



Revised Council Meeting Agenda

Revised items are indicated with an asterisk ()*

Meeting No. 12 | May 15, 2024 | 1:00 PM | Live streamed

Members of the public have the option to attend either remotely via Zoom or in-person in the **Council Chamber at the Civic Centre**

Members of the public can participate by:

1. VIEWING THE ONLINE LIVESTREAM:

Council meetings are video and audio streamed at: <https://pub-markham.escribemeetings.com/>

2. EMAILING A WRITTEN SUBMISSION:

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

Written submissions must be received by 10:00AM the morning of the meeting.

If the deadline for written submission has passed, you may:

Email your written submission directly to [Members of Council](#); or

Make a deputation at the meeting by completing and submitting an online [Request to Speak Form](#)

If the deadline for written submission has passed **and** Council has finished debate on the item at the meeting, you may email your written submission directly to [Members of Council](#).

3. REQUEST TO SPEAK / DEPUTATION:

Members of the public who wish to make a live deputation, please register prior to the start of the meeting 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, or,

If you do not have access to email, contact the Clerk's office at **905-479-7760** on the day of the meeting.

*If Council or Committee has finished debate at the meeting on the item, you may email your written submission directly to [Members of Council](#).

The list of [Members of Council is available online at this link](#).

Alternate formats for this document are available upon request.

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.**



Revised Council Meeting Agenda

Revised items are identified by an asterisk (*)

Meeting Number: 8
May 15, 2024, 1:00 PM
Live streamed

Pages

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - MAY 1, 2024

14

- 1. That the Minutes of the Council Meeting held on May 1, 2024, be adopted.

4. PRESENTATIONS

5. DEPUTATIONS

6. COMMUNICATIONS

6.1 ONTARIO LAND TRIBUNAL (OLT) DECISION - 36-48 STEELES AVENUE EAST & 37-49 HIGHLAND PARK BOULEVARD (ZONIX GROUP INC.) (WARD 1) (10.3) (10.5)

33

Summary from the City Solicitor:

On May 7, 2024, the Ontario Land Tribunal (the “Tribunal”) approved and issued a final order, regarding the settlement between Zonix Group Inc. (the “Appellant”) and the City of Markham with respect to appeals by the Appellant from the City’s non-decision regarding applications to amend the Official Plan (“OPA”) and the Zoning By-law (“ZBL”) (“Applications”), at 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue, located on the north east corner of Steeles Avenue East and Dudley Avenue, (the “Subject Lands”) in Thornhill.

The Settlement Proposal proposes two towers with maximum heights of 40 and 44 storeys on a six-storey podium with a total gross floor area of 74,467 square metres (“m²”) and a Floor Space Index (“FSI”) of 8.2. The development proposes 1,060 residential units, 510 vehicle parking spaces provided at a parking ratio of 0.48 parking spaces per unit based on 0.38 resident parking spaces per unit and 0.1 visitor parking spaces per unit. A total of 740 bicycle parking spaces are proposed. Driveway access will be provided from both Dudley Avenue and Highland Park Boulevard. The Settlement Proposal also proposes that a park, having an area of 1,829 m², is to be dedicated to the City, through a stratified conveyance, along the southerly side of Highland Park Boulevard. A privately owned public space (“POPS”) is also proposed along the easterly property edge, comprising an area of 450 m². The Settlement Proposal includes a combined indoor and outdoor amenity area ratio of 4.0 m² per unit (the “Settlement Proposal”).

The Tribunal approved the Settlement Proposal and allowed appeals of the OPA and ZBL applications. The proposed OPA adds a new subsection to the City’s Thornhill Secondary Plan (PD 3-1) to permit the Settlement Proposal having maximum tower heights of 44 and 40 storeys and a maximum density of 8.75 FSI. The ZBL amends the City’s By-law 2237 and By-law 177-96, as amended, and zones the Subject Lands with site-specific development standards to permit the majority of the property be developed with a high-density residential development. A portion of the Subject Lands is to be conveyed to the City of Markham as a stratified public park (with private underground parking). As the Tribunal has issued its final decision, the OPA and ZBL now require assignment of by-law numbers for administrative tracking purposes.

As the OLT has issued its final decision, the ZBA and OPA now require assignment of a By-law number and Amendment number for administrative tracking purposes.

(By-law 2024-84 and By-law 2024-85)

7. PROCLAMATIONS

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 19 DEVELOPMENT SERVICES PUBLIC MEETING (APRIL 30, 2024)

Please refer to your April 30, 2023 Development Services Public Meeting Agenda for reports.

Mayors and Members of Council:

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

8.1.1 PUBLIC MEETING INFORMATION REPORT, MYTERMS (ARASH FAZELIPUR AND SOMAYEH BADALI) AT 28-32 KIRK DRIVE, APPLICATION FOR A ZONING BY-LAW AMENDMENT, TO PERMIT FOUR (4) SINGLE DETACHED DWELLINGS AT 28-32 KIRK DRIVE, FILE NO. PLAN 24 161084 (WARD 1) (10.5)

86

(By-law 2024-86 and By-law 2024-87)

1. **That the written submissions by Chris Chan, and the Royal Orchard Ratepayer Association regarding File No. Plan 24 161084 (Ward 1), be received; and,**
2. That the report dated April 30, 2024, titled “Public Meeting Information Report, MYterms (Arash Fazelipur and Somayeh Badali), for a Zoning By-law Amendment, to permit four (4) single detached dwellings at 28-32 Kirk Drive, File No. Plan 24 161084 (Ward 1), be received; and,
3. That the Record of the Public Meeting held on April 30, 2024, with respect to the proposed Zoning By-law Amendment to permit four (4) single detached dwellings at 28-32 Kirk Drive, File No. PLAN 24 161084 (Ward 1), be received; and,
4. That the application by MYterms (Arash Fazelipur and Somayeh Badali), for a Zoning By-law Amendment, File No. Plan 24 161084, be approved and the draft Zoning By-law Amendment be enacted without further notice; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2 REPORT NO. 20 DEVELOPMENT SERVICES COMMITTEE (MAY 7, 2024)

Please refer to your May 7, 2024 Development Services Committee Agenda for reports.

Mayors and Members of Council:

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

- | | | |
|--------|---|-----|
| 8.2.1 | RECOMMENDATION REPORT, REVISION TO A LEGAL DESCRIPTION OF A DESIGNATION BY-LAW FOR 4031 16TH AVENUE (“BRIARWOOD FARM-JAMES MCLEAN HOUSE”) (WARD 3) (16.11.3) | 115 |
| | <ol style="list-style-type: none"> 1. That the report, dated May 7, 2024, titled, “RECOMMENDATION REPORT, Revision to a Legal Description of a Designation By-law for 4031 16th Avenue (“Briarwood Farm-James McLean House”) (Ward 3)”, be received; and, 2. That the legal description as contained within Council-adopted By-law 2021-8 be amended to reflect the property’s current legal description, and that By-law 2021-8 be amended to ensure conformance with the Ontario Heritage Act, as amended; and further, 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution. | |
| 8.2.2 | 2024 SISTER CITIES INTERNATIONAL ALL AMERICANS SUMMIT - MAY 29 TO MAY 31, 2024 | 120 |
| | <ol style="list-style-type: none"> 1. That Council approve the attendance and funding for Mayor Frank Scarpitti to attend the 2024 Sister Cities International All Americans Summit in San Antonio, Texas, from Wednesday, May 29, 2024, to Friday, May 31, 2024; and, 2. That the estimated cost of \$1,800.00 be funded from the Mayor's Office operating budget; and further, 3. That staff be authorized and directed to do all things necessary to give effect to this resolution. | |
| *8.2.3 | COMMENTS ON THE CUTTING RED TAPE TO BUILD MORE HOMES ACT (BILL 185) AND PROPOSED PROVINCIAL PLANNING STATEMENT (10.0) | 121 |
| | <ol style="list-style-type: none"> 1. That the report dated May 7, 2024, titled "Comments on the Cutting Red Tape to Build More Homes Act (Bill 185) and Proposed Provincial Planning Statement" be received; and, 2. That this report be forwarded to the Minister of Municipal Affairs and Housing and York Region as the City of | |

Markham's comments; and,

3. That Council support the proclaiming date of July 1, 2024 to remove upper-tier planning responsibilities and request that the province pass an order exempting local municipalities from provincial approval for official plan amendments and secondary plans to support the goal of faster decision making; and,
4. That Council support the removal of the fee refund requirement for development applications; and,
5. That Council support limiting third party appeals on Council decisions to improve timelines for the delivery of development projects but consider scoping to matters of provincial interest (e.g. housing) or those that do not conform to an official plan and further recommend the province develop a protocol to scope third party appeals to matters of provincial interest; and,
6. That Council not support the exemption of Universities from the *Planning Act*; and,
7. That Council not support proposed changes that would allow applicants to appeal decisions made by Council to refuse official plan and zoning by-law amendments for settlement area boundary expansions; and,
8. That the province provide further consultation on Additional Residential Units with the City's operations and environmental services departments, utility companies and emergency services to ensure appropriate standards are maintained and in place to provide appropriate levels of service for infrastructure, utilities, and life safety measures; and,
9. That Council support the removal of the Community Infrastructure and Housing tool from the *Planning Act* and replacement with a more transparent process for Ministers Zoning Orders and recommend that the Minister be provided the ability to impose conditions on the approval of MZO for community benefits and infrastructure; and,
10. That the province clarify the scope of the proposed regulation making authority to streamline approvals for community service facilities including public schools, hospitals, and long-term care facilities and how priority project would be identified and expediated; and,

11. That Council support reduced parking minimums in principle but request additional policies to phase in the reduction of parking in line with increases in the level of transit service and funding from senior levels of government to increase transit and manage the interim state until higher order transit and other supportive services are available. Specifically, additional policies and investments from senior levels of government are required to support the delivery and operation of higher frequency rail and bus service and public infrastructure such as active transportation networks, public parking, and Transportation Demand Management programs as a part of any development; and,
12. That Council support the proposed changes to the *Development Charges Act* as they apply to the following matters:
 - a. Repeal the 5-year phase-in of development charges for by-laws passed on or after January 1, 2022; and,
 - b. Re-instating studies as an eligible capital cost for Development Charges; and,
 - c. Reduce the timeframe for the DC rate freeze from 2 years to 18 months; and,
 - d. Streamline the process for municipalities to extend existing Development Charges by-laws; and,
13. That Council support the re-introduction of a definition for Affordable Housing and Low to Moderate Income and Affordable Housing policies; and,
14. That the province provide clarification on how the Ministry of Finance projections would inform population and employment forecasting for lower tier municipalities; and,
15. That the province include policies requiring municipalities to meet minimum intensification targets and minimum density targets in designated greenfield areas to support the development of compact and complete communities and the efficient use of infrastructure; and,
16. That the province include policies for the creation of new settlement areas or settlement area boundary expansions to only occur as part of a comprehensive process through a municipally initiated official plan amendment; and,
17. That the province maintain the existing definition of

employment area, including the discretionary consideration of institutional and commercial uses (retail and office) to support economic growth. Should the proposed definition be proclaimed, policies should be included permitting the protection and continuation of existing employment areas; and,

18. That the province include policies to restrict employment conversions to those initiated by a municipality; and,
19. That the province include policies that allow for the incorporation of development approved through a Minister's Zoning Order as a part of the current planning horizon, and not in excess; and,
20. That the province provide additional policies that would allow for the protection of the commercial function of re-developing malls and commercial plazas while supporting more compact built forms, where appropriate; and,
21. That the province develop clear guidelines to support policy directions for the delivery of urban format and vertical schools in a compact built form, including a process to advance the construction of schools to align with the phasing of growth and community needs; and,
22. That the Province revise the policies and definitions applying to ARUs and lot creation in prime agricultural areas to ensure that ARUs are considered accessory uses so that it does not lead to unintended severances that could negatively affect the protection of agricultural resources; and,
23. That the province re-introduce policies on Strategic Growth Areas that would require planning authorities to identify and plan for Strategic Growth Areas as a focal point for growth and development based on the appropriate scale and built form; and,
24. That Council support the change to require watershed planning and recommend the province finalize watershed planning guidance for municipalities to support the implementation of water resource policies in the PPS; and,
25. That the province provide training to municipalities prior to the Proposed Provincial Planning Statement coming into effect as the changes represent a significant shift in the land use planning framework in Ontario; and,

26. That Council support in principle the proposed incentive tool that municipalities could leverage to attract specified manufacturing, industrial or commercial investments and the province consult with municipalities to clarify the regulations and criteria that would govern the exemption process; and,
27. That Council support enhanced policies that will allow the municipality to ensure infrastructure is directed to developments to support housing; and,
28. That the province consult with municipalities on the necessary resourcing and timelines to implement the new reporting requirements and provide clear instructions to guide municipalities for summary table data requirements to avoid misinterpretation and duplication of data; and,
29. That the province recognize residential units in Official Plan and Zoning By-law Amendments may change at Site Plan and Plan of Subdivision and may need to be reconciled to avoid double counting units; and,
30. That Council support the proposal to allow for notices to be issued through a municipality's website and further, that the province remove the requirements where this new measure is only limited to municipalities that do not have a local paper; and further,
31. That Staff be authorized and directed to do all things necessary to give effect to this resolution

***8.3 REPORT NO. 21 GENERAL COMMITTEE (MAY 14, 2024)**

Please refer to your May 14, 2024 General Committee Agenda for reports.

Mayors and Members of Council:

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

***8.3.1 YORK REGION COMMUNICATIONS (13.4)**

176

YORK REGION JOINT NOMINATION TO THE CTC SOURCE PROTECTION COMMITTEE

1. That the correspondence dated February 28, 2024 from the Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Water Protection Region (Appendix A) be received; and,
2. That Council of the City of Markham endorse the joint

nomination of Tom Bradley as the municipal representative for York Region and its local municipalities on the CTC Source Protection Committee; and further,

3. That the Clerk be delegated authority to submit future nominations to Source Protection Committees on behalf of the City of Markham as requested or endorsed by York Region.

***8.3.2 CITY WIDE JANITORIAL CONTRACT (7.0)**

181

1. That the report entitled “012-R-24 Janitorial and Carpet Cleaning Service GC Report” be received; and,
2. That the contract for City-Wide Cleaning Services be extended for seven months from June 1, 2024 – December 31, 2024 in the amount of \$322,866.16 (Incl. HST) at the same terms, conditions and pricing from 2022/2023; and,
3. That the contract extension in the amount of \$322,866.16 (Incl. HST) be awarded to National Cleaning Contractors; and,
4. That the seven-month contract extension be funded by available funding from various departments’ 2024 operating budget; and,
5. That the tendering process be waived in accordance with the City’s Purchasing By-law # 2017-8, Part II, Section 11.1(c), Non Competitive Procurement which states, “when the extension of an existing Contract would prove more cost-effective or beneficial”; and,
6. That the Director, Sustainability and Asset Management and Senior Manager, Procurement and Accounts Payable be authorized to add additional parks facilities opening in 2024 to the cleaning contract; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

***8.3.3 OFF-SITE RECORDS STORAGE AND RETRIEVAL SERVICES THROUGH THE ONTARIO PROVINCIAL GOVERNMENT VIA OPS VENDOR OF RECORD (7.0)**

185

1. That the report entitled “Off-Site Records Storage and Retrieval through the Ontario Provincial Government via OPS Vendor of Record” be received; and,

2. That the contract for Off-Site Records Storage and Retrieval Services for a period of ten years (2024 – 2033) be awarded to the Iron Mountain Canada in the annual estimated amount of \$43,990.00 (Incl. of HST) or \$439,900.00 (Incl. of HST) over the ten-year term; and,
3. That the contract in years 2025 – 2033 be increased by an annual amount lower than 1% each year; and,
4. That the contract award in the amount of \$43,990.00 be funded from the operating account 400-402-5539 (Records Storage) with an annual budget of \$60,887.00, and that the estimated favourable variance in the amount of \$16,897.00 (\$60,887.00 - \$43,990.00) be reported as part of the 2024 year-end results of operations; and,
5. That funding for future terms of the contract be included in requested annual operating budgets; and,
6. That the City’s Tender process be waived as the Ontario Provincial Government has undergone their own competitive process and in accordance with Purchasing By-Law 2017-8, Part II, Section 11 Non Competitive Procurement, item 1 (c) which states “Where the extension of an existing Contract would prove more cost-effective or beneficial”; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

*8.3.4 TREE PRESERVATION BY-LAW AMENDMENT (2.0)

188

(By-law 2024-87 and By-law 2024-86)

1. That the memorandum titled “2024 Tree Preservation Fees, and City-wide Fee By-laws”, be received; and,
2. That the PowerPoint presentation titled “Tree Preservation 2024 Fees, Security & Benchmarking”, be received as Appendix ‘A’; and,
3. That By-law 2002-276, be amended by removing fees and charges for the Tree Preservation By-law in the form attached as Appendix ‘B’; and,
4. That the fees and charges for the Tree Preservation By-law be added to By-law 2012-137 for ease of reference and streamlining purposes, be received as Appendix ‘C’; 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".

12. **ANNOUNCEMENTS**

13. **BY-LAWS - THREE READINGS**

That By-laws 2024-81 to 2024-89 be given three readings and enacted.

Three Readings

- 13.1 **BY-LAW 2024-81, A BY-LAW TO AMEND BY-LAW 122-72, AS AMENDED (REMOVAL OF HOLD PROVISION) [REGENCY PROPERTY INC. PLAN 3684 5 RIVER BEND ROAD]** 206

The by-law amendment applies to land located at the south-east corner of River Bend Road and Sabiston Drive to remove the Holding Symbol from the zoning of the subject lands to permit the development of three lots for single detached dwellings. (Regency Property Inc. Lot 19 Registered PLAN 3684 15 River Bend Road)

- 13.2 **BY-LAW 2024-82, 4038 AND 4052 HIGHWAY 7 EAST- OFFICIAL PLAN AMENDMENT NO. 52 (WARD 3) (SCARDRED 7 COMPANY LIMITED)** 209

Being a By-Law to adopt Amendment No. 52 to the City of Markham Official Plan 2014, as amended. (Scardred 7 Company Limited, 4038 And 4052 Highway 7 East)

(Item 4.1, Development Services Public Meeting, March 19, 2024)

- 13.3 **BY-LAW 2024-83, 4038 AND 4052 HIGHWAY 7 EAST- ZONING BY-LAW AMENDMENT (WARD 3) (SCARDRED 7 COMPANY LIMITED)** 218

The by-law amendment applies land located north of Highway 7 East and west of Village Parkway. The purpose is to rezone the subject lands under By-law 177-96, as amended, from Residential Two*682 (R2*682) Zone to Residential Four*682 (Hold) (R4*682(H)) Zone and incorporate site-specific development

standards to permit a residential townhouse development. (Scardred 7 Company Limited, CON 5 PT LOT 11, 4038 and 4052 Highway 7 East, PLAN 23 146079)

(Item 4.1, Development Services Public Meeting, March 19, 2024)

- 13.4 BY-LAW 2024-84, 36-48 STEELES AVENUE EAST & 37-49 HIGHLAND PARK BOULEVARD - OFFICIAL PLAN AMENDMENT NO. 266 (ZONIX GROUP INC.) (WARD 1) (10.3) (10.5)** 222

The proposed OPA Amendment No. 266 adds a new subsection to the City's Thornhill Secondary Plan (PD 3-1) to permit the Settlement Proposal having maximum tower heights of 44 and 40 storeys and a maximum density of 8.75 FSI.

As the OLT has issued its final decision, the ZBA and OPA now require assignment of a By-law number and Amendment number for administrative tracking purposes.

(Item 6.1, By-law 2024-84 and By-law 2024-85)

- 13.5 BY-LAW 2024-85, 36-48 STEELES AVENUE EAST & 37-49 HIGHLAND PARK BOULEVARD - ZONING BY-LAW AMENDMENT (ZONIX GROUP INC.) (WARD 1) (10.3) (10.5)** 270

The ZBL amends the City's By-law 2237 and By-law 177-96, as amended, and zones the Subject Lands with site-specific development standards to permit the majority of the property be developed with a high-density residential development. A portion of the Subject Lands is to be conveyed to the City of Markham as a stratified public park (with private underground parking).

As the OLT has issued its final decision, the ZBA and OPA now require assignment of a By-law number and Amendment number for administrative tracking purposes.

(Item 6.1, By-law 2024-84 and By-law 2024-85)

- *13.6 BY-LAW 2024-86, A BY-LAW TO AMEND BY-LAW 2024-19, AS AMENDED FOR 28 AND 32 KIRK DRIVE - ZONING BY-LAW AMENDMENT (ARASH FAZELIPUR AND SOMAYEH BADALI) (WARD 1) (10.3) (10.5)** 308

The By-law amendment applies to 28 and 32 Kirk Drive, located north of Kirk Drive and east of Thornheights Road. The subject lands are zoned Residential – Established Neighbourhood Low Rise (RES-ENLR) Zone under By-law 2024-19, as amended. The purpose this By-law is to rezone in order to permit four (4) single detached dwellings on the lands.

(Item 8.1.1, By-law 2024-86 and By-law 2024-87)

- *13.7 BY-LAW 2024-87, A BY-LAW TO AMEND BY-LAW 2150, AS AMENDED AND TO AMEND BY-LAW 177-96, AS AMENDED FOR 28 AND 32 KIRK DRIVE - ZONING BY-LAW AMENDMENT (ARASH FAZELIPUR AND SOMAYEH BADALI)) (WARD 1) (10.3) (10.5)** 311

The By-law amendment applies to 28 and 32 Kirk Drive, located north of Kirk Drive and east of Thornheights Road. The subject lands are zoned Second Density Single Family Residential (R2A) Zone under By-law 2150, as amended. The purpose is to rezone in order to permit four (4) single detached dwellings on the lands.

(Item 8.1.1, By-law 2024-86 and By-law 2024-87)

- *13.8 BY-LAW 2024-88, A BY-LAW TO AMEND BYLAW 2002-276 BEING A BY-LAW TO IMPOSE FEES OR CHARGES FOR SERVICES OR ACTIVITIES PROVIDED OR DONE BY THE CITY OF MARKHAM** 315

Staff are recommending revised and updated fees be implemented as well as consolidating all fees and services for the Tree Preservation By-law into By-law 2012-137.

(Item 8.3.4, By-law 2024-88 and By-law 2024-89)

- *13.9 BY-LAW 2024-89, A BY-LAW TO AMEND BYLAW 2012-137 BEING A BY-LAW TO IMPOSE LICENSING, PERMIT AND SERVICE FEES** 316

Staff are recommending revised and updated fees be implemented as well as consolidating all fees and services for the Tree Preservation By-law into By-law 2012-137.

(Item 8.3.4, By-law 2024-88 and By-law 2024-89)

- 14. CONFIRMATORY BY-LAW - THREE READINGS** 318

That By-law 2024-80 be given three readings and enacted.

Three Readings

BY-LAW 2024-80 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 15, 2024.

No attachment

- 15. ADJOURNMENT**



Council Meeting Minutes

Meeting Number: 11
May 1, 2024, 1:00 PM
Live streamed

Roll Call	Mayor Frank Scarpitti Deputy Mayor Michael Chan Regional Councillor Jim Jones Regional Councillor Joe Li Regional Councillor Alan Ho Councillor Keith Irish	Councillor Ritch Lau Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Juanita Nathan
Regrets	Councillor Isa Lee	
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Claudia Storto, City Solicitor and Director of People Services Bryan Frois, Manager, Executive Operations & Strategic Initiatives Joseph Silva, Treasurer Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk Hristina Giantsopoulos, Election/Council & Committee Coordinator Frank Clarizio, Director, Engineering Giulio Cescato, Director of Planning & Urban Design Stephanie DiPerna, Director, Building Standards	Lee Boudakian, Director, Economic Growth, Culture & Entrepreneurship Darryl Lyons, Deputy Director, Planning & Urban Design Shane Manson, Senior Manager, Revenue & Property Taxation Evan Manning, Senior Planner, Heritage Alice Lam, Director, Operations Richard Fournier, Senior Manager, Parks Planning, Design & Construction Cajaan Jeyanathan, Coordinator, Strategy & Executive Operations Hailey Miller, Senior Planner John Wong, Technology Support Specialist II

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:10 PM on May 1, 2024. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron- Wendat, Anishnabeg, Seneca, Chippewa, and the Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. APPROVAL OF PREVIOUS MINUTES**3.1 COUNCIL MINUTES - APRIL 17, 2024**

Moved by Councillor Juanita Nathan

Seconded by Councillor Keith Irish

1. That the Minutes of the Council Meeting held on April 17, 2024, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS**5.1 DEPUTATION ITEM 8.2.1 - RECOMMENDATION REPORT,
DESIGNATION OF PRIORITY PROPERTIES – PHASE IX (16.11.3)**

Moved by Councillor Karen Rea

Seconded by Councillor Andrew Keyes

1. That the rules of procedure be waived to allow a deputation from Francis Lapointe who already spoke on this matter at the Development Services Committee.

Carried by Two Thirds Vote

Moved by Deputy Mayor Michael Chan
Seconded by Councillor Amanda Collucci

1. That the deputation from Francis Lapointe providing comments regarding “Recommendation Report, Designation of Priority Properties – Phase IX” specifically on 7507 Kennedy Road (Ward 8) be received.

Carried

6. COMMUNICATIONS

- 6.1 LIQUOR LICENCE APPLICATION - ROTCHY BAR & GRILL (WARD 8)
(3.21)

Moved by Councillor Juanita Nathan
Seconded by Councillor Reid McAlpine

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

There were no proclamations.

8. REPORT OF STANDING COMMITTEE

- 8.1 REPORT NO. 16 GENERAL COMMITTEE (APRIL 16, 2024)

Moved by Councillor Keith Irish
Seconded by Councillor Andrew Keyes

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

Carried

8.1.1 BUILDING MARKHAM'S FUTURE TOGETHER (BMFT) 2020 – 2023 STRATEGIC PLAN UPDATE (16.23)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled Building Markham's Future Together (BMFT) 2020 – 2023 Strategic Plan Update be received; and further,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 BUILDING MARKHAM'S FUTURE TOGETHER (BMFT) 2020 - 2026 STRATEGIC PLAN REPORT (16.23)

Moved by Councillor Keith Irish

Seconded by Councillor Andrew Keyes

1. That the report entitled Building Markham's Future Together (BMFT) 2020 – 2026 Strategic Plan be received; and,
2. That the revised Building Markham's Future Together 2020 – 2026 Strategic Plan attached as Appendix A, be adopted by the City; and,
3. That Staff report annually on the status of Building Markham's Future Together 2020 - 2026 Strategic Plan; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 17 DEVELOPMENT SERVICES COMMITTEE (APRIL 23, 2024)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

That the report of the Development Services Committee be received & adopted. (Items 1 to 7):

Carried**8.2.1 RECOMMENDATION REPORT, DESIGNATION OF PRIORITY PROPERTIES – PHASE IX (16.11.3)**

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the Staff report, dated April 23, 2024, titled, "RECOMMENDATION REPORT, Designation of Priority Properties – Phase IX", be received; and,
2. **That the deputations made by E. Bruce Solomon, Joseph Virgilio, and Francis Lapointe at the April 23, 2024 Development Services Committee be received; and,**
3. **That the communications submitted by Joseph Virgilio and Francis Lapointe, representing the owner of the property at 7507 Kennedy Road, providing comments regarding the above subject matter be received; and,**
4. That the June 14, 2023, recommendation from the Heritage Markham Committee, in support of the designation of the following properties under Part IV, Section 29 of the Ontario Heritage Act (in accordance with Appendix 'B'), be received as information:
 - 5011 Highway 7 East (Ward 3): "Eckardt-Sabiston House"; and,
 - 7792 Highway 7 East (Ward 5): "Armstrong-Coumans House"; and,
 - 7804 Highway 7 East (Ward 5): "Frank and Mary Jarvis House"; and,
 - 7842 Highway 7 East (Ward 5): "Russell and Alma Forster House"; and,
 - 7507 Kennedy Road (Ward 8): "John and Elizabeth Smith House"; and,
 - 10754 Victoria Square Blvd (Ward 2): "William and Hannah Hatton House"; and,

5. That Council state its intention to designate 5011 Highway 7 East (Ward 3) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
6. That Council state its intention to designate 7792 Highway 7 East (Ward 5) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
7. That Council state its intention to designate 7804 Highway 7 East (Ward 5) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
8. That Council state its intention to designate 7842 Highway 7 East (Ward 5) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
9. That Council state its intention to designate 7507 Kennedy Road (Ward 8) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
10. That Council state its intention to designate 10754 Victoria Square Blvd (Ward 2) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
11. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk's Department be authorized to place a designation by-law before Council for adoption; and,
12. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the matter return to Council for further consideration; and further,
13. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 RECOMMENDATION REPORT, OBJECTION TO NOTICE OF INTENTION TO DESIGNATE – PHASE VI PROPERTIES (16.11.3)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the Staff report, dated April 23, 2024, titled "RECOMMENDATION REPORT, Objection to Notice of Intention to Designate – Phase VI Properties", be received; and,
2. **That the deputation by Rose Bortolussi made at the April 23, 2024 Development Services Committee be received; and,**
3. That the written objection to designation under the Ontario Heritage Act as submitted by the property owner of 7560 Ninth Line (Ward 7), be received as information; and,
4. That Council affirm its intention to designate 7560 Ninth Line (Ward 7) under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance; and,
5. That the Clerk's Department be authorized to place a designation by-law before Council for adoption; and,
6. That the Clerk's Department be authorized to publish and serve notice of Council's adoption of the designation by-law as per the requirements of the Ontario Heritage Act; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 RECOMMENDATION REPORT - NOTICE OF OBJECTION TO THE INCLUSION OF A PROPERTY ON THE MARKHAM REGISTER OF PROPERTY OF CULTURAL HERITAGE VALUE OR INTEREST, 7696 NINTH LINE, WARD 7 (16.11.3)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the April 23, 2024, report titled, "RECOMMENDATION REPORT - Notice of Objection to the Inclusion of a Property on the Markham Register of Property of Cultural Heritage Value or Interest, 7696 Ninth Line, Ward 7", be received; and,
2. **That the communication submitted by Joe Grant, LLF Lawyers LLP (representing the owner of 7696 9th Line), providing comments regarding the above subject matter be received; and,**

3. That the recommendation from the Heritage Markham Committee on February 20, 2024, that 7696 Ninth Line is not a significant cultural heritage resource and has no objection to removal of the property from the Markham Register of Property of Cultural Heritage Value or Interest (in accordance with Appendix 'E' of this report), be received as information; and,
4. That Council supports removal of 7696 Ninth Line from the Markham Register of Property of Cultural Heritage Value or Interest; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.4 RECOMMENDATION REPORT, 1377402 ONTARIO INC. AT 162 MAIN STREET NORTH, APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND SITE PLAN TO PERMIT THE DEVELOPMENT OF THE LANDS

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the report dated April 23, 2024 titled "RECOMMENDATION REPORT, 1377402 Ontario Inc., Applications for Zoning By-law Amendment and Site Plan to permit the development of the lands municipally known as 162 Main Street North (Markham Village) for a Business Office with Residential as an additional use (Ward 4), Files ZA 15 147635 and SC 15 147635", be received; and,
2. That the Zoning By-law Amendment application (File ZA 15 147635) submitted by 1377402 Ontario Inc. to amend Zoning By-law 1229, as amended, to permit Business Office and Residential as additional uses at 162 Main Street North, and to amend the development standards to permit the existing parking lot, be approved, and the draft By-law, attached as Appendix 'C', be finalized and enacted without further notice; and,
3. That the Site Plan application (File SC 15 147635) submitted by 1377402 Ontario Inc. to permit the existing parking lot at 162

Main Street North, be endorsed in principle, subject to the conditions attached as Appendix 'A'; and,

4. That the Site Plan application (File SC 15 147635) be delegated to the Director of Planning and Urban Design, or designate, with the issuance of Site Plan Approval following the execution of a Site Plan Agreement; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(See By-Law 2024-76)

Carried

8.2.5 RECOMMENDATION REPORT, 1628740 AND 1628741 ONTARIO INC. AT 2716-2730 ELGIN MILLS ROAD EAST, OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS SUBMITTED BY 1628740 AND 1628741 ONTARIO INC. TO PERMIT A 32-UNIT RESIDENTIAL SUBDIVISION

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the report titled, "RECOMMENDATION REPORT Official Plan and Zoning By-law Amendment applications submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716-2730 Elgin Mills Road East (Ward 2), File PLAN 23 150145", be received; and,
2. That the Official Plan Amendment application be approved and that the draft Official Plan Amendment, attached as Appendix 'A', be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
3. That the Zoning By-law Amendment application be approved and that the draft site-specific Zoning By-law, attached as Appendix 'B', be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
4. That servicing allocation for 32 units be assigned to the development and that the servicing allocation will be revoked or reallocated after a period of three (3) years from the date of Council approval should the development not proceed in a timely manner; and further,

5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(See By-law 2024-77 and By-law 2024-78)

Carried

8.2.6 RECOMMENDATION REPORT, TH (WARDEN) DEVELOPMENTS (BT) INC. AT 10506 AND 10508 WARDEN AVENUE, APPLICATION FOR DRAFT PLAN OF SUBDIVISION BY TH (WARDEN) DEVELOPMENTS (BT) INC. TO FACILITATE THE DEVELOPMENT OF 137 LANE-BASED TOWNHOUSES,

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the report titled, “RECOMMENDATION REPORT, Application for Draft Plan of Subdivision by TH (Warden) Developments (BT) Inc. to facilitate the development of 137 lane-based townhouses, 136 back-to-back townhouses, mixed use blocks, a 2 ha dual use park/stormwater management block, a secondary school block, and the supporting road/lane network at 10506 and 10508 Warden Avenue (Ward 2), File PLAN 22 265291”, be received; and,
2. That the Draft Plan of Subdivision 19TM-22021 be approved in principle, subject to the conditions set out in Appendix ‘A’ of this report and be brought forward to a future Council meeting once all outstanding matters have been resolved to the satisfaction of the Director, Planning and Urban Design; and,
3. That the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix ‘A’, as may be amended by the Director of Planning and Urban Design, or designate; and,
4. That Draft Plan Approval for Draft Plan of Subdivision 19TM-22021 will lapse after a period of three (3) years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period; and,
5. That servicing allocation for 1,443 units be assigned to Draft Plan of Subdivision 19TM-22021; and,

6. That the servicing allocation will be revoked or reallocated after a period of three (3) years from the date of Council approval should the development not proceed in a timely manner; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.7 2024 UPDATED TERMS OF REFERENCE – FLATO MARKHAM THEATRE ADVISORY BOARD (6.2)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the report titled “2024 Updated Terms of Reference - Flato Markham Theatre Advisory Board” be received; and,
2. That Council approve the updated Flato Markham Theatre Advisory Board Terms of Reference; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 18 GENERAL COMMITTEE (APRIL 30, 2024)

Moved by Councillor Keith Irish

Seconded by Regional Councillor Alan Ho

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

Carried

8.3.1 CANCELLATION, REDUCTION, OR REFUND OF TAXES UNDER SECTIONS 357 AND 358 OF THE MUNICIPAL ACT, 2001 (7.3)

Moved by Councillor Keith Irish

Seconded by Regional Councillor Alan Ho

1. That the Report for the "Cancellation, Reduction or Refund of Taxes under Sections 357 and 358 of the *Municipal Act, 2001*" be received; and,

2. That the taxes totalling approximately \$591,462 (incl. \$6,410 of Stormwater Fees) be adjusted under Section 357 and 358 of the *Municipal Act, 2001* of which the City's tax portion is estimated to be \$109,785; and,
3. That the associated interest be cancelled in proportion to the tax adjustments; and,
4. That the Treasurer be directed to adjust the tax roll accordingly; and further,
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3.2 THE MECP – MARKHAM DISTRIBUTION SYSTEM - DRINKING WATER INSPECTION REPORT (5.3)

Moved by Councillor Keith Irish

Seconded by Regional Councillor Alan Ho

1. That the report entitled “The MECP – Markham Distribution System – Drinking Water Inspection Report, January 30, 2024” be received; and further,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9. MOTIONS

9.1 SEASONAL OUTDOOR PATIOS

Moved by Deputy Mayor Michael Chan

Seconded by Councillor Andrew Keyes

That the rules of procedure be waived to introduce a motion regarding seasonal outdoor patios.

Carried by Two Thirds Vote

Moved by Councillor Karen Rea

Seconded by Councillor Reid McAlpine

Whereas the City of Markham's temporary zoning by-law that allowed seasonal outdoor patios expired December 31, 2023; and,

Whereas outdoor seasonal patios accommodate more customers and encourage a welcoming and vibrant street culture while contributing to the success of these small businesses and neighbouring others; and,

Whereas various layers of compliance such as site plan and Building Code as well as other operational issues can inhibit or even dissuade business owners from establishing a seasonal patio;

Therefore, Be It Resolved That the Council of the City of Markham direct Planning staff to review the city's current approach to seasonal outdoor patios that includes determining whether the Site Plan Control By-law requirement for outdoor patios is necessary; and,

That the report be brought forward to Development Services Committee on or before May 23, 2024.

Carried

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motion to reconsider.

11. NEW/OTHER BUSINESS

There was no new or other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Ritch Lau

Seconded by Councillor Andrew Keyes

That By-laws 2024-74 to 2024-79 be given three readings and enacted.

Carried

Three Readings

- 13.1 BY-LAW 2024-74, A BY-LAW TO DEDICATE CERTAIN LANDS AS PART OF THE HIGHWAYS OF THE CITY OF MARKHAM (BLOCK 59 & 61, PLAN 65M-4806, PART OF LOT 25, PLAN 65R-40467)

Block 59 on Plan 65M-4806, Reserve Block 61 on Plan 65M- 4806 and Part of Lot 25, Concession 4, designated as Parts 1 and 3, Plan 65R-40467 in the City of Markham, hereby established as part of the public highways of the City of Markham and named Berczy Green Drive.

Carried

- 13.2 BY-LAW 2024-75, BEING A BY-LAW TO PROVIDE FOR A LOW-INCOME SENIORS PROPERTY TAX ASSISTANCE PROGRAM

Subsection 365(1) of the Municipal Act, 2001, S.O, c. 25, as amended (hereinafter called the “Act”), authorizes a local municipality to pass a by-law to provide for the cancellation, reduction or refund of taxes for eligible property owners whose taxes are considered by Council to be unduly burdensome; and the Council of the City of Markham deems it desirable and in the public interest to enact a by-law to implement a low-income seniors property tax assistance program (the “Program”). (Special Council Meeting, January 29, 2024, A Strong Markham: Budget 2024)

Carried

- 13.3 BY-LAW 2024-76, A BY-LAW TO AMEND BY-LAW 1229, AS AMENDED AND TO AMEND BY-LAW 28-97, AS AMENDED,

This By-law applies land located on the west side of Main Street Markham North, between Bullock Street to the north, and Wilson Street to the south. The subject property is currently zoned One Family Residential (R3) by By-law 1229, as amended in order to permit the existing heritage dwelling to be used for business office uses, as well as a range of residential uses. The Hold Provision is intended to ensure that the existing driveway be widened to permit two way traffic in the event that the property is converted to a Medical Clinic. (1377402 Ontario Inc at 162 Main Street North)
(Item 8.2.4)

Carried

- 13.4 BY-LAW 2024-77, 1628740 AND 1628741 ONTARIO INC. AT 2716-2730 ELGIN MILLS ROAD EAST - OFFICIAL PLAN AMENDMENT (WARD 2) (10.3)(10.5)

Being a By-Law to adopt Amendment No. 51 to the City of Markham Official Plan 2014, as amended.

