereof."

34) That section 5.2 be repealed and replaced as follows:

"A Permit which is no longer valid or which has expired pursuant to this By-law must be renewed by making a written application to the Director. The Director can renew the expired Permit and issue a Permit extension for a maximum 180 days upon payment to the City for costs incurred in processing the Permit extension, with such costs to be calculated on an hourly rate, in accordance with the City's By-law 211-83, as amended."

35) That section 5.3.1 be repealed and replaced as follows:

"provides the City with an undertaking to comply with all the conditions under which the existing Permit was issued and also provide Letters of Credit, insurance, and any other documents requirement by the Director in accordance with the Permit; or"

36) That section 6 be repealed and numbering adjusted accordingly.

37) That a new section be added after section 7.2 as follows:

"An Owner shall be presumed to have carried out an activity related to Site Alteration located on the Owner's property or to have contravened or caused the contravention of the conditions of a Permit issued under this By-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities."

38) That section 10.0 be amended to delete the words "prepaid registered mail" and replaced with the words "regular mail".

39) That the title of section 12 be repealed and replaced as follows:

"OFFENCES, PENALTIES AND FINES"

40) That section 12.0 be amended to add the following words after the word "offence":

"and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended."

41) That sections 12.1 and 12.2 be repealed and replaced as follows:

"Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:

a) Upon a first conviction, to a fine of not less than $500 and not more than $50,000.

b) Upon a second or subsequent conviction for the same offence, to a fine of not less than $500 and not more than $100,000.

c) Upon conviction for a continuing offence, to a fine of not less than $100 and not more than $10,000 for each day or part of a day that the offence continues. The total of the daily fines may not exceed $100,000.

d) Upon conviction for a Multiple Offence, for each offence included in the Multiple Offence, to a fine of not less than $100 and not more than $10,000. The total of all fines for each included offence is not limited to $100,000."

e) "Where a Person convicted of an offence is a corporation, the corporation is liable to a fine not less than $500 and not more than $100,000."

42) That the following new administrative penalty sections be added after section 12.2:

"Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law, an Order, a Work Order, or any other Order issued pursuant this By-law, an Officer may issue an administrative penalty to the Person who has contravened this By-law.

The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended. If an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

The amount of the administrative penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in By-Law No. 2016-84, A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.

A Person who is issued an administrative penalty shall be subject to the procedures as provided for in By-Law 2016-84, A By-law to Implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended, or any successor by-law.

An administrative penalty imposed on a Person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Where a fine is in default, the City may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

The City may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine, and collect it in the same manner as municipal taxes.

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed on the Person convicted."

43) That section 15 be repealed and replaced as follows:

"The following Schedules attached to this By-law form and are part of this By-law:

Schedule "A" Application for Site Alteration Permit; and

Schedule “B” Oak Ridges Moraine and Greenbelt Plan Boundaries.”

44) That section 17 be repealed.

45) That existing Schedule “A”, Schedule “B”, Schedule “C”, Schedule “D”, Schedule “E”, and Schedule “F” be repealed and replaced with Schedule “A” and Schedule “B” attached to this By-law.

46) That any reference to Schedule ‘E’ be replaced with Schedule “A” and reference to Schedule “F” be replaced with Schedule “B”.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON……., 2021.

KIM BERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE "A"
(By-law 2011-232)

THE CORPORATION OF THE CITY OF MARKHAM
DEVELOPMENT SERVICES COMMISSION
101 TOWN CENTRE BOULEVARD, MARKHAM, ONTARIO L3R 9W3
Tel (905) 475-4861, Fax (905) 479-7768

APPLICATION FOR SITE ALTERATION PERMIT

Pursuant to the City of Markham By-law No: 2011-232

Please complete all applicable sections of the application form. An incomplete application will be returned to the Applicant.