[2716-2730 Elgin Mills Road East (Ward 2), File PLAN 23 150145]

(Item 8.2.5)

Carried

- 13.5 BY-LAW 2024-78, A BY-LAW TO AMEND BY-LAW 304-87, 177-96, AND 2024-19, AS AMENDED (1628740 AND 1628741 ONTARIO INC. AT 2716-2730 ELGIN MILLS ROAD EAST - ZONING BY-LAW AMENDMENT (WARD 2) (10.3)(10.5)

This is a Zoning By-law to amend by-law 304-87, 177-96 and 2024-19, as amended, in order to permit a residential development on the lands. It applies to a parcel of land located north of Elgin Mills Road East and west of Woodbine Avenue [2716-2730 Elgin Mills Road East (Ward 2), File PLAN 23 150145] (Item 8.2.5)

Carried

- 13.6 BY-LAW 2024-79, A BY-LAW TO DESIGNATE PART OF A CERTAIN PLAN OF SUBDIVISION NOT SUBJECT TO PART LOT CONTROL - WYKLAND ESTATES INC., CORNELL PHASE 8

The By-law applies to Blocks 1, 2, 4, 6, 8 and 12, Registered Plan 65M-4660, located in the north-west quadrant of Cornell Centre Boulevard and Rustlewoods Avenue. The By-law will allow for the conveyance of 30 townhouse dwelling units with maintenance easements. (Wykland Estates Inc., Blocks 1, 2, 4, 6, 8 and 12 of 65M4660, Cornell Phase 8)

Carried

14. CONFIDENTIAL ITEMS

Moved by Councillor Amanda Collucci

Seconded by Regional Councillor Jim Jones

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 1:41 PM:

Carried

Council resumed in open session and approved the following at 2:31 PM:

14.1 COUNCIL

14.1.1 MINTO COMMUNITIES INC. - APPLICATION FOR SITE PLAN CONTROL AT 17 ANNA RUSSELL WAY, UNIONVILLE (WARD 3) (ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE) [MUNICIPAL ACT, 2001, Section 239 (2) (f)]

Moved by Councillor Keith Irish

Seconded by Councillor Reid McAlpine

1. That the confidential verbal update re: Minto Communities Inc. - Application for Site Plan Control at 17 Anna Russell Way, Unionville, be received; and,
2. That Staff be authorized to proceed as directed at the confidential session of the Council meeting on May 1, 2024.

Carried

14.2 DEVELOPMENT SERVICES COMMITTEE - APRIL 23, 2024

14.2.1 REQUEST FOR DIRECTION - ONTARIO LAND TRIBUNAL APPEAL OF DESIGNATION BY-LAW FOR 10690 MCCOWAN ROAD (WARD 6) (16.11.3) (LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD.) [MUNICIPAL ACT, 2001, Section 239 (2) (e)]

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the Confidential Report, dated April 23, 2024, titled “Confidential Request for Direction Report - Ontario Land Tribunal Appeal by McCowan Elgin Developments Inc. of the Designation By-law for 10690 McCowan Road (Ward 6)”, be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

Carried

14.2.2 REQUEST FOR DIRECTION - ONTARIO LAND TRIBUNAL APPEAL OF DESIGNATION BY-LAW FOR 10725 KENNEDY ROAD (WARD 6) (16.11.3) (LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD.) [MUNICIPAL ACT, 2001, Section 239 (2) (e)]

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the Confidential Report, dated April 23, 2024, titled “Confidential Request for Direction Report - Ontario Land Tribunal Appeal by 10725 Kennedy Developments Limited of the Designation By-law for 10725 Kennedy Road (Ward 6)”, be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

Carried

14.2.3 REQUEST FOR DIRECTION OLT APPEAL BY STEELCASE ROAD WEST REGARDING CASH-IN-LIEU OF PARKLAND (6.3) (LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD.) [MUNICIPAL ACT, 2001, Section 239 (2) (e)]

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

1. That the Confidential Report entitled “Request for Direction re Ontario Land Tribunal appeal by Steelcase Road West Holdings Inc. at 1 Steelcase Road regarding Cash-in-lieu of Parkland” be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to these resolutions.

Carried

14.3 GENERAL COMMITTEE - APRIL 30, 2024

14.3.1 YONGE NORTH SUBWAY EXTENSION (WARD 1) (8.1); A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE CITY OR LOCAL BOARD [MUNICIPAL ACT, 2001, Section 239 (2) (c)]

Moved by Councillor Keith Irish

Seconded by Regional Councillor Jim Jones

1. That the confidential report regarding the Yonge North Subway Extension be received; and, further,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.3.2 DONATION OF A MONUMENT (WARD 2)(6.6); A POSITION, PLAN, PROCEDURE, CRITERIA OR INSTRUCTION TO BE APPLIED TO ANY NEGOTIATIONS CARRIED ON OR TO BE CARRIED ON BY OR ON BEHALF OF THE MUNICIPALITY OR LOCAL BOARD - [MUNICIPAL ACT, 2001, Section 239 (2)(k)]

Moved by Councillor Keith Irish

Seconded by Regional Councillor Jim Jones

1. That the Confidential report entitled “Donation of a Monument of Sara Corning for Installation at the Ashton Meadows Park” be received; and,
2. That Council accept the donation of a monument of Sara Corning from the Armenian Community Centre of Toronto to be placed in Ashton Meadows Park as described in the report and attachments; and,
3. That the Mayor and Clerk be authorized to execute an agreement (acceptable to the City Solicitor and the Commissioner of Development Services) with the donor for the donation, installation, and maintenance of the monument to be installed in Ashton Meadows Park; and, further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Juanita Nathan

Seconded by Councillor Karen Rea

That By-law 2024-73 be given three readings and enacted.

Three Readings

BY-LAW 2024-73, A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MAY 1, 2024.

Carried

16. ADJOURNMENT

Moved by Councillor Ritch Lau

Seconded by Regional Councillor Joe Li

That the Council meeting of May 1, 2024 be adjourned at 2:34 PM.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor

**OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA**

AMENDMENT NO. 266

To amend the Official Plan (Revised 1987), as amended,
to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), as amended,
for the Thornhill Planning District (Planning District No. 3).

([Zonix Group Inc.] 36-48 Steeles Avenue East & 37-49 Highland Park Boulevard)

(May 2024)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. 266

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3)

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2024 - 84 in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the 15th day of May, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
MAYOR

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 266)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Official Plan Amendment No. 266 to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedules “B” and “C” attached thereto, constitutes Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3). This Secondary Plan Amendment may be identified by the symbol PD 3-1-18. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and the Thornhill Secondary Plan (PD 3-1), as amended, (the “Amendment”) applies to 0.9143 hectares (2.26 acres) of land located on the north east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard (the “Subject Lands”).

3.0 PURPOSE

The purpose of this Amendment is to amend the Thornhill Secondary Plan to:

- Remove the Subject Lands from “DEFERRAL NO. 1” and redesignate them from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL” to “HIGH DENSITY II HOUSING” as shown on Schedule “B”, and
- Incorporate site-specific height and density provisions to accommodate the proposed development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Subject Lands are designated as “URBAN RESIDENTIAL” in the Official Plan (Revised 1987), as amended. The “URBAN RESIDENTIAL” designation is predominantly used for housing and related purposes. The Subject Lands are also subject to the Thornhill Secondary Plan, which designates the Subject Lands “LOW DENSITY RESIDENTIAL”, “LOW DENSITY HOUSING SPECIAL”, and

“DEFERRAL NO. 1”. The “LOW DENSITY HOUSING” designation predominantly permits low density forms of housing. The “LOW DENSITY HOUSING SPECIAL” designation predominantly reflects the significant transportation upgrades in this area and is generally intended to permit expanded residential uses and limited office uses. In consideration of office uses or additional residential uses, Council shall ensure a number of conditions are met as stated in Section 5.5.2 of the Thornhill Secondary Plan. The Subject Lands are further subject to a special policy as described in Section 5.5.3, which requires a comprehensive study to provide a transitional buffer block between the existing apartment to the west and the adjacent low density mature neighbourhood. Accordingly, it is intended that the overall height and density of this block be lower than those fronting Yonge Street. The Subject Lands are located within “DEFERRAL NO. 1” in the Thornhill Secondary Plan, which was intended to allow for further discussions between the City, Region, and Centrepont Mall.

This Amendment will facilitate the redevelopment of the Subject Lands with a high density apartment development with two towers with maximum heights of 40 and 44 storeys, above a 6-storey podium and a maximum density of 8.3 FSI (“the Proposed Development”).

The Proposed Development is consistent with the policies of the Provincial Policy Statement 2020 (the “PPS”) in that it would promote the efficient uses of land, resources, and infrastructure by providing residential uses, while supporting active transportation and current and future transit improvements.

The Proposed Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it accommodates growth through intensification within a Major Transit Station Area (“MTSA”), and contributes to a range of housing types within the community. The Proposed Development also provides convenient access to transportation options and a new public park, and fosters a compact built form with an attractive and vibrant public realm.

The Proposed Development conforms to the York Region Official Plan, 2022 (the “YROP”). The Proposed Development is located in the delineated “Urban Area” and designated “Community Area” in the YROP, where most of the housing and population-related jobs required to accommodate the forecasted population will be located. The Subject Lands are also located within the Steeles Subway Station MTSA, and provide a scale of development and intensification that supports transit. As per the direction in the Growth Plan, MTSA’s are part of a regional strategy to align transit with growth and must be delineated by upper-tier municipalities and planned to achieve specified minimum density targets. The YROP also identifies all MTSA’s as “Protected” MTSA’s under the Planning Act to enable inclusionary zoning. The YROP identifies a minimum planned density target for the Steeles Subway Station PMTSA of 300 people and jobs per hectare.

The Subject Lands are designated ‘Residential Mid Rise’ in the 2014 Markham Official Plan and are within the Yonge Steeles Corridor key development area. However,

Section 9.18.8.3 of the 2014 Markham Official Plan states that until the approval of an updated secondary plan for the Yonge Steeles Corridor key development area lands, the provisions of the Official Plan (Revised 1987), as amended, and Secondary Plan PD 3-1, as amended shall apply to the Subject Lands.

The Proposed Development represents good planning as it makes efficient use of underutilized parcels of land identified provincially, regionally and locally for intensification. The Subject Lands are also located within close proximity to existing and future transit routes and higher order transit stations. The Subject Lands are therefore an appropriate location for the proposed high density development.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 266)

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1. Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 266 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2. Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 266 to the list of amendments listed in the second sentence of the bullet item dealing with the Thornhill Secondary Plan (PD-3-1), for the Thornhill Planning District (Planning District No. 3), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3. Section 9.2.25 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 266 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4. Schedule ‘G’ - SITE PLAN CONTROL, is amended by removing the Subject Lands from the “Area subject to special study to determine right-of-way widths and intersection improvements (Section 7.12.4.b)” as shown on Schedule “A” attached hereto.
- 1.5. No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule “AA” – LAND USE PLAN and the text of the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). These changes are outlined in Part III which comprises Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

PART III - THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

(This is an operative part of Official Plan Amendment No. 18)

PART III – THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 18 to the Thornhill Secondary Plan PD 3-1)

The Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3) is hereby amended as follows:

- 1.1. Schedule ‘AA’ – LAND USE PLAN, is amended by removing the Subject Lands from “DEFERRAL NO. 1” and redesignating the Subject Lands from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL to “HIGH DENSITY II HOUSING” as shown on Schedule “B” attached hereto.
- 1.2. Section 5.8 “HIGH DENSITY II HOUSING” is amended by adding a new subsection (l) to Section 5.8.3 as follows, to be appropriately placed on the first page following Section 5.8.3 (k):

- “5.8.3 (l) The following additional provisions shall apply to the lands designated as “HIGH DENSITY II HOUSING”, located at the north-east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue and 37-49 Highland Park Boulevard, as shown on Figure 3-1-18:
- a. The maximum tower heights shall be 44 and 40 storeys;
 - b. The maximum density shall be 8.75 FSI (gross, prior to any public land takings);
 - c. A private underground parking structure shall also be permitted beneath a public park, as well as Privately-Owned Publicly Accessible Spaces (POPS); and
 - d. The development plan will be required to protect and demonstrate that a future vehicular and pedestrian interconnection will be provided to the east. This road will be required to connect as a condition of Site Plan Approval.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regards to this Amendment, except as specifically provided for in this Amendment.

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



BY-LAW 2024-84

**Being a By-law to adopt Amendment No. 266 to the
City of Markham Official Plan (Revised 1987), as amended**

THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. That Amendment No. 266 to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. That this by-law shall come into force and take effect on the date of this final passing thereof. By-law 177-96, as amended, is hereby further amended as follows:

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF MAY, 2024

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



BY-LAW 2024-XX

A By-law to amend By-law 2237, as amended And By-law 177-96, as amended

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

1. That By-law 2237, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 2237, 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 the lands shown on Schedule 'A' attached hereto.

 - 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto as follows:

from:

Fourth Density Single Family Residential (R4) Zone under By-law 2237, as amended

to:

**Residential Four *752 (R4 *752) Zone; and,
Open Space One *753 (OS1 *753) Zone** under By-law 177-96, as amended

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

Exception *7.752	Zonix Homes Inc.	Parent Zone R4
File PLAN 19.114290	36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Amending By-law 2024-XX
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.752.1 Special Zone Standards		
The following zone standards shall apply:		
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law. Notwithstanding the above, any lands conveyed to the City of Toronto for road widening purposes shall not be deemed to form part of the lot.	
b)	For the purpose of this by-law, the provisions of table B6 shall not apply	
c)	<i>Amenity Area</i> means indoor or outdoor space on a <i>lot</i> that is designed for and available for use by the occupants of a <i>building</i> on the <i>lot</i> for recreational or social activities.	

	<p><i>Bicycle Parking Space</i> means a space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey <i>building</i>, which is located above <i>average grade level</i>, and is measured from <i>average grade level</i> to the maximum <i>podium height</i> as prescribed. A <i>podium</i> may or may not have a <i>point tower</i> projecting above it.</p> <p><i>Point Tower</i> means portions of a <i>building</i> that projects above a <i>podium</i>.</p>
d)	For the purposes of this By-law, the <i>front lot line</i> shall be the <i>streetline</i> adjacent to Steeles Avenue East.
e)	Maximum <i>gross floor area</i> – 79,800 square metres
f)	Minimum setback <ul style="list-style-type: none"> i) Front yard – 2.0 metres ii) Westerly side yard – 3.0 metres iii) Easterly side yard – 8.0 iv) To the Highland Park streetline – 30 metres
g)	Maximum <i>Building Height</i> : <ul style="list-style-type: none"> i) Podium: The greater of 7 storeys or 230 metres above sea level, geodetic datum (CGS) ii) Point Tower: The lesser of 44 storeys or 350 metres above sea level, geodetic datum (CGS)
h)	Maximum <i>gross floor area</i> of each floor plate of a <i>point tower</i> – 850 square metres.
i)	Minimum separation between the exterior walls of a <i>point tower</i> – 25 metres, exclusive of balcony areas
j)	Maximum Number of <i>Dwelling Units</i> – 1,075
k)	Minimum number of required <i>Parking Spaces</i> <ul style="list-style-type: none"> i) 0.38 <i>parking spaces</i> per <i>apartment dwelling unit</i>; plus ii) 0.1 <i>parking spaces</i> per <i>apartment dwelling unit</i> for visitor parking iii) 5% of the required parking spaces shall be provided as accessible parking space
l)	Total required <i>bicycle parking spaces</i> – 0.7 <i>bicycle parking spaces</i> per <i>dwelling unit</i>
m)	Minimum <i>amenity area</i> – 4.0 square metres per <i>dwelling unit</i>
n)	Notwithstanding any other provision within this by-law, <i>amenity area</i> can be provided on balconies
o)	Minimum setback to a <i>lot line</i> for a <i>parking garage</i> located completely below <i>grade</i> - 0.3 metres
p)	In the case of a <i>corner lot</i> with a daylighting triangle or a rounding, the <i>exterior side lot line</i> shall be deemed to extend to its hypothetical point of intersection with the extension of <i>the front lot line</i> for the purposes of calculating minimum and maximum setbacks from <i>streetlines</i> . Notwithstanding the above, in no case shall any <i>building</i> or <i>structure</i> extend into the <i>public street right of way</i> .

Exception	Zonix Homes Inc.	Parent Zone
*7.753	36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	177-96
File PLAN 19.114290		Amending By-law 2024-XX
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions,		

unless specifically modified/amended by this section, continue to apply to the lands subject to this section.	
7.753.1 Additional Permitted Uses	
The following additional uses are permitted:	
a)	<i>Parking garage</i>
7.753.2 Special Zone Standards	
The following zone standards shall apply:	
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.
b)	<i>Parking garages</i> are only permitted below <i>established grade</i>
c)	Notwithstanding b) above, ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting 1.8 metres above <i>established grade</i> , and other similar facilities associated with <i>parking garages</i> are permitted above <i>established grade</i> .

Read and first, second and third time and passed on May 15, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2024-81

A By-law to amend By-laws 2237 and 177-96, as amended

Zonix Homes Inc.

36-48 Steeles Avenue and 37-49 Highland Park Boulevard.

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.9143 ha (2.26 ac), located at the north-east corner of Steeles Avenue and Dudley Avenue, east of the intersection of Steeles Avenue and Yonge Street.

Existing Zoning

The subject lands are currently zoned Fourth Density Single Family Residential (R4) Zone by By-law 2337, as amended.

Purpose of the By-law

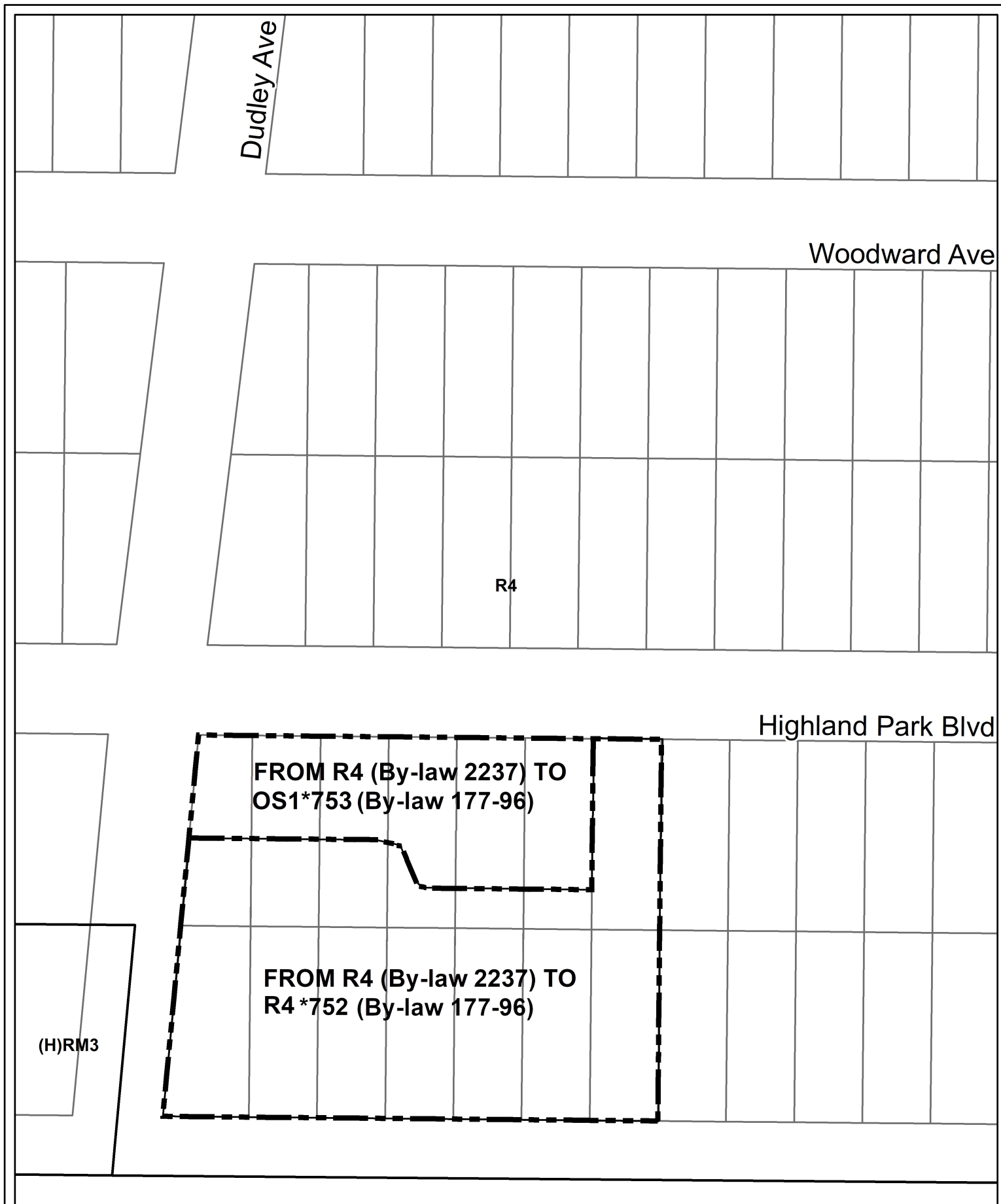
The purpose of this By-law amendment is to remove the lands from By-law 2237, as amended, and to incorporate them into By-law 177-96, as amended, and re-zone the lands, as follows:

From: **Fourth Density Single Family Residential (R4) Zone** under By-law 2237, as amended


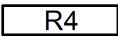
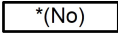
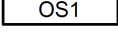
To: **Residential Four *752 (R4 *752) Zone** and **Open Space One *753 (OS1 *753) Zone** under By-law 177-96, as amended, with site-specific development standards to implement a residential apartment building.

Effect of the By-law

The effect of this By-law amendment is to permit the majority of the property to be developed with a high-density residential development. A portion of the Subject Land is to be conveyed to the City of Markham as a stratified public park (with private underground parking).



SCHEDULE 'A' TO BY-LAW AMENDING BY-LAW 2237 AND 177-96

-  SUBJECT AREA
-  RESIDENTIAL (R4)
-  EXCEPTION NUMBER
-  OPEN SPACE



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

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

Remove from "Area subject to special study to determine right-of-way widths and intersection improvements [Section 7.12.4.b]"


Highland Park Blvd

Dudley Ave

Steeles Ave E

AMENDMENT TO SCHEDULE 'G' - SITE PLAN CONTROL CITY OF MARKHAM OFFICIAL PLAN (REVISED 1987), as amended



 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

Remove from Deferral No. 1 and redesignate from "Low Density Housing" and "Low Density Housing Special" to "High Density II Housing".


Highland Park Blvd

Dudley Ave

Steeles Ave E

AMENDMENT TO SCHEDULE 'AA' - LAND USE PLAN OF THE THORNHILL SECONDARY PLAN (PD-3-1)



 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

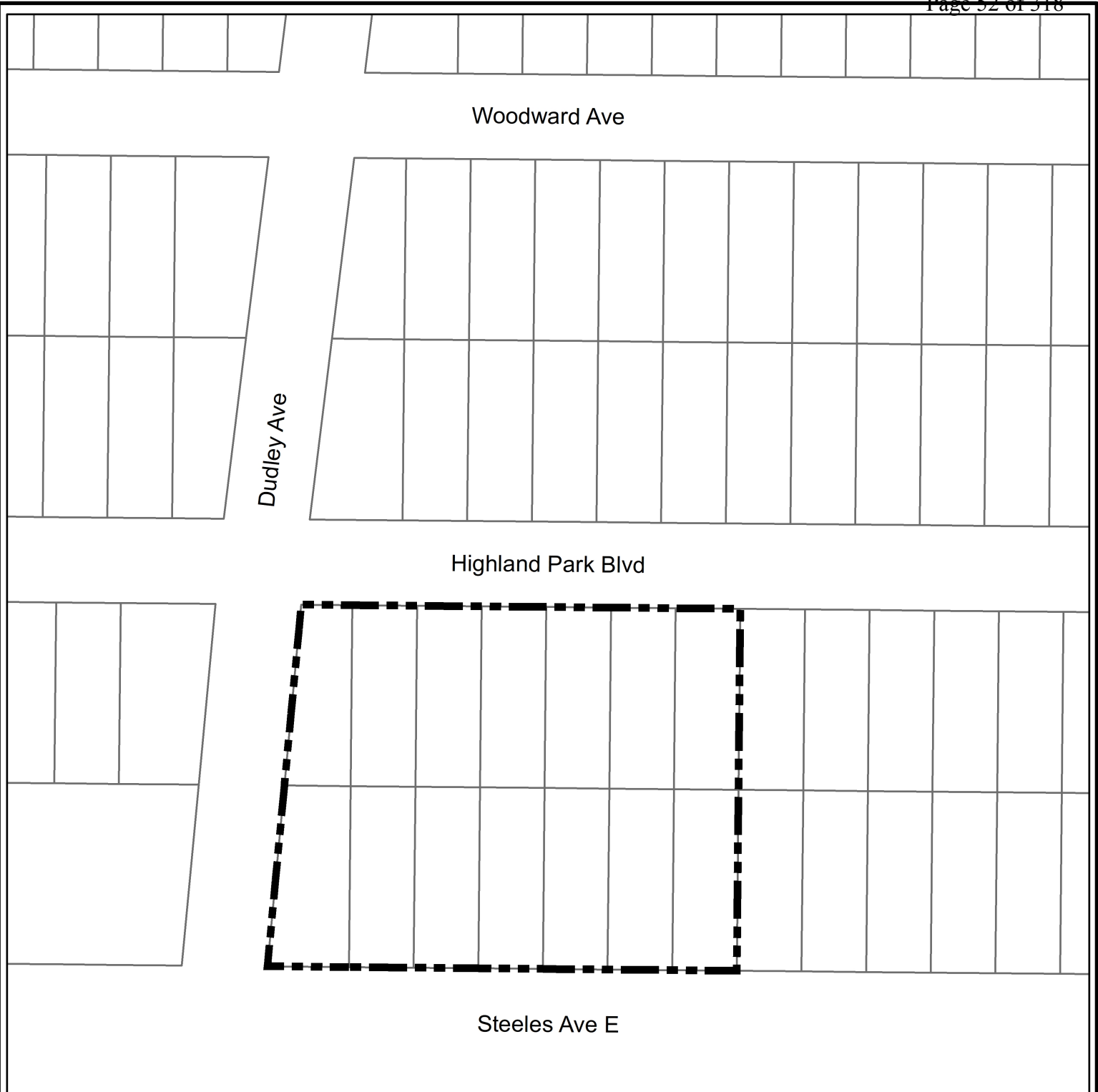

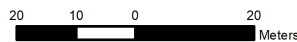


FIGURE NO. 3-1-18 TO THE THORNHILL SECONDARY PLAN (PD-3-1)

 BOUNDARY OF AREA COVERED BY THE AMENDMENT



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

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 17, 2023

CASE NO(S): OLT-22-003176

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant: Zonix Group Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number: 19 114290
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT: Markham/York
OLT Case No: OLT-22-003176
OLT Lead Case No.: OLT-22-003176
OLT Case Name: Zonix Group Inc. v. Markham (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant: Zonix Group Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number: 19 114290
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT: Markham/York
OLT Case No.: OLT-22-003178
OLT Lead Case No.: OLT-22-003176

Heard: September 27, 2023 by Video Hearing

APPEARANCES:**Parties****Counsel**

Zonix Group Inc.

David Bronskill
Rodney Gill (*in absentia*)

City of Markham

Maggie Cheung-Madar

City of Toronto

Adam Ward
Ray Kallio (*in absentia*)**MEMORANDUM OF ORAL DECISION DELIVERED BY A. MASON AND DAVID BROWN ON SEPTEMBER 27, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

[Link to Order](#)**INTRODUCTION AND BACKGROUND**

[1] This matter involves a Settlement Hearing related to appeals brought under s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. c. P13, as amended (the “Act”), by Zonix Group Inc. (“Applicant/Appellant”) from the failure of the City of Markham (“City”) to make a decision on an Application to Amend the Official Plan and on an Application to Amend the Zoning By-law (together, “Applications”) within the timeframes prescribed by the Act.

[2] The lands that are the subject of the Applications are known municipally as 36, 38, 40, 42, 44, 46 and 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 and 49 Highland Park Avenue (together, “Subject Property”). The Subject Property is located on the north side of Steeles Avenue East, east of Yonge Street. More specifically, the Subject Lands are bounded by Dudley Avenue on the west, Highland Park Boulevard on the north side, Steeles Avenue East along the southerly side, and by low-density residential properties to the east. The Subject Property is comprised of 14 properties

currently each being occupied by a detached residential dwelling. The Subject Property has an area of 0.92 hectares.

[3] The area directly surrounding the Subject Property to the north and east is characterized low-density detached residential dwellings. To the west, across Dudley Avenue, is a 10-storey apartment building fronting on Steeles Avenue East and low-density detached dwellings fronting on Highland Park Boulevard. The City of Toronto (“Toronto”) is located on the south side of Steeles Avenue East, and the development along the south side of Steeles Avenue East is characterized by low-density residential dwellings.

[4] The Applicant/Appellant filed the Applications with the City on March 5, 2019. The City deemed the Applications complete on March 27, 2019. The Applications were circulated to commenting agencies and, after receiving comments, the Applicant/Appellant resubmitted a revised proposal in May 2021 in response to the comments received. The City held a statutory public meeting on February 15, 2022.

[5] The Applicant/Appellant filed the appeals (“Appeals”) on March 30, 2022.

[6] Prior to the Hearing, the Tribunal was advised that the Parties had negotiated a Settlement and they requested that the Tribunal conduct these proceedings as a Settlement Hearing pursuant to Rule 12 of the Tribunal’s *Rules of Practice and Procedure*.

[7] Counsel for the City confirmed that the Parties have reached a Settlement, and City Council at its meeting held on July 28, 2023 authorized the execution of the confidential Minutes of Settlement in accordance with the Settlement Plans submitted to the Tribunal and marked as Exhibit 2.

[8] The Tribunal convened the proceedings as a Settlement Hearing.

SETTLEMENT PROPOSAL

[9] The Settlement Proposal proposes a 44-storey tower and a 40-storey tower on a six-storey podium with a total gross floor area of 74,467 square metres (“m²”) and a Floor Space Index (“FSI”) of 8.2. The development proposes 1,060 residential units, 510 vehicle parking spaces provided at a parking ratio of 0.48 parking spaces per unit based on 0.38 resident parking spaces per unit and 0.1 visitor parking spaces per unit. A total of 740 bicycle parking spaces are proposed. Driveway access will be provided from both Dudley Avenue and Highland Park Boulevard.

[10] The Settlement Proposal also proposes that a park, having an area of 1,829 m², is to be dedicated to the City, through a stratified conveyance, along the southerly side of Highland Park Boulevard. A privately owned public space (“POPS”) is also proposed along the easterly property edge, comprising an area of 450 m². The Settlement Proposal includes a combined indoor and outdoor amenity area ratio of 4.0 m² per unit.

LEGISLATIVE FRAMEWORK

[11] When considering appeals filed pursuant to s. 22(7) and s. 34(11) of the Act, the Tribunal must have regard to the matters of Provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 (“PPS”) and, in this case, conform to A Place to Grow; Growth Plan for the Greater Golden Horseshoe, 2020, as amended (“Growth Plan”). The Tribunal must also be satisfied that the Applications conform with the Region of York (“Region”) Official Plan 2022 (“ROP 2022”) and the City Official Plan.

[12] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Applications represent good planning and are in the public interest.

SUBMISSIONS AND EVIDENCE

[13] The Tribunal qualified Nick Pileggi, a Registered Professional Planner in the Province of Ontario, to provide opinion evidence in the field of land use planning. Mr. Pileggi's Witness Statement was filed with the Tribunal in support of the Settlement Proposal and marked as Exhibit 1.

[14] Mr. Pileggi proffered that the area context surrounding the Subject Lands is evolving. The City of Vaughan ("Vaughan"), located on the west side of Yonge Street, recently approved the Yonge Steeles Corridor Secondary Plan ("YSCSP") permitting mixed use, high-density, transit-oriented development. Toronto approved the Yonge North Secondary Plan ("YNSP"), providing for mixed-use, high-density, transit-oriented development for the lands south of Steeles Avenue along the Yonge Street corridor, in anticipation of the Yonge North Subway Extension and the proposed subway station to be constructed at Steeles Avenue. In addition, Steeles Avenue is planned as a future higher-order transit corridor with a transitway.

[15] The City Council endorsed the Yonge Corridor Land Use and Built Form Study ("YCLUBF Study") in June of 2022 and Mr. Pileggi advised that the Subject Lands are included in the YCLUBF Study area.

[16] Mr. Pileggi reviewed the densities and building heights contemplated in the Vaughan YSCSP, the Toronto YNSP, and the City YCLUBF Study surrounding the Yonge Street and Steeles Avenue intersection. He advised that, in Vaughan, heights of up to 67 storeys are proposed at the intersection, stepping down as you proceed west away from Yonge Street along Steeles Avenue West. The heights contemplated in Toronto are up to 45 storeys along the Yonge Street corridor, and Mr. Pileggi advised that the YCLUBF Study is planning for heights of 66 storeys at Yonge Street and Steeles Avenue, stepping down as you proceed east along Steeles Avenue East.

[17] Mr. Pileggi reviewed the Settlement Plans and proffered that the two towers— the

westerly tower at 44 storeys and the easterly tower at 40 storeys – represent a decreasing height and density along Steeles Avenue East from the heights proposed at Yonge Street. The Settlement Plans propose a parkland conveyance that represents 20 percent of the gross site area and a POPS that is an additional 4.9 percent of the site area. No residential units are proposed at grade and the areas not utilized to service the building on the ground floor are proposed as amenity space with windows along the street frontages.

[18] In consideration of the PPS, Mr. Pileggi reviewed the relevant policies and opined that the Settlement Proposal is consistent with the PPS. Mr. Pileggi reviewed the applicable policies of the Growth Plan and opined that the Settlement Proposal conforms with the Growth Plan.

[19] The ROP 2022 locates the Subject Lands in the Urban Area and designates the Subject Lands as Community Area on the Land Use Map. This designation provides for a range of uses and is to be the focus of growth. Mr. Pileggi proffered that the ROP 2022 emphasizes transit supportive development and prioritizes active transportation. The Subject Lands are located within a Major Transit Station Area (“MTSA”) which is centered around the future Steeles Subway Station planned along the Yonge Street corridor. Mr. Pileggi opined the intensification contemplated by the Settlement Proposal conforms with the ROP 2022.

[20] Turning to the City Official Plan, 2014 (“2014 OP”), Mr. Pileggi explained that the 2014 OP was approved by Regional Council on June 12, 2014, and was appealed to the Ontario Municipal Board. The majority of appeals have been resolved; however, there remain appeals to certain land use designations and policies and for certain areas in the City that require further planning in the form of a secondary plan. Where no secondary plan is in effect, s. 9 of the 2014 OP refers back to the designations and policies of the former City Official Plan implemented in 1987 (“1987 OP”), which remains in force. The Subject Lands which are included in the area identified for the future

YSCSP, and therefore the 1987 OP applies and further identifies the Subject Lands as being located within the Thornhill Secondary Plan (“TSP”).

[21] Mr. Pileggi proffered that the 1987 OP and the TSP predate the PPS and the Growth Plan and have not been updated to bring them into conformity with the PPS, the Growth Plan, the ROP 2022 nor the 2014 OP. Mr. Pileggi opined that it is unreasonable to apply the policies of the 1987 OP and the TSP to the Settlement Proposal. The YCLUBF Study work completed by the City to date provides the most relevant and current vision of City Council for the planning and policy context for the area and Mr. Pileggi proffered that the Settlement Proposal should be evaluated using the YCLUBF Study context, which contemplates that the Subject Lands will be developed with a residential high-density built form.

[22] Mr. Pileggi reviewed the Settlement Proposal in the context of the 2014 OP Residential High-Rise Designation land use policies as he opined that they are most appropriate and relevant. In consideration of the policies within the 2014 OP, Mr. Pileggi proffered:

- the location of the proposed building along the Steeles Avenue East frontage is appropriate for a consistent massing and continuity of built form planned along Steeles Avenue;
- the Settlement Proposal will create residential intensification adjacent to existing and planned transit as the Subject Property is within a short walking distance to the future Steeles Subway Station at Yonge Street and the ROP designates Steeles Avenue East as a rapid transit corridor;
- the proposed buildings are oriented away from the low-rise residential uses on the north side of Highland Park Boulevard and the proposed park along Highland Park Boulevard and POPS along the easterly boundary

provides an appropriate buffer to the existing residential uses;

- the absence of residential units at grade ensures no privacy impacts for the future residents along the street frontage of the Subject Lands;
- the six-storey podium, the reduced tower floor plates at a maximum of 800 m², together with the tower separation of 25m and the tower orientation, will reduce shadow impacts and ensure that shadows move quickly across the neighbouring low-rise residential neighbourhood to the north; and
- while the upper floors of the proposed towers exceed the 45-degree angular plane recommended in the YCLUBF Study, the built form appropriately reflects the depth of the Subject Property, and the proposed intensification is appropriate to support the Major Transit Station Area designation and along the Major Transit Corridor identified in the ROP.

[23] Mr. Pileggi opined that the Settlement Proposal conforms to the intent and the objectives of the 2014 OP. He further opined that a Secondary Plan is not required for the Settlement Proposal to proceed and that the proposed Official Plan Amendment is appropriate for the Subject Property. Matters related to public realm, urban design, and built form will be more thoroughly addressed through the Site Plan Approval process.

[24] The Tribunal received three Participant Statements and Mr. Pileggi summarized the concerns as relating to urban design, which includes shadow and sunlight impact, compatibility of built form, and concerns related to traffic.

[25] Mr. Pileggi proffered that the Settlement Proposal addresses the Participants concerns through the following:

- The original two-building proposal has been revised to a single-building, two-tower proposal with the building footprint shifted away from Highland Park Drive

and located against Steeles Avenue East.

- A public park is proposed along the Highland Park Boulevard frontage. The location of the proposed park, combined with the width of the interior drive aisle for vehicle access to the buildings, provides a separation distance of over 50 m between the proposed building face to the nearest residential property on the north side of Highland Park Boulevard.
- The reduced podium height of six storeys and the tower floor plate reduction and tower separation combined with the opposing building orientations will mitigate shadow impacts on the neighbouring low-density residential properties.
- Traffic concerns are mitigated by the low parking ratio proposed, which is intended to discourage vehicle dependency and increase reliance on transit and other modes of transportation including active transportation.
- A Transportation Report was prepared in support of the proposed development and lower parking standard.

[26] Counsel for the City confirmed that the City supports the Settlement Proposal and has no objection to the draft conditions submitted by the Applicant/Appellants Counsel for consideration by the Tribunal.

ANALYSIS AND FINDINGS

[27] The Tribunal accepts the uncontroverted *viva voce* evidence and Witness Statement of Mr. Pileggi and finds that the intensification proposed by the Settlement Proposal represents an appropriate optimization of the Subject Lands and public infrastructure, in particular, the existing and planned public transit infrastructure.

[28] The Settlement Proposal proposes a density that is appropriate for the Subject

Property, being well located along the future Steeles Avenue Bus Rapid Transit Way and within a short walking distance of the future Steeles Avenue Subway Station along the Yonge Street corridor. The Settlement Proposal provides additional residential units in an area that is currently well serviced by public transit, and will support future transit infrastructure investments.

[29] The re-orientation of the proposed development as described in the Settlement Plans away from the Highland Park Boulevard frontage, and the creation of a new public park along the north boundary of the Subject Property and the POPS along the east boundary will reduce the impacts with respect to adjacency, shadows, and transition to the surrounding low-rise residential uses.

[30] The Tribunal has considered the matters of Provincial interest as set out in s. 2 of the Act and is satisfied that the approval of the OPA and the ZBA will have regard for such matters, including being an appropriate location for growth, promoting a design that supports public transit, that the Settlement Plans represent a well-designed built form and mitigates greenhouse gas emissions with the reduction of reliance on the automobile.

[31] The Tribunal finds that the Settlement Proposal is consistent with the PPS as it proposes an efficient development and land use pattern that provides an appropriate range and mix of housing types that will meet the needs of current and future residents. The Settlement Proposal represents an integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development pattern that optimizes transit investments and incorporates standards to minimize land consumption and servicing costs.

[32] In consideration of the Growth Plan, the Tribunal finds that the Settlement Proposal supports the achievement of complete communities that are designed to

support healthy and active living by providing compact built form and a mix and range of housing. The Subject Property is located within the “delineated built boundary” and appropriate for intensification that optimizes the use of existing urban land supply.

[33] The Tribunal finds that the Settlement Proposal conforms to the ROP 2022 as it proposes development that will contribute to the creation of complete communities, represents intensification in a compact development pattern, is transit-supportive, and will minimize land consumption and service costs in order to meet density targets set out by the ROP 2022. The ROP 2022 requires that communities be designed to prioritize active transportation, transit-supportive development, and intensification in appropriate locations, and the Tribunal is satisfied that the Settlement Proposal achieves these objectives.

[34] The Tribunal accepts the opinions proffered by Mr. Pileggi in respect to the 2014 OP and the 1987 OP as it relates to their applicability of current Official Plan policies pertaining to the Subject Lands. The 2014 OP identifies the Subject Lands as being located within the future Yonge Street Corridor Secondary Plan area and that, until the approval of that Secondary Plan, the provisions of the 1987 OP and the TSP will continue to apply. The Tribunal acknowledges that the planning policy framework context has changed significantly since the approval of the 1987 OP and the TSP and that these documents predate the PPS and the Growth Plan and do not contemplate the extension of the Subway service along Yonge Street through the City.

[35] Mr. Pileggi’s evidence refers the Tribunal to the YCLUBF Study for an indication of the current City Council direction in respect to the form of development contemplated for the subject and surrounding lands. The corridor along Steeles Avenue East is expected to be characterized by high-density residential developments. Applying the high-rise residential policies of the 2014 OP is appropriate and the Tribunal finds that the Settlement Proposal conforms to the intent and objectives of these policies.

[36] The Tribunal finds that the Settlement Proposal will contribute to good urban design, economic vitality, attractive streetscape, health of the community, and provide vibrant public space as required by the 2014 OP. Further, the Settlement Proposal represents a compatible built form with high-quality urban design and sustainable development that is compact and walkable to higher-order transit and services.

[37] Notwithstanding the maximum height and density permitted in the 2014 OP, the Tribunal finds that the proposed heights of 40 and 44 storeys and the proposed FSI of 8.0, as described in the Settlement Proposal, is contemplated by the YCLUBF Study, and are consistent with the heights and densities planned in Vaughan and Toronto surrounding the intersection of Yonge Street and Steeles Avenue. The Tribunal also notes that the Subject Lands are located in an MTSA as designated in the ROP 2022. The Growth Plan directs the greatest intensification towards MTSA's in order to, among other matters, maximize transit infrastructure investment.

[38] The Tribunal is satisfied that the concerns raised by the Participants are addressed through the Settlement Proposal with the increased separation provided to the low-density residential uses across the proposed public park on the Subject Property, the revised building design addressing massing with the reduced tower floor plate size, tower separation, tower orientation and the six-storey podium creating an appropriate transition and mitigating shadow impacts. Traffic impacts in the low-density residential neighbourhood will be addressed by the proposed parking ratio that will encourage the reduction of vehicle use and increase reliance on public transit and active transportation modes.

[39] In consideration of the above, the Tribunal finds that the Settlement Proposal represents good planning and is in the public interest.

[40] The Tribunal allows the Appeals and approves the OPA and ZBA in principle subject to Conditions and subject to the City providing the final form of the OPA and

ZBA instruments for approval by the Tribunal.

ORDER

[41] **THE TRIBUNAL ORDERS THAT** the appeals be allowed, in part, on an interim basis, and that the proposed Official Plan Amendment and Zoning By-Law Amendment to reflect the Settlement Proposal as described in the Settlement Plans included in Exhibit 2, which, for greater clarity, are the Architectural Plans prepared by Arcadis Architects (Canada) Inc. under Project No. 140764 having a revision date of September 14, 2023, are hereby approved in principle.

[42] **AND THE TRIBUNAL ORDERS THAT** the Tribunal will withhold issuance of its Final Order contingent upon confirmation of the following pre-requisite matters:

- a. That the Tribunal has received, and approved, the Official Plan Amendment and Zoning By-law Amendment in a final form, confirmed satisfactory by the City Solicitor of the City of Markham and the City of Toronto;
- b. That the Tribunal shall be in receipt of confirmation from the City of Markham Solicitor that the Applicant/Appellant has submitted any updated studies and/or reports in respect of the revised plans and that the Applicant/Appellant has entered into any agreements required to secure any required upgrades or improvements to the existing Municipality infrastructure, should they be required, all to the satisfaction of City of Markham;
- c. That the Tribunal shall be in receipt of confirmation from the City Solicitor for the City of Toronto that:
 - i. The Applicant/Appellant has submitted updated reports, to the satisfaction of the Chief Engineer and Executive Director, City of

Toronto, to address the matters in the February 14, 2022 memorandum from Engineering and Construction Services, City of Toronto (**Exhibit 6**); and,

- ii. Where updated servicing reports identify required upgrades to City of Toronto services the Owner shall enter into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City of Toronto and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, City of Toronto.

[43] If the Parties do not submit the final draft of the Official Plan Amendment and final draft of the Zoning By-law Amendment, and provide confirmation that the contingent pre-requisites to the issuance of the Final Order set out in paragraph 42 above have been satisfied, and do not request the issuance of the Final Order, by **Tuesday, April 30, 2024**, the Applicant/Appellant and the City of Markham shall provide a written Status Report to the Tribunal by that date as to the timing of the expected confirmation and submission of the final form of the draft Official Plan Amendment and Zoning By-law Amendment and request for issuance of the Final Order by the Tribunal. In the event that the Tribunal fails to receive the required Status Report, and/or in the event that the contingent pre-requisites are not satisfied by the date indicated above or by such other deadline as the Tribunal may impose, the Tribunal may then dismiss the appeal.

[44] The Panel will remain seized for the purposes of reviewing and approving the final draft of the Official Plan Amendment and the Zoning By-law Amendment and the issuance of the Final Order.

[45] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for the submission of the final form of the instrument and the satisfaction of the contingent pre-

requisites to the issuance of the Final Order.

“A. Mason”

A. MASON
MEMBER

“David Brown”

DAVID BROWN
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal. Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 7, 2024

CASE NO.: OLT-22-003176

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number: 19 114290
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT: Markham/York
OLT Case No: OLT-22-003176
OLT Lead Case No: OLT-22-003176
OLT Case Name: Zonix Group Inc. v. Markham (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number: 19 114290
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT: Markham/York
OLT Case No: OLT-22-003178
OLT Lead Case No: OLT-22-003176

BEFORE:

A. MASON)	
MEMBER)	Tuesday, the 7 th day of
)	
DAVID BROWN)	May, 2024
MEMBER)	

THIS MATTER having come on for a public hearing and the Tribunal, in its Decision and Interim Order issued on October 17, 2023 (the “Decision and Interim Order”), having withheld its Final Order contingent upon confirmation of the pre-requisite matters as stipulated in Paragraph 42 of the Decision and Interim Order;

THE TRIBUNAL ORDERS that the appeal with respect to the Official Plan Amendment is allowed in part and the Official Plan for the City of Markham is modified as set out in Attachment “1” to this Order;

AND THE TRIBUNAL ORDERS that the appeal with respect to the Zoning By-law Amendment is allowed in part, and By-law 2237, as amended, and By-law 177-96, as amended, are hereby amended in the manner set out in Attachment “2” to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purpose.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment "1"

**OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA**

AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended,
to incorporate Amendment **No. 18** to the Thornhill Secondary Plan (PD 3-1), as amended,
for the Thornhill Planning District (Planning District No. 3).

([Zonix Group Inc.] 36-48 Steeles Avenue East & 37-49 Highland Park Boulevard)

(April 2024)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3)

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2024 - ___ in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the XX day of Month, 2024.

Martha Pettit
Deputy Clerk

Frank Scarpitti
MAYOR

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PART I - INTRODUCTION

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

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Official Plan Amendment **No. XXX** to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedules “B” and “C” attached thereto, constitutes Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3). This Secondary Plan Amendment may be identified by the symbol PD 3-1-18. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and the Thornhill Secondary Plan (PD 3-1), as amended, (the “Amendment”) applies to 0.9143 hectares (2.26 acres) of land located on the north east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard (the “Subject Lands”).

3.0 PURPOSE

The purpose of this Amendment is to amend the Thornhill Secondary Plan to:

- Remove the Subject Lands from “DEFERRAL NO. 1” and redesignate them from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL” to “HIGH DENSITY II HOUSING” as shown on Schedule “B”, and
- Incorporate site-specific height and density provisions to accommodate the proposed development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Subject Lands are designated as “URBAN RESIDENTIAL” in the Official Plan (Revised 1987), as amended. The “URBAN RESIDENTIAL” designation is predominantly used for housing and related purposes. The Subject Lands are also subject to the Thornhill Secondary Plan, which designates the Subject Lands “LOW DENSITY RESIDENTIAL”, “LOW DENSITY HOUSING SPECIAL”, and

“DEFERRAL NO. 1”. The “LOW DENSITY HOUSING” designation predominantly permits low density forms of housing. The “LOW DENSITY HOUSING SPECIAL” designation predominantly reflects the significant transportation upgrades in this area and is generally intended to permit expanded residential uses and limited office uses. In consideration of office uses or additional residential uses, Council shall ensure a number of conditions are met as stated in Section 5.5.2 of the Thornhill Secondary Plan. The Subject Lands are further subject to a special policy as described in Section 5.5.3, which requires a comprehensive study to provide a transitional buffer block between the existing apartment to the west and the adjacent low density mature neighbourhood. Accordingly, it is intended that the overall height and density of this block be lower than those fronting Yonge Street. The Subject Lands are located within “DEFERRAL NO. 1” in the Thornhill Secondary Plan, which was intended to allow for further discussions between the City, Region, and Centrepont Mall.

This Amendment will facilitate the redevelopment of the Subject Lands with a high density apartment development with two towers with maximum heights of 40 and 44 storeys, above a 6-storey podium and a maximum density of 8.3 FSI (“the Proposed Development”).

The Proposed Development is consistent with the policies of the Provincial Policy Statement 2020 (the “PPS”) in that it would promote the efficient uses of land, resources, and infrastructure by providing residential uses, while supporting active transportation and current and future transit improvements.

The Proposed Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it accommodates growth through intensification within a Major Transit Station Area (“MTSA”), and contributes to a range of housing types within the community. The Proposed Development also provides convenient access to transportation options and a new public park, and fosters a compact built form with an attractive and vibrant public realm.

The Proposed Development conforms to the York Region Official Plan, 2022 (the “YROP”). The Proposed Development is located in the delineated “Urban Area” and designated “Community Area” in the YROP, where most of the housing and population-related jobs required to accommodate the forecasted population will be located. The Subject Lands are also located within the Steeles Subway Station MTSA, and provide a scale of development and intensification that supports transit. As per the direction in the Growth Plan, MTSA’s are part of a regional strategy to align transit with growth and must be delineated by upper-tier municipalities and planned to achieve specified minimum density targets. The YROP also identifies all MTSA’s as “Protected” MTSA’s under the Planning Act to enable inclusionary zoning. The YROP identifies a minimum planned density target for the Steeles Subway Station PMTSA of 300 people and jobs per hectare.

The Subject Lands are designated ‘Residential Mid Rise’ in the 2014 Markham Official Plan and are within the Yonge Steeles Corridor key development area. However,

Section 9.18.8.3 of the 2014 Markham Official Plan states that until the approval of an updated secondary plan for the Yonge Steeles Corridor key development area lands, the provisions of the Official Plan (Revised 1987), as amended, and Secondary Plan PD 3-1, as amended shall apply to the Subject Lands.

The Proposed Development represents good planning as it makes efficient use of underutilized parcels of land identified provincially, regionally and locally for intensification. The Subject Lands are also located within close proximity to existing and future transit routes and higher order transit stations. The Subject Lands are therefore an appropriate location for the proposed high density development.

PART II - THE OFFICIAL PLAN AMENDMENT

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

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1. Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2. Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Thornhill Secondary Plan (PD-3-1), for the Thornhill Planning District (Planning District No. 3), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3. Section 9.2.25 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4. Schedule ‘G’ - SITE PLAN CONTROL, is amended by removing the Subject Lands from the “Area subject to special study to determine right-of-way widths and intersection improvements (Section 7.12.4.b)” as shown on Schedule “A” attached hereto.
- 1.5. No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule “AA” – LAND USE PLAN and the text of the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). These changes are outlined in Part III which comprises Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

PART III - THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

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

PART III – THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 18 to the Thornhill Secondary Plan PD 3-1)

The Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3) is hereby amended as follows:

- 1.1. Schedule ‘AA’ – LAND USE PLAN, is amended by removing the Subject Lands from “DEFERRAL NO. 1” and redesignating the Subject Lands from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL to “HIGH DENSITY II HOUSING” as shown on Schedule “B” attached hereto.
- 1.2. Section 5.8 “HIGH DENSITY II HOUSING” is amended by adding a new subsection (l) to Section 5.8.3 as follows, to be appropriately placed on the first page following Section 5.8.3 (k):

“5.8.3 (l)

The following additional provisions shall apply to the lands designated as “HIGH DENSITY II HOUSING”, located at the north-east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue and 37-49 Highland Park Boulevard, as shown on Figure 3-1-18:

- a. The maximum tower heights shall be 44 and 40 storeys;
- b. The maximum density shall be 8.75 FSI (gross, prior to any public land takings);
- c. A private underground parking structure shall also be permitted beneath a public park, as well as Privately-Owned Publicly Accessible Spaces (POPS); and
- d. The development plan will be required to protect and demonstrate that a future vehicular and pedestrian interconnection will be provided to the east. This road will be required to connect as a condition of Site Plan Approval.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regards to this Amendment, except as specifically provided for in this Amendment.

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

Attachment “2”



MARKHAM
BY-LAW 2024-_____

**A By-law to amend By-law 2237, as amended
 And By-law 177-96, as amended**

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

1. That By-law 2237, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 2237, 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 the lands shown on Schedule ‘A’ attached hereto.

 - 2.2. By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from:

Fourth Density Single Family Residential (R4) Zone under By-law 2237, as amended

to:

Residential Four *752 (R4 *752) Zone; and,
Open Space One *753 (OS1 *753) Zone under By-law 177-96, as amended

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

Exception *7.752	Zonix Homes Inc.	Parent Zone R4
File PLAN 19.114290	36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Amending By-law 2024-XX

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule ‘A’ to this By-law. All other provisions,

unless specifically modified/amended by this section, continue to apply to the lands subject to this section.	
7.752.1 Special Zone Standards	
The following zone standards shall apply:	
a)	<p>Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.</p> <p>Notwithstanding the above, any lands conveyed to the City of Toronto for road widening purposes shall not be deemed to form part of the lot.</p>
b)	For the purpose of this by-law, the provisions of table B6 shall not apply
c)	<p><i>Amenity Area</i> means indoor or outdoor space on a <i>lot</i> that is designed for and available for use by the occupants of a <i>building</i> on the <i>lot</i> for recreational or social activities.</p> <p><i>Bicycle Parking Space</i> means a space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey <i>building</i>, which is located above <i>average grade level</i>, and is measured from <i>average grade level</i> to the maximum <i>podium height</i> as prescribed. A <i>podium</i> may or may not have a <i>point tower</i> projecting above it.</p> <p><i>Point Tower</i> means portions of a <i>building</i> that projects above a <i>podium</i>.</p>
d)	For the purposes of this By-law, the <i>front lot line</i> shall be the <i>streetline</i> adjacent to Steeles Avenue East.
e)	Maximum <i>gross floor area</i> – 79,800 square metres
f)	<p>Minimum setback</p> <ul style="list-style-type: none"> i) Front yard – 2.0 metres ii) Westerly side yard – 3.0 metres iii) Easterly side yard – 8.0 iv) To the Highland Park streetline – 30 metres
g)	<p>Maximum <i>Building Height</i>:</p> <ul style="list-style-type: none"> i) Podium: The greater of 7 storeys or 230 metres above sea level, geodetic datum (CGS) ii) Point Tower: The lesser of 44 storeys or 350 metres above sea level, geodetic datum (CGS)
h)	Maximum <i>gross floor area</i> of each floor plate of a <i>point tower</i> – 850 square metres.
i)	Minimum separation between the exterior walls of a <i>point tower</i> – 25 metres, exclusive of balcony areas

j)	Maximum Number of <i>Dwelling Units</i> – 1,075
k)	Minimum number of required <i>Parking Spaces</i> i) 0.38 <i>parking spaces</i> per <i>apartment dwelling unit</i> ; plus ii) 0.1 <i>parking spaces</i> per <i>apartment dwelling unit</i> for visitor parking iii) 5% of the required parking spaces shall be provided as accessible parking space
l)	Total required <i>bicycle parking spaces</i> – 0.7 <i>bicycle parking spaces</i> per <i>dwelling unit</i>
m)	Minimum <i>amenity area</i> – 4.0 square metres per <i>dwelling unit</i>
n)	Notwithstanding any other provision within this by-law, <i>amenity area</i> can be provided on balconies
o)	Minimum setback to a <i>lot line</i> for a <i>parking garage</i> located completely below <i>grade</i> - 0.3 metres
p)	In the case of a <i>corner lot</i> with a daylighting triangle or a rounding, the <i>exterior side lot line</i> shall be deemed to extend to its hypothetical point of intersection with the extension of <i>the front lot line</i> for the purposes of calculating minimum and maximum setbacks from <i>streetlines</i> . Notwithstanding the above, in no case shall any <i>building</i> or <i>structure</i> extend into the <i>public street</i> right of way.

Exception *7.753	Zonix Homes Inc. 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Parent Zone 177-96
File PLAN 19.114290		Amending By-law 2024-XX
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.753.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Parking garage</i>	
7.753.2 Special Zone Standards		
The following zone standards shall apply:		
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.	
b)	<i>Parking garages</i> are only permitted below <i>established grade</i>	
c)	Notwithstanding b) above, ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting 1.8 metres above <i>established</i>	

grade, and other similar facilities associated with *parking garages* are permitted above *established grade*.

Read and first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2024-_____

A By-law to amend By-laws 2237 and 177-96, as amended

Zonix Homes Inc.

36-48 Steeles Avenue and 37-49 Highland Park Boulevard.

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.9143 ha (2.26 ac), located at the north-east corner of Steeles Avenue and Dudley Avenue, east of the intersection of Steeles Avenue and Yonge Street.

Existing Zoning

The subject lands are currently zoned Fourth Density Single Family Residential (R4) Zone by By-law 2337, as amended.

Purpose of the By-law

The purpose of this By-law amendment is to remove the lands from By-law 2237, as amended, and to incorporate them into By-law 177-96, as amended, and re-zone the lands, as follows:

From: **Fourth Density Single Family Residential (R4) Zone** under By-law 2237, as amended

To: **Residential Four *752 (R4 *752) Zone** and **Open Space One *753 (OS1 *753) Zone** under By-law 177-96, as amended, with site-specific development standards to implement a residential apartment building.

Effect of the By-law

The effect of this By-law amendment is to permit the majority of the property to be developed with a high-density residential development. A portion of the Subject Land is to be conveyed to the City of Markham as a stratified public park (with private underground parking).

Date:	Tuesday, April 30, 2024		
Application Types:	Zoning By-law Amendment (the “Application”)		
Owner:	MYterms (Arash Fazelipur and Somayeh Badali) (the "Owner")		
Agent:	JKO Planning Services Inc. (Jim Kotsopoulos)		
Proposal:	The development of four single detached dwellings (the “Proposed Development”)		
Location:	East of Yonge Street and south of Langstaff Road East, municipally known as 28 and 32 Kirk Drive (the “Subject Properties”)		
File Numbers:	PLAN 24 161084	Ward:	1
Prepared By:	Hailey Miller, ext. 2945 Planner II, West Planning District		
Reviewed By:	Daniel Brutto, MCIP, RPP Acting Development Manager, West District	Stephen Lue, MCIP, RPP Senior Manager, Development	

PURPOSE

This preliminary information pertains to the Application submitted by the Owner and contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation.

PROCESS TO DATE

Staff deemed the Applications complete on February 22, 2024. The 90-day period set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal for a non-decision ends on May 22, 2024.

NEXT STEPS

- Statutory Public Meeting is scheduled for April 30, 2024
- Recommendation Report for consideration by the Development Services Committee (“DSC”), if required
- In the event of an approval enactment of the site-specific Zoning By-law Amendment
- Future Consent to Sever application required

BACKGROUND

Subject Lands and Area Context

The 0.28 ha (0.69 ac) Subject Properties each contain a single detached dwelling and have a lot frontage of 30.48 m (100 ft) and lot depth of 45.72 m (150 ft) (see Figure 2). The Owner proposes to sever the Subject Properties into equal parts, demolish the existing single detached dwellings, and construct a new single detached dwelling on each lot.

The immediate surrounding area consists of single detached dwellings. On March 1, 2023, Council approved a Zoning By-law Amendment application to facilitate the creation of five single detached dwellings at 16 Kirk Drive, which is approximately 50 m west of the Subject Properties. The approved lot frontages range from 10.7 m (35.1 ft) to 10.9 m (35.76 ft). Figure 3 shows the surrounding land uses.

The following table summarizes the Proposed Development

Table 1: the Proposed Development (see Figure 4)	
Total Lots/Units	4 lots, each with a new single detached dwelling
Lot Frontage	15.24 m (50 ft) minimum
Lot Area	697.07 m ² (7,503.2 ft ²) minimum
Gross Floor Areas	391 m ² (4,208.7 ft ²)
Building Height	11.0 m (36.1 feet) maximum
Setbacks	Front: 9.05 m (29.68 ft); Rear: 17.92 m (58.8 ft); Sides: 1.52 m (5 ft) minimum

The following table summarizes the Official Plan Information

Table 2: 2014 Official Plan Amendment Information	
Current Designation	'Residential Low Rise'
Permissions	Permits single detached, semi-detached, townhouses excluding back-to-back townhouses, small multiplex buildings containing three to six units, all with direct frontage along a public street, with a maximum building height of three storeys.

A Zoning By-law Amendment application is required to permit the Proposed Development

Table 3: Zoning By-law 2150 Information (see Figure 3)	
Current Zone	'Second Density Single Family Residential (R2A)'
Permissions	Permits single detached dwellings and home occupations.
Lot Frontage	19.81 m (65 ft) minimum
Lot Area	724.64 m ² (7,800 ft ²) minimum
Building Height	7.62 m (25 ft) maximum
Setbacks	Front: 8.23 m (27 ft); Rear: 10.67 m (35 ft); Sides: 1.8 m (6 ft) minimum
Proposal	The Proposed Development does not comply with all of the standards set out in Table 3. The Owner proposes to rezone the Subject Properties to the 'Residential Two (R2)' Zone, under By-law 177-96, as amended, and shown in Table 1.

The Subject Properties are zoned 'Residential Established Neighbourhood Low Rise (RES-ENLR)' under the City's Comprehensive Zoning By-law 2024-19, which is currently under appeal and not in-force. Notwithstanding, amendments would be required to both the in-force By-law 2150 and By-law 2024-19.

Staff identified the following preliminary list of matters that will be assessed through the review of the Application, including other matters and issues, and addressed in a future Recommendation Report to the DSC, if required

- a) Conformity and Consistency with Provincial, York Region, and City Official Plan**
 - i) The appropriateness of the proposed Zoning By-law Amendment to allow the Proposed Development.
 - ii) Review of the Proposed Development in the context of the existing policy framework.
- b) Parkland Dedication**
 - i) The Application will be reviewed in consideration of the appropriate amount of parkland dedication and/or cash-in-lieu of parkland, and other financial contributions.
- c) Allocation and Servicing**
 - i) The availability of water and sanitary servicing capacity for the Proposed Development must be identified and allocated by Council, if the Applications are approved. If

servicing allocation is unavailable, the lands will be zoned with a Holding Symbol, which will be removed once servicing capacity is identified and allocated to the Subject Lands by Council.

- d) Review of the Proposed Development will include, but not limited to, the following:**
- i) Examination of whether the built form proposed is appropriate.
 - ii) Evaluation of the compatibility with existing and planned development within the surrounding area.
- e) Required Future Applications**
- i) If approved, the Owner must submit a Consent to Sever application(s) to create the proposed lots.

ACCOMPANYING FIGURES:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context and Zoning

Figure 4: Proposed Conceptual Site Plan – 28 Kirk Drive

Figure 5: Proposed Conceptual Site Plan – 32 Kirk Drive

Figure 1

Location Map

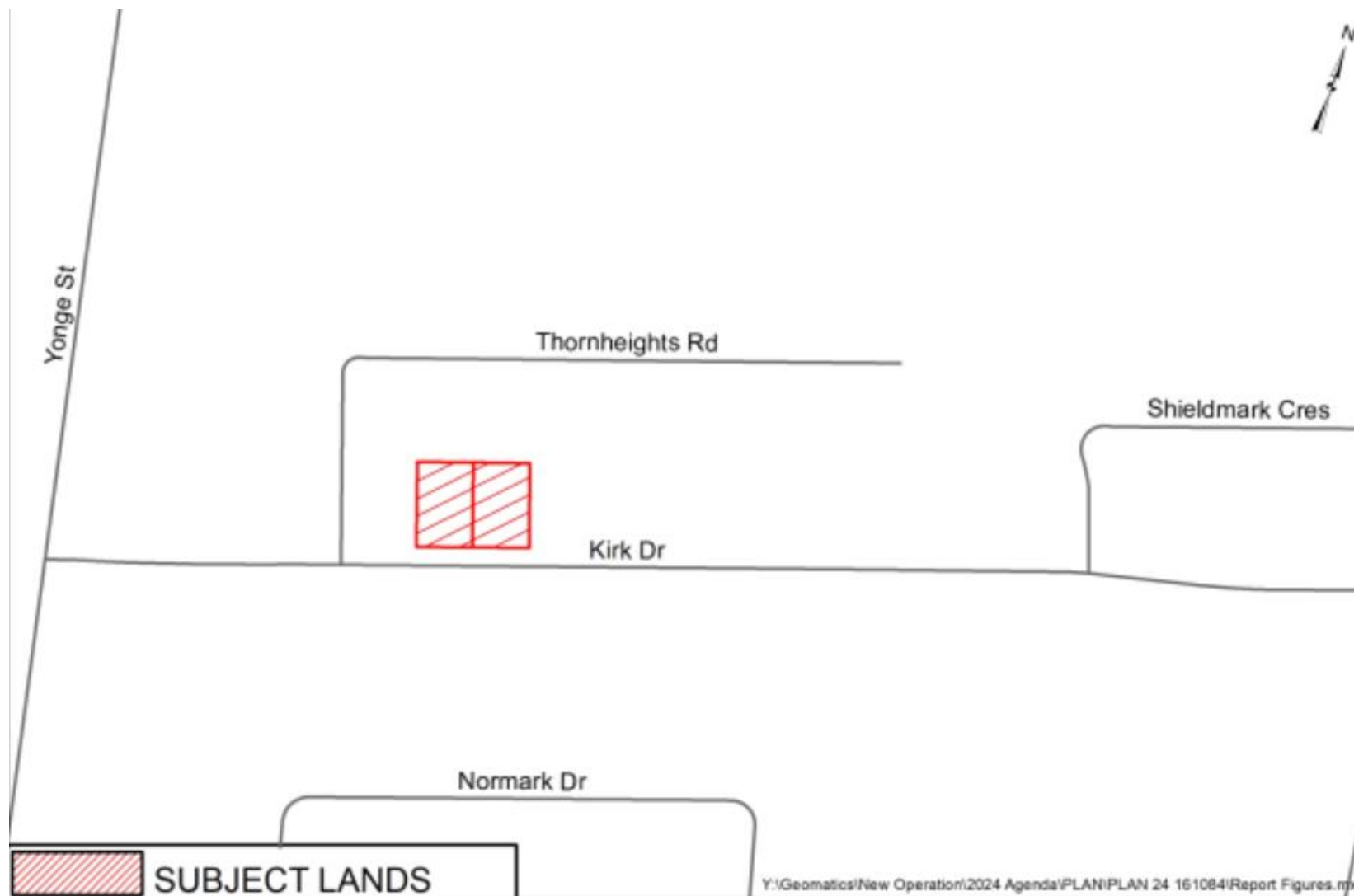


Figure 2

Aerial Photo



Figure 3

Area Context and Zoning



Figure 4

Proposed Conceptual Site Plan – 28 Kirk Drive

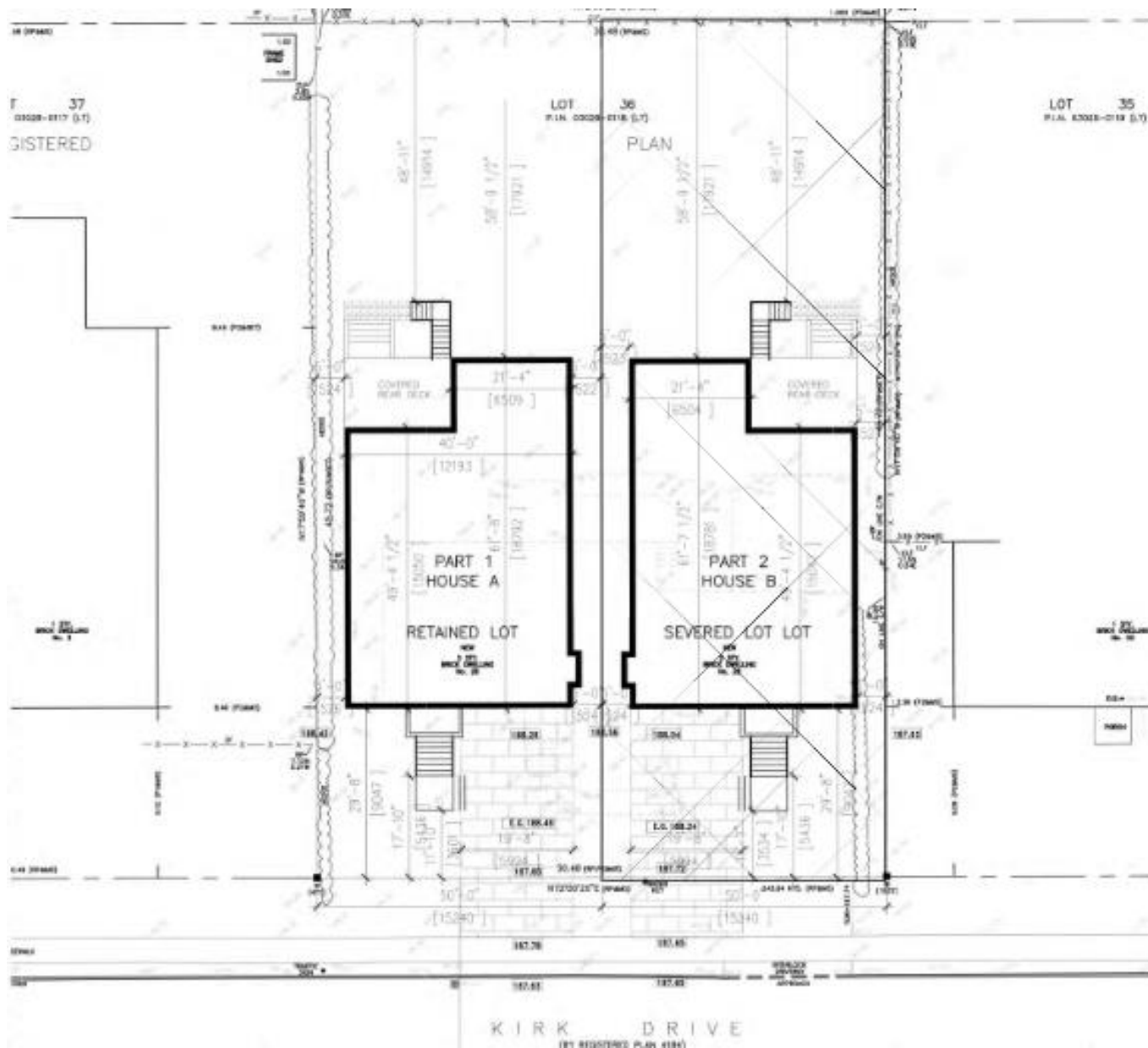
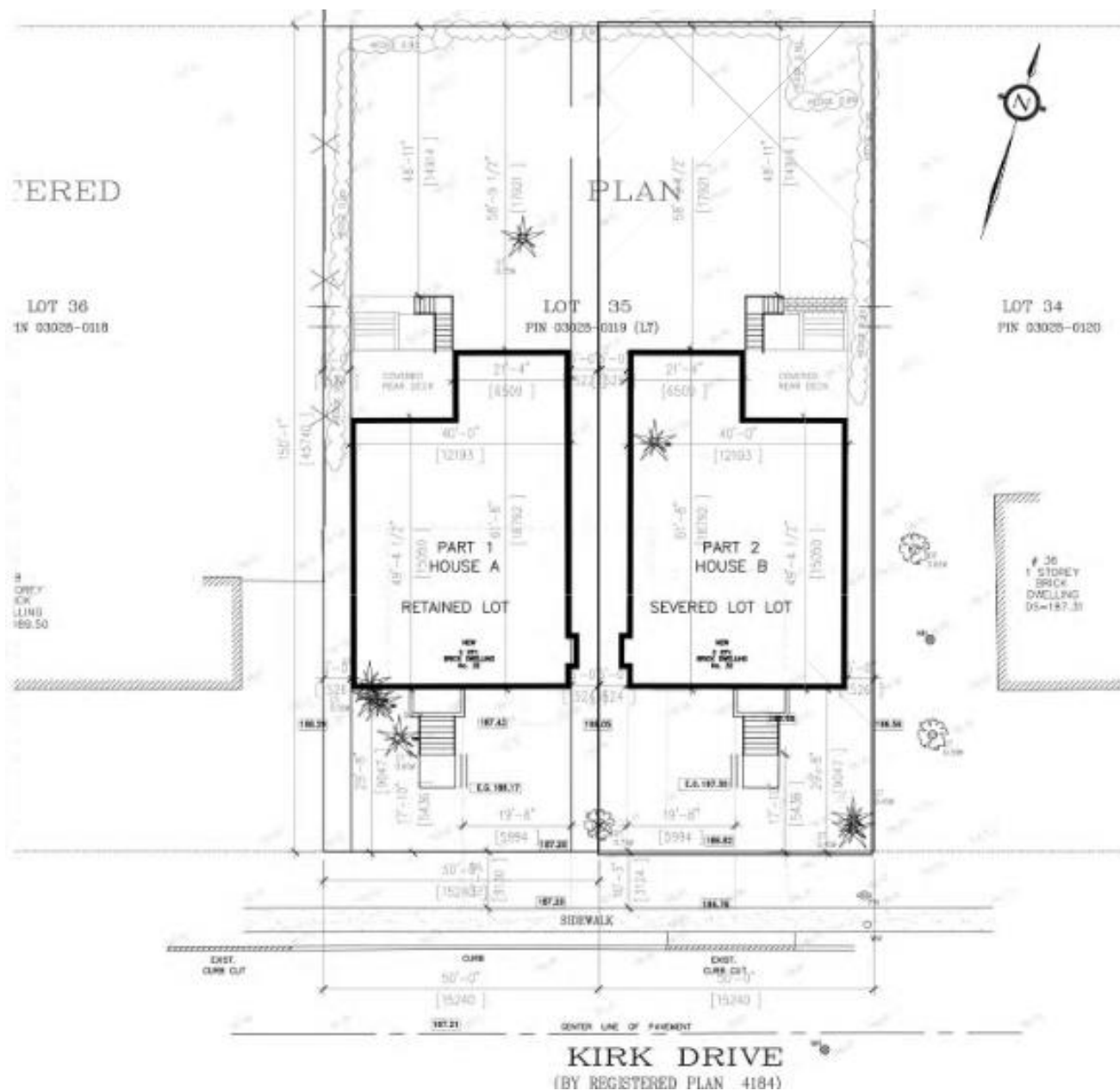


Figure 5

Proposed Conceptual Site Plan – 32 Kirk Drive





STATUTORY PUBLIC MEETING

Zoning By-law Amendment Application
28 and 32 Kirk Drive
PLAN 24 161084

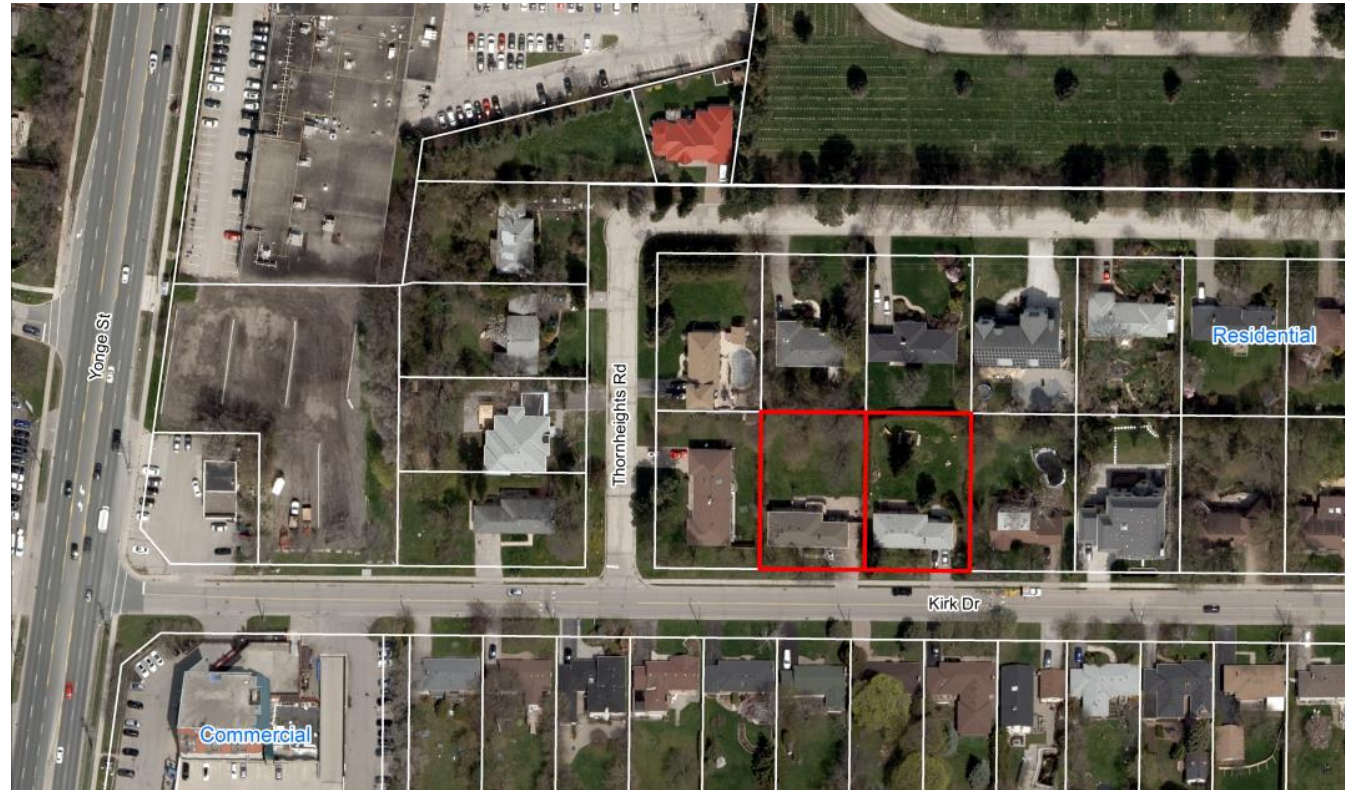
April 30, 2024



- 0.28 ha (0.69 ac)
- North of Royal Orchard Boulevard and east of Yonge Street

Surrounding Land Uses

- **North:** Existing single detached dwellings and Holy Cross Cemetery
- **East, South, and West:** Existing single detached dwellings



 Subject Lands



Total Lots/Units

4 lots, each with a new single detached dwelling

Lot Frontage

15.24 m (50 ft) minimum

Lot Area

697.07 m² (7,503.2 ft²) minimum

Gross Floor Area

391 m² (4,208.7 ft²)

Building Heights

11 m (36.1 ft) maximum

Minimum Setbacks

Front - 9.05 m (29.68 ft)
Rear - 17.92 m (58.8 ft)
Sides - 1.52 m (5 ft)



Applicant's Proposed Conceptual Site Plan



Official Plan Designation

- “Residential Low Rise”
- The designation provides for the proposed single detached dwellings



 Subject Lands



Current Zoning By-law 2150

- “Second Density Single Family Residential (R2A)” Zone

The Owner’s Zoning By-law Amendment proposes to:

- Rezone the subject lands to “Residential Two (R2)” under By-law 177-96, as amended.