OWNER / APPLICANT INFORMATION			
PROPERTY OWNER: ***(check one)***		☐ Person (s)	☐ Company
Registered Land Owner:	*Last Name:*	*First Name:*	*Initial:*
Name *(if Company)*		Company Officer:	
Address:			
Contact Nos.	Tel.	Email:	
Application Contact Person:	*Last Name:*	*First Name:*	*Position:*
Address:			
Contact Nos.	Tel.	Email:	

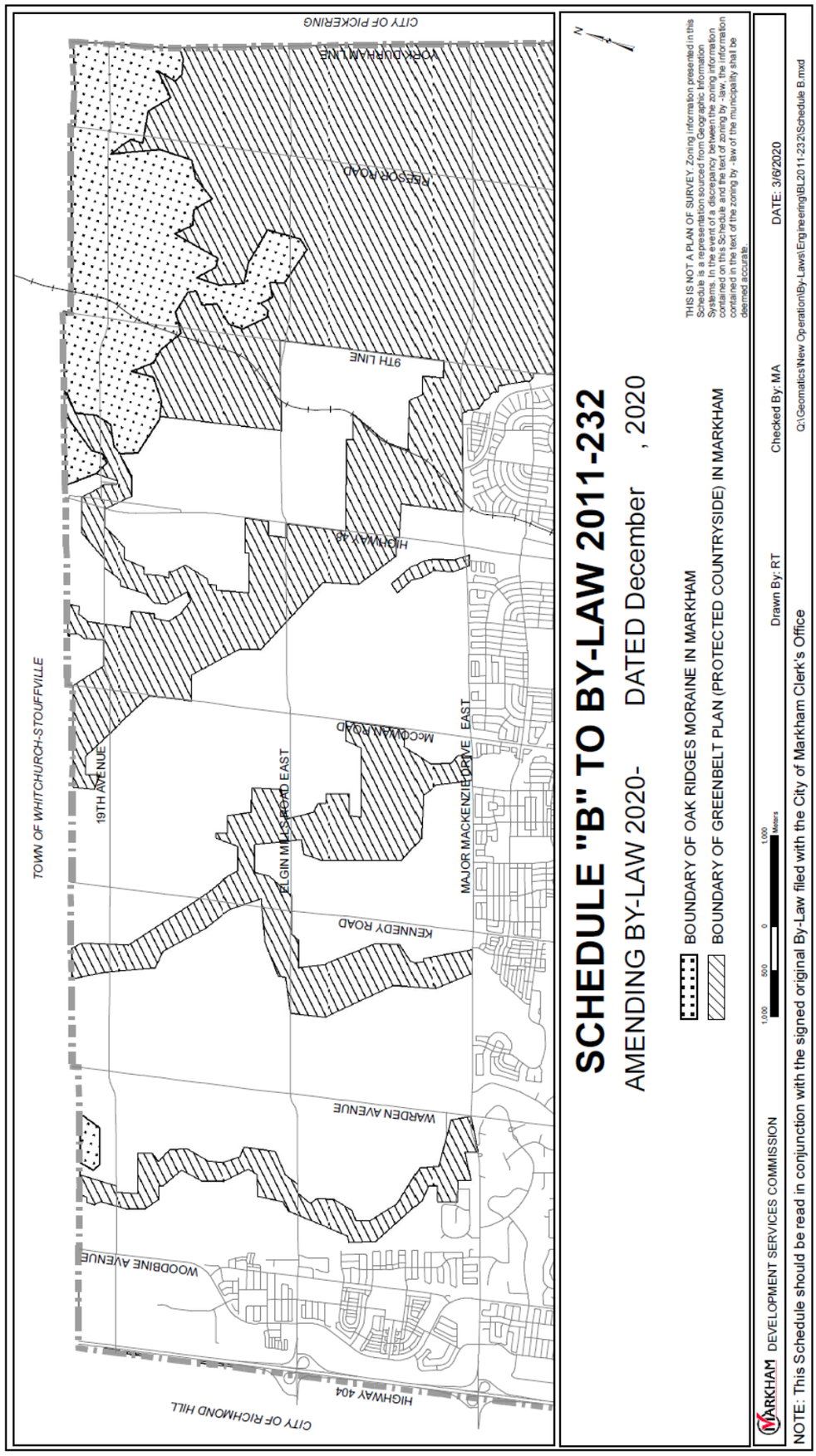
PROPERTY INFORMATION	
Address:	
Total Site Area (Ha):	Site Alteration Area (Ha):