Outstanding Items and Next Steps

Staff will continue to review the Proposed Development with regard for:

- Examination of whether the built form proposed is appropriate
- Evaluation of the compatibility with existing and planned development within the surrounding area
- Assess technical studies

Committee may refer the Application back to Staff

- Continue to work with the Applicant then prepare a Recommendation Report for the May 7, 2024 DSC date

Applicant will provide a detailed presentation on the Proposed Development



Thank you



Grey - 16 Kirk Drive

- 10.7 m (35.1 ft) to 10.9 m (35.76 ft)

Blue

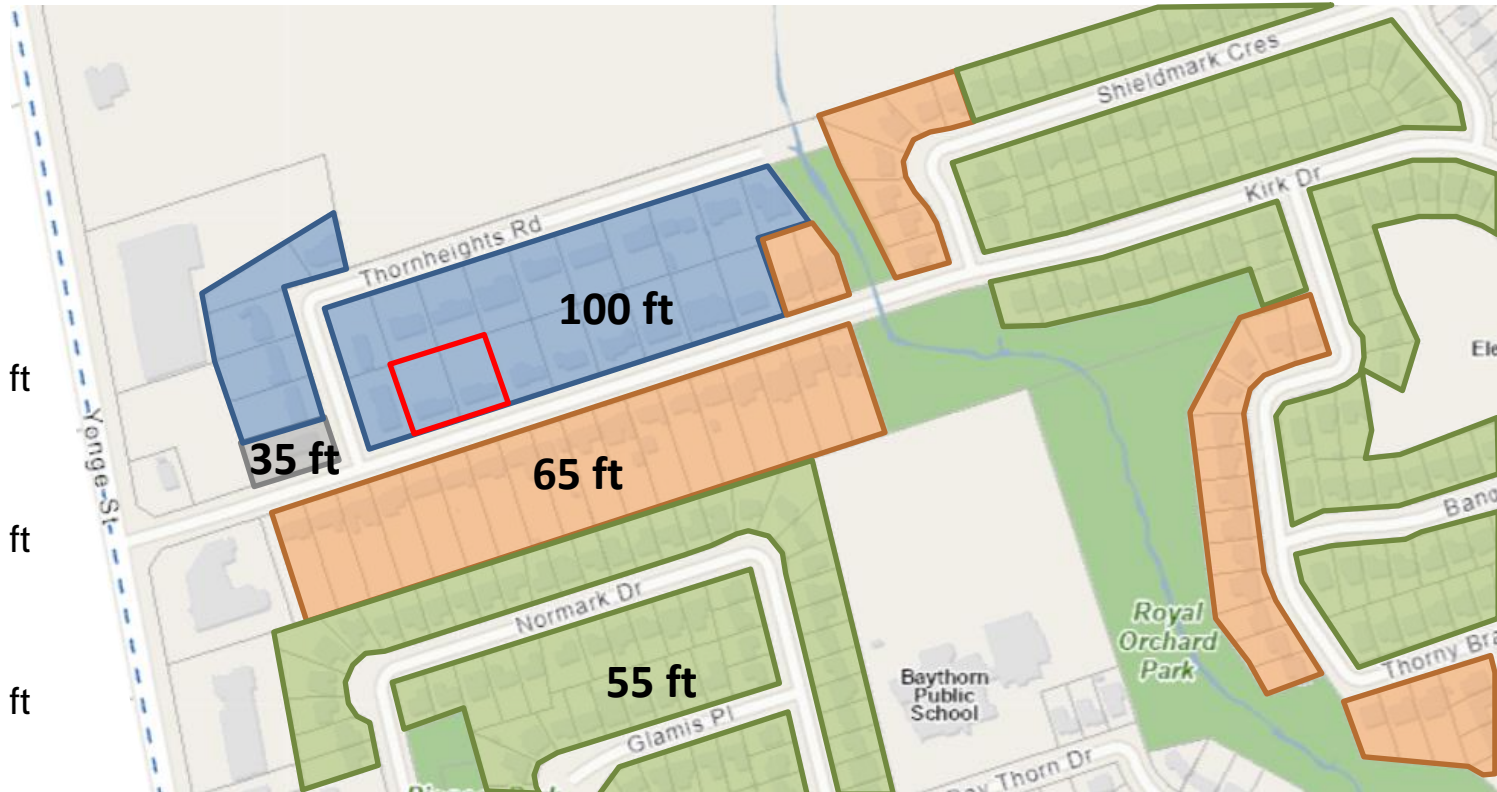
- 100 ft provided
- By-law requires 65 ft

Orange

- 65 ft provided
- By-law requires 65 ft

Green

- 55 ft provided
- By-law requires 55 ft

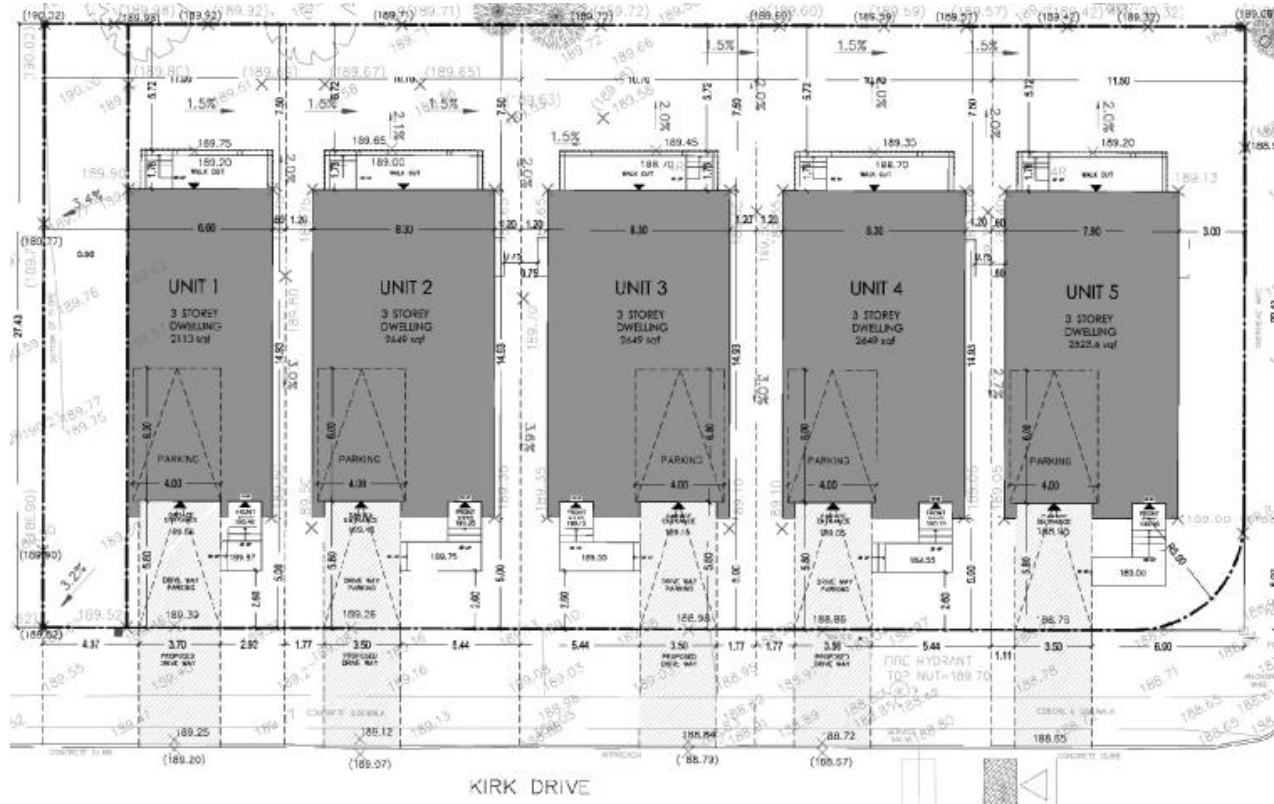




- Zoning By-law Amendment application approved in March, 2023

Site Statistics

- 5 single detached dwellings
- Frontages of 10.7 m (35.1 ft) to 10.9 m (35.76 ft)
- Side yards of 1.2 m (3.94 ft) to 3.8 m (12.47 ft)
- Front yard – 5 m (16.4 ft)
- Rear yard – 7.5 m (24.6 ft)



28 & 32 Kirk Drive

April 30, 2024

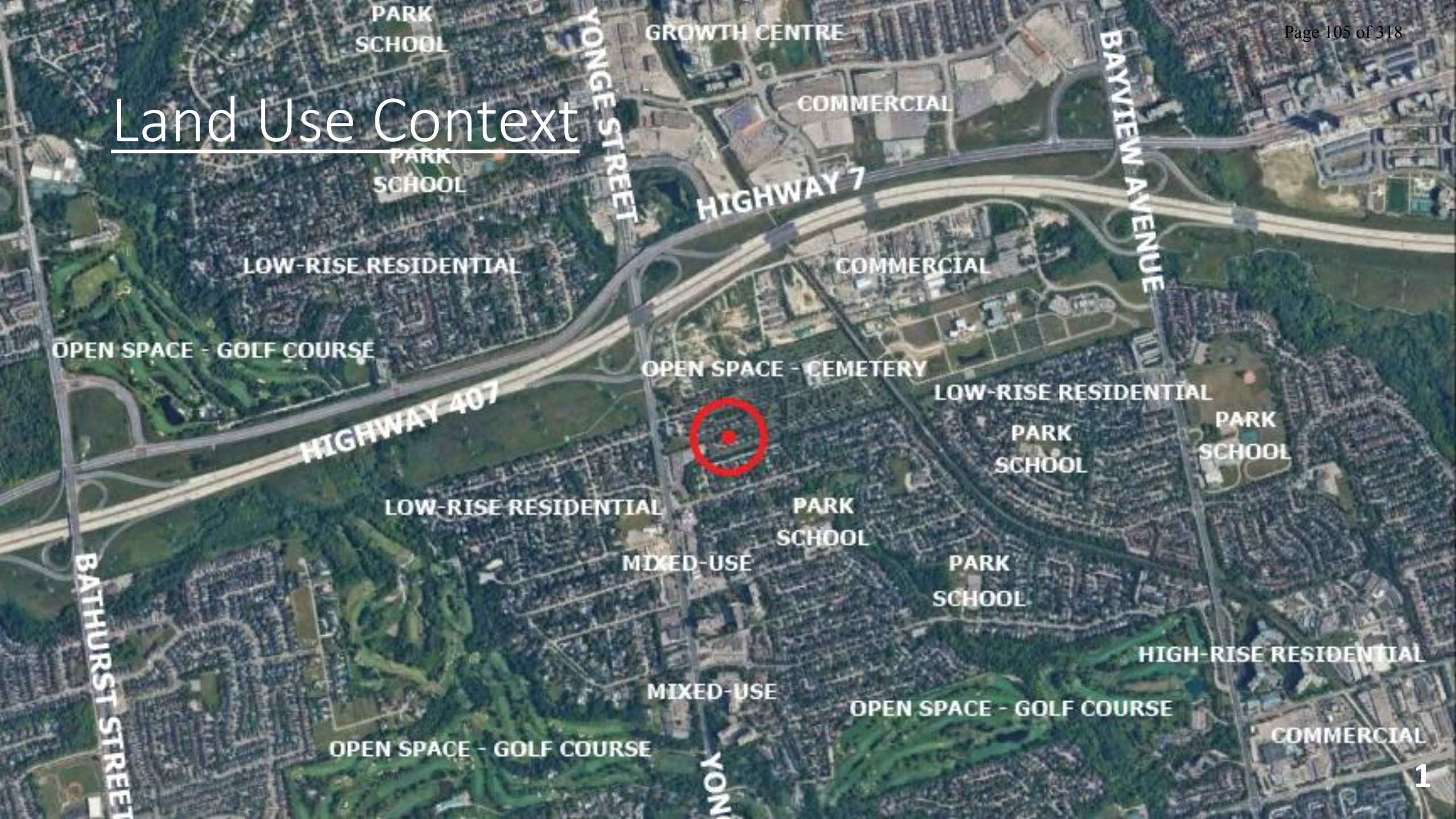
JKO Planning Services Inc.

THORNHILLS DRIFTS ROAD

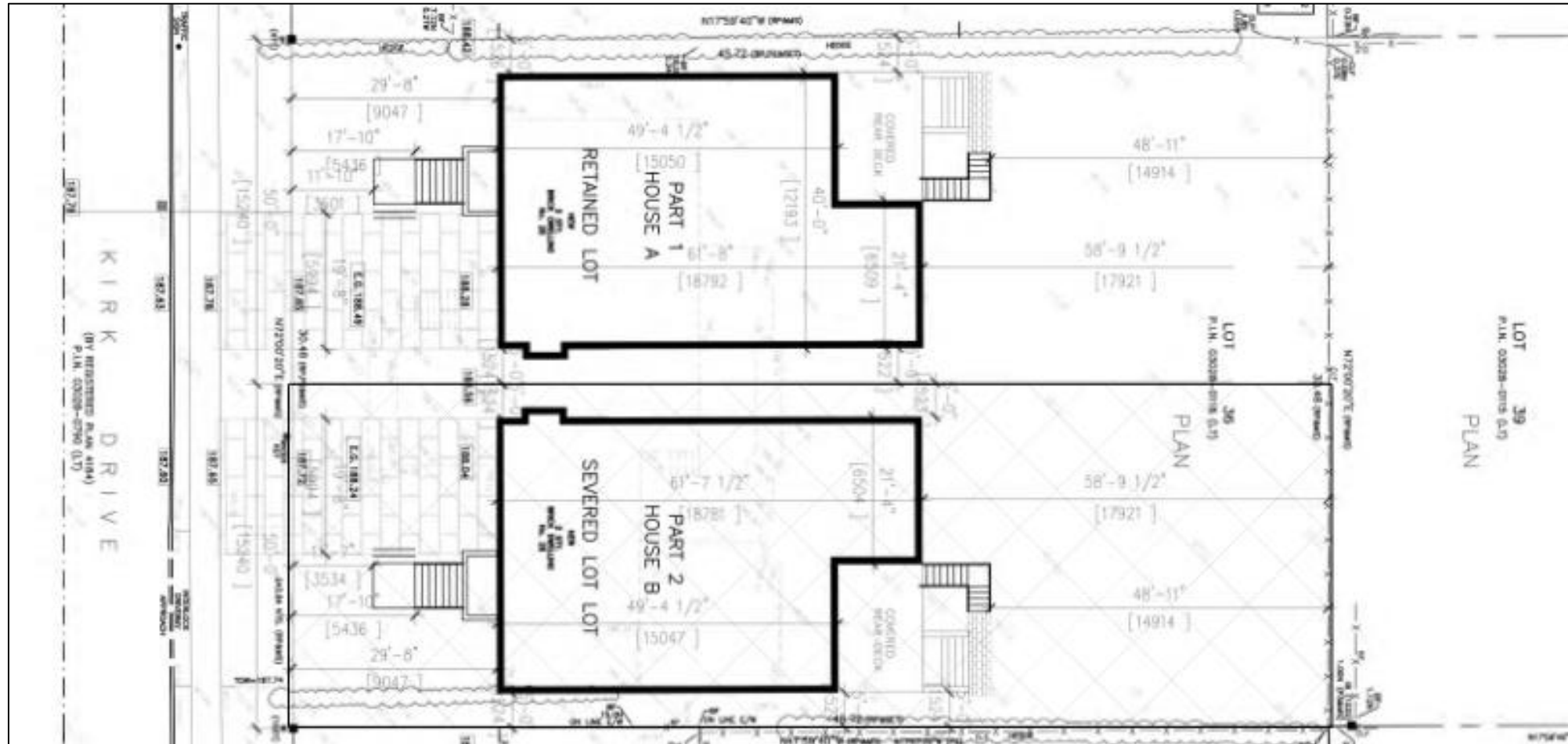
KIRK DRIVE



Land Use Context



Site Plan & Building Concept – 28 Kirk Dr.



Official Plan

Map 1 – Markham Structure

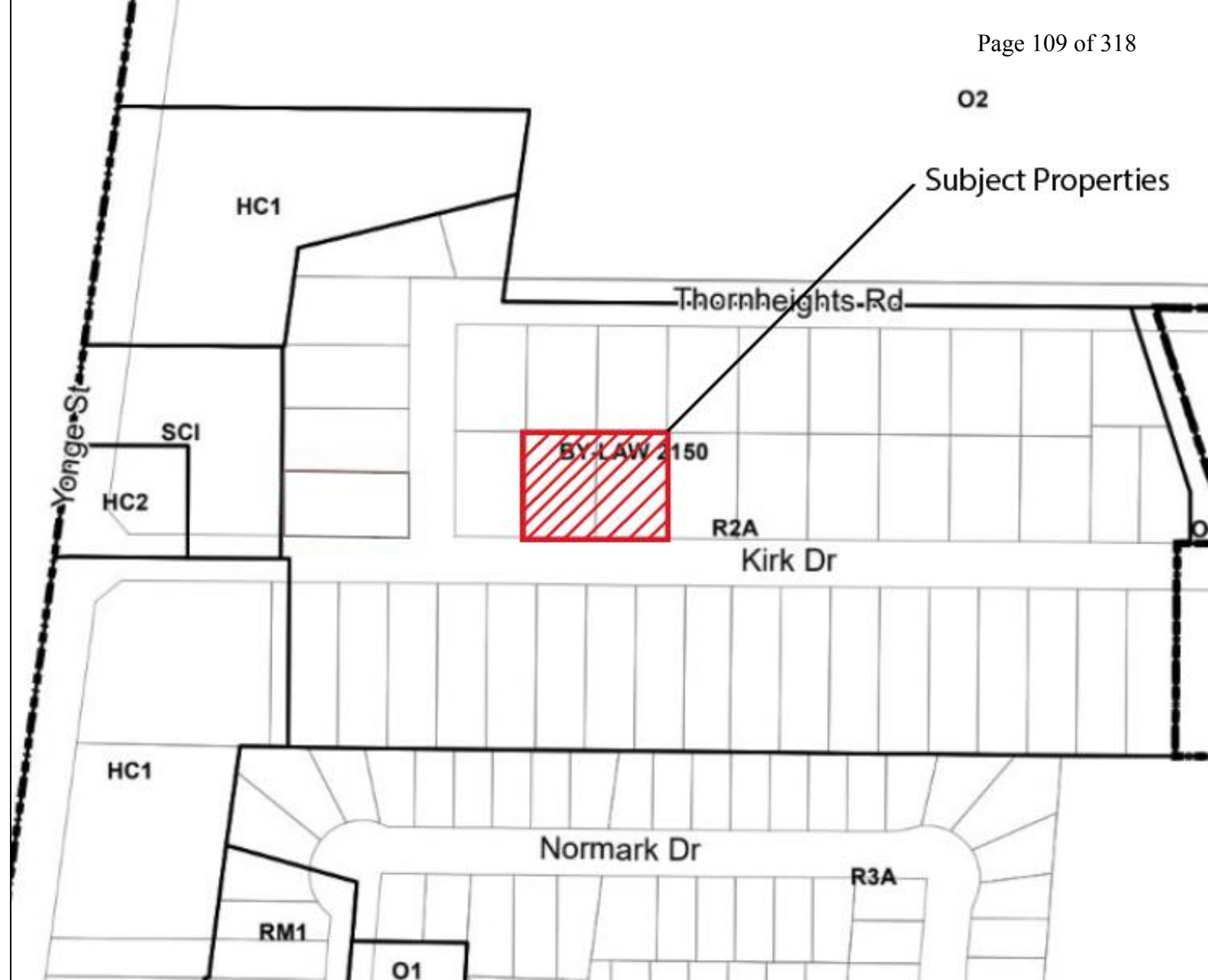
The subject properties are located within a Neighbourhood land use designation.

The subject properties are located within 200m of a Regional Corridor along Yonge Street which contains Mixed-Use Neighbourhood area land use designations.



Zoning By-law

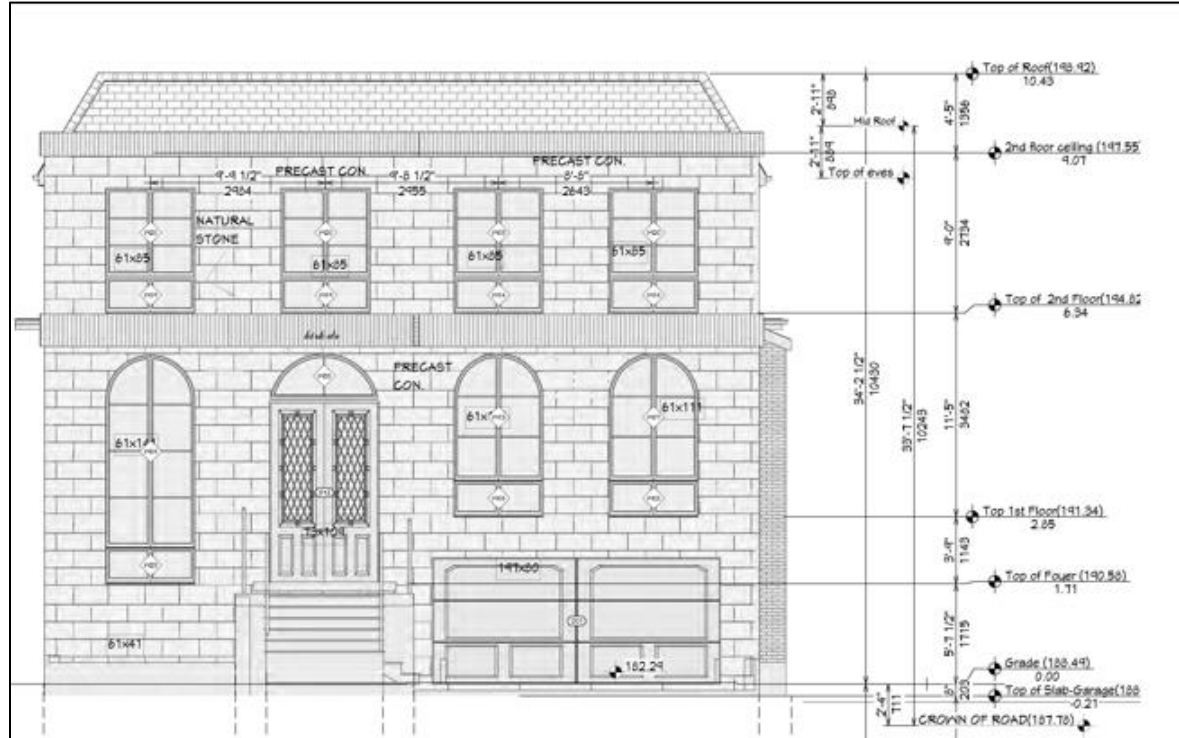
The subject properties are zoned as “Second Density Single Family Residential (R2A)” under By-law No. 2150, as amended. The ZBA application that has been included in this submission seeks to delete the subject properties from By-law 2150 and incorporate them into Zoning By-law 177-97, as amended, to zone the subject properties as “Residential Two (R2)”.



Zoning

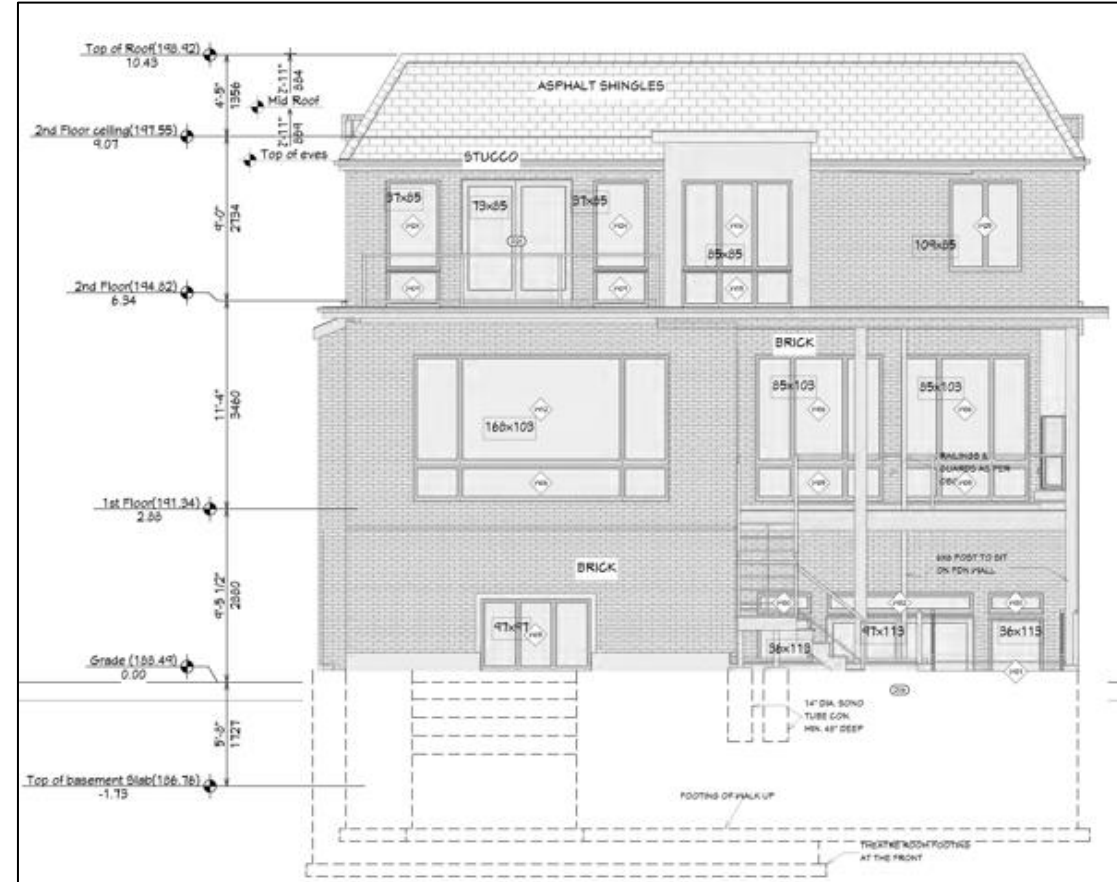
Standard	Requirement (R2 – 177-96)	Existing 28 Kirk	Existing 32 Kirk	Proposed Part 1 (28 Kirk)	Proposed Part 2 (28 Kirk)	Proposed Part 1 (32 Kirk)	Proposed Part 2 (32 Kirk)
Min. Lot Frontage	9.0m	30.48m	30.48m	15.24m	15.24m	15.24m	15.24m
Lot Area	-	-	-	697.07m ²	697.07m ²	697.07m ²	697.07m ²
GFA	-	-	-	390.93m ²	390.93m ²	390.93m ²	390.93m ²
Setbacks							
Front	4.5m	8.98m	8.98m	9.04m	9.04m	9.04m	9.04m
Rear	7.5m	28.0m	28.0m	17.82m	17.82m	17.82m	17.82m
Int. Side	1.2m, 0.6m	3.54m, 4.55m	3.59m, 4.93m	1.52m	1.52m	1.52m	1.52m
Ext. Side	2.4m	n/a	n/a	n/a	n/a	n/a	n/a
Max Height	11.0m	5.5m	5.5m	10.4m	10.4m	10.4m	10.4m
Lot Coverage	33.33%	+/-10%	+/-10%	28.04%	28.04%	28.04%	28.04%
Max. Garage Width	6.1m	5.2m	5.2m	5.8m	5.8m	5.8m	5.8m

Elevations



PART 1

Front and Rear



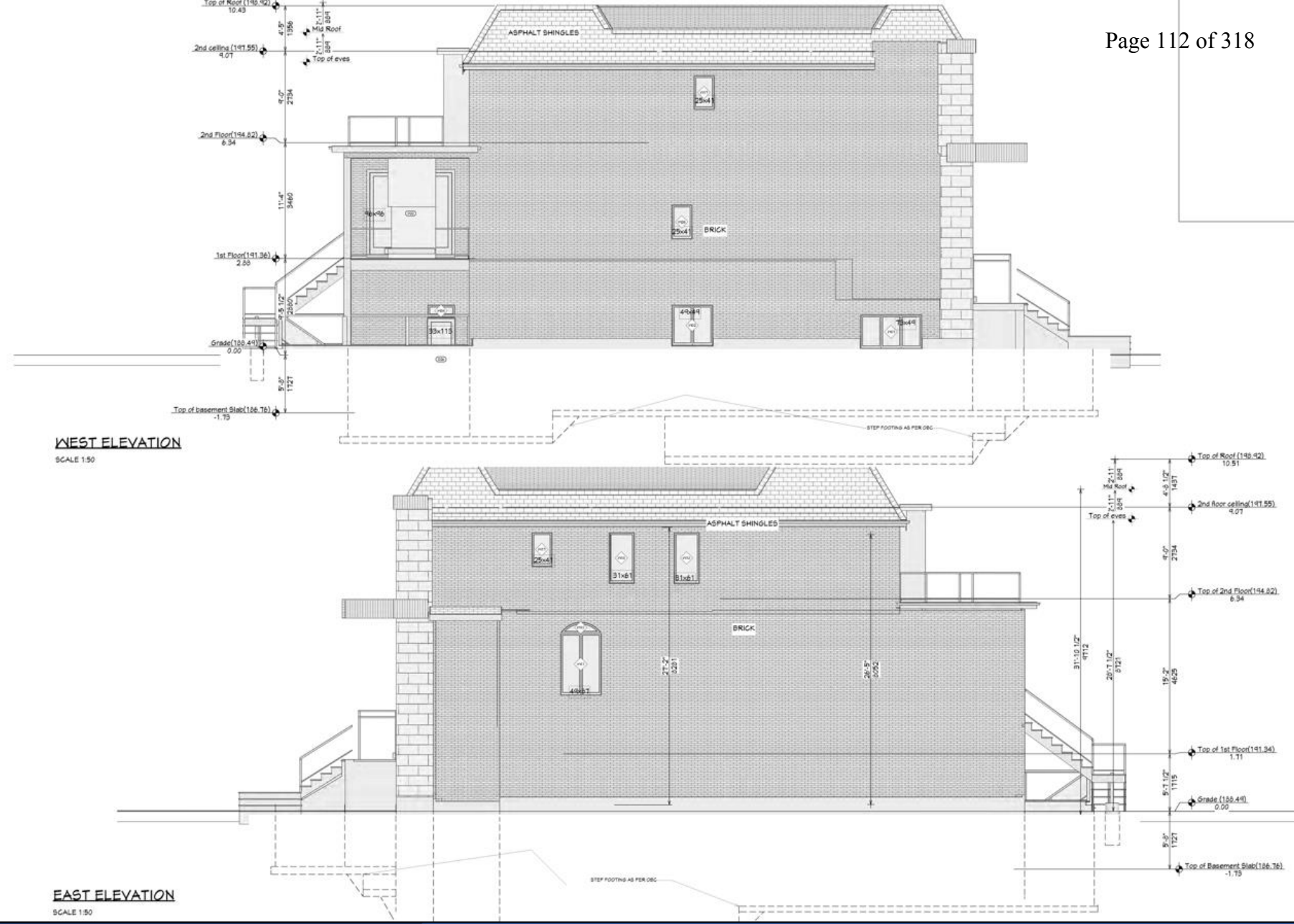
REAR ELEVATION

SCALE 1:50

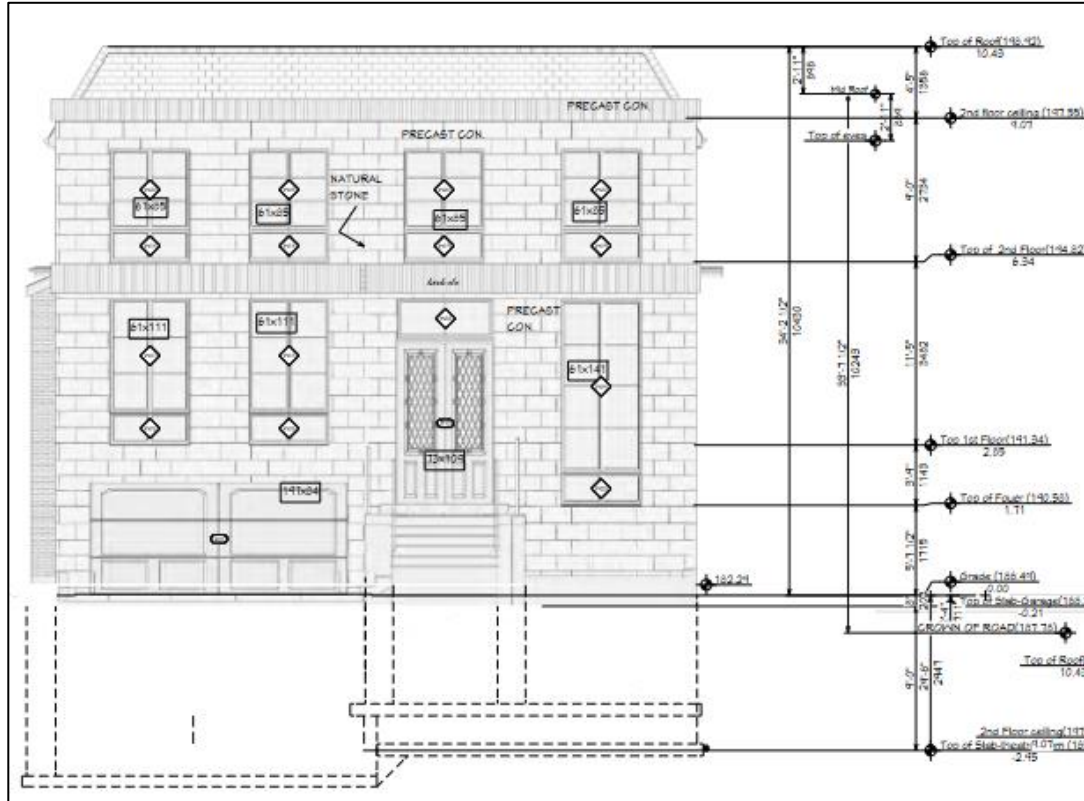
Elevations

PART 1

Side

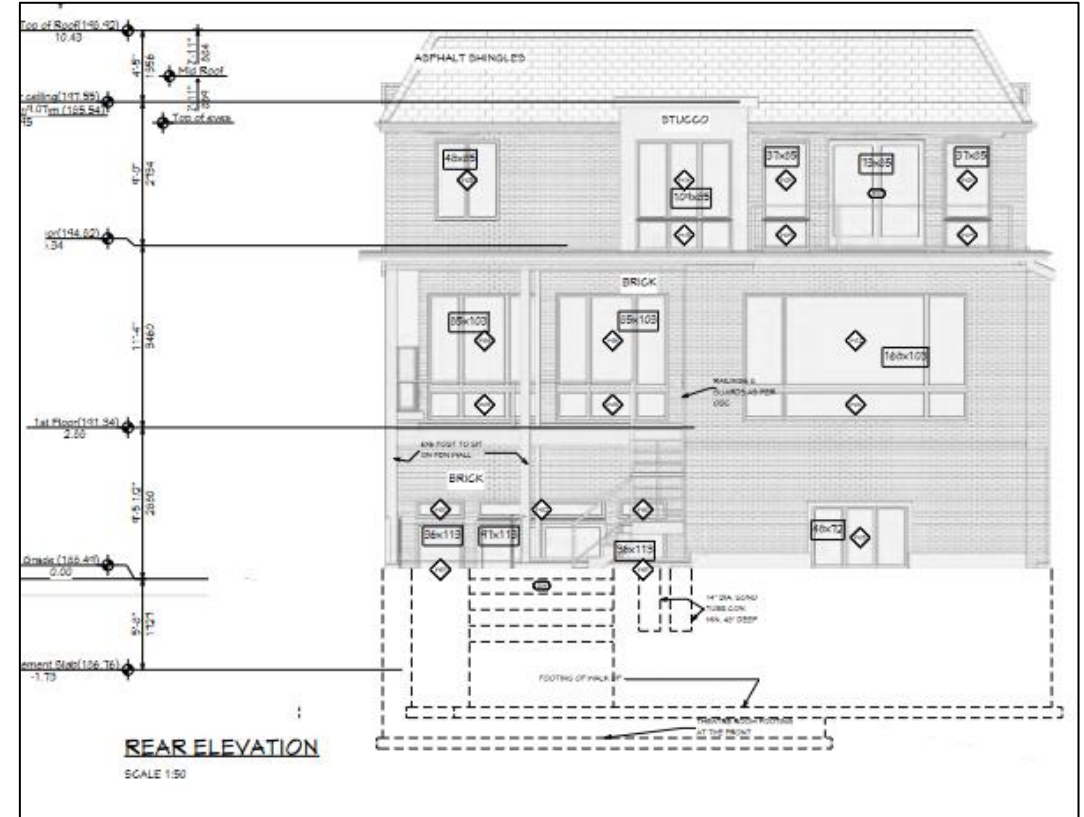


Elevations



PART 2

Front and Rear





Report to: Development Services Committee

Meeting Date: May 7, 2024

SUBJECT: RECOMMENDATION REPORT, Revision to a Legal Description of a Designation By-law for 4031 16th Avenue (“Briarwood Farm-James McLean House”) (Ward 3)

PREPARED BY: Evan Manning, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, Manager of Heritage Planning, ext. 2080
Stephen Lue, Senior Development Manager, ext. 2520

RECOMMENDATION:

- 1) THAT the report, dated May 7, 2024, titled, “RECOMMENDATION REPORT, Revision to a Legal Description of a Designation By-law for 4031 16th Avenue (“Briarwood Farm-James McLean House”) (Ward 3)”, be received;
- 2) THAT the legal description as contained within Council-adopted By-law 2021-8 be amended to reflect the property’s current legal description, and that By-law 2021-8 be amended to ensure conformance with the *Ontario Heritage Act*, as amended;
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends a revision to the legal description as contained within a Council-adopted designation by-law (By-law 2021-8) for 4031 16th Avenue (the “Subject Property”) where the cultural heritage resource has been modified through further land division or a Plan of Subdivision.

BACKGROUND:

The Designation By-law requires an amendment to address the transfer of land to York Region

The Subject Property is designated under Part IV of the *Ontario Heritage Act* (the “Act”) and is contained within a seven-residential lot development. The heritage resource will be retained and restored within the new subdivision as a condition of development approval. Designation occurred in 2021 and predated submission of a Draft Plan of Subdivision for the Subject Property. Livante Holding Inc. (the “Applicant”) must transfer a portion of land adjacent to 16th Avenue to York Region (the “Region”) for transportation-related purposes. The Region requests the legal description of the Subject Property in Schedule A of By-law 2021-8 be amended to exclude the Applicant’s conveyed lands.

Municipalities can use the Act’s minor amendment process to revise designation by-laws

Municipal councils may update different parts of an existing heritage designation by-law for several reasons, including a need to:

- a) Clarify or correct the statement explaining the property’s cultural heritage value or interest or the description of the property’s heritage attributes;
- b) Correct the legal description of the property;
- c) Otherwise revise the by-law to make it consistent with the requirements of the Act as amended in 2021.

Section 30.1 of the Act permits an amendment process to, where required, address the above-noted issues. Under this Section, the municipality is obliged to:

- a) inform the owner of the amendment and their right to object thereto; and
- b) consult with the municipal heritage committee prior to giving notice of the proposed amendment to the owner.

Upon receipt of notice of the amendment, an owner has 30 days to file a notice of objection to the amendment with the municipality. Should a notice of objection not be received by the municipality within the 30-day timeline, the council of the municipality may pass the proposed amending by-law.

OPTIONS/DISCUSSION:

Both Heritage Markham Committee and Heritage staff support the amendment to satisfy the Region
In accordance with the statutory requirements as described above, Heritage Section staff will prepare amendments to the designation by-law including, among others, a revised legal description for the Subject Property and an amended Statement of Significance (“SOS”) to ensure conformance with the Act as amended in 2021. Furthermore, on February 20, 2024, Heritage Markham Committee indicated no objection to the proposed amendments. The Applicant was notified and has confirmed that they have no objection.

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The protection of cultural heritage resources through the designation by-law process is a component of Growth Management. This helps achieve a quality community by ensuring that the City of Markham’s cultural heritage resources remain part of the fabric of the city, strengthening a sense of community.

BUSINESS UNITS CONSULTED AND AFFECTED:

Heritage Markham was consulted. The Heritage Section will work with the Clerks Department to amend the designation by-law. Legal Services Department will be required to register the approved by-law amendment on the affected property.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP
Director, Planning and Urban Design

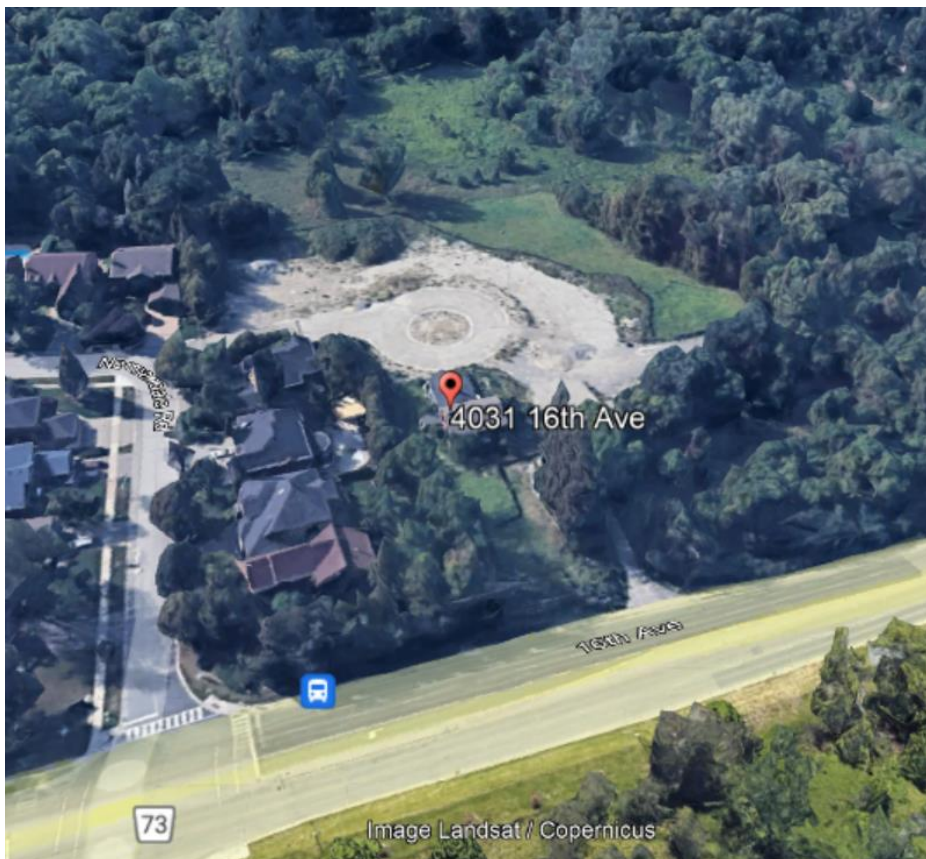
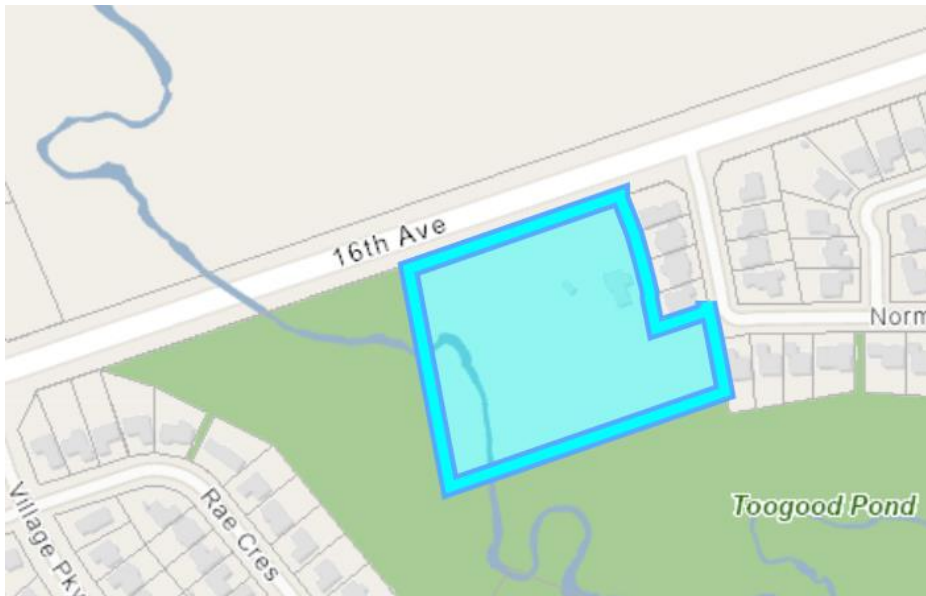
Arvin Prasad, MPA, RPP, MCIP,
Commissioner of Development Services

ATTACHMENTS:

Appendix “A” – Location Map, Aerial Image, and Photograph of the Subject Property
Appendix “B” – Heritage Markham Extract

APPENDIX “A”

Location Map, Aerial Image, and Photograph of the Subject Property



The Subject Property outlined in blue [above] and an aerial image of the Subject Property [below] (Source: City of Markham)



The north (primary) elevation of the heritage resource (Source: City of Markham)

APPENDIX “B”

Heritage Markham Extract

**HERITAGE MARKHAM
EXTRACT**

Date: February 27, 2024

To: R. Hutcheson, Manager of Heritage Planning
E. Manning, Senior Heritage PlannerEXTRACT CONTAINING ITEM # 5.3 OF THE SECOND HERITAGE MARKHAM
COMMITTEE MEETING HELD ON February 20, 2024

5. PART THREE - CONSENT**5.3 AMENDMENT TO A DESIGNATION BY-LAW TO CORRECT A LEGAL
DESCRIPTION****4031 16TH AVENUE (“BRIARWOOD FARM-JAMES MCLEAN HOUSE”)
(16.11)**

File Numbers:

N/A Recommendation:THAT Heritage Markham has no objection to the required amendments to the
designation by-law to correct/revise the property’s legal description and Statement of
Significance.**Carried**

Subject: Invitation to 2024 Sister Cities International All Americans Summit

Dear Members of Council,

I have been invited to speak at the 2024 Sister Cities International All Americans Summit in San Antonio, Texas from Wednesday May 29 to Friday May 31st. I will be speaking on two mayoral panel discussions, the first entitled "City Diplomacy is the New Diplomacy" along with the Mayor of San Antonio and other mayors from across the Americas and a panel discussion on "Immigration in the Americas." I have also been invited by Ontario's Agent General at Ontario's Trade and Investment Office in Texas to participate in meetings to promote Markham and Ontario as a place to invest and do business, particular in the fields of ICT, Hardware, Health Care and Automotive industries.

About:

All Americas Summit is a platform to share the friendship, cooperation, and mutual respect cultivated through city-to-city partnerships. The program of the Summit will highlight how to enhance Economic Development, Immigration, Trade and Investment, Humanitarian Issues, Security, and Smart Cities.

Info: <https://allamericassummit.sistercities.org/>

Costs:

Conference Registration: Waived

Travel: \$800

Accommodation: \$700

Miscellaneous: \$300

Total: \$1800

*Costs associated with this conference will be covered by the Mayor's Office operating budget.

Thank you,

A handwritten signature in blue ink that reads "Frank Scarpitti".

Frank Scarpitti
Mayor

Report to: Development Services Committee

Meeting Date: May 7, 2024

SUBJECT: Comments on the Cutting Red Tape to Build More Homes Act (Bill 185) and Proposed Provincial Planning Statement

PREPARED BY: Duran Wedderburn MCIP, RPP, Manager, Policy (ext. 2109)

REVIEWED BY: Engineering, Environmental Services, Building Standards, Legal, Finance, Economic Development

RECOMMENDATION:

- 1) That the report dated May 7, 2024, titled "Comments on the Cutting Red Tape to Build More Homes Act (Bill 185) and Proposed Provincial Planning Statement" be received;
- 2) That this report be forwarded to the Minister of Municipal Affairs and Housing and York Region as the City of Markham's comments;

Planning Act

- 3) That Council support the proclaiming date of July 1, 2024 to remove upper-tier planning responsibilities and request that the province pass an order exempting local municipalities from provincial approval for official plan amendments and secondary plans to support the goal of faster decision making;
- 4) That Council support the removal of the fee refund requirement for development applications;
- 5) That Council support limiting third party appeals on Council decisions to improve timelines for the delivery of development projects;
- 6) That Council not support the exemption of Universities from the *Planning Act*;
- 7) That Council not support proposed changes that would allow applicants to appeal decisions made by Council to refuse official plan and zoning by-law amendments for settlement area boundary expansions;
- 8) That the province provide further consultation on Additional Residential Units with the City's operations and environmental services departments, utility companies and emergency services to ensure appropriate standards are maintained and in place to provide appropriate levels of service for infrastructure, utilities, and life safety measures;
- 9) That Council support the removal of the Community Infrastructure and Housing tool from the *Planning Act* and replacement with a more transparent process for Ministers Zoning Orders and recommend that the Minister be provided the ability to impose conditions on the approval of MZO's for community benefits and infrastructure;

- 10) That the province clarify the scope of the proposed regulation making authority to streamline approvals for community service facilities including public schools, hospitals, and long-term care facilities and how priority project would be identified and expediated;
- 11) That Council support reduced parking minimums in principle and recommend the addition of policies to support and strengthen the ability of municipalities to manage the time gap until the higher order transit and other supportive services are available. Specifically, additional policies and investments from senior levels of government are required, in the interim, to support the delivery and operation of higher frequency bus service and public infrastructure such as active transportation networks, public parking, and Transportation Demand Management programs as a part of any development;

Development Charges Act

- 12) That Council support the proposed changes to the *Development Charges Act* as they apply to the following matters:
 - a. Repeal the 5-year phase-in of development charges for by-laws passed on or after January 1, 2022
 - b. Re-instating studies as an eligible capital cost for Development Charges
 - c. Reduce the timeframe for the DC rate freeze from 2 years to 18 months
 - d. Streamline the process for municipalities to extend existing Development Charges by-laws;

Proposed Provincial Planning Statement

- 13) That Council support the re-introduction of a definition for Affordable Housing and Low to Moderate Income and Affordable Housing policies;
- 14) That the province provide clarification on how the Ministry of Finance projections would inform population and employment forecasting for lower tier municipalities;
- 15) That the province include policies requiring municipalities to meet minimum intensification targets and minimum density targets in designated greenfield areas to support the development of compact and complete communities and the efficient use of infrastructure;
- 16) That the province include policies for the creation of new settlement areas or settlement area boundary expansions to only occur as part of a comprehensive process through a municipally initiated official plan amendment;
- 17) That the province maintain the existing definition of employment area, including the discretionary consideration of institutional and commercial uses (retail and office) to support economic growth. Should the proposed definition be

-
- proclaimed, policies should be included permitting the protection and continuation of existing employment areas;
- 18) That the province include policies to restrict employment conversions to those initiated by a municipality;
- 19) That the province include policies that allow for the incorporation of development approved through a Minister's Zoning Order as a part of the current planning horizon, and not in excess;
- 20) That the province provide additional policies that would allow for the protection of the commercial function of re-developing malls and commercial plazas while supporting more compact built forms;
- 21) That the province develop clear guidelines to support policy directions for the delivery of urban format and vertical schools in a compact built form, including a process to advance the construction of schools to align with the phasing of growth and community needs;
- 22) That the Province revise the policies and definitions applying to ARUs and lot creation in prime agricultural areas to ensure that ARUs are considered accessory uses so that it does not lead to unintended severances that could negatively affect the protection of agricultural resources;
- 23) That the province re-introduce policies on Strategic Growth Areas that would require planning authorities to identify and plan for Strategic Growth Areas as a focal point for growth and development based on the appropriate scale and built form;
- 24) That Council support the change to require watershed planning and recommend the province finalize watershed planning guidance for municipalities to support the implementation of water resource policies in the PPS;
- 25) That the province provide training to municipalities prior to the Proposed Provincial Planning Statement coming into effect as the changes represent a significant shift in the land use planning framework in Ontario;

Municipal Act

- 26) That Council support in principle the proposed incentive tool that municipalities could leverage to attract specified manufacturing, industrial or commercial investments and the province consult with municipalities to clarify the regulations and criteria that would govern the exemption process;

- 27) That Council support enhanced policies that will allow the municipality to ensure infrastructure is directed to developments to support housing;

Municipal Data Reporting

- 28) That the province consult with municipalities on the necessary resourcing and timelines to implement the new reporting requirements and provide clear instructions to guide municipalities for summary table data requirements to avoid misinterpretation and duplication of data;

- 29) That the province recognize residential units in Official Plan and Zoning By-law Amendments may change at Site Plan and Plan of Subdivision and may need to be reconciled to avoid double counting units;

Newspaper Notice Requirements

- 30) That Council support the proposal to allow for notices to be issued through a municipality's website and further, that the province remove the requirements where this new measure is only limited to municipalities that do not have a local paper; and

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

PURPOSE:

This report is to provide comments to the Province on the Cutting Red Tape to build More Homes Act (Bill 185) and updated [Proposed Provincial Planning Statement](#).

EXECUTIVE SUMMARY

The release of the Cutting Red Tape to Build More Homes Act (Bill 185) and the Proposed Provincial Planning Statement signals some positive change from the government in response to comments from municipalities and stakeholders on previous legislative changes approved by the province in recent years.

While the intent of the legislation is aimed at housing measures to get homes built faster. Key changes proposed will better position the municipalities to prioritize and fund infrastructure delivery, plan for Affordable Housing, and streamline the development approvals process.

Based on the assessment by City staff, there are key measures that staff are supportive of in the legislation and Proposed Provincial Policy Statement including:

- Removal of requirements for Development Application Fee Refunds

- Making changes to the Development Charges Act to re-introduce capital studies as an eligible charge.
- The re-introduction of a definition for Affordable Housing for Low to Moderate Incomes in the Proposed Provincial Planning Statement
- Setting an enactment date of July 1, 2024 for York Region to no longer have upper-tier planning authority.
- The issuance of Public Notices for *Planning Act and Development Charges Act* matters through the municipalities website where no local paper is available.

Overall, staff are recommending support for most of the proposed legislative changes. However, there remain outstanding comments by City staff that were previously not addressed, new policy changes that staff do not support, and matters that require further clarification and consultation.

BACKGROUND:

On April 10, 2024, the Province released [Bill 185, the Cutting Red Tape to Build More Homes Act 2024](#) as a part of Ontario's Spring 2024 Red Tape Reduction Package. The intent of the Bill is to support the advancement of the province's goal to build 1.5 million homes by 2031.

The province is undertaking consultation on Bill 185 and other measures and has posted 8 items on the Environmental Registry of Ontario (ERO) and Ontario Regulatory Registry (ORR) with a commenting deadline of May 10, 2024. The Bill impacts key legislation including but not limited to:

- the Planning Act, R.S.O 1990;
- the Development Charges Act, 1997; and
- the Municipal Act, 2001

According to the province, the legislation and targeted housing measures are intended to help municipalities and other partners by:

- Building homes faster at a lower cost, including by letting homebuyers and homebuilders decide on the number of parking spaces for new residential development in major transit station areas based on market needs and by making it easier to build more garden, laneway and basement suites.

-
- Prioritizing infrastructure for ready-to-go housing projects with a new “use it or lose it” process to address stalled development.
 - Improving consultation and providing municipalities and builders with greater certainty to get homes built faster, including limiting third-party appeals to the Ontario Land Tribunal.
 - Building more types of homes for more people by streamlining approvals for student housing, supporting standardized designs to reduce delays and costs, including for modular homes, and supporting innovative construction methods such as for mass timber.

For an overview of the proposed changes, you can review the [Cutting Red Tape to Build More Homes – Background](#).

At the time of this report, Bill 185 has passed second reading and has been referred to a Standing Committee.

OPTIONS/ DISCUSSION:

Overall, the proposed legislation signals some positive changes from the province as a number of the proposed changes are in line with comments the City provided to the province previously through consultation on various pieces of legislation (i.e. Bill 109, Bill 23, Bill 134, and Proposed Provincial Planning Statement 2023). However, there are still several areas where City comments have only been partially addressed or not addressed at all.

While the City recognizes that there is a housing crisis and housing supply needs to increase, it should not come at the cost of other matters of provincial interests, and it should not limit the ability of municipalities to plan for complete and healthy communities while supporting the principle of growth paying for growth.

The discussion on the proposed changes introduced through Bill 185 and the Provincial Planning Statement is organized based on the impacts to specific acts or proposals. Detailed staff comments on the proposed changes are provided in Appendix A.

Bill 185, Cutting Red Tape to Build More Homes Act

This omnibus Bill proposes changes to 15 pieces of legislation. This report focuses on key changes to the *Planning Act*, *Municipal Act*, and *Development Charges Act* to support the housing objectives of the government.

- **Upper-tier Planning Responsibilities**

In October 2022, the Province of Ontario introduced Bill 23 – The More Homes, Built Faster Act. One of the provisions in the Bill was the removal of upper-tier planning responsibilities for the Planning Act for Regional municipalities such as York Region. Bill 23 received royal assent in December 2023, however the provisions to remove upper-tier Planning Act responsibilities were to be proclaimed by the Minister at a later date.

Bill 185 proposes to set a proclamation date of July 1, 2024, in the *Planning Act* for the removal of upper tier planning responsibilities for Halton Region, York Region, and Peel Region. On the effective date, the portions of the York Region Official Plan 2022, that are in-effect and apply to Markham will be deemed to be a part of the Markham Official Plan. The official plan will remain in effect until the City of Markham revokes it or amends it.

A [staff report](#) was presented to the Development Services Committee (DSC) in December 2023 on York Region’s proposal to transition upper-tier planning responsibilities to local municipalities in response to Bill 23. Staff noted that once a proclamation date was established, further analysis would be required on resourcing implications as a result of new planning responsibilities. Staff will also be seeking clear direction from the Region on how growth will be coordinated across the local municipalities in York Region, including the delivery of regional services (i.e. water and wastewater, transportation, and allocation) to sustain development and infrastructure in the City.

Further, with the removal of upper-tier Planning Act responsibilities and further changes proposed by the province in the Proposed Provincial Planning Statement, staff will have to re-evaluate the scope of the Markham Official Plan Review and report back to Council.

Recommendation – Staff support the *Planning Act* changes that would provide the City of Markham with more planning autonomy and remove duplication. Further, it is requested that the province pass an order exempting local municipalities from provincial approval for official plan amendments and secondary plans to support the goal of faster decision making.

- **Fee Refund**

In 2022 the province introduced the More Homes for Everyone Act, 2022 (Bill 109). The Bill proposed changes to the *Planning Act* that required municipalities to issue the refund of development application fees for zoning by-law amendment and site plan applications if a decision was not made on the application within timelines.

In June 2023, the City of Markham presented its response to Bill 109 which outlined a new process for development review that would position the City to meet the new timelines prescribed in Bill 109 and to avoid/mitigate the need for development fees to be refunded. It should be noted that since July 1, 2023 when the fee refund provisions of Bill 109 came into effect, the City has not issued any fee refunds to date.

Bill 185 proposes to remove the fee refund provisions from the *Planning Act*, as a result of consultation with municipal and housing sector partners. The stated intent is to speed up approvals as the response from some municipalities was to add pre-application requirements which may have resulted in a lengthy application process. While the refund component is proposed to be removed, the legislated timelines to make decisions are still in place. City staff intend to maintain the development application processing efficiencies created as a part of the City's response to Bill 109.

There are elements that have not been revisited in the refunds that include aligning site plan approval timelines with other applications or the extension of timelines that would have allowed for deliberation on applications. Furthermore, the province could have explored consent mechanisms between the applicant and city to drive better outcomes. In the absence of this, however, staff support the changes.

Recommendation – Staff support the removal of the development application fee refund requirement from the *Planning Act*.

- **Third Party Appeals**

The province is proposing changes to the *Planning Act* to streamline certain third-party appeals to the Ontario Land Tribunal to support quicker planning approvals. The proposed changes will focus on third-party appeals to Official Plans, Official Plan Amendments, Zoning By-laws, and Zoning By-law amendments to key participants in the process including the applicant, specified persons, and public bodies (i.e. utility providers).

This provision was previously proposed through Bill 23 and was carried forward for minor variances and consent decisions. Bill 185 expands the provision to official plan amendments and zoning by-law amendments. Third party appeals filed prior to the legislation coming into force where the hearing has not been scheduled before April 2024, would also be dismissed.

There are currently appeals to the 2014 Markham Official Plan that may be affected if the legislation is passed as proposed. Further, staff will review the implications of these provisions should they come into force relative to other appeals before the OLT (i.e.

development applications and the Comprehensive Zoning By-law. These changes, if implemented, have the potential to significantly increase the timelines on the delivery of growth-related policies such as new secondary plans and implementing zoning.

Recommendation – Staff support limiting third party appeals on Council decisions to improve timelines for the delivery of development projects. However, the removal of appeal rights represents a significant shift in public participation throughout the planning process and will place greater emphasis on the need to participate through the consultation process so that the decisionmaker has all available information to inform decisions.

- **Exempt Universities from the Planning Act**

To accelerate the building of new student housing, Bill 185 proposes changes to the *Planning Act* to exempt publicly assisted universities. The provision's intent is to speed up approvals and avoid planning application fees and barriers to building higher-density student residents. With the proposed changes, publicly assisted universities would not be subject to the requirements of the *Planning Act* such as rezoning and site plan applications. In lieu of these requirements, universities and colleges would be required to publish student housing policies to ensure students have access to and awareness of student housing options that are safe, affordable and within an easy commute to campus.

Recommendation – Staff do not support the exemption of Universities from the *Planning Act*, as it would limit the ability of the municipality to protect its interests through the development review process, further clarification is required on how public health and safety concerns, transportation and servicing requirements, and context would be addressed.

- **Reduced Parking Minimums**

The province is proposing to remove the requirement to have a minimum amount of parking spaces for developments in prescribed areas. The proposed change to the *Planning Act* would apply to lands, buildings or structures within Protected Major Transit Station Areas or other areas identified in Official Plans around subway, rail, and rapid bus stations that identify a minimum number of residents and jobs per hectare. Further, the legislation will also give the Minister the ability to make regulations prescribing other areas where minimum parking spaces will be set by provincial regulations.

Staff believe removing vehicular parking standards in MTSA's will put pressure on municipalities to provide on-street or off-street public parking. A major transit station area does not mean that all transit infrastructure and the necessary service level is in place to support new development. Further, the policies proposed do not address the need for

viable alternative solutions to the automobile in the interim and should consider the methodology to determine and provide for accessible parking and micro-mobility devices, as only bicycle parking is required.

Recommendation – Staff are generally supportive of reduced parking minimums, but additional policies are required to support and strengthen the ability of municipalities to manage the time gap until the higher order transit and other supportive services are available. Specifically, additional policies and investments from senior levels of government are required, in the interim, to support the delivery and operation of higher frequency bus services and public infrastructures such as active transportation networks, public parking, and Transportation Demand Management programs as a part of any development.

- **Community Infrastructure Housing Accelerators/Minister’s Zoning Order Framework**

One of the changes to the *Planning Act* introduced through Bill 109 was the addition of a new section 34.1 that provides authority and sets out a process whereby a lower or single-tier municipality may request the Minister of Municipal Affairs and Housing (the “Minister”) to issue a zoning order a Community Infrastructure Housing Accelerator order”) for expedited zoning outside of the Greenbelt Area.

In late 2023 the province issued a new release and Environmental Registry of Ontario post outlining a number of measures that the government was looking at including the revocation of certain Minister’s Zoning Orders (MZO) and the development of an enhanced process for MZOs. A [staff report](#) was presented to Development Services Committee on January 23, 2024.

Through Bill 185, the province is proposing changes to the *Planning Act* to remove the Community Infrastructure Housing Accelerator tool.

The province has also launched a new [go-forward framework](#) for how requests for ministers zoning orders will be received and considered. The new process for requesting a MZO, removes the need for the Community Infrastructure and Housing Accelerator (CIHA) as it incorporates elements of the CIHA.

Recommendation – Staff support the removal of the Community Housing Accelerator tool from the *Planning Act* given that it has been replaced with an enhanced MZO framework that is clearer and more transparent. Further, staff recommend that the minister be provided the ability to impose conditions on the approval of MZOs for community benefits and infrastructure.

- **Settlement Area Boundary Expansion Appeals**

The proposed changes would also allow proponents to appeal to the Ontario Land Tribunal when a municipality refuses an application or does not make a decision on a settlement boundary change outside the Greenbelt Area, arguing that decisions over boundary changes would be subject to an “independent and neutral process”.

Municipalities undertake comprehensive processes such as official plan review to determine the amount of growth needed to accommodate population and employment forecasts to the planning horizon. This included identifying the lands that are appropriate for the expansion of settlement boundaries in a comprehensive and logical manner and adequately planning for infrastructure, capital programs, and the amenities needed to support new communities. The proposed changes may result in piecemeal settlement area boundary expansions and lengthy and costly appeals between the municipality and applicants as municipalities may have to re-defend expansion decisions previously made and approved.

Recommendation – Staff do not support the proposed changes to the *Planning Act* that would remove the ability for municipalities to refuse settlement area boundary expansions and not be subject to appeals.

Use it or Lose it Tools

Ontario is proposing to create a new “use it or lose it” process to enhance and expand a municipality’s ability to address this obstacle and to support the efficient allocation of housing-enabling infrastructure.

The proposed changes to the *Planning Act* and *Municipal Act, 2001* would:

- enable municipalities to adopt policies setting out how water and wastewater servicing may be allocated and reallocated so that developments ready to proceed encounter fewer barriers and delays prior to construction;
- establish a three-year timeframe for conditions on draft plans of subdivision approvals before March 27, 1995. If existing conditions are not met within the timeframe, the approval would expire or lapse;
- require a lapsing condition on all new draft subdivision and condominium approvals; and

- allow municipalities to apply lapsing conditions on new or previous site plan applications.

Recommendation – Staff support enhanced policies that will allow the municipality to ensure infrastructure is directed to developments to support housing.

- **Removing Barriers to Additional Residential Units**

The province is proposing changes to the *Planning Act* that, if passed, would help create Additional Residential Units (ARU), such as garden, laneway or basement suites, by providing regulation making authority to eliminate zoning barriers to these units being built, which may include maximum lot coverage and limits on the number bedrooms allowed per lot.

The enhanced abilities would provide the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting the development of ARUs.

While staff support improvements to improve access to ARUs to accommodate housing options across the community, these efforts must not contravene applicable laws aimed at protecting public health and the requirements of operations, environmental, utility and/or emergency services.

Recommendation – Further consultation required with the City’s operations and environmental services departments, utility companies and emergency services to ensure appropriate standards are maintained and in place to provide appropriate levels of service for infrastructure, utilities, and life safety measures.

- **Community Service Facilities Priority Projects**

Bill 185 proposed changes to the *Planning Act* to allow regulations making authority that would allow for the expedited approval of community service facilities starting with kindergarten to grade 12 public schools and potentially expanding to long-term care and hospitals.

Recommendation – Further clarification is required on how priority projects would be identified and expedited. Staff support a process where the City’s interests can be protected that provides certainty to ensure public health and safety concerns, servicing requirements, and character and compatibility would be addressed.

Enhancing Municipalities Ability to Invest in Housing and Enabling Infrastructure

After consultations with its municipalities and stakeholders, the province is proposing to eliminate changes proposed in Bill 23 that negatively impacted municipal finances. These changes include:

- Repeal the 5-year phase-in of development charges for by-laws passed on or after January 1, 2022
- Re-instating studies as an eligible capital cost for Development Charges
- Reduce the timeframe for the DC rate freeze from 2 years to 18 months
- Streamline the process for municipalities to extend existing Development Charges by-laws.

On June 1, 2024, Ontario will also bring into force municipal development-related charge exemptions and discounts for affordable residential units to provide incentives for the development of affordable housing across the province. These provisions were previously proposed in the Affordable Homes and Good Jobs Act, 2023 (Bill 134). A [staff report](#) on Bill 134 was presented to DSC in October 2023, outlining that staff did not support the proposed changes in the *Development Charges Act* for ‘Additional Residential Unit’ until additional details including a ‘Housing Bulletin’ was provided by the Minister.

The Housing Bulletin has been released by the province as a part of a [webpage](#) that provides direction on how municipalities can predict and recover costs of development related to Municipal Development and Community Benefits Charges, and Parkland. The Housing Bulletin establishes requirements for agreements that the affordable residential units remain affordable for 25 years and the following affordable ownership and rental thresholds for Markham:

- Affordable Ownership
 - Detached, Semi-detached, Row/townhouse, Condo Apartment - \$456,300
- Affordable Rental
 - 1-Bachelor - \$1,022
 - 1-Bedroom – \$1,541
 - 2-Bedroom - \$1,677
 - 3 Bedroom - \$1,880

The bulletin comes into effect on June 1, 2024, and will apply until a new bulletin is prepared. The government has indicated a desire to update the bulletin annually. For comparison, the affordable rates in the City of Markham based on the 2022 York Region Measuring and Monitoring Report is \$538,377 for Affordable Ownership and \$1,310 to \$2,354 for Affordable Rental. Staff are analyzing the details in the bulletin to confirm the methodology.

Further, changes to the *Development Charges Act* would reduce the time that the development charge rate would be frozen from two years to 18 months after approval of the relevant application. This would give homebuilders an incentive to obtain a building permit earlier and get shovels in the ground faster.

Recommendation – Staff support the proposed changes to the *Development Charges Act* as this will positively impact the ability of municipalities to deliver the infrastructure required as a result of growth.

Municipal Pre-application Process

The province is proposing to make pre-application consultation with municipalities a voluntary option instead of a mandatory requirement. Further, new provisions would allow an applicant to file an appeal to the Ontario Land Tribunal at any time during a pre-consultation process to determine whether the requirements for a complete application are reasonable or have been met.

The introduction of a voluntary pre-application process will create uncertainty in the development application process as the application may not have all of the required information to make a fully informed decision, which could ultimately delay the development review process and increase the number of appeals to the OLT to further exacerbate timelines for approval.

Recommendation – Staff recommend the province maintain the ability to require mandatory pre-application consultation processes to ensure complete application submissions are made that will facilitate a faster and more efficient review.

New Provincial Planning Statement

The province has issued an update to the proposed Provincial Planning Statement in response to feedback received from consultation that was undertaken in the Spring of 2023. The PPS sets out the land use planning policy framework that applies across Ontario and covers policies about managing growth, using, and managing natural resources, protecting the environment, and public health and safety.

The City previously provided comments on the Proposed Provincial Planning Statement in a [staff report](#) that went to Development Services Committee in May 2023. Comments on proposed natural heritage policies to be included in the PPS were provided in a separate subsequent [report](#) in July 2023.

The revised PPS partially or fully addresses some of the City's comments previously provided to the province. This includes some key changes such as the re-introduction of a definition for Affordable Housing for Low to Moderate income individuals and the return of affordable housing policies in the PPS, limiting the planning horizon for managing growth, adds reference to providing guidance on projected population and land requirements, and infrastructure considerations for settlement area boundary expansions.

While most of the City's comments have been addressed, staff are still of the opinion that the province should address the City's outstanding comments that were previously submitted. This includes recommendations on matters such as the definition of Employment Areas, Cultural Heritage, Settlement Area Boundary Expansion, and Employment Conversions. Appendix B to this report provides a summary of how staff comments from the 2023 Proposed Provincial Planning Statement was captured in the 2024 Proposed Provincial Planning Statement and identifies the matters that still need to be addressed.

Further there are several new areas of interest that have been identified in the plan that are of importance:

- Ministry of Finance Projections

The province introduces new policies that require municipalities to use projections from the Ministry of Finance (MOF) to inform land use planning and the municipality may modify the projections as appropriate. The current iteration of MOF projections are not broken down by census subdivision (i.e. lower-tier municipality) and it does not include employment projections.

Recommendation – Staff request clarification from the province on how the Ministry of Finance projections would be updated to reflect local forecasting needs for land use planning.

- Updated criteria for Settlement Area Boundary Expansion

The province has updated the policies for consideration of Settlement Area Boundary Expansion including the addition of the demonstration of need to support the evaluation which is a positive addition.

- Intensification of Malls and Commercial Plazas

New policies direct municipalities to support the appropriate intensification of malls and commercial plazas. While staff support the intent of this provision, appropriate

policies are required to allow for commercial and retail GFA to be preserved in a new built form. For many communities' malls and commercial plazas service an important community function and a destination and space for congregation. These functions must be preserved to support a complete community but may take a new built form.

Recommendation – the province provides additional policies that would allow for the protection of the commercial function of re-developing malls and commercial plazas while supporting more compact built forms.

- Collaborate with publicly supported post-secondary institutions on planning for student housing

New policies will support municipalities coordinating with post-secondary institutions to support the development of student housing strategies to address the need for student housing in communities.

- Additional Residential Units in Prime Agricultural Areas

Prime Agricultural Areas include lands that have the best soils and highest capability to support agriculture. In accordance with provincial policy, prime agricultural areas are to be protected for long-term agriculture use. While the new policy permitting up to two additional residential units (ARUs) on an agricultural lot supports rural housing, it has the potential to introduce additional land use conflicts in farming areas if it is also the intent of the policy to allow additional units to be severed in addition to their primary dwellings as part of future farm consolidations. This aspect of the policy is unclear and seems to contradict the prime agricultural area policies' purpose.

Recommendation – staff recommend the province revise the policies and definitions applying to ARUs and lot creation in prime agricultural areas to ensure that ARUs are considered accessory uses so that it does not lead to unintended severances that could negatively affect the protection of agricultural resources.

- Strengthened requirements for Watershed Planning

New policies will require large and fast-growing municipalities to undertake watershed planning, replacing the previous direction that was encouraged and not mandatory. The change is an important improvement as it provides an ecologically meaningful scale for integrated and long-term planning to be undertaken and facilitates a consistent approach across large and fast-growing municipalities. As part of the transition relating to upper-tier planning responsibilities, staff will need to

assess how watershed planning will be undertaken and coordinated in the future in consultation with the Region and Toronto Region Conservation Authority.

Recommendation – staff support the change to require watershed planning and recommend the province finalize watershed planning guidance for municipalities to support the implementation of water resource policies in the PPS.

- Integrated planning with school boards

New policies will require municipalities and school boards to integrate planning for schools with planning for growth and promote opportunities to locate schools near parks and open spaces.

Staff have always considered the need for schools through the planning process and work collaboratively with school boards on the review of development application and secondary plan studies.

Recommendation – Staff recommend the province develop clear guidelines to support policy directions for the delivery of urban form and vertical schools in a compact built form, including a process to advance the construction of schools to align with the phasing of growth and community needs.

- Strategic Growth Areas

Revised policies remove the requirement for planning authorities for large and fast-growing municipalities to plan for Strategic Growth Areas as the focal point for growth and development and to identify the areas and establish minimum density targets. Under the proposed policies, planning authorities are encouraged to identify these areas as focal points for growth to support the achievement of complete communities. Further policy considerations in Strategic Growth Areas include direction to support affordable, accessible, and equitable housing and consideration of a student housing strategy.

The current 2014 Markham Official Plan identifies a City structure that is based on Key Development Area and Intensification Areas to guide growth and development. This structure goes beyond Major Transit Station Areas to re-affirm the City's historical commercial nodes and destinations supported by transit.

Recommendation – Staff recommend that the province re-introduce policies on Strategic Growth Areas that would require planning authorities to identify and plan

for Strategic Growth Areas as a focal point for growth and development based on the appropriate scale and built form.

- Cultural Heritage

There were no changes to address previous policy concerns regarding cultural heritage resources.

One of the concerns involves the issue of new lot creation on rural and agricultural lands in support of conservation of a cultural heritage resource that often is abandoned on a large land holding. Markham had suggested a policy be considered to specifically allow lot creation on larger rural parcels to create a smaller lot to support the acquisition and restoration of the heritage resource by others.

Secondly, PPS policy regarding the type of built heritage resources and cultural landscapes that must be conserved has been weakened. The current policy refers to conserving significant resources which included properties that were not already protected, such as listed heritage resources, noting that their significance could only be determined after evaluation. This has been revised in the proposed PPS to only require conserving existing ‘protected heritage property’. Markham previously indicated that if this new policy is to be introduced, then a new policy should be added that focuses on resources that are identified but unprotected requiring that they be evaluated to determine if they should be a protected heritage resource and conserved. Also, the definition of “adjacent” in reference to protected heritage property has been changed to mean land that is contiguous. Markham has suggested that reference to ‘contiguous’ be replaced by ‘within 60m of’ as per our Official Plan to ensure a more accountable review of the impact of development on a protected heritage resource.

Newspaper Notice Requirements and Consequential Housekeeping

The province is proposing to enable municipalities to give notice of planning instruments, community benefits charge by-laws and development charge matters on a municipal website if there is no local newspaper so that the public is well-informed about proposed changes in their communities. The province is also proposing to enhance public engagement for new planning applications by developing municipal best practices for public notice in partnership with municipalities, including multilingual notices to support culturally diverse communities.

Recommendation – Staff support the proposal to allow *Planning Act* and *Development Charges Act* notices to be issued through a municipality’s website should they not have a

local paper. Further, staff request clarification on the definition of a local paper and recommend the province expand this provision to all municipalities and not limit it to those that do not have a local newspaper.

Supporting Municipal Incentives for Economic Growth

The Municipal Act currently prohibits municipalities from providing direct or indirect assistance to manufacturing, industrial, or commercial business. The province is proposing amendments to streamline the province's process for granting exemptions to municipalities for this prohibition to support provincial investment and attraction. The proposal includes empowering the Lieutenant Governor to authorize municipalities to provide assistance to a prescribed recipient.

The legislation presents a positive opportunity/incentivizing tool for municipalities to leverage and attract investments/support development projects (commercial, industrial, or advanced manufacturing). Making available this incentive tool will allow Markham to explore its application. The presentation of this incentive mechanism is currently at a high level with no details on the type of assistance being contemplated.

In terms of activating this incentive tool, municipalities would need to evaluate the financial impacts in line with the related pros/cons to evaluate the true benefits and determine if utilization of the incentives will be financially prudent.

Recommendation - In principle the new tool may be valuable as a part of a suite of incentive tools that municipalities could leverage to attract investments. However, further clarification and consultation is required on the regulations and criteria that would govern the exemption process.

Other Initiatives and Measures

Standardizing Housing Designs to Build More Homes: Ontario is proposing to create a regulation-making authority to exempt standardized housing designs (once created) from certain sections of the *Planning Act* (e.g. zoning) and from planning provisions under the *City of Toronto Act, 2006*. If passed, this would allow the province to make regulations that would speed up approvals and allow Ontario to potentially partner with British Columbia and the federal government on a catalog of housing designs that could also be delivered even faster using modular construction.

Staff note that modular construction should include designing and building homes to be energy efficient (i.e. increased air tightness, thicker insulation, energy efficient heating

and cooling, solar readiness) which will avoid homeowners from having to retrofit their home in 10-20 years.

Updating the Building Code: Ontario released the next edition of Ontario's Building Code with a focus on increasing housing supply, supporting public safety and innovation. The new Building Code will be in effect January 1, 2025.

Consultation – Surety Bonds: The province has indicated that they will be consulting on types of instruments (including pay-on-demand surety bonds) that could be prescribed in regulation that landowners could stipulate to be used to secure obligations that are municipal conditions of planning approvals. Municipalities generally require developers to use Letters of Credit to secure these municipal conditions/obligations.

The province's rationale is that if a regulation is made providing landowners with a choice of stipulating an alternative instrument to be used, such as pay-on-demand surety bonds, this could free up this capital for investment in housing. The City's perspective is that landowners should not be empowered to stipulate the type of security that they will provide. Securities are used to protect against the default of landowners in meeting the conditions of their approvals (e.g. building infrastructure), and it should be within the municipality's authority to make decisions on the type of securities it will accept from landowners.

If municipalities are to be obligated to accept surety bonds, in lieu of Letters of Credit, they should be vested with the authority to decide on the terms, conditions, and wording of the bond and which issuers are acceptable from a risk management perspective. This is consistent with how letters of credit are currently administered.

Municipal Planning Data Reporting

In April 2023 the province introduced a municipal data reporting program for up-to-date data that the province uses to measure commitments made under the [More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022–2023](#), including the construction of 1.5 million homes over the next 10 years through Ontario Regulation 73/23) under the *Planning Act*. The province is now proposing to extend the data reporting program to 21 additional municipalities and is requesting additional data points to be captured including registration of a plan of subdivision and plan of condominium and housing units proposed across all planning applications submitted. There is another proposal to prepare a summary table with key statistics for each quarter and publish the summary to their municipal webpage each quarter beginning October 1, 2024.

Recommendation – Staff recommend that the province consult with municipalities on the necessary resourcing and timelines to implement the new reporting requirements and provide clear instructions to guide municipalities for summary table data requirements to avoid misinterpretation and duplication of data.

Recommendation - That the province recognize residential units in Official Plan and Zoning By-law Amendments may change at Site Plan and Plan of Subdivision and may need to be reconciled to avoid double counting of units.

Next Steps

To provide comments in advance of the ERO deadline of May 10, 2024. Staff will submit this report to the Ministry and Municipal Housing as staff level comments. Following the May 15, 2024 Council meeting, the Council resolution will be forwarded to the Ministry of Municipal Affairs and Housing.

FINANCIAL CONSIDERATIONS

There are no direct financial implications associated with this report. However, the proclamation of legislation (Bill 185) by the province (tracking for June 1, 2024) will have financial impacts. Staff had estimated the potential impact of Bill 23 to be as much as \$136M annually. Changes under Bill 185 will mitigate this impact, but there remain anticipated financial pressures.