CONSULTING ENGINEER INFORMATION			
Company Name			
Contact Person:	*Last Name:*	*First Name:*	*Position:*
Address:			
Contact Nos.	Tel.	Email:	

APPLICANT'S CERTIFICATION ***THE APPLICANT certifies to have read the Site Alteration By-law and Schedules and agrees to abide by all the conditions therein.***	
I, hereby make the above application for Site Alteration, declaring that all information contained herein is true and correct, and acknowledging the City of Markham will process the application based on the information provided.	
Signature:	Title:
Printed Name of Signatory:	Date:

SCHEDULE "B"
(By-law 2011-232)

Map of Oak Ridges Moraine and Greenbelt Boundaries



BY-LAW 2021-XX

To amend Bylaw 2016-84 being a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences.
(Amendments to AMPS For Non Parking Offences By-law)

WHEREAS the Council of The Corporation of the City of Markham, (the "City) considers it desirable to amend By-law 2016-84, a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences and;

WHEREAS subsection 434.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*") authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and

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

(1) By adding the following to Schedule "A" of the By-law 2018-84:

(a) **BY-LAW 2011-232**, as amended (SITE ALTERATION BY-LAW TO REGULATE OR PROHIBIT REMOVAL OF TOPSOIL, PLACING OR DUMPING OF FILL, AND ALTERATION OF THE GRADE OF LAND WITHIN THE CITY OF MARKHAM)

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON ……2021.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

Add the following to Schedule "A" of By-law 2016-84

Designated Provisions for Site Alteration By-law 2011-232, as amended			
Column 1 Item	**Column 2 Designated Provisions**	**Column 3 Short Form Wording**	**Column 4 Administrative Penalty Amount**
1	2.0	No Person shall permit, perform or cause to permit or to have performed any Site Alteration without a Permit, unless otherwise exempt as set forth in this By-law	$500.00
2	2.0(a)	No Person shall permit, perform or cause to permit or to have performed any activity other than Site Alteration pursuant to this By-law	$500.00
3	2.0(b)	No Person shall permit, perform or cause to permit or to have performed any activity of Development pursuant to this By-law	$500.00
4	2.1	No person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City identified as Natural Heritage Network that is not permitted by the City's Official Plan, as amended	$500.00
5	TBD[1]	No person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City that is not permitted by the Greenbelt Plan, as amended	$500.00
6	TBD	No person shall permit, perform or cause to permit or to have performed Site Alteration on lands within the City that is not permitted by Ontario Regulation 140/02, The Oak Ridges Marine Conservation Plan as shown on Schedule F Ontario Regulation	$500.00

[1] Numbering of the new or moved provisions in the Site Alteration By-law to be determined by Clerks as instructed in the Amending By-law.

		01/02, or any other applicable law or regulation as may be approved or amended from time to time	
7	TBD	No person shall fail to obey an Order	$500.00
8	2.8	No person shall permit, perform or cause to permit or to have performed any Site Alteration on any lands Adjacent to or within 30 metres of the Natural Heritage Network as identified in the City's Official Plan without having been issued a Permit under this By-law by the Director	$500.00
9	TBD	No person shall use a haul route for the transportation of Fill and Topsoil that is not authorized by the Director	$500.00
10	TBD	No person shall permit, perform or cause to permit or to have performed the removals of vegetation designated as environmentally significant or trees unless approval is obtained from the City	$500.00
11	7.2	No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law	$500.00

BY-LAW 2021-_____

A By-law to amend By-law 304-87, as amended
(to delete lands from the designated areas of By-law 304-87)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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

1. That By-law 304-87, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 304-87, as amended.

2. That By-law 177-96, as amended, is hereby further amended as follows:

   2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule "A" attached hereto.