- Bill 185 repeals the 5-year Development Charge (DC) phase-in requirement and reinstates growth-related studies (inclusive of DC Background studies) as an eligible cost that can be recovered from DCs. The DC phase-in and removal of studies from the DC Act were estimated to cost the City approximately \$12.6M per year, a pressure that has now been relieved as a result of Bill 185. However, the phase-in requirement, which took effect on November 28, 2022, has already resulted in a loss of \$12.57M in development charge revenue (as at March 31, 2024), which the City is unable to recover in totality as part of future studies. If planned capital projects are to proceed, the revenue shortfall will have to come from alternative sources such as taxes, grants etc.
- Bill 185 does not eliminate the cap (i.e., 10% of land area) on parkland dedication/cash-in-lieu for high density developments that was introduced under Bill 23. The cap results in a 90-95% reduction in parkland/cash-in-lieu from high density developments, with a possible annual financial impact of \$76M.
- The DC exemptions for developers seeking to build affordable ownership and rental housing also remain in place and will come into force when Bill 185 is proclaimed. The impact of affordable housing exemptions was anticipated to be

\$4 million annually. The Housing Bulletin was recently released, and staff are analyzing the actual impact on the municipality.

- Bill 23 also included the removal of certain lands as a cost eligible for DC recovery, with an estimated potential annual impact to the City of \$43.5M. This provision, however, remains unenforced as the province announced the appointment of an Authority to review this component of the legislation. Bill 185 does not provide any further information or impact this aspect of Bill 23.

Shortfalls in revenues (development charge and cash in lieu of parkland) as a result of Bill 23, will necessitate continued prudent financial management by the City to deliver infrastructure to support anticipated growth in the upcoming years. This revenue shortfall will need to be addressed by exploring other funding sources such as taxes etc.

Staff will continue to pursue avenues to advocate for changes to Provincial legislation in support of growth paying for growth, without reliance on existing development.

HUMAN RESOURCES CONSIDERATIONS

There are no direct human resource implications related to this report. However additional human resources may be needed to undertake planning responsibilities formerly carried out by York Region as a proclamation date of July 1, 2024, has been set for the removal of upper-tier planning responsibility from York Region.

Staff will bring a report to DSC in the future outlining the new responsibilities for the City of Markham as a result of the removal of upper-tier planning responsibilities and any implications for staffing or interjurisdictional coordination.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Bill 185 and the Proposed Provincial Planning Statement supports some of the objectives of Goal 3.2 of Building Markham's Future Together, 2023-2023 (BMFT): Build complete communities that offer a range of housing and employment opportunities, transportation options and community amenities. The Provincial efforts to increase and accelerate the supply of housing is at the cost of undertaking comprehensive planning to support the development of complete community (e.g., employment, infrastructure, community amenities, affordable housing, etc.).

BUSINESS UNITS CONSULTED AND AFFECTED:

All impacted City departments including Engineering, Environmental Services, Building Standards, Legal, Finance, and Economic Development were consulted on this report.

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
Deputy Director Planning & Urban Design

Giulio Cescato, MCIP, RPP
Director, Planning & Urban Design

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

- A. Detailed Comment on Bill 185 and Proposed Provincial Planning Statement
- B. City of Markham Comments Proposed Provincial Planning Statement 2023 vs April 2024

APPENDIX A
Detailed Comments on Bill 185 and the Proposed Provincial Planning Statement

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Item #	ERO/ORR #	Title of ERO/ORR Post	Staff Comments
1	019-8366	Additional Residential Unit Regulatory Making Authority	Staff have identified situations or locations where Additional Residential Units located at the rear of a front-loaded property may not be within a reasonable distance to a street or hydrant, resulting in the potential for Emergency Services to be unable to properly fight a fire. Further, some built forms provide insufficient access (ie. 0.6 metres) to the rear of a lot, limiting the potential for accessing a unit in the event of emergency. Limiting distances may also be an issue where ARU's are located in close proximity to a lot line.
2			Staff recommend further consultation on Additional Residential Units with the City's operations and environmental services departments, utility companies and emergency services to ensure appropriate standards are maintained and are in place to provide appropriate levels of service for infrastructure, utilities, and life safety measures; More information is needed from the province on the requirements to support a decision by the Minister to remove municipal zoning by-law regulations for ARUs and determine its implications. Staff do not object to the proposed change, however request that the province provide more information in order to determine the impact of the changes to lower-tier municipalities and consult with municipalities before any regulations are brought into effect.
3	019-8368	Municipal Planning Data Reporting	The province should provide clear instructions to guide municipalities for the summary table data requirements to avoid misinterpreting and duplicating data. Further, clarification is requested if this is a requirement or an option to note a withdrawal of an application.
4			The province should explicitly state in their instructions to municipalities to not double count units if there are official plan amendment, zoning by-law amendment, site plan, and subdivision applications that are part of the same property address and submitted in the same quarter of reporting.
5			Official plan amendments may not have unit counts associated yet, are not yet definitive, and could change at subdivision and site plan submission. The province should recognize residential units in Official Plan and Zoning By-law Amendments may change at Site Plan and Plan of Subdivision and may need to be reconciled to avoid double counting units.
6			The province should clarify what the timeframe is for municipalities to report on a summary table for each application type, the new reportable actions, and geospatial data for designated serviced land supply as Municipalities need time to gather and organize the data. The province should also consult with municipalities on the necessary resourcing and timelines to implement the new reporting requirements.
7	019-8369	Proposed Bill 185, Cutting Red Tape to Build More Homes Act	Reducing Parking Minimums - Removing vehicular parking requirements for developments within MTSAs, except for bicycle parking, will allow developers to always build less or no parking, putting enormous pressure on municipalities to provide on-street or off-street public parking. New residents would be looking for overnight parking somewhere, whether on-street or in an off-street parking lot/garage.
8		Reducing Parking Minimums - Limiting parking requirements to just bicycle parking would preclude the need for developers to provide parking and charging infrastructure for micro-mobility devices, whether it is one, two, three or four-wheeled devices, unless this regulation is updated in the near future to provide for it.	
9		Reducing Parking Minimums - A major transit station area does not necessarily mean that all transit infrastructures are in place to support the developments. Additional policies are needed to support and strengthen municipalities' ability to manage the gap until full transit services are available. There needs to be policies to support municipalities' ability to deliver public infrastructure such as active transportation, public parking, etc and delivery of TDM programs as part of any developments. TDM programs may include hard measures such as provision of bicycle parking, bike share, car-share and soft measures such as financial contributions to support these programs.	
10		Reducing Parking Minimum - If minimum parking is eliminated, how will this affect the need for accessible parking? Currently our accessible parking is based on a percentage of the requirement. Similarly, this applies to parking spaces for EVs.	

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11			<p>Reducing Parking Minimums - Are there specific criteria for selecting MTSA where the parking minimum would be eliminated? It should be noted that not all MTSA's have the same level of transit services throughout the day. The removal of parking requirements should be specific to MTSA's that have demonstrated sufficient transit services capacity or are undergoing funded improvements in transit service to support travel demand.</p> <p>When eliminating the minimum parking requirement in MTSA with insufficient transit services will add significant pressure to on-street parking demand and burden city resources.</p> <p>Staff are generally supportive of reduced parking minimums, but additional policies are required to support and strengthen the ability of municipalities to manage the time gap until the higher order transit and other supportive services are available. Specifically, additional policies and investments from senior levels of government are required, in the interim, to support the delivery and operation of higher frequency bus services and public infrastructures such as active transportation networks, public parking, and Transportation Demand Management programs as a part of any development.</p>
12			<p>Upper-tier Planning Responsibilities – How will transportation planning be coordinated and delivered with the loss of upper-tier planning responsibilities.</p>
13			<p>Upper tier Planning Responsibilities – How infrastructure planning will be coordinated and delivered with the loss of upper-tier planning responsibilities.</p>
14			<p>Municipal Pre-Application Process - Making pre-application consultation discretionary will introduce uncertainties for the applicant as the applicant may not have all the information to make a fully informed submission and can cause delay in processing the review.</p>
15			<p>Municipal Pre-Application Process - By making pre-application consultation discretionary introduces uncertainties for the applicant as the applicant may not have all the information (such as secondary plan servicing strategies and downstream servicing constraints) to make a fully informed submission and can cause delay in processing the review.</p>
16			<p>Municipal Pre-Application Process - Removal of the Pre-Application Consultation process could result in significant delays, as required studies for review may not be submitted with the applications. Also, it is unclear how Development Proponents will know what to submit with an application. This may result in a higher number of refusals and Development Proponents applying for the wrong application type.</p>
17			<p>Municipal Pre-Application Process (Appeals) - This contradicts removal of the Pre-Application Consultation requirement and allows a Development Proponent to appeal their submission requirements any time during the processing of an application, which can cause confusion, delay and disrupt the Planning process. It could also potentially allow a Development Proponent to appeal based on the outcome of a study.</p>
18			<p>Exempt Universities from Planning Act - For student housing on- and off-campus, how do we ensure that supporting infrastructure is in place or coordinated to accommodate the development?</p>
19			<p>Exempt Universities from Planning Act - For student housing on- and off-campus - how do we ensure that:</p> <ul style="list-style-type: none"> • Supporting infrastructure are in place or coordinated to accommodate the development? • Conveyance requirement for road rights-of-way are achieved. • There are no unintended consequences that may affect neighboring sites and communities For example, how will traffic operational issues be addressed? How will the cost of improvements and mitigation be covered? <p>Note. The Municipal Servicing By-law may provide some form of control and cover some of the above-noted elements.</p>
20			<p>Exempt Universities from Planning Act - The proposed policy does not specifically mention student housing, however the Backgrounder provided by the province explains that the intent of the new policy is to accelerate the development of new student housing on and off campus by post-secondary institutions by removing barriers such as the timelines and fees associated with the approval of applications. This means applicable post-secondary institutions would not need to obtain approvals for official plan amendments, zoning by-law amendments, site plan approval, etc. There do not appear to be exemptions to other laws and bylaws that regulate building construction.</p>

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			<p>The City acknowledges the need for more safe, affordable and accessible student housing options, but has concerns with the proposed policy. More information is needed to understand if the "undertakings" would still be required to conform to provincial, regional (where applicable), and local policy direction to ensure student housing is provided in appropriate locations (i.e., outside, or away from hazards), supported by the necessary infrastructure, and has access to community services and facilities, among other things. Technical considerations related to these matters are identified during the approval process. It is also not clear whether exemptions from Planning Act approvals are sufficient to expedite the development of student housing.</p>
21			<p>Upper Tier Planning Responsibilities - In the absence of a Regional Planning Authority, there could be a lack of coordination between neighbouring municipalities for orderly development and growth management. This could also impact the delivery of services and the provision of infrastructure.</p>
22			<p>Upper Tier Planning Responsibilities - The proposed amendment would bring into force the removal of York Region's planning responsibilities. Comments on the proposed removal of York Region's planning responsibilities were provided in the November 22, 2023 staff report to Council entitled ""Comments on the More Homes Built Faster Act, Bill 23 and Associated Registry Postings"", and a subsequent staff report to DSC on December 12, 2023 entitled ""Comments on York Region's Draft Regional Planning Transition Plan"". The comments and recommendations in those reports continue to apply in that more information is needed from the Province and York Region to support the transition in planning responsibility, and confirm the resourcing and financial implications for Markham, particularly if the intent is to streamline and make the planning process more efficient. Specifically, the Province should provide information to lower-tier municipalities about approvals for official plan amendments, including secondary plans, that will be delegated to lower-tier municipalities (e.g., exemption criteria). York Region should provide the information requested in relation to the Activities to Prepare for Proclamation in Appendix B of the December 12, 2023 staff report to help facilitate the transition.</p> <p>Staff support the proposed change and recommend the province pass an order exempting local municipalities from provincial approval for official plan and secondary plan amendments.</p>
23			<p>Standardized Housing - Unclear what the "prescribed criteria" is.</p>
24			<p>Standardized Housing - construction should include designing and building homes to be energy efficient (i.e. increased air tightness, thicker insulation, energy efficient heating & cooling, solar readiness) which will avoid homeowners from having to retrofit their home in 10-20 years.</p>
25			<p>3rd Party Appeal - Staff are supportive of changes to the appeal process that would improve timelines for the delivery of development projects. However, the removal of appeal rights represents a significant shift in public participation throughout the planning process and will place greater emphasis on the need to participate in public consultation.</p>
26			<p>General Comment - There is no reference to how the natural environment will be protected (i.e, potential for deforestation from mass timber construction using Ontario trees, managing greenhouse gas emissions from constructing homes, types of materials used to build homes, etc.)</p>
27			<p>Expediate Community Service Facilities - The intent of the proposed policy is to provide the Minister with the authority to make regulations that would expedite the approval of priority government projects such as schools, long-term care homes or hospitals. If passed, the regulation-making authority would provide for the non-application or restriction of any provision of the Planning Act or a regulation made under section 70.2 (development permit system).</p> <p>The City is supportive of efforts to expedite the provision of more schools, long-term care homes, and hospitals to meet the present demand for these services, and also to keep pace with population growth. Concerns are raised in terms of ensuring these facilities are planned and sited appropriately in conformity with the land use planning framework to support the development of complete communities. Technical considerations related to these matters are identified during the approval process. It is also not clear if the proposed regulation-making authority is needed if Ministerial approval for priority government projects can be provided through a zoning order. Staff also question whether the non-application or restriction of Planning Act approvals is sufficient to support the development of these types of community service facilities.</p>

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			Staff request the province clarify the scope of the proposed regulation making authority to streamline approvals for community service facilities including public schools, hospitals, and long-term care facilities and how priority project would be identified and expediated.
28	019-8370	Newspaper Notice Requirements and Consequential Housekeeping	Support the changes for all municipalities, even in instances where a local newspaper is not available.
29			Staff support proposed revisions to the regulations that would give the City the option of satisfying notice requirements by posting notices on the City's website and not require newspaper notices if a local newspaper is not available. The regulation wording should be clear and preferably provide discretion to the municipality to determine if a local newspaper is available/unavailable.
30	019-8371	Enhance Municipalities to Invest in Housing Enabling Infrastructure	Repeal 5-year phase in of Development Charges By-laws - Section (7) Transition provision does not appear to make reference to the DC rate that should apply to site plan and zoning amendment applications with rates frozen between January 1, 2022 to November 28 2022. Staff support this proposal with a request for clarification on the transition provision.
31			Re-instate studies as an eligible DC Cost – Staff support
32			Reduced timeframe for freezing DCs from 2 years to 18 months – Staff support
33			Streamline process for municipalities to extend existing DCs – Staff support
34	019-8462	Proposed Provincial Planning Statement	N/A
35			General Comment - Clarity around transition, how transition is defined and enabling tools to achieve transition
36			General Comment - How to ensure an appropriate balance/mix of uses (i.e complete community, avoiding over-development of residential uses on these types of lands which then in turn become under-served by commercial, service, retail, schools, amenity, open space, etc.
37			Rural Settlements - Require additional guidance on how development needs to be approached in rural settlement areas from a sustainable, compact and complete communities lens
38			Chapter 1- Introduction and Vision - Previous comments on the Vision remain relevant. The Vision statement in the PPS provides important context for the interpretation of policies and should provide an approach that balances provincial interests. These should include consideration for the natural environment, natural resources, cultural heritage and archaeological resources along with emphasizing housing as a priority and recognizing the wise use and management of natural resources, protecting significant ecosystems and addressing climate change as key provincial interests to be addressed in the implementation of the PPS.
39			Chapter 2 – Building Homes, Sustaining Strong and Competitive Communities, 2.1 - Staff support the inclusion of a limit to the planning horizon which addresses previous comments raised by the City. However, clarification is requested regarding the methodology that will be used by the Ministry of Finance to allocate the 25-year projection to local municipalities. Previous comments that raised concerns about a planning authority's ability to coordinate and phase land use and infrastructure planning to accommodate growth approved outside a municipal comprehensive review (i.e., MZO) are still relevant.
40			Chapter 2 – Building Homes, Sustaining Strong and Competitive Communities, 2.2 - Staff support the overall intent to increase opportunities for housing through intensification, but maintain they should be directed to appropriate locations identified to accommodate population growth outside of employment areas (i.e., strategic growth areas with mixed use designations). Existing commercial and retail uses in mixed use designations should also be retained through redevelopment to ensure residents have access to shopping and personal services and support the creation of a complete community. It is noted that lands designated 'Commercial' form part of the City's Employment Area component in the urban structure shown on Map 1 - Markham Structure. These lands are intended to support more intensive office, service and retail uses over time, and residential uses are not permitted on them to avoid destabilizing commercial corridors and nearby employment areas. In relation to this, previous concerns about protecting employment areas from the introduction of sensitive land uses are also still relevant.
41			Chapter 2 – Building Homes, Sustaining Strong and Competitive Communities, 2.2.1.D - Previous comments to the policy remain relevant. The proposed policy should maintain the reference to establish guidelines or standards which would allow municipalities to take into consideration the goals and objectives of a heritage conservation district, among other things, if residential intensification is proposed.
42			N/A
43			Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.3 Settlement Areas and Settlement Area Boundary Expansions (2.3.1) - Staff are supportive of the revisions. When considered together they provide direction to continue accommodating growth through intensification in areas identified to accommodate growth instead of new settlement areas.

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		<p>It is noted that designated growth areas in Markham, known locally as the Future Urban Area which comprises residential and employment areas, are being planned to achieve an overall density of 70 people and jobs per hectare. This higher target is based on extensive technical analysis and community consultation should be maintained.</p> <p>Staff previously provided comment that large and fast-growing municipalities should be required to plan for a minimum density target in designated growth areas to ensure a compact and urban form of development will occur in greenfield areas in a manner that limits urban sprawl.</p>
44		<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.3.2 New Settlement Areas and Settlement Area Boundary Expansions - The proposed revisions provide a stronger policy basis for the identification of settlement expansion areas than the previous draft. The criteria relating to the need for additional land, impacts to agriculture, infrastructure capacity, and phasing of growth would be relevant to the future consideration of settlement expansion needs in Markham and are supported. Additional considerations addressing impacts to natural systems in the planning for settlement expansions would provide a more comprehensive set of criteria for their evaluation consistent with previous direction included in the existing PPS and Growth Plan.</p> <p>See also response to the proposed administrative amendment to the Greenbelt Plan in Comment # 11 below to ensure links in the Greenbelt Plan to policies in the Growth Plan are maintained upon its revocation.</p> <p>Staff support the revisions to expand and strengthen the criteria to be considered when identifying new settlement areas and settlement area boundary expansions.</p>
45		<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.4 Strategic Growth Areas (2.4.1) - Markham has a well-established approach based on a hierarchy of intensification areas to direct growth and development to strategic growth areas. The City should continue to build on this approach, which exceeds the direction in revised Policy 2.4.1.1.</p>
46		<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.4 Strategic Growth Areas (2.4.1.3.d) - staff are supportive of the policy direction that encourages consideration to prepare a student housing strategy when planning in strategic growth areas. As per the comments to proposed amendments to the Planning Act that would exempt the undertakings of publicly assisted post-secondary institutions from Planning Act comprehensive planning is needed to ensure student housing is provided in appropriate locations (i.e., outside, or away from hazards), supported by the necessary infrastructure, and has access to community services and facilities, among other things.</p>
47		<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.4 Strategic Growth Areas (2.4.1.3.e)- staff support the redevelopment of underutilized commercial and retail uses as outlined in the comments to Policy 2.2.1 b).</p>
48		<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.4 Major Transit Station Areas (2.4.2) - As noted in the comments to the 2023 version of the Proposed Provincial Planning Statement, the York Region Official Plan, 2022 identified 23 MTSAs in Markham with minimum density targets. The M TSA delineations were generally based on the key development areas and intensification area boundaries in the Official Plan, 2014, and comments endorsed by Markham Council. The Markham MTSAs identified in the YROP will be added to the Markham official plan through the upcoming official plan review. Staff are supportive of the direction in Policy 2.4.2.3 and recommend modifying to support and strengthen the ability of municipalities to manage the gap until transit and other supportive services are available. It should be recognized that transit will not be delivered immediately and there will be an interim condition until a desired mode shift is achieved.</p>
49		<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.5 Rural Areas in Municipalities - Changes to the Rural Areas and Rural Lands policies reinstate direction that rural settlement areas shall be the focus of growth and remove the permission that multi-lot development on Rural Lands would be a permitted use where site conditions for servicing are suitable. The previous policies would have facilitated a sprawling, inefficient development pattern in rural/agricultural areas outside settlement areas. Staff support the changes as they address previous comments.</p> <p>Previous comments requesting an additional policy to permit lot creation to facilitate protection of protected heritage resources have not been addressed.</p> <p>Staff support the revisions reinstating policy direction that rural settlement areas shall be the focus of growth and development in rural areas. Staff also recommend that a specific policy be considered to address lot creation on a smaller parcel to enable protection of protected heritage resources in rural areas.</p>

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50			<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.6 Rural Lands in Municipalities - Providing appropriate direction for housing development on Rural Lands based on key principles for managing growth is an important policy consideration. The proposed revision removing the policy permitting multi-lot development outside settlement areas is supported.</p>
51			<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.8 Employment (2.8.1.1 e) - Staff support the inclusion of a policy recognizing the need to protect the operational viability and long-term stability of employment areas from sensitive land uses. Guidance should also be provided regarding "appropriate" types of transitions. See also comments to Policy 2.8.4.4.</p>
52			<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.8 Employment (2.8.1.4) - Previous comments are still relevant. While staff agree that major office and major institutional uses should be directed to MTSA's and strategic growth areas, in practice it is difficult to achieve office and institutional uses in mixed use areas that include residential development due to land values and market conditions. Office and institutional uses should continue to be provided for employment area designations in strategic locations (i.e., adjacent to highways or major goods movement and facilities and corridors).</p> <p>Staff recommend revising the policy to encourage the development of office and institutional uses in employment areas as well as MTSA's and SGAs.</p>
53			<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.8 Employment (2.8.2.3 c)- Previous comments are still relevant. Staff are not supportive of the policy as currently worded, as it would limit the range of uses that can be designated in new employment areas and put existing employment lands that do not meet the new policy at risk of conversion to non-employment uses.</p> <p>Staff recommend modifying the policy to provide flexibility to planning authorities to permit retail and office uses in employment areas to support clusters of economic activity.</p>
54			<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.8 Employment (2.8.2.4) - Staff support the overall intent of the revision to maintain land use compatibility between employment areas and sensitive land uses but note that it is not sufficient. This policy, or Section 2.8.2.4, should be further modified to require separation or mitigation from sensitive land uses adjacent to employment areas planned for industrial and manufacturing uses (i.e., current Policy 1.3.2.2) as a first step to protecting the operational viability and long-term stability of employment areas.</p> <p>Staff recommend incorporating the direction in Policy 1.3.2.2 in the in-effect PPS in this section.</p>
55			<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.8 Employment (2.8.2.5)- Staff support the inclusion of the condition that would require demonstrating sufficient employment land is available to the list of criteria as it partially addresses previous comments. Previous comments about the intent of the overall changes proposed to this policy still apply. The concern is that privately initiated applications for employment conversions will lead to the fragmentation of Markham's employment areas, which would have an adverse impact on the long-term integrity and viability of the employment areas, protection and creation of jobs, and the local economy.</p> <p>Staff do not support privately initiated applications for employment conversions. Flexibility to consider employment conversions should be limited to municipality-initiated amendments.</p>
56			<p>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, 2.9 Energy Conservation, Air Quality and Climate Change - Climate change is a serious issue that impacts people, communities and ecosystems at all levels, globally, regionally and local. Key policies should be strengthened, and consideration be given to embedding more direction in key sections specifically requiring climate change risk and vulnerability assessments when undertaking watershed and infrastructure planning to support growth as well as stronger policy direction to facilitate renewable and alternative energy systems through the planning approval process. Policies in the existing Growth Plan should be carried forward in the proposed PPS.</p>

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57		Chapter 3: Infrastructure and Utilities, 3.8 Energy Supply - This change has no major implications to the City of Markham. Energy storage systems and facilities store energy produced at one time for use at later time to improve energy system efficiency, performance and reliability.
58		Minimizing Length of Vehicular Trips - Proposed deletion of policy 1.6.7.4 that encouraged minimizing the length and number of vehicle trips and supporting transit and active transportation through land use, density and mix of uses. This policy should be carried forward in the new PPS.
59		Chapter 3: Infrastructure and Utilities, 3.6 Sewage, Water, and Stormwater 3.6.2 - Optimizing existing infrastructure is more cost effective, sustainable and efficient and should be prioritized over constructing new infrastructure or relying on private infrastructure. Staff object to the proposed changes that would remove the policy direction requiring planning authorities to promote intensification and redevelopment to optimize the use of municipal sewage services and municipal water services.
60		N/A
61		Chapter 4: Wise Use and Management of Resources, 4.1 Natural Heritage - Staff support the proposed policies that would maintain the natural heritage policy framework of the current PPS. The City's Greenway System policies provide a high standard of protection for natural heritage in Markham that go beyond the minimum requirements of the PPS. The removal of the Natural Heritage System of the Growth Plan has no significant implications for the City as features within the NHS are designated and protected within the City's Greenway System policies. Provincial guidelines for natural heritage planning have not been updated in many years and guidelines for water resource system planning and identification have not been developed. Staff recommend that guidelines be reviewed, updated and developed to support implementation of the proposed new PPS. Staff support the proposed natural heritage and water resource policies and recommend the province update and develop guidelines for natural heritage and water resource system planning.
62		Chapter 4: Wise Use and Management of Resources, 4.2 Water Resources – See recommendation above
63		Chapter 4: Wise Use and Management of Resources, 4.3 Agriculture - Staff support the proposed changes strengthening direction for planning authorities to use an agricultural system approach, but do not recommend permitting new additional residential units to be severed, including through farm consolidation if they are created as separate dwelling units that are not attached to the primary dwelling on the property. The province should consider limiting the number of additional residential units that may be permitted in prime agricultural areas to one additional unit in addition to the main primary dwelling.
64		N/A
65		Chapter 4: Cultural Heritage and Archaeology, 4.6.1 - The proposed revisions to the policy in combination with the proposed removal of the definition of significant as it applies to cultural heritage and archaeology are concerning as they would limit a planning authority's ability to conserve unprotected resources that have been determined to have cultural heritage value or interest. Staff recommend the existing Cultural Heritage and Archaeology policies in the PPS, 2020 be retained as they provide more appropriate protection of cultural heritage and archaeological resources. If policy 4.6.1 is to be retained with the proposed amendments that only refer to "protected properties", then a new policy should be introduced that addresses unprotected built heritage resources and cultural heritage landscapes (now defined as being resources identified by a community). Suggested policy: Unprotected built heritage resources and cultural heritage landscapes shall be evaluated to determine if they should be protected heritage property and conserved.
66		Chapter 4: Cultural Heritage and Archaeology, 4.6.3 - The proposed amendments will make it challenging for municipalities to require planning applications to demonstrate how the heritage attributes of a protected heritage property will be conserved. Staff recommend retaining the existing policy text to clarify how this policy would be implemented as it currently refers to evaluation and demonstrating that heritage attributes will be conserved.
67		Chapter 4: Cultural Heritage and Archaeology, 4.6.4 - Staff recommend replacing "encourage" with "should", and that further guidance and clarity be provided on 4(b) to inform how this policy would be implemented.

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68		Chapter 4: Cultural Heritage and Archaeology, 4.6.5 - Staff recommend further guidance and clarification be provided specifically on the extent to which a planning authority shall engage with Indigenous communities regarding built heritage resources and cultural heritage landscapes (CHL) as the policy refers to identifying, protecting, and managing these resources (i.e.. a heritage conservation district is a CHL, but is engagement required for every alteration permit in a district). Staff also suggest removing the undefined term “managing” from the policy.
69		Chapter 6: Implementation and Interpretation, Coordination, 6.2.6 - Staff request further guidance and clarification as to how, where and when planning authorities should undertake a coordinated approach to planning for multi-jurisdictional employment areas. It is also recommended that municipal comprehensive review policies from the Growth Plan as they apply to employment areas be carried forward.
70		Chapter 6: Implementation and Interpretation, Coordination, 6.2.8 - Staff recommend that policies regarding growth forecasts, the provision of a standard methodology to guide growth forecasting and requiring municipalities to meet minimum intensification and density targets in the Growth Plan be carried forward.
71		Adjacent Lands Definition - Staff recommend that the reference to ‘contiguous’ be replaced by ‘within 60 metres of’ to ensure a more accountable review of the impact of development on a protected heritage resource.
72		Built Heritage Resources Definition - Staff recommend that the current reference to designated property and heritage registers in the PPS, 2020 continue to be included.
73		Deletion to a portion of the Cultural Heritage Resource Definition - Staff recommend the existing reference in the Provincial Policy Statement, 2020 to how these features are typically identified (designation or registers) continue to be included.
74		Employment Area - As per the City’s comments to Bill 97, Markham’s employment lands are vital to the City’s economic wellbeing and required to accommodate industrial and office employment uses that contribute to the development of a complete and sustainable community. The proposed change to the “area of employment” definition would limit what can be considered an employment area and limit the range of uses that can be designated in new employment areas. It would also potentially increase employment conversion pressure on lands that do not meet the new provincial definition. Staff do not support the proposed change to the “area of employment” definition.
75		Administrative Amendments to Greenbelt Act - Staff support administrative amendments to the Greenbelt Plan required to maintain links to PPS policies and to current restrictions regarding settlement areas and expansions that were moved from the Greenbelt Plan to the Growth Plan in the 2017 provincial plan amendments. Amendments to the 2017 Greenbelt Plan removed the policy permitting minor rounding out of hamlets. Settlement expansion policies applying to settlements located in the Greenbelt apply to Towns/Villages only or, in the case of settlement area boundary adjustments, exclude settlements in the Greenbelt.
76		What are your overall thoughts on the updated proposed Provincial Planning Statement? Staff note that many of the 2024 draft proposed changes, to the 2023 draft proposed changes, are primarily focused on housing initiatives. The City maintains that a more comprehensive approach is needed, beyond simply updates to policies for housing initiatives, to develop and grow complete communities, and as such recommend that the concerns raised previously are still valid and should be reconsidered. In particular, the City further notes that overall, many of the issues raised by the City in the May 30, 2023 staff report remain unchanged or unaddressed. In particular, many concerns raised by the City were not addressed or not fully addressed for policies regarding Settlement Areas and Settlement Area Boundary expansion; employment, in particular employment conversion; cultural heritage, including associated definitions; energy conservation, air quality and climate change; transportation systems; sewage, water and stormwater; and coordination. Staff are encouraged that, although modified, the province has once again included the affordable definition. This definition will help to preserve the link with income thresholds to ensure low- and moderate-income individuals are targeted. However, the City once again stresses that an increase in the supply of housing will not necessarily improve housing affordability.

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77			<p>What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?</p> <p>Overall, staff questions, if the latest updated proposed policies will generate appropriate housing supply, beyond what was previously included in the 2023 draft proposed changes, given that the City of Markham was already included as a “Large and Fast-Growing Municipality” in the 2023 draft. Further, without more tools and funding for implementation, including the development of appropriate infrastructure, the ability to generate additional housing supply may be challenging, especially for the development of affordable housing and housing for students.</p> <p>The City would like to see additional policies that encourage a wider range of unit types, unit sizes, and purpose-built rental throughout the community, including within our intensification areas and Major Transit Station Areas. In particular, policies to encourage a wide range of housing options that service community needs that could include family sized units, seniors, and purpose-built rental units, should continue to be considered.</p> <p>Inclusion of policies that support redevelopment of underutilized commercially designated retail lands (e.g., underutilized shopping malls and plazas) to more intensive non-residential development is important to be considered. However, the role and function of these areas needs to be reviewed comprehensively, so as not to destabilize and fragment the commercial areas. Consideration of intensification of non-residential uses, to support the overall municipal employment strategy, needs to be considered comprehensively within the planned municipal structure.</p> <p>New policies around student housing were introduced in the 2024 draft under Section 6.2 Coordination. These policies direct planning authorities to: facilitate early and integrated planning for student housing that considers the full range of housing options; and to collaborate on the development of a student housing strategy that includes consideration of off-campus housing targeted to students. More information is required to understand what is meant by “collaboration on the development of a student housing strategy” is needed, and how it may address the needs within the surrounding community. Additionally, directed tools and funding for implementation will be required to move from simply planning strategies for student housing, to actually developing student housing.</p>
78			<p>What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?</p> <p>Overall, while some elements of existing policies are not carried forward in the Provincial Planning Statement, the proposed direction that incorporates systems approaches for natural heritage, water resources and agricultural planning is welcome and will help support large and fast-growing municipalities plan and manage growth. The policy framework for large and fast-growing municipalities should continue to require implementation of science-based approaches for both natural heritage and water resource systems with clear protection standards and discretion that municipalities may go beyond minimum standards.</p> <p>The revision specifically requiring large and fast-growing municipalities to undertake watershed planning, in place of the previous direction that watershed planning is a discretionary option, is an important improvement and provides an ecologically meaningful scale for integrated and long-term planning to be undertaken. The improvement will help municipalities manage the impact of growth on the environment.</p> <p>While key improvements have been made, climate change policies could be more fully integrated into the policy framework to provide more specific direction that watershed planning consider climate scenarios and inform decisions relating to land use and development as well as infrastructure and stormwater management as currently proposed.</p> <p>The draft guidance for watershed planning should be updated and finalized with more technical direction on how climate change considerations should be incorporated into watershed characterization, impact assessments and management recommendations.</p>
79	24-MMAH09	Supporting Incentives for Economic Growth	<p>Based on initial review, the proposed Lieutenant Governor in Council (LGIC) regulation-making authority to allow the LGIC to authorize a municipality to provide assistance to a particular recipient The legislation presents a positive opportunity/incentivizing tool for municipalities to leverage and attract investments/support development projects (commercial, industrial, or advanced manufacturing). Making available this incentive tool will allow Markham to explore its application. The presentation of this incentive mechanism is currently at a high level with no details on the type of assistance being contemplated.</p>

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			<p>In terms of activating this incentive tool, municipalities would need to evaluate the financial impacts in line with the related pros/cons to evaluate the true benefits and determine if utilization of the incentives will be financially prudent.</p> <p>Staff support, in principle the new tool as it may be valuable as a part of a suite of incentive tools that municipalities could leverage to attract investments. However, further clarification and consultation is required on the regulations and criteria that would govern the exemption process.</p>
80			<p>More information is required from the province on the limits/restrictions and conditions for the types of assistance that may be granted to municipalities, to determine the resulting impacts of this amendment.</p> <p>The ability for municipalities to grant assistance to specified business through this amendment could be beneficial as it could support the implementation of strategic municipal goals (e.g. the delivery of affordable housing). It could reduce the scope of municipal tools, mechanisms and programs currently required to be put in place to provide specified businesses with assistance. Alternatively, the Provincially imposed restrictions and conditions proposed to be put in place are currently unknown and could pose potential challenges that are yet to be determined.</p> <p>Staff do not object to the proposed change and request further detail from the province on the limitations, restrictions and conditions that could be anticipated on the municipal granting of assistance to specified businesses, to determine the impacts.</p>

Appendix B

City of Markham Comments on the Proposed Provincial Planning Statement 2023 vs April 2024

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
Chapter 1: Introduction			
Preamble	Changes proposed to the Vision outline the Province's interests with an emphasis on increasing the supply and mix of housing, and specifically "building more homes for all Ontarians". Other themes such as efficient development patterns, liveable, strong, healthy and resilient communities are not equally highlighted, and others such as the benefits of cultural heritage and archaeological resources or preparing for the impacts of a changing climate have been removed.	Staff recommend carrying forward the approach to balancing provincial interests outlined in the current Vision, and further indicating the importance of conserving cultural heritage in conjunction with new development as a provincial interest.	Not Addressed
Chapter 2: Building Homes, Sustaining Strong and Competitive Communities			
2.1 Planning for People and Homes			
2.1.1	<p>Proposed changes to the text in this policy would require a planning authority to ensure sufficient land to meet projected needs for a time horizon of "at least 25 years" instead of "up to at least 25 years". Planning for infrastructure, among other things, may however extend beyond this period.</p> <p>Text added to the policy also indicates that the development potential made through a Minister's Zoning Order (MZO) shall be in addition to the projected needs over the planning horizon established in an official plan. The additional growth approved by the MZO would be incorporated at the time of the municipality's next official plan update.</p>	<p>Staff are concerned that the proposed changes, particularly those relating to development approved through an MZO, will make it challenging for a planning authority to coordinate and phase land use and infrastructure planning to accommodate and service growth with the necessary soft and hard community infrastructure. The broader implication is that historical and ongoing efforts to promote the development of compact, complete and sustainable communities will be undermined. Over the long-term this means the remaining lands available for greenfield development will be characterized by more dispersed forms or land extensive development without the public infrastructure and community amenities residents in Markham have come to expect.</p> <p>Staff recommend carrying forward language from the PPS, 2020 regarding the amount of land required to accommodate projected needs in the Proposed Provincial Planning Statement, and the incorporation of development approved through MZOs in official plans, but only as growth included in the established 25 year planning horizon, not in excess.</p>	<p>Partially Addressed</p> <p>New Policy 2.1.3 added to establish a Planning Horizon of at least 20 years but no more than 30 years, informed by provincial guidance. However, provisions are still included where a Minister's Zoning Order shall be in addition to projected needs over the planning horizon established in the official plan.</p>
2.1.4 a)	Proposed changes simplify the provisions planning authorities are encouraged to support to achieve <i>complete communities</i> .	N/A	N/A
2.1.4 c)	Proposed addition of policy to improve social equity and overall quality of life for people of all ages, abilities and incomes.	The proposed addition introduces a diversity, equity and inclusion lens to the policies to support the achievement of complete communities. Markham's Diversity Action Plan recognizes the importance of supporting diversity, equity, inclusion, accessibility, anti-racism, and anti-discrimination as the City and its population continue to grow and evolve.	<p>Maintained</p> <p>Note: Policy 2.1.6.c)</p>

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
		<p>Staff support the proposed addition of an equity lens to planning for complete communities.</p>	
2.2 Housing			
2.2.1 a)	Proposed change would remove the requirement for planning authorities to establish and implement minimum targets for the provision of affordable housing, and replace it with a policy to address the full range of <i>housing options</i> including housing affordability needs.	<p>The proposed changes are concerning as they would impact the limited opportunities available to planning authorities to plan for and achieve affordable housing, and likely increase the need for affordable housing. The definition of affordable housing should also be maintained and based on income thresholds to ensure low to moderate income individuals are targeted.</p> <p>Staff recommend carrying forward policies from the PPS, 2020 in the Proposed Provincial Planning Statement requiring planning authorities to establish and implement targets for the provision of affordable housing, and the definition of “affordable” tied to income based thresholds.</p>	Addressed – Policy 2.2.1 is reintroduced which establishes minimum targets for affordable housing and ‘affordable’ and ‘low and moderate income households’ as defined terms.
2.2.1 b)	Proposed addition that would require planning authorities to permit and facilitate the conversion of existing commercial and institutional buildings for residential use and introduce a broader range of new <i>housing options</i> in previously developed areas as forms of residential intensification.	<p>The proposed policy would limit Markham’s ability to refuse applications to convert existing office or institutional buildings for conversion to residential uses. This is concerning if the buildings are located in an employment area as the introduction of <i>sensitive land uses</i> would impact the viability of adjacent employment uses, as well as the long term integrity and viability of the employment area.</p> <p>Markham staff are supportive of new opportunities for residential intensification, however further analysis is needed to determine appropriate locations for accommodating additional residential units and what kind of infrastructure and services are needed to support new residents in these areas.</p> <p>Staff recommend modifying the policy to clarify that only existing commercial and institutional buildings outside employment areas may be considered for conversion for residential use.</p>	Addressed – Policy 2.2.1.b.2 has been revised to remove the word ‘conversion’ of existing commercial and institutional buildings. The revised policy refers to the ‘development’ and ‘redevelopment’ of underutilized commercial and institutional sites, and further provides examples including shopping malls and plazas.
2.2.1 d)	The policy emphasizes intensification in proximity to transit (corridors and station) and removed a reference to establishing development guidance or standards.	<p>These type of standards could address the local heritage context especially in areas such as heritage conservation districts that have been identified as areas where the protection of the local heritage context is important.</p> <p>Staff recommend that the new policy identify the need to take into consideration the goals and objectives of a heritage conservation district, which is a cultural heritage landscape (and a protected heritage property in the PPS, 2020) if residential intensification is proposed.</p>	Not addressed

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
2.3 Settlement Ares and Settlement Area Boundary Expansion			
N/A	Proposed deletion of policy requiring planning authorities to identify appropriate locations and promote opportunities for transit supportive development.	Staff recommend that this policy be carried forward in the Proposed Provincial Planning Statement.	Not addressed The Policy has been maintained through 2.3.1 and 2.3.2
2.3.4	Proposed simplification of criteria planning authorities should consider when identifying new settlement areas or settlement area boundary expansions.	<p>The proposed removal of restrictions on settlement area boundary expansions will provide municipalities with more flexibility to direct where growth can occur, and make more land available for development. However, it will also make it challenging for municipalities like Markham to promote intensification and compact development that use land efficiently, and coordinate land use and infrastructure planning and delivery.</p> <p>Staff recommend carrying forward policies restricting the creation of new settlement areas and the expansion of existing settlement area boundaries outside of a municipally initiated amendment in the Proposed Provincial Planning Statement.</p>	Not Addressed – Proposed policies on Settlement Area Boundary Expansions (now Policy 2.3.2.1) has been updated with more prescriptive language and additional criteria, however new settlement areas and settlement area boundary expansions can still be proposed through a private development application.
2.3.5	Proposed addition of policy encouraging <i>Large and fast-growing municipalities</i> to plan for a minimum density target of 50 residents and jobs per gross hectare.	<p>The City is currently planning for and achieving compact forms of development beyond the prescribed minimums in provincial and regional plans. The proposed removal of minimum intensification rates and density targets from provincial plans may encourage urban sprawl, less compact development, and impact the efficient use of land and infrastructure. Further, the City will have to rely on local policies which may be subject to appeal should the current standards of compact growth be maintained.</p> <p>Staff Recommend policies requiring municipalities to meet minimum intensification targets and minimum density targets in greenfield areas should be included in the Provincial Planning Statement to ensure the continuity with the form and pattern of development that supports the compact and complete communities.</p>	Not Addressed – The proposed PPS only encourages Large and fast-growing municipalities to plan for a minimum density target in designated growth areas.
2.4 Strategic Growth Areas			
2.4.1	Proposed introduction of <i>strategic growth area</i> policies from the Growth Plan requiring <i>Large and fast-growing municipalities</i> to set an appropriate minimum density target for each strategic growth area, among other things.	Markham is well positioned to implement the proposed SGA and MTSA policies. Map 1- Markham Structure in the 2014 Markham Official Plan delineates Regional Centres, key development areas on Regional Corridors and certain Local Centres and Corridors. Further, the 2022 YROP identified 23 MTSAs in Markham with minimum density targets. The MTSA delineations were generally based on the key development areas and intensification area boundaries in the 2014 Official Plan, and comments endorsed by Markham Council. The Markham MTSAs identified in the 2022 YROP will be added to the Markham official plan through the upcoming official plan review.	Not Addressed – The updated Policy 2.4.1.1 now encourages Planning Authorities to identify and focus growth and development in Strategic Growth Areas instead of ‘requiring’.
2.4.2.1 and 2.4.2.2	Proposed addition of <i>Major Transit Station Area</i> policies from the Growth Plan that require <i>Large and fast-growing municipalities</i> to delineate and set minimum density targets for major transit station areas on higher transit corridors.		Maintained - Planning authorities are still required delineate the boundaries of major transit station areas on higher order transit

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		<p>The establishment of these policies will also allow the City to modify delineated boundaries and minimum densities to reflect local planning, further future boundary delineations and minimum densities will be the responsibility of the City.</p> <p>Staff recommend supporting the inclusion of strategic growth area, and major transit station area policies in the Proposed Provincial Planning Statement as they relate to fast and large growing municipalities.</p>	corridors and plan for minimum density targets.
2.5 Rural Areas in Municipalities			
2.5.1 f)	Policy maintains policy encouraging municipalities to provide opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets in rural areas.	Staff recommend supporting policy 2.5.1 f) in that it acknowledges the importance of historical and cultural assets in rural areas in municipalities.	Maintained
2.6 Rural Lands in Municipalities			
2.6.1 c)	The existing policy provides for residential development, including residential lot creation that is locally appropriate. Proposed revisions would permit residential development, lot creation and multi-lot residential development on rural lands where site conditions are suitable for the provision of appropriate sewage and water services.	<p>The proposed amendments would reduce a planning authority's ability to plan for and manage growth in rural areas. They also raise concerns about inefficient, sprawling development patterns, and impacts on the character of rural areas as well as the long-term viability of existing farm operations.</p> <p>Staff do not support the proposed expanded lot creation policies in rural areas.</p> <p>Staff recommend that a specific policy be considered to only address lot creation on a smaller parcel to enable protection of protected heritage resources in rural areas.</p>	Partially Addressed – Policy 2.6.1.c) has been updated to remove multi-lot residential development on rural lands
N/A	Proposed removal of policy promoting recreational, tourism, and other economic opportunities in rural areas	Staff recommend that this policy be carried forward in the Proposed Provincial Planning Statement.	Addressed – Policy 2.5.1.f
2.8 Employment			
2.8.1.2	Proposed addition of policy encouraging locating industrial, manufacturing and small-scale warehousing uses adjacent to <i>sensitive land uses</i> in <i>strategic growth areas</i> and other mixed use areas where frequent transit service is available, outside of <i>employment areas</i> .	Staff recommend supporting the proposed policy which would support the concept of mixed use employment priority lands contemplated in secondary plan areas.	Maintained

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
2.8.1.3 and 2.8.1.4	<p>Proposed addition of policy 2.8.1.3 directing planning authorities to permit a diverse mix of land uses, including residential and employment, among others, to support the achievement of complete communities.</p> <p>Proposed addition of policy 2.8.1.4 states that official plans and zoning bylaws shall not contain provisions that are more restrictive than proposed policy 2.8.13 except for purposes of public health and safety.</p>	N/A	<p>Maintained – Policy 2.8.1.3</p> <p>Note: Policy 2.8.1.4 deleted</p>
2.8.1.5	Proposed addition of policy directing major office and major institutional development to major transit station areas or other strategic growth areas where frequent transit is available.	<p>While staff agree that major office and major institutional uses should be directed to MTSAs and strategic growth areas, in practice it is difficult to achieve office and institutional uses in mixed use areas that include residential development due to land values and market conditions. Office and institutional uses should still continue to be provided for in employment area designations in strategic locations (i.e., adjacent to highways or <i>major goods movement and facilities and corridors</i>).</p> <p>Staff recommend revising the policy to encourage the development of office and institutional uses in employment areas as well as MTSAs and SGAs.</p>	<p>Not addressed</p> <p>Note: Renumbered to Policy 2.8.1.4</p>
2.8.2.2 c)	Proposed addition of policy directing planning authorities to prohibit retail and office uses that are not associated with the primary employment use from employment areas.	<p>Staff are not supportive of the proposed changes, as they would limit the range of uses that can be designated in new employment areas and put existing employment lands that do not meet the new policy at risk of conversion to non-employment uses.</p> <p>Staff do not support the addition of policies that would prohibit appropriate retail and office uses from employment areas to support clusters of economic activity.</p>	<p>Not addressed.</p> <p>Note: Renumbered to Policy 2.8.2.3 c)</p>
2.8.2.4	Proposed revisions to the existing employment conversion policies would enable planning authorities to remove lands from an employment area at any time, instead of only during a municipal comprehensive review, if certain criteria are met.	<p>Staff object to proposed changes that would permit privately initiated applications for employment conversions with less stringent criteria. The concern is that the proposed changes will lead to the fragmentation of Markham’s employment areas, which would have an adverse impact on the long term integrity and viability of the employment areas, protection and creation of jobs, and the local economy.</p> <p>Staff do not support privately initiated applications for employment conversions. Flexibility to consider employment conversions should be limited to municipality initiated amendments.</p>	<p>Partially Addressed - Additional policy was added to the criteria for considering employment conversions:</p> <p>d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.</p>
N/A	Proposed removal of Provincially Significant Employment Zones (PSEZ) policies in the Growth Plan. In addition, as outlined in the “Proposed Approach to Implementation of the proposed Provincial Planning	Staff do not object to the removal of the PSEZ policies, and should the Province identify potential PSEZ locations and corresponding policies recommend further consultation and opportunities for comment.	<p>Addressed</p> <p>Note: PSEZ removed</p>

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	<p>Statement", the Province is seeking feedback on the need to identify PSEZs or portions of PSEZs in order to protect the lands exclusively for employment uses through an alternative approach such as a Minister's Zoning Order (MZO). It is noted that the proposed definition of "areas of employment" introduced through Bill 97 to the <i>Planning Act</i> would be used to identify potential locations that would receive elevated levels of provincial protection from conversions to non-employment uses.</p>		
2.9 Energy Conservation, Air Quality and Climate Change			
2.9	<p>Proposed changes would replace all the policies in this section directing planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate. The replacement policies focus primarily on reducing greenhouse gas emissions, instead of the integrative approach in the previous policies that considered preparing for the impacts of a changing climate comprehensively through land use and development patterns.</p>	<p>The proposed replacement of energy conservation and climate change policies point to a notable and concerning shift away from a comprehensive approach to preparing for climate change and promoting resiliency.</p> <p>Staff recommend carrying forward the existing Energy Conservation, Air Control and Climate Change policies and overall approach to preparing for the impacts of a changing climate from the PPS, 2020 in the Proposed Provincial Planning Statement.</p>	Not addressed
Chapter 3: Infrastructure and Facilities			
3.1 General Policies for Infrastructure and Public Service Facilities			
3.1.6	<p>Proposed policy encouraging innovative approaches in the design of schools and associated child care facilities, such as integrating them in high rise developments in <i>strategic growth areas</i> or other areas with a <i>compact built form</i>.</p>	<p>Markham is pursuing innovative approaches to the design and location of new schools in the Markham Centre, and Markham Road – Mount Joy secondary plan areas, including the integrating of schools in mixed use developments to support the development of compact, complete and sustainable communities.</p> <p>Staff support the proposed policy encouraging innovative approaches in the design and location of schools and associated child care facilities.</p>	Maintained
3.2 Transportation Systems			
N/A	<p>Proposed deletion of policy 1.6.7.4 that encouraged minimizing the length and number of vehicle trips and supporting transit and active transportation through land use, density and mix of uses.</p>	<p>Staff recommend that this policy be carried forward in the Proposed Provincial Planning Statement.</p>	Not addressed
Land Use Compatibility			
3.5.2	<p>Proposed removal of criteria to demonstrate land use compatibility of development with industrial, manufacturing or other <i>major facilities</i> that are</p>	N/A	N/A

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	vulnerable to encroachment. Proposed text would require planning authorities to ensure proposed sensitive land uses are permitted if potential impacts are minimized and mitigated.		
3.6 Sewage, Water and Stormwater			
3.6.2	Proposed revisions would remove a portion of the policy requiring planning authorities to promote intensification and redevelopment wherever feasible to optimize the use of <i>municipal sewage services</i> and <i>municipal water services</i> .	<p>Optimizing existing infrastructure is more cost effective, sustainable and efficient and should be prioritized over constructing new infrastructure, or relying on private infrastructure.</p> <p>Staff object to the proposed changes that would remove the policy direction requiring planning authorities to promote intensification and redevelopment to optimize the use of municipal sewage services and municipal water services.</p>	Not addressed
Chapter 4: Wise Use and Management of Resources			
4.1 Natural Heritage			
4.1	The Province proposes to maintain the existing natural heritage policies and definitions in the proposed PPS. These policies protect significant natural heritage features in accordance with "no development and site alteration" and "no negative impact" protection standards. The policies are considered minimum standards and municipalities are permitted to go beyond minimum requirements to address local objectives.	Staff support the Province's proposal to maintain the existing natural heritage policies and definitions of the PPS in the new Provincial Planning Statement.	Maintained
4.3 Agriculture			
4.3.2.5	Proposed introduction of a policy that would permit up to two additional residential units in <i>prime agricultural areas</i> that can meet certain criteria related to the proximity of the additional units to the principal dwelling, compliance with the <i>minimum distance separation formulae</i> , compatibility with surrounding agricultural operations, and provision of <i>sewage and water services</i> .	<p>The proposed changes raise concerns about the impact of additional residential units on the long-term viability of agricultural operations.</p> <p>Staff do not support the proposed policies that would permit additional residential units in prime agricultural areas.</p>	Not addressed. The policy permitting up to two additional residential units in <i>prime agricultural areas</i> is retained and is unclear with respect to whether the policy is intended to also permit the additional residential units to be severed through farm consolidation.
4.3.3.1 a)	Proposed revisions to lot creation and lot adjustments in <i>prime agricultural areas</i> would shift from discouraging lot creation and/or adjustments to permitting them in accordance with provincial guidance for: a) new residential lots created from a lot or parcel that existing on January 1, 2023 and, b) residence surplus to an agricultural operation.	<p>The proposed amendments would reduce a planning authority's ability to plan for and manage growth in agricultural areas. They also raise concerns about inefficient, sprawling development patterns, agricultural fragmentation and the long-term viability of existing farm operations.</p> <p>Staff do not support the proposed expanded lot creation policies in agricultural areas.</p>	Addressed - as 'discouraged' has been reintroduced and the policy allowing rural residential lot severances in <i>prime agricultural areas</i> has been removed (Policy 4.3.3.1).

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		<p>Staff recommend that a specific policy be considered to only address lot creation on a smaller parcel to enable protection of protected heritage resources in agricultural areas.</p>	
4.3.3.2	<p>Proposed introduction of a policy that would prohibit official plans and zoning bylaws from including provisions that are more restrictive than proposed policy 4.3.3.1 a) except to address public health or safety concerns.</p>	<p>The concerns noted in the comments to proposed policy 4.3.3.1 a) above are amplified by this proposed policy which would limit a planning authority's ability to restrict lot creation or adjustments in <i>prime agricultural areas</i>.</p> <p>Staff object to any policy that would limit Markham's ability to introduce more restrictive policies to plan for and manage growth based on local conditions and priorities.</p>	Addressed – Policy Removed
4.6 Cultural Heritage and Archaeology			
4.6.1	<p>Proposed revisions would remove "<i>significant</i>" before referencing <i>built heritage resources</i> and <i>cultural heritage landscapes</i>. As a result the requirement to conserve heritage resources only applies to a <i>protected heritage property</i>, which may contain <i>built heritage resources</i> or <i>cultural heritage landscapes</i>.</p>	<p>The proposed revisions to the policy in combination with the proposed removal of the definition of <i>significant</i> as it applies to cultural heritage and archaeology are concerning as they would limit a planning authority's ability to conserve unprotected resources that have been determined to have cultural heritage value or interest.</p> <p>Staff recommend the existing Cultural Heritage and Archaeology policies in the PPS, 2020 be retained as they provide more appropriate protection of cultural heritage and archaeological resources. If policy 4.6.1 is to be retained with the proposed amendments that only refer to "protected properties", then a new policy should be introduced that addresses <u>unprotected</u> built heritage resources and cultural heritage landscapes (now defined as being resources identified by a community).</p> <p>Suggested policy:</p> <p>Unprotected built heritage resources and cultural heritage landscapes shall be evaluated to determine if they should be a protected heritage property and conserved.</p>	Not addressed
4.6.3	<p>Proposed revisions to the text in this policy regarding exemptions for <i>development</i> and <i>site alteration</i> on <i>adjacent lands</i> to <i>protected heritage property</i> would remove text indicating how the <i>protected heritage property</i> would be <i>conserved</i> (i.e., demonstrated through an evaluation).</p>	<p>The proposed amendments will make it challenging for municipalities to require planning applications to demonstrate how the <i>heritage attributes</i> of a <i>protected heritage property</i> will be conserved.</p> <p>Staff recommend retaining the existing policy text to clarify how this policy would be implemented as it currently refers to evaluation and demonstrating that heritage attributes will be conserved.</p>	Not addressed

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
4.6.4	Proposed changes to the policy text regarding archaeological management plans would shift to encouragement type language and add a sub policy (4.6.4 b)) regarding strategies to identify properties for evaluation under the Ontario Heritage Act.	Staff recommend replacing “encourage” with “should”, and that further guidance and clarity be provided on 4(b) to inform how this policy would be implemented.	Not addressed
4.6.5	Proposed revisions to the text in this policy would require planning authorities to engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing <i>archaeological resources, built heritage resources and cultural landscapes</i> .	Staff recommend further guidance and clarification be provided specifically on the extent to which a planning authority shall engage with Indigenous communities regarding built heritage resources and cultural heritage landscapes (CHL) as the policy refers to identifying, protecting and managing these resources (ie. a heritage conservation district is a CHL, but is engagement required for every alteration permit in a district). Staff also suggest removing the undefined term “managing” from the policy.	Not addressed
Chapter 5: Protecting Public Health and Safety			
N/A	Proposed removal of former policy 3.2.3 regarding on site and local re use of excess soil	N/A	N/A
Chapter 6: Implementation and Interpretation			
6.1 General Policies for Implementation and Interpretation			
6.1.6	New policy requiring planning authorities to keep their zoning and development permit bylaws up to date with their official plans and the Policy statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth.	N/A	N/A
6.1.7	New policy requiring decisions of a planning authority to be consistent with the Policy statement even if their official plan, or other policy instruments, have not been updated to be consistent with it.	N/A	N/A
6.1.9	Revisions to this policy indicate the Province may identify performance indicators to measure the outcomes of the Policy Statement, and monitor and assess their implementation instead of making it a requirement.	N/A	N/A
6.2 Coordination			

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
6.2.6	New policy that would encourage the Province and other appropriate stakeholders to undertake a coordinated approach to planning for large areas with high concentrations of employment uses that cross municipal boundaries.	Staff request further guidance and clarification as to how, where and when planning authorities should undertake a coordinated approach to planning for multi-jurisdictional employment areas. It is also recommended that municipal comprehensive review policies from the Growth Plan as they apply to employment areas be carried forward.	Not addressed Note – Renumbered to Policy 6.2.8
6.2.8	Proposed revisions would now require local municipal planning authorities to take over population and employment forecasts, identify where growth and development will take place, and identify minimum density targets in new or expanded settlement areas, among other things.	Staff recommend that policies regarding growth forecasts, the provision of a standard methodology to guide growth forecasting, and requiring municipalities to meet minimum intensification and density targets in the Growth Plan be carried forward.	Not addressed
Definitions			
Additional Needs housing	Additional needs housing is added as a new definition that includes housing for older persons and housing for persons with disabilities.	N/A	N/A
<i>Adjacent Lands</i>	Proposed changes would remove a portion of the definition as it relates to natural heritage, and amend a portion of the definition as it relates to a protected heritage property.	Staff recommend that the reference to ‘contiguous’ be replaced by ‘within 60 metres of’ to ensure a more accountable review of the impact of development on a protected heritage resource.	Not addressed
<i>Affordable</i>	<p>The definition of <i>affordable</i> is proposed to be deleted.</p> <p>Previous 2020 PPS Definition:</p> <p>In the case of ownership housing:</p> <p>The least expensive of: 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.</p> <p>In the case of rental housing:</p> <p>The least expensive of: 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.</p>	<p>The proposed policy changes will impact the City’s ability to plan for and protect affordable housing opportunities for low to moderate income individuals.</p> <p>Staff recommend that the definition of affordable housing should be maintained, and preserve the link with income thresholds to ensure low to moderate income individuals are targeted.</p>	<p>Addressed – The definition of Affordable has been re-introduced with a minor change as the reference to “regional market area” has been updated to ‘municipality’.</p> <p>Staff will await further details from the Province regarding the proposed change to the data used to set affordability thresholds, as the 2020 PPS used data for each “regional market area”, and the proposed update uses data for each “municipality”, suggesting potential alignment with the Bill 134 definition.</p> <p>Updated PPS definition:</p>

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
			<p>Affordable: means a) in the case of ownership housing, the least expensive of: 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality;</p> <p>b) in the case of rental housing, the least expensive of: 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or 2. a unit for which the rent is at or below the average market rent of a unit in the municipality.</p>
<i>Built Heritage Resource</i>	Proposed changes would remove a portion of the definition that clarifies that built heritage resources can be located on a property that may be designated under Parts IV and V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.	Staff recommend that the current reference to designated property and heritage registers in the PPS, 2020 continue to be included.	Not addressed
<i>Cultural Heritage Landscape</i>	Proposed changes would delete a portion of the definition that clarifies that cultural heritage landscapes have been determined to have cultural heritage value under the Ontario Heritage Act, or another land use planning mechanism.	Staff recommend the existing reference in the Provincial Policy Statement, 2020 to how these features are typically identified (designation or registers) continue to be included.	Not addressed
Housing Options	Proposed changes expand the definition of housing options to include a broader range of options for residential intensification (e.g., laneway housing, garden suites, rooming houses) but does not include affordable housing.	The proposed changes are intended to broaden the types, arrangements and densities of permitted residential units, and replace the definition of “affordable”. It is noted that increasing the supply of housing will not necessarily improve housing affordability.	Addressed (through reintroduction of ‘affordable’ definition)

Policy No.	Summary of Proposed Changes	Staff Comments on PPS April 2023	Status in Revised PPS April 2024
		Staff recommend that the definition of affordable housing should preserve the link with income thresholds to ensure low to moderate income individuals are targeted.	
Large and fast growing municipalities as a defined term	New term added in relation to Schedule 1 that identifies 29 municipalities that will be required to identify and focus growth and development in SGAs in their official plans as well as identify minimum density targets and the appropriate type and scale of development permitted in SGAs	N/A	N/A
<i>Low and Moderate Income Households</i>	The definition of <i>low and moderate income households</i> is proposed to be deleted.	This definition provided guidance on housing affordability in relation to income as housing market prices have increased much more quickly than incomes and affordable units. Housing needs will be difficult to identify without a link to incomes. Staff recommend that the definition of affordable housing should preserve the link with income thresholds to ensure low to moderate income individuals are targeted.	Addressed - as definition of low- and moderate-income households has been reintroduced.
Other terms proposed to be imported from the Growth Plan, some with proposed modifications, that did not generate comments: <i>agricultural impact assessment; compact built form; frequent transit; higher order transit; large and fast-growing municipalities; low-impact development; major transit station area; major trip generators; strategic growth areas; transit service integration; urban growth areas; watershed planning; and water resource system.</i>			
Other terms proposed to be removed from the Proposed Provincial Policy Statement (does not include natural heritage related definitions) that did not generate comments: <i>comprehensive review; designated growth areas; high quality; provincial and federal requirements; provincial plan; recreation; and residential intensification.</i>			



Comments on Bill 185 and the Proposed Provincial Planning Statement

Development Services Committee

May 7, 2024

Background

- Cutting Red Tape to Build More Homes Act, 2024 (Bill 185)
- 8 Items posted on the ERO/ORR, including proposed changes to:
 - Planning Act
 - Development Charges Act
 - Municipal Act
 - Proposed Provincial Planning Statement
- May 10, 2024 Comment Deadline for ERO/ORR Posts

Planning Act

- ✓ Removal of upper-tier planning responsibilities, July 1, 2024
- ✓ Removal of fee refund requirement for development applications
- ✓ Limiting third party appeals on Council decisions to improve timelines for delivery
- ✓ Removal of the Community Infrastructure and Housing Tool from the Planning Act for a more transparent Minsters Zoning Order process
- ✓ Reduced Parking minimums, in principle, subject to additional policies
- ✗ Exemption universities from the Planning Act
- ✗ Appeal Council decisions on Settlement Area Boundary Expansions
 - Further consultation required on removing barriers to Additional Residential Units
 - Further clarification on expedite community service facilities (i.e. schools, hospitals)
 - Maintain requirement for pre-application consultation process

Development Charges Act

- ✓ Repealing the 5-year phase-in of development charges for by-laws passed on or after January 1, 2022
- ✓ Re-instating studies as an eligible capital cost for Development Charges
- ✓ Reduced timeframe for Development Charge rate freeze from 2 years to 18 months
- ✓ Streamlining the process for municipalities to extend existing Development Charges By-laws

Municipal Act

- ✓ Proposed incentive tool for manufacturing, industrial, or commercial investments
- ✓ Enhanced policies for municipalities to direct infrastructure to developments that support housing (use it or lose it)

Proposed Provincial Planning Statement

- New Policies
 - ✓ Re-introduction of policies and definition for Affordable Housing
 - ✓ Reduced parking minimums
 - ✓ Intensification of malls and commercial plazas
 - ✓ Encourage Vertical Schools and Coordination with Student Housing
 - ✗ Planning for Strategic Growth Area Encouraged
 - ✓ Strengthened Watershed Planning
- Clarification requested
 - Use of Ministry of Finance Projections
 - Additional Residential Units in Prime Agricultural Areas
- Matters not Addressed
 - ✗ Requiring minimum Intensification and Greenfield Density Targets
 - ✗ Limiting Employment Areas Uses (i.e. Office, commercial) / Privately Initiated Employment Conversions
 - ✗ Less protection of Cultural Heritage
 - ✗ Settlement Areas Boundary Expansion requests from applicants
 - ✗ MZO growth in excess of planning horizon

Other Initiatives/Proposed Changes

- Municipal Data Reporting
 - Request consultation on resources and timelines for new reporting requirement
 - Improve tracking to ensure units are not double counted
- Newspaper Notice Requirements
 - Support the use of municipal websites for public notices
- Standardizing Housing Designs to Build More Homes
- Updating the Building Code
- Consultation on Surety Bonds
- Municipal Development Related Charges (June 1, 2024)



Housing Bulletin

- In effect June 1, 2024
- Sets the price to qualify for Affordable Residential Unit exemptions from Development Charges
- Units required to be affordable for 25 years
- Staff reviewing methodology

Affordable Housing in Markham		
	Housing Bulletin	2022 York Region
Affordable Ownership	\$456,300	\$538,377
Affordable Rental	\$1,022 - \$1,880	\$1,310 - \$2,354

Next Steps

- Staff to submit comments to Province to meet consultation timeline and Council Resolution to follow
- Report back to DSC on impacts of new planning responsibilities for Markham

Thank you!



February 28, 2024
SENT VIA EMAIL

York Region

Attention: Chris Raynor, Regional Clerk

17250 Yonge Street,
Newmarket, ON L3Y 6Z1

Town of Aurora

Attention: Michael de Rond, Town Clerk

Aurora Town Hall,
100 John West Way, Box 1000, Aurora, ON L4G 6J1

Township of King

Attention: Denny Timm, Township Clerk

2585 King Road,
King City, ON L7B 1A1

City of Markham

Attention: Kimberley Kitteringham, City Clerk

101 Town Centre Blvd.,
Markham, Ontario L3R 9W3

City of Richmond Hill

Attention: Stephen Huycke, City Clerk

225 East Beaver Creek,
Richmond Hill, ON L4B 3P4

City of Vaughan

Attention: Todd Coles, City Clerk

2141 Major Mackenzie Dr.,
Vaughan, ON L6A 1T1

Town of Whitchurch-Stouffville

Attention: Becky Jamieson, Town Clerk

111 Sandiford Drive,
Stouffville, Ontario L4A 0Z8



RE: Request Joint Nomination of One Representative to the CTC Source Protection Committee

Due by 4:30 P.M. Thursday, May 2, 2024

A Source Protection Committee was formed in 2007 to oversee development and implementation of a Source Protection Plan for the Credit Valley, Toronto and Region, and Central Lake Ontario (CTC) Source Protection Region. The committee has representation from municipalities, businesses, and the public. The terms and conditions of appointments are described in [Ontario Regulation 288/07](#) under the *Clean Water Act, 2006*. Members of the CTC Source Protection Committee are appointed by the Credit Valley Source Protection Authority (SPA), as the lead SPA for the CTC Region.

There is an upcoming vacancy on the CTC Source Protection Committee for the member representing the municipal group consisting of Region of York, Town of Aurora, Township of King, City of Markham, City of Richmond Hill, City of Vaughan, and Town of Whitchurch-Stouffville. The 5-year term of the current representative for this group, Mr. Scott Lister, is set to expire on June 20, 2024. The municipalities within your group are asked to jointly nominate an elected official, staff member, or citizen representative that complies with the eligibility requirements as listed in Attachment 1. The rules of procedure of the Committee are available for review at ctcswp.ca.

Council resolutions are not required to accompany the nomination, but all municipalities must confirm that they agree with the nominated candidate. It is suggested that municipalities meet to discuss and make decisions with respect to their preferred representative. Our program manager, Behnam Doulatyari, is available to attend meetings as a resource.

The term of this municipal member will be five (5) years from the date of appointment. The time commitment for committee members varies with annual work plans. As we are now implementing and updating the CTC Source Protection Plan, we anticipate the need for three to six half-day committee meetings per calendar year with periodic communications in-between. Members are provided with a per diem of \$200 and mileage as set through provincial guidelines and Credit Valley Conservation policies.

Please jointly submit the name of the person or employment position to represent your municipal group by **Thursday, May 2, 2024**, through signed letter sent via email, to the attention of the program manager for the CTC Source Protection Region:

Behnam Doulatyari
Senior Manager, Watershed Plans and Source Water Protection



Credit Valley Conservation
Email: ctcswp@cvc.ca

Should you wish further information on the nomination of members and their duties, please contact Behnam Doulatyari via email at ctcswp@cvc.ca or by mobile phone at 437-993-1153.

Thank you for your municipality's efforts as we jointly work to protect our sources of drinking water.

Sincerely,

Behnam Doulatyari
Program Manager, CTC Source Protection Region
Credit Valley Conservation

cc. John MacKenzie, Chief Executive Officer, Toronto and Region Conservation Authority
Quentin Hanchard, Chief Administrative Officer, Credit Valley Conservation
Tom Bradley, Program Manager (A), Source Water Protection, York Region
Scott Lister, Risk Management Official, York Region

ATTACHMENT 1: Source Protection Committee Membership Eligibility

ATTACHMENT 1: Source Protection Committee Membership Eligibility

Source Protection Committee Membership Eligibility Requirements

SPC Member Skills and Qualifications

- Hold relevant knowledge of the applicable watersheds, communities, and local issues;
- Demonstrated ability to understand source protection planning related science, concepts and technical reports;
- Proven ability to act as liaison to bring forward common concerns from their knowledge and experience in the municipal sector to the Committee and assist in communicating the Committee's work to municipal councils and staff;
- Solid problem-solving, analytical, communication and organizational skills;
- Demonstrated ability to work with group dynamics and team environments;
- Willingness and ability to travel within the CTC Source Protection Region for public consultation meetings and information sessions;
- Has, or is capable of having direct contact with residents and landowners; and
- Provide constructive, collaborative, and science-based input on local source protection planning issues.

SPC Member Eligibility Requirements

- Reside in, own or rent property within the CTC Source Protection Region; or
- Be employed or operate a business within the CTC Source Protection Region; or
- Be employed by a municipality that is in the CTC Source Protection Region; and
- Not be a member or employee of Credit Valley Conservation, Toronto and Region Conservation Authority, or Central Lake Ontario Conservation Authority.

Regulatory Conditions of Appointment

- The appointee must regularly attend meetings of the source protection committee.
- The appointee must comply with the source protection committee's Code of Conduct and Conflict of Interest policy, as well as the Rules of Procedure.

From: Bradley, Tom

Sent: Wednesday, April 17, 2024 4:31 PM

To: kkitteringham@markham.ca

Subject: Request Joint Nomination of One Representative to the CTC Source Protection Committee. Due by 4:30 P.M. Thursday, May 2, 2024

Attention: Kimberley Kitteringham, City Clerk

This email is a follow up to the letter sent (via email) on February 28, 2024, to your clerk from the Credit Valley – Toronto Region – Central Lake (CTC) Source Protection Region Program Manager, Benham Doulatyari. The letter (attached for your reference) requests nomination of a representative for the CTC Source Protection Committee (Committee). We request that you respond to the CTC with my name as nominee by May 2, 2024.

Mr. Scott Lister currently represents York Region and each of the local municipalities, including yours, on the CTC Committee. Mr. Lister's term as member on the CTC Committee is ending on June 20, 2024, and he will not be seeking another 5-year term as he has moved onto a different role within the Region. I am the acting Source Protection Program Manager at York Region and am seeking your support to be the named representative on the CTC Source Protection Committee when Mr. Lister's term ends.

York Region remains firmly committed to the Source Protection program and intends to continue representing your municipality on the Committee. To do this, all York Region local municipalities must reach consensus on the nominee and submit their nomination by May 2, 2024. As acting Source Protection Program Manager, I meet all Committee membership eligibility requirements (refer to Attachment 1 of Mr. Doulatyari's February 28, 2024 letter). I have been involved with the CTC Source Protection Authority for more than 10 years. I began in Source Water Protection by coordinating the Tier 3 Water Budget technical study from 2010 to 2014. I am also currently participating on the CTC Amendments and Implementation working groups, and Ministry of Environment, Conservation and Parks Dense Non-Aqueous Phase Liquid (DNAPL) working group. I am a licensed Professional Geoscientist (P.Geo) and with my 20 years of experience in groundwater management am aptly suited to facilitate the functions of a Committee member.

As a member of the committee, I would represent the Region and its constituent local municipalities at 2-3 meetings per year. I would apply my knowledge of the Clean Water Act and associated regulations in the review of technical documents, proposed policy changes to the Assessment Report and Source Protection Plan.

As noted in the CTC letter, Council resolutions are not required to accompany the nomination, but all municipalities must reach consensus on the candidate to fill the role. To facilitate this process please find attached a draft letter nominating myself for the CTC Committee. If you are in agreement, please sign the attached template on your letterhead and submit to the CTC. If more than one name is put forward to the CTC by the municipalities, the decision will rest with the CTC.

I trust this provides the required information. Should you have any questions, please contact me directly at extension 75060 or cell phone at 905-955-1995.

Our working hours may be different. Please do not feel obligated to reply outside of your scheduled working hours. Let's work together to help foster healthy work-life boundaries.

Tom Bradley, P.Geo. (he/him) | Program Manger (A), Source Water Protection
Infrastructure Asset Management Branch, Public Works Department

The Regional Municipality of York | 145 Harry Walker Parkway | Newmarket, ON L3Y 6Z1
1-877-464-9675 ext. 75060 | C:905-955-1995 | Tom.Bradley@york.ca | york.ca

Our Mission: **Working together to serve our thriving communities – today and tomorrow**



Report to: General Committee

Meeting Date: May 14, 2024

SUBJECT: 012-R-24 Janitorial and Carpet Cleaning Service GC Report

PREPARED BY: Darius Chung, Senior Buyer, Ext. 2025
Jason Ramsaran, Facility Assets Coordinator, Ext. 3526
Joanna Chan, Senior Financial Analyst, Ext. 2073

RECOMMENDATION:

1. That the report entitled “012-R-24 Janitorial and Carpet Cleaning Service GC Report” be received; and,
2. That the contract for City-Wide Cleaning Services be extended for seven months from June 1, 2024 – December 31, 2024 in the amount of \$322,866.16 (Incl. HST) at the same terms, conditions and pricing from 2022/2023; and
3. That the contract extension in the amount of \$322,866.16 (Incl. HST) be awarded to National Cleaning Contractors; and
4. That the seven-month contract extension be funded by available funding from various departments’ 2024 operating budget; and,
5. That the tendering process be waived in accordance with the City’s Purchasing By-law # 2017-8, Part II, Section 11.1(c), Non Competitive Procurement which states, “when the extension of an existing Contract would prove more cost-effective or beneficial”; and
6. That the Director, Sustainability and Asset Management and Senior Manager, Procurement and Accounts Payable be authorized to add additional parks facilities opening in 2024 to the cleaning contract; and
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 extend the current contract for seven months (June 1, 2024 – December 31, 2024) at the same terms, conditions and itemized pricing from 2022/2023. This will allow the City to issue a new Request for Proposal for a new cleaning contract to commence in 2025.

BACKGROUND:

In 2016 “National Cleaning Contractors” was awarded contract 078-R-15 Janitorial & Carpet Cleaning Services for a term of one year from April 1, 2016 to March 31, 2017 with the option to renew for 4 additional one-year terms, which were subsequently exercised until March 31, 2021.

In 2021, Council approved extending the contract for 3 years from April 1, 2021 – March 31, 2024 due to impacts related to the Covid-19 pandemic. The contract was further extended until May 31, 2024 through Commissioner's approval.

The 2016 contract began with 21 locations that required routine cleaning services, however, 2 locations were removed (Armada and Thornhill). Since 2016, 14 sites were added to the list of locations, and as of today a total of 33 sites receive janitorial services under the current contract. The sites are as follows.

2016 locations (21)

1. 8100 Warden	12. Stiver Mill
2. Central Parks	13. West Parks Yard
3. Markham Civic Centre	14. Women's Institute
4. Markham Village Library	15. St Roberts Dome Washrooms
5. Markham Train Station	16. Bill Crothers Park Washrooms
6. Old Unionville Library CC	17. Victoria Square Park Washrooms
7. Operations Yard	18. Mint Leaf Park Washrooms
8. Markham Theatre	19. Millenium Park Washrooms
9. Thornhill Village Library	20. Armadale Community Centre*
10. Unionville Library	21. Thornhill Community Centre*
11. Unionville Train Station	

*These two locations were deleted from the contract and is now completed by City Staff.

Added locations (14)

1. Angus Glen Tennis Centre	8. Box Grove Community Park Washrooms
2. 160 Dudley Avenue	9. Cornell Community Park Washrooms
3. East Markham Works Yard	10. Yarl Cedarwood Park Washrooms
4. Berczy North Park Washrooms	11. Riseborough Park Washrooms
5. Morgan Park Washrooms	12. Milliken Mills Park Washrooms
6. Grandview Park Washrooms	13. Gordon Stollery Park Washrooms
7. Milne Dam Washrooms	14. Too Good Pond Park Washrooms

Celebration Park (120 Kirkham Dr.) and Wismer Park (980 Bur Oak Avenue) washroom buildings are scheduled to open in 2024 and will be added to the extended contract. If required, the upset limit of the contract will be adjusted as per the Expenditure Control Policy, with additional costs absorbed and managed within existing 2024 budgets.

OPTIONS AND DISCUSSIONS:

The existing contract for city-wide cleaning services was awarded to National Cleaning Contractors in 2016 and is set to expire on May 31, 2024.

Late in 2023 a Request for Proposal was drafted, however release was postponed and contract extended on a month to month basis in order to re-assess current service levels, potential opportunities for improvement, cleaning routines, new sites opening, and past and future labour and material increases.

Direct negotiations with the incumbent lead to agreeing on extending our existing agreement at the current terms, conditions and pricing until December 31, 2024 in order to maintain service levels and pricing.

Staff believes this is not an appropriate time to transition the service contract to a new vendor, due to possible service disruptions and cost increases. Staff will plan to issue an RFP for janitorial services in the coming months in 2024, for 2025 onwards, and funding will be requested as part of the 2025 budget process.

National Cleaning Contractors has a proven track record, are very familiar with all service locations, and have the resources available to deploy for additional or urgent requirements (e.g. additional cleaning for high-touch areas, emergency cleaning). National Cleaning Contractors has the experience to respond quickly to changing service needs and have been very supportive during the pandemic. The extension of the current contract will ensure the consistency of existing services.

FINANCIAL CONSIDERATIONS:

The annual cost of the contract has been consistent from a cost perspective as extensions have been exercised with no inflationary increases for all 8 contract years with the only increases being as a result of a minimum wage increases in 2018 and in 2022 and additional sites being added to the contract.

Budget Available	\$322,866.16	Various operating accounts*
Cost of award	\$322,866.16	2024 (June-December)
Budget Remaining	\$ 0.00	

* Each facility location has its own dedicated janitorial services account with available budget for the year. The contract extension will be managed within the existing budgets in those accounts and staff anticipate there will be no funding pressure in 2024.

By awarding this extension, the City will be able to maintain services levels and fixed pricing for the remainder of 2024 and avoid further cost pressures, such as potential inflationary increases due to wage increases and cost of material. Staff will review and refresh service requirements for the new tender, as we continue to review and plan for any necessary adjustments to the delivery of City services and facility operations

OPERATING BUDGET AND LIFE CYCLE IMPACT

As the cost of award is estimated based on regular operations, staff anticipate that adequate funding has been built into the 2024 operating budget and that there is no incremental impact to budgets as a result of the service extension.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This project aligns with Building Markham's Future Together goal of Safe, Sustainable Community.

BUSINESS UNITS CONSULTED AND AFFECTED:

All affected business units have been consulted.