   2.2 By zoning the lands outlined on Schedule "A" attached hereto:

   from:
   Rural Residential (RR4) Zone

   to:
   Business Corridor*680(BC*680) Zone
   Business Park*681 (BP*681) Zone
   Open Space One (OS1) Zone

3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.680	**FLATO Developments Inc.** **2695 Elgin Mills Road East**	**Parent Zone BC**
File PLAN 19 119540		Amending By-law 2021-___
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *680 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.680.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	Maximum *front yard* shall not apply	
b)	Maximum depth of *parking area* in the *front yard* shall not apply	
c)	Maximum depth of *parking area* in the *exterior side yard* shall not apply	
d)	Minimum required *exterior side yard* adjacent to Highway 404 – 14 metres	
e)	Maximum building *height* – 38 metres	
f)	*Retail* stores are only permitted subject to the following: i. Maximum of 1,000 square metres of *gross floor area* per *premises* ii. Maximum of 50% of the *gross floor* area of each *building* iii. Maximum of 3,000 square metres of *gross floor area*	
g)	Places of worship are only permitted subject to the following: i. Located in a multiple unit building ii. Maximum 500 square metres of *gross floor area*	
h)	Maximum *floor space index (FSI)* – 2.5	

Exception 7.681	FLATO Developments Inc. 2695 Elgin Mills Road East	Parent Zone BP
File PLAN 19 119540		Amending By-law 2021-___

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *681 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.681.1 Special Zone Standards

The following special zone standards shall apply:

a)	Maximum depth of *parking area* in the *exterior side yard* shall not apply
b)	Minimum required *exterior side yard* adjacent to Highway 404 – 14 metres
c)	Maximum building *height* – 38 metres
d)	Maximum *floor space index (FSI)* – 2.5

Read and first, second and third time and passed on _____, 2021.

_____
Kimberley Kitteringham
City Clerk

_____
Frank Scarpitti
Mayor

Amanda File No. PLAN 19 119540

EXPLANATORY NOTE

BY-LAW 2021-___
A By-law to amend By-laws 304-87 and 177-96, as amended

FLATO Developments Inc.
Part of the East Half of Lot 25 Concession 3 (Geographic Township of Markham)
2695 Elgin Mills Road East
PLAN 19 119540

Lands Affected
The proposed by-law amendment applies to a parcel of land with an approximate area of 2.73 hectares (6.74 acres), which is located south of Elgin Mills Road East and east of Highway 404.

Existing Zoning
The subject lands are zoned Rural Residential Four (RR4) Zone under By-law 304-87, as amended.

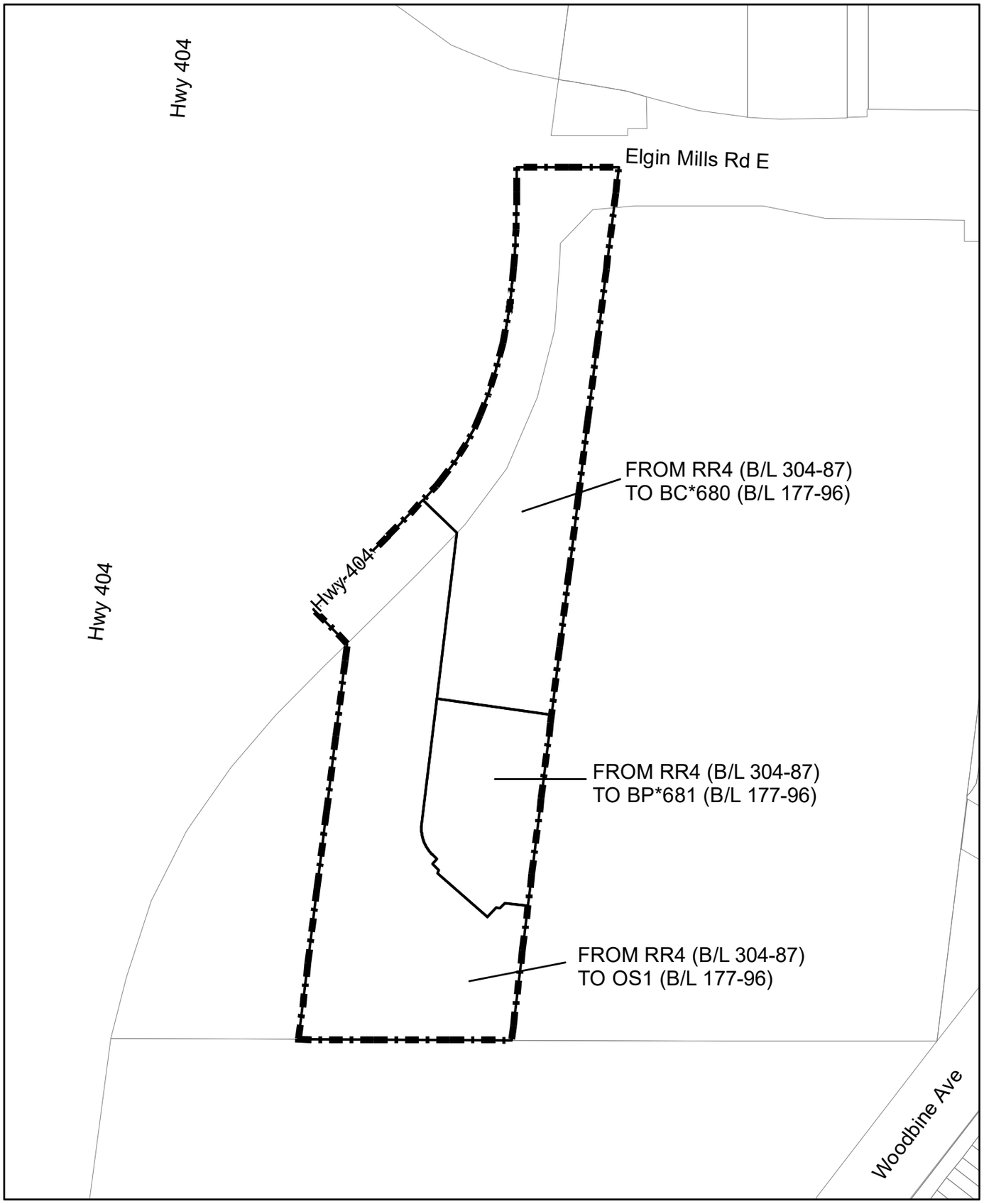
Purpose and Effect
The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended as follows:

from:
Rural Residential Four (RR4) Zone

to:
Business Corridor*680 (BC*680) Zone;
Business Park*681 (BP*681) Zone; and
Open Space One (OS1) Zone.

in order to permit the development of a convention centre, office building, and hotel.

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



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAWS 304-87 AND 177-96 DATED

N

BOUNDARY OF AREA COVERED BY THIS SCHEDULE TO BE DELETED FROM 304-87 AND ADDED TO 177-96

BOUNDARY OF ZONE DESIGNATION(S)

RR4	RURAL RESIDENTIAL FOUR	*(No)	EXCEPTION NUMBER
BC	BUSINESS CORRIDOR		
BP	BUSINESS PARK		
OS1	OPEN SPACE ONE		

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

Q:\Geomatics\New Operation\By-Laws\PLAN\PLAN19_119540\Schedule A.mxd

MARKHAM DEVELOPMENT SERVICES COMMISSION

40 20 0 40 Meters

Drawn By: RT Checked By: MR DATE:29/01/2021

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