RECOMMENDED BY:

Graham Seaman,
Director, Sustainability and
Asset Management

Trinela Cane,
Commissioner, Corporate Services

Andy Taylor,
Chief Administrative Officer



Report to: General Committee

Meeting Date: May 14, 2024

SUBJECT: Off-Site Records Storage and Retrieval Services through the Ontario Provincial Government via OPS Vendor of Record

PREPARED BY: Hassan Madar, Senior Buyer, Ext. 2177

RECOMMENDATION:

- 1) That the report entitled “Off-Site Records Storage and Retrieval through the Ontario Provincial Government via OPS Vendor of Record” be received; and,
- 2) That the contract for Off-Site Records Storage and Retrieval Services for a period of ten years (2024 – 2033) be awarded to the Iron Mountain Canada in the annual estimated amount of \$43,990.00 (Incl. of HST) or \$439,900.00 (Incl. of HST) over the ten-year term; and,
- 3) That the contract in years 2025 – 2033 be increased by an annual amount lower than 1% each year; and,
- 4) That the contract award in the amount of \$43,990.00 be funded from the operating account 400-402-5539 (Records Storage) with an annual budget of \$60,887.00, and that the estimated favourable variance in the amount of \$16,897.00 (\$60,887.00 - \$43,990.00) be reported as part of the 2024 year-end results of operations; and,
- 5) That funding for future terms of the contract be included in requested annual operating budgets; and
- 6) That the City’s Tender process be waived as the Ontario Provincial Government has undergone their own competitive process and in accordance with Purchasing By-Law 2017-8, Part II, Section 11 Non Competitive Procurement, item 1 (c) which states “Where the extension of an existing Contract would prove more cost-effective or beneficial”; and,
- 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 extend the contract for Off-Site Records Storage and Retrieval Services through the Ontario Provincial Government via OPS Vendor of Record. The new pricing will commence July 1, 2024.

BACKGROUND:

The scope of service for this contract includes the following:

- Off-site records storage in secure and environmentally controlled facilities for both paper and electronic records;
- The provision of a searchable on-line database with reporting capabilities regarding records at off-site facilities;
- Retrieval of records as requested by Markham staff;
- Secure transportation for records to and from the off-site facilities and Markham offices;

- Re-filing of records including loose correspondence;
- Vault storage for archival collections;
- Faxing and scanning facilities for urgently required records;
- Disposition/destruction of records based on the Markham's records retention bylaw and records and Information Management Policy.

The City has been working with Iron Mountain Canada since 1996 and our current contract through the York Cooperative is coming to an end. In the past, the City of Markham would join the York Cooperative (Municipalities in York Region) in a cooperative tender to the marketplace to leverage our buying power and to attain efficiencies.

In assessing options, the Procurement teams from the York Cooperative reviewed and analyzed the current contract between Iron Mountain Canada and Ontario Provincial Government in lieu of issuance of a separate tender. The Ontario Provincial Government is under contract with Iron Mountain for the Offsite Records Storage and Retrieval Services until 2033, and included in their contract is a provision for municipalities to enter into the same agreement and obtain the Province's pricing.

Procurement staff undertook a cost analysis and comparison of the services rendered through the City's current contract with Iron Mountain Canada and the Province's contract. By leveraging the Province's contract, the City will reduce our annual pricing by approximately 28%. The largest expenditure under this contract (storage costs, representing 80% of the award) will remain firm fixed for the duration of the contract's term. The remaining cost of this contract (20%) for items such as carton retrieval, transportation and re-boxing will increase annually by 2.5% to account for inflation.

In addition to the cost reductions noted above, the City has also seen a significant reduction in offsite storage requirements due to the continued transition of electronic document management processes undertaken by City Departments.

FINANCIAL CONSIDERATIONS

Recommended bidder	Iron Mountain Canada	
Current budget available	\$ 60,887.00	400-402-5539 (Records Storage)
Less Cost of award	\$ 43,990.00	2024 Cost of Award (Inclusive of HST)
	\$ 43,990.00	2025 Cost of Award (Inclusive of HST) *
	\$ 43,990.00	2026 Cost of Award (Inclusive of HST) *
	\$ 43,990.00	2027 Cost of Award (Inclusive of HST) *
	\$ 43,990.00	2028 Cost of Award (Inclusive of HST) *
	\$ 43,990.00	2029 Cost of Award (Inclusive of HST) *
	\$ 43,990.00	2030 Cost of Award (Inclusive of HST) *
	\$ 43,990.00	2031 Cost of Award (Inclusive of HST) *
	\$ 43,990.00	2032 Cost of Award (Inclusive of HST) *
	<u>\$ 43,990.00</u>	2033 Cost of Award (Inclusive of HST) *
	\$439,900.00	Cost of Award (Inclusive of HST)
Budget remaining after this award	\$ 16,897.00	**

*Will be included in, and subject to adoption of future annual operating budgets as well as the 2.5% increase for 20% of the contract items.

**The remaining budget in the amount of \$16,897.00 will be reported as part of the year-end results of operations. There is no incremental impact to the Life Cycle Reserve Study.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

This project aligns with the City's goal in ensuring that all documents are safely stored in a safe and secure place.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legislative Services and Finance.

RECOMMENDED BY:

Kimberley Kitteringham
City Clerk & Director,
Legislative Services

Trinela Cane
Commissioner, Corporate Services

**MEMORANDUM**

To: Mayor and Members of Council

From: Chris Bullen, Manager By-law & Regulatory Services

Prepared by: Mark Goldsworthy & Kim Dowell Tree Preservation Technicians, By-law & Regulatory Services

Date: May 14, 2024

Re: **2024 Tree Preservation Fees, and City-wide Fee By-laws**

RECOMMENDATION:

1. That the memorandum titled “2024 Tree Preservation Fees, and City-wide Fee By-laws”, be received;
2. That the PowerPoint presentation titled “Tree Preservation 2024 Fees, Security & Benchmarking”, be received as Appendix ‘A’;
3. That By-law 2002-276, be amended by removing fees and charges for the Tree Preservation By-law in the form attached as Appendix ‘B’;
4. That the fees and charges for the Tree Preservation By-law be added to By-law 2012-137 for ease of reference and streamlining purposes, be received as Appendix ‘C’;
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

At the December 13, 2023 Council Meeting, the Tree Preservation By-law 2008-96 was repealed and Tree Preservation By-law 2023-164 was enacted. As a result of the revised By-law, Staff are recommending revised and updated fees be implemented as well as consolidating all fees and services for the Tree Preservation By-law into By-law 2012-137. The presentation titled “Tree Preservation 2024 Fees, Security & Benchmarking” was received by Management and Commissioner dated March 26, 2024 and is supplemental to the memo.

COMMENTS:

Staff are recommending that the following Tree Preservation Permit fees be removed from By-law 2002-276.

Tree Preservation By-law Permit Fees	Fee
Removal of first tree	\$200.00
Removal of each additional tree	\$100.00
Maximum Fee for removal of trees	\$5,000.00
Tree Management Plan Review Fee	\$200.00
Confirm exemptions from permit applications	No fee
(Tree preservation fees established by By-law 2008-96)	

Staff are recommending the following new Tree Preservation fees (in bold below) be added to the current fees in By-law 2012-137 for consolidation purposes.

<i>Tree Preservation By-law Administration</i>			
First Inspection Fee	N/A	Fee	\$75.00
Second Inspection Fee	N/A	Fee	\$154.00
Subsequent Inspection Fee	N/A	Fee	\$318.00
Municipal Remedy Fee	N/A	Fee	7% of Invoice
Tree Assessment & Preservation Plan Review Fee (1 – 15 Trees)		Fee	\$500.00 Base
Tree Assessment and Preservation Plan Review Fee (16 Trees or Greater)		Fee	\$500 Base + \$20 Per Tree
Removal of 1st Tree Fee		Fee	\$200.00

Removal of Each Additional Tree Fee		Fee	\$100.00
Replacement Tree (Full Indexed Value)		Cash in Lieu Value	\$675.00
Replacement Tree (Half Indexed Value)		Cash in Lieu Value	\$337.50
Tree Preservation Zone Sign Fee		Charge per Sign	\$20.00
Private Tree Appeal Fee		Fee	\$154.00

ATTACHMENTS:

Appendix 'A' – PowerPoint Presentation Tree Preservation 2024 Fees, Security & Benchmarking

Appendix 'B' – A draft amendment to amend City-wide Fee By-law 2002-276 page 48

Appendix 'C' –A draft amendment to amend the Licensing, Permit & Service Fees By-law 2012-137 page 21

Tree Preservation 2024 Fees, Security & Benchmarking





Tree Preservation is seeking to implement fees for all Residential Grading & Servicing (RGS) applications.

- **Why?** Compensation for Tree Preservation Technician review time when reviewing Tree Assessment & Preservation Plans (TAPP) associated with Residential Grading and Servicing (RGS) applications, and when conducting pre-, during and post- site inspections.
- **What Kind of Fees?** Fee to cover TAPP review & inspections.
- **Why Now?** Updates to policies and procedures for tree review on development sites through By-law 2023-164.
- **What's Included?** Fees to be implemented in an equitable manner based on project scope and size, to include a base fee + per tree fee.
- **How?** Tree Preservation/Administration will begin accepting fee payments during RGS reviews, prior to Tree Permit issuance.



Vaughan: \$115 non-refundable application fee and removal fee of \$146 per tree 20cm DBH or greater

Newmarket: Review fee of \$100 per tree removed and Administration fee (based on the number of trees removed):

- \$100 for 1 tree removed
- \$300 for 2-4 trees removed
- \$1,000 for 5-10 trees removed
- \$5,000 for 11+ trees removed

Oakville: \$840 per tree removed, \$645 for a TPZ Encroachment Permit

Toronto: \$411 per tree removed

Burlington: Processing fee of \$51 + HST per application and removal fee (based on the number of trees removed):

- \$331.50 + HST for 1 – 3 trees removed
- \$229.50 + HST for 4th tree removed
- \$127.50 + HST for 5th tree removed

Ottawa: \$685 per tree to a maximum of \$3425



FEES FOR HERITAGE PERMIT APPLICATIONS (By-Law 2023-141, Effective September 28, 2023)

Major Heritage Permit Applications	Effective Date:	Basis
Residential Development (10 units or under)	September 27, 2023	(plus HST)
New Construction¹		
Planning/Heritage Review	\$3,000	Per Unit
Urban Design – Tree Review	\$1,000	Per Unit
Additions and Alterations		
Less than 50 m ² of GFA	\$200	Per Unit
50 to 100 m ² of GFA	\$1,000	Per Unit
Greater than 100m ² of GFA		
Planning/Heritage Review	\$1,000	Per Unit
Urban Design – Tree Review	\$900	Per Unit
Residential Facade Alteration⁴	\$500	Per Application



By-Law 2002-276 Current Fee Structure

<u>Tree Preservation By-law Permit Fees</u>	<u>Fee</u>	<u>Fee Basis</u>
Removal of First Tree	\$200.00	Per Tree
Removal of Each Additional Tree	\$100.00	Per Tree
Maximum Fee for Removal of Trees	\$5,000.00	
Tree Management Plan Review Fee	\$200.00	(TAPP review in addition to Per Tree Fee)
Confirm exemptions from permit applications (Tree preservation fees established by By-law 2008-97)	No Fee	



TAPP Review

Number of Trees On Site	\$500 Base Fee, \$20 Per Tree Fee
1-15 Trees	\$500
16-49 Trees	\$1480 (\$500 + (\$20 X 49))
50+ Trees	\$1500+
First Tree Removal Fee	\$200
Additional Tree Removal Fee	\$100/Tree

Staff support increasing base review fee, adding a per tree review fee, and maintaining the tree removal fees per the current By-law values.



TAPP Review & Tree Removal Fee

Small Site Example – 5 Trees (1 Removal)					
Current Fees		Proposed Fee (Option 2)		Proposed Fee (Option 3)	
Tree Management Plan Review	\$200	Base Review Fee	\$500	Base Review Fee	\$750
		Per Tree Review Fee	\$0	Per Tree Review Fee	\$0
Removal of First Tree	\$200	Removal of First Tree	\$200	Removal of First Tree	\$200
Removal of Additional Trees	\$0	Removal of Additional Trees	\$0	Removal of Additional Trees	\$0
Total	\$400	Total	\$700	Total	\$950
Medium Site Example – 20 Trees (7 Removals)					
Current Fees		Proposed Fee (Option 2)		Proposed Fee (Option 3)	
Tree Management Plan Review	\$200	Base Review Fee	\$500	Base Review Fee	\$750
		Per Tree Review Fee	\$20 X 20 trees = \$400	Per Tree Review Fee	\$10 X \$20 trees = \$200
Removal of First Tree	\$200	Removal of First Tree	\$200	Removal of First Tree	\$200
Removal of Additional Trees	\$100 X 6 trees = \$600	Removal of Additional Trees	\$600	Removal of Additional Trees	\$600
Total	\$1000	Total	\$1700	Total	\$1750
Large Site Example – 97 Trees (20 Removals)					
Current Fees		Proposed Fee (Option 2)		Proposed Fee (Option 3)	
Tree Management Plan Review	\$200	Base Review Fee	\$500	Base Review Fee	\$750
		Per Tee Review Fee	\$20 X 97 trees = \$1940	Per Tree Review Fee	\$10 X 97 trees = \$970
Removal of First Tree	\$200	Removal of First Tree	\$200	Removal of First Tree	\$200
Removal of Additional Trees	\$100 X 19 trees = \$1900	Removal of Additional Trees	\$100 X 19 trees = \$1900	Removal of Additional Trees	\$100 X 19 trees = \$1900
Total	\$2300	Total	\$4540	Total	\$3820



Tree Preservation is seeking to implement securities for all Residential Grading & Servicing (RGS) applications.

- **Why?** To ensure TPZ barriers are properly maintained during construction, reduce violations (injury/removal without a permit) on construction sites, and to guarantee tree plantings are conducted/cash in lieu is paid post-construction.
- **What Kind of Securities?** Securities for Tree Preservation Zone (TPZ) barriers, trees to be preserved, and conditional tree planting requirements.
- **Why Now?** Stronger enforcement through updated Tree By-law 2023-164 that will ensure TPZ barriers are properly maintained, trees are preserved, and tree plantings are carried out post-construction/cash in lieu is paid.
- **What's Included?** Securities to be implemented in an equitable manner based on project scope/size and tiered securities.
- **How?** Tree Preservation/Administration will begin accepting Letters of Credit for tree preservation and conditional tree plantings prior to Tree Permit issuance.



- The City of Markham's Urban Design Department collects securities for Tree Preservation Zone (TPZ) barriers, trees to be preserved, and conditional tree planting requirements on similar sized Heritage properties.
 - TPZ Barriers: \$5,000 or \$10,000 Per Site (Based on size and number of trees)
 - Conditional Planting: \$675 Per Tree
 - Tree Preservation: Appraised Value of Trees to be Preserved
- Security Recommendations for Tree Preservation reflect similar values to those in Urban Design



Vaughan: Securities taken for tree planting requirements, trees to be preserved, and TPZ barriers on Site Plan and Subdivision Agreements. No securities taken for infill projects.

Richmond Hill: Securities taken for tree planting requirements for Site Alteration Permits (infills, swimming pools) and Site Plan/Subdivision Agreements.

Toronto: Securities taken for tree planting requirements on City property and for trees to be preserved on development sites.

Burlington: Securities taken for tree planting requirements and City trees to be preserved for infill projects and Site Plan/Subdivision Agreements. The City is reviewing the implementation of securities for private trees to be preserved.

Oakville: Securities taken for tree planting requirements on private property (non-development related).



Securities Recommendations

	Amount (\$)	Length of Retention	Collection Use
TPZ Barrier Securities	Based on number of trees on site: 1 – 15 Trees: \$2500 16 – 49 Trees: \$5000 50+ Trees: \$10,000	Held until final Lot Grading Request is received.	If TPZ violations occur during construction, security may be retained (in partial or full) until remedial measures carried out to rectify infraction.
Conditional Tree Planting Securities	\$675 Per Tree (Indexed with Cost of Living Yearly)	Held until final Lot Grading Request is received or the property changes ownership and the planting conditions have not been fulfilled.	If trees are not planted within a given time frame, either 1 month post construction, or by next planting season, cash in lieu will be retained and provided to tree recovery fund.
Tree Preservation Securities	Based on Aggregate Caliper Value of Trees (capped at \$25,000)	Held for 2 years post-construction (if no violations have been identified) or up to 5 years post-construction if violations identified.	If preserved trees are removed during construction, security may be retained for value of tree(s) removed. If trees are injured during construction, security may be retained (in partial or full) until remediation measures carried out to rectify infraction and trees are exhibiting signs of recovery.



Background: Since 2019 appeal hearings and requests for appeal have increased.

- 2019 = 5, 2020 = 8, 2021 = 11, 2022 = 19, 2023 = 28
- Adjacent municipalities accept fees for appeals:
 - **Newmarket:** 1st Appeal Fee: \$61, 2nd Appeal Fee: \$688
 - **Oakville:** \$230 Appeal Fee
- Recommendation: Beginning in Q1 2024 staff request appeal fees before proceeding with 2nd inspection, report preparation, decision letter and scheduling of appeal.
- Staff will initiate 2nd inspection with payment of fees.
- Fee recommendation to be considered: \$154.



BY-LAW 2024-____

To amend Bylaw 2002-276 being a By-law to Impose Fees or Charges for Services or activities provided or done by the City of Markham

Whereas Section 391 of the Municipal Act, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it;

AND WHEREAS Section 392 of the Municipal Act, 2001 stipulates that a municipality shall establish and maintain a list for public inspection indicating which of its services and activities and the use of which properties will be subject to fees or charges;

AND WHEREAS amendments are required from time to time in order to streamline and consolidate fees and charges into one bylaw;

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

- (1) That the following Tree Preservation Permit fees and charges listed in Schedule 'A' of By-law 2002-276 be removed in its entirety.

Tree Preservation By-law Permit Fees	Fee	Fee Basis
Removal of first tree	\$200.00	Per Tree
Removal of each additional tree	\$100.00	Per Tree
Maximum Fee for removal of trees	\$5,000.00	
Tree Management Plan Review Fee	\$200.00	(in addition to Per Tree Fee)
Confirm exemptions from permit applications (Tree preservation fees established by By-law 2008-97)	No fee	

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

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2024-____

To amend Bylaw 2012-137 being a By-law to Impose Licensing, Permit and Service Fees

WHEREAS, it is necessary where authorities exist or where new authorities are granted to periodically add fees and charges as administrative and enforcement standard operating procedures are modified or enhanced;

AND WHEREAS Section 11 (1) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 391 of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, authorizes a municipality by by-law to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 398 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that fees and charges imposed by a municipality on a person constitute a debt of the person the municipality;

AND WHEREAS amendments are required since the Tree Preservation Bylaw was first implemented in 2008 and has never been administered;

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

- (1) That the fees and charges for the Tree Preservation By-law listed in Schedule 'A' of Bylaw 2012-137 be replaced with the following fees and charges:

<i>Tree Preservation By-law Inspection Administration</i>			
First Inspection Fee	N/A	Fee	\$75.00
Second Inspection Fee	N/A	Fee	\$154.00
Subsequent Inspection Fee	N/A	Fee	\$318.00
Municipal Remedy Fee	N/A	Fee	7% of Invoice

Appendix C

Tree Assessment & Preservation Plan Review Fee (1 – 15 Trees)		Fee	\$500.00 Base
Tree Assessment and Preservation Plan Review Fee (16 Trees or Greater)		Fee	\$500 Base + 20 Per Tree
Removal of 1st Tree Fee		Fee	\$200.00
Removal of Each Additional Tree Fee		Fee	\$100.00
Replacement Tree (Full Indexed Value)		Cash in Lieu Value	\$675.00
Replacement Tree (Half Indexed Value)		Cash in Lieu Value	\$337.50
Tree Preservation Zone Sign Fee		Charge per Sign	\$20.00
Private Tree Appeal Fee		Fee	\$154.00

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

 KIMBERLEY KITTERINGHAM
 CITY CLERK

 FRANK SCARPITTI
 MAYOR



BY-LAW 2024-81

A BY-LAW TO AMEND BY-LAW 122-72, AS AMENDED (REMOVAL OF HOLD PROVISION)

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas; and,

WHEREAS Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the hold symbol is removed by amendment to the by-law; and,

WHEREAS Zoning By-law No. 122-72, as amended, is the governing By-law of the Corporation of the City of Markham pertaining to the subject lands; and

WHEREAS the Council of the Corporation of the City of Markham has deemed it advisable to amend Zoning By-law No. 122-72, as amended; and,

WHEREAS it has been confirmed to Council that all of the conditions required for the removal of the Holding (H) Symbol from the subject lands have been completed to the satisfaction of the City;

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

1. THAT By-law 122-72, as amended, is hereby further amended as follows:
 - 1.1 By removing the Holding (H) provision from the **Residential Third Density R3(H)] zone** for the lands outlined on Schedule 'A' attached hereto.
2. THAT Zoning By-law No. 122-72, as amended, is hereby amended to give effect to the foregoing, but shall in all other respects remain in full force and effect.
3. THAT this By-law shall come into effect upon final passing, pursuant to Section 34(21) of the Planning Act, 1990.

Read a first, second and third time and passed on May 15, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

EXPLANATORY NOTE**BY-LAW 2024-81****A By-law to amend By-law 122-72, as amended****Regency Property Inc.****Lot 19 Registered PLAN 3684****15 River Bend Road****Lands Affected**

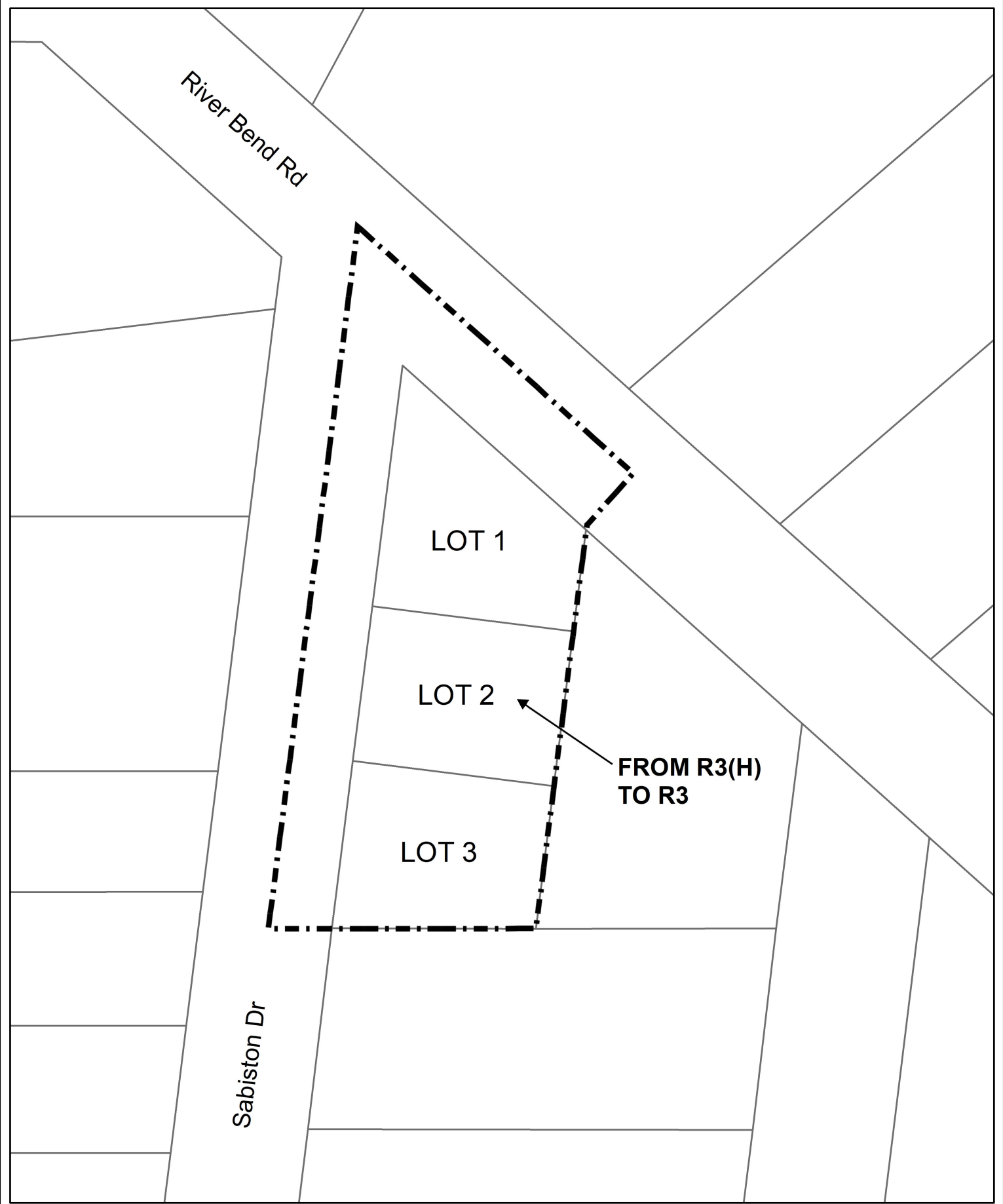
The proposed by-law amendment applies to a 0.22 ha (0.54 ac) parcel of land located at the south-east corner of River Bend Road and Sabiston Drive.

Existing Zoning

The subject lands are zoned “Residential Third Density – Hold [R3(H)]” by By-law 122-72, as amended.

Purpose and Effect

The purpose and effect of this By-law is to remove the Holding Symbol from the zoning of the subject lands to permit the development of three lots for single detached dwellings.



SCHEDULE 'A' TO BY-LAW AMENDING BY-LAW 122-72 DATED



- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- SINGLE FAMILY RESIDENTIAL
- HOLDING PROVISION

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

Y:\Geomatics\New Operation\By-Laws\PLAN\PLAN21_130977\Schedule A.mxd

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

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. 52

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

(SCARDRED 7 COMPANY LIMITED, 4038 AND 4052 HIGHWAY 7 EAST)

May 2024

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. 52

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

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2024-82 in accordance with the *Planning Act*, R.S.O., 1990 c. P.13, as amended, on the 15th day of May, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law 2024-82

BEING A BY-LAW TO ADOPT AMENDMENT NO. 52
TO THE CITY OF MARKHAM OFFICIAL PLAN 2014, AS AMENDED

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE *PLANNING ACT*, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. 52 to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF MAY 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

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PART I – INTRODUCTION

(This is not an operative part of the Official Plan Amendment No. 52)

PART I – INTRODUCTION

1.0 GENERAL

- 1.1. PART I – INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2. PART II – THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. 52 to the City of Markham Official Plan, 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to 1.03 hectares (2.55 acres) of land on the northern portion of the lands municipally known as 4038 and 4052 Highway 7 East (the “Subject Lands”). The Subject Lands are located on the north side of Highway 7, east of Village Parkway.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to amend the existing area and site specific policy applicable to the Subject Lands to permit a proposed 49-unit condominium townhouse development, which includes 31 rear-lane townhouse units and 18 standard townhouse units (the “Proposed Development”).

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The City of Markham Official Plan, 2014 (the “Official Plan”), as amended, designates the Subject Lands ‘Residential Low Rise’. This designation permits detached, semi-detached, and townhouse dwellings (excluding stacked back-to-back townhouses), and small multiplex buildings containing 3 to 6 units at a maximum height of 3-storeys. The Subject Lands are also subject to Area and Site Specific Policy 9.19.8 of the Official Plan, which identifies these lands as being part of the Highway 7 / Village Parkway Corridor. Area and Site Specific Policy 9.19.8 a) specifies that only detached dwellings shall be permitted on lands designated ‘Residential Low Rise’ within the corridor.

The Proposed Development is consistent with the Provincial Policy Statement, 2020, as it supports increased residential densities on an underutilized parcel of land and takes advantage of existing and planned infrastructure.

The Proposed Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it contributes to a mix of housing types, supports the use of public transit, and makes efficient use of infrastructure.

The Proposed Development also conforms to the York Region Official Plan, 2022 (“YROP”), which designates the Subject Lands ‘Community Area’ and ‘Urban Area’. This designation is intended to accommodate the majority of housing, personal services, retail, institutional, cultural and recreational services. The Proposed Development provides for appropriate housing types in close proximity to active transportation networks.

Based on the location and form of the Proposed Development, the proposed Amendment is appropriate, and represents good planning.

PART II – THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. 52)

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

1.1 Section 9.19 of Part I of the City of Markham Official Plan, 2014, as amended, is hereby further amended by adding the following paragraph to the end of Section 9.19.8 g) as follows:

“On the portion of the lands designated ‘Residential Low Rise’ as shown in Figure 9.19.8, only detached dwellings and townhouses with a maximum height of 4 storeys shall be permitted.”

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

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

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



BY-LAW 2024-_____

A BY-LAW TO AMEND BY-LAW 177-96, AS AMENDED

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

1. That By-law 177-96, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto:

from:

Residential Two*682 (R2*682) Zone

to:

Residential Four*682 Hold (R4*682(H)) Zone

- 1.2 By adding the following subsection to Section 7- EXCEPTIONS:

Exception 7.682	Scardred 7 Company Limited 4038 and 4052 Highway 7 E	Parent Zone R4
File PLAN 23 146079		Amending By-law 2024-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *682 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.		
7.682.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	<i>Home Occupation</i>	
c)	<i>Home Child Care</i>	
7.682.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Notwithstanding any further division or partition of any of the lands subject to this Section, all lands zoned *682 shall be deemed to be one lot for the purposes of this By-law.	
b)	For the purpose of this by-law, the Alfredo Street <i>frontage</i> shall be deemed to be the <i>front lot line</i>	
c)	Maximum number of <i>townhouse dwelling units</i> – 49	
d)	Minimum width of a <i>townhouse dwelling unit</i> – 5.6 metres	
e)	Maximum <i>building height</i> – 14 metres	
f)	Minimum <i>front yard setback</i> – 3 m	
g)	Minimum <i>exterior side yard setback</i> – 2 m	
h)	Minimum <i>interior side yard setback</i> – 2 m	
i)	Minimum <i>rear yard setback</i> – 6.5 m	
j)	Minimum setback between the <i>main walls</i> of <i>buildings</i> containing <i>townhouse dwelling units</i> – 3.0 m	

k)	Minimum number of parking spaces – i) 2 spaces per <i>dwelling unit</i> plus 0.18 spaces per <i>dwelling unit</i> for visitors ii) 5% of the required visitor spaces shall be provided as accessible spaces
l)	Minimum private <i>outdoor amenity space</i> – 7.0 square metres per unit
m)	Private <i>outdoor amenity space</i> may be provided on a deck, balcony, rooftop patio, or porch
n)	Minimum common <i>outdoor amenity space</i> – 420 square metres
o)	Notwithstanding Section 6.2.2 a) to the contrary, for <i>porches</i> that are located in the <i>front yard</i> the floor of any <i>porch</i> that is located between a <i>main wall</i> of a <i>building</i> and a <i>streetline</i> shall extend at least 1.0 metre towards the <i>streetline</i> from the <i>main wall</i> that abuts the <i>porch</i> . Windows, stairs, columns, piers and/or railings associated with the <i>porch</i> are permitted to encroach within this area
p)	Notwithstanding Section 6.2, the floor of the deck is permitted to be located above the first storey.
q)	For the purposes of this By-law, the provisions of Table B6 shall not apply

2. HOLDING PROVISION

- 2.1 For the purpose of this By-law, a Holding (H) provision is hereby established on lands zoned R4*682 as identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbols.
- 2.2 No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the *Planning Act*.
- 2.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule "A" shall not be passed until the following conditions have been met:
- a) Submission of the following studies for the review and approval by the City:
 - i. Functional Servicing Report to the satisfaction of the Director of Engineering or designate; and,
 - ii. Stormwater Management Report to the satisfaction of the Director of Engineering or designate.

Read a first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2024-____

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

**Scardred 7 Company Limited
CON 5 PT LOT 11
4038 and 4052 Highway 7 East
PLAN 23 146079**

Lands Affected

The proposed by-law amendment applies to the northern portion of 4038 and 4052 Highway 7 East, on a parcel of land with an approximate area of 1.03 hectares (2.55 acres), which is generally located north of Highway 7 East and west of Village Parkway.

Existing Zoning

The subject lands are zoned “Residential Two*682” (R2*682) Zone under By-law 177-96, 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:

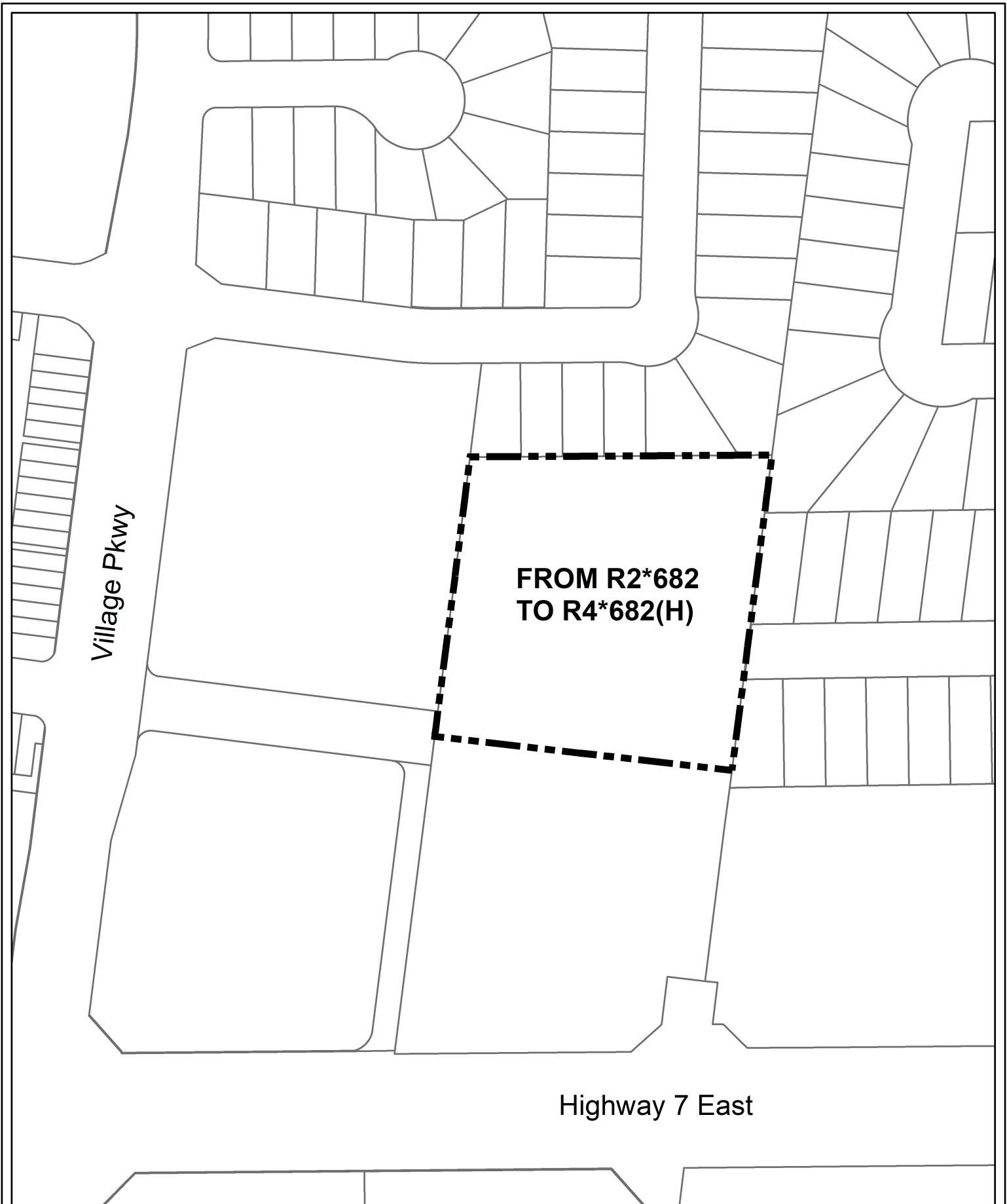
from:

Residential Two*682 (R2*682) Zone

to:

Residential Four*682 (Hold) (R4*682(H)) Zone

and incorporate site-specific development standards to permit a residential townhouse development.



SCHEDULE 'A' TO BY-LAW AMENDING BY-LAW 177-96

- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- RESIDENTIAL TWO
- 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.

Y:\Geomatics\New Operation\2024 Agend\PLAN\PLAN 23 146079\Schedule_A.mxd

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

**OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA**

AMENDMENT NO. 266

To amend the Official Plan (Revised 1987), as amended,
to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), as amended,
for the Thornhill Planning District (Planning District No. 3).

([Zonix Group Inc.] 36-48 Steeles Avenue East & 37-49 Highland Park Boulevard)

(May 2024)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. 266

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3)

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2024 - 84 in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the 15th day of May, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
MAYOR

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- SCHEDULES “B” and “C”

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 266)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Official Plan Amendment No. 266 to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedules “B” and “C” attached thereto, constitutes Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3). This Secondary Plan Amendment may be identified by the symbol PD 3-1-18. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and the Thornhill Secondary Plan (PD 3-1), as amended, (the “Amendment”) applies to 0.9143 hectares (2.26 acres) of land located on the north east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard (the “Subject Lands”).

3.0 PURPOSE

The purpose of this Amendment is to amend the Thornhill Secondary Plan to:

- Remove the Subject Lands from “DEFERRAL NO. 1” and redesignate them from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL” to “HIGH DENSITY II HOUSING” as shown on Schedule “B”, and
- Incorporate site-specific height and density provisions to accommodate the proposed development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Subject Lands are designated as “URBAN RESIDENTIAL” in the Official Plan (Revised 1987), as amended. The “URBAN RESIDENTIAL” designation is predominantly used for housing and related purposes. The Subject Lands are also subject to the Thornhill Secondary Plan, which designates the Subject Lands “LOW DENSITY RESIDENTIAL”, “LOW DENSITY HOUSING SPECIAL”, and

“DEFERRAL NO. 1”. The “LOW DENSITY HOUSING” designation predominantly permits low density forms of housing. The “LOW DENSITY HOUSING SPECIAL” designation predominantly reflects the significant transportation upgrades in this area and is generally intended to permit expanded residential uses and limited office uses. In consideration of office uses or additional residential uses, Council shall ensure a number of conditions are met as stated in Section 5.5.2 of the Thornhill Secondary Plan. The Subject Lands are further subject to a special policy as described in Section 5.5.3, which requires a comprehensive study to provide a transitional buffer block between the existing apartment to the west and the adjacent low density mature neighbourhood. Accordingly, it is intended that the overall height and density of this block be lower than those fronting Yonge Street. The Subject Lands are located within “DEFERRAL NO. 1” in the Thornhill Secondary Plan, which was intended to allow for further discussions between the City, Region, and Centrepoin Mall.

This Amendment will facilitate the redevelopment of the Subject Lands with a high density apartment development with two towers with maximum heights of 40 and 44 storeys, above a 6-storey podium and a maximum density of 8.3 FSI (“the Proposed Development”).

The Proposed Development is consistent with the policies of the Provincial Policy Statement 2020 (the “PPS”) in that it would promote the efficient uses of land, resources, and infrastructure by providing residential uses, while supporting active transportation and current and future transit improvements.

The Proposed Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it accommodates growth through intensification within a Major Transit Station Area (“MTSA”), and contributes to a range of housing types within the community. The Proposed Development also provides convenient access to transportation options and a new public park, and fosters a compact built form with an attractive and vibrant public realm.

The Proposed Development conforms to the York Region Official Plan, 2022 (the “YROP”). The Proposed Development is located in the delineated “Urban Area” and designated “Community Area” in the YROP, where most of the housing and population-related jobs required to accommodate the forecasted population will be located. The Subject Lands are also located within the Steeles Subway Station MTSA, and provide a scale of development and intensification that supports transit. As per the direction in the Growth Plan, MTSA’s are part of a regional strategy to align transit with growth and must be delineated by upper-tier municipalities and planned to achieve specified minimum density targets. The YROP also identifies all MTSA’s as “Protected” MTSA’s under the Planning Act to enable inclusionary zoning. The YROP identifies a minimum planned density target for the Steeles Subway Station PMTSA of 300 people and jobs per hectare.

The Subject Lands are designated ‘Residential Mid Rise’ in the 2014 Markham Official Plan and are within the Yonge Steeles Corridor key development area. However,

Section 9.18.8.3 of the 2014 Markham Official Plan states that until the approval of an updated secondary plan for the Yonge Steeles Corridor key development area lands, the provisions of the Official Plan (Revised 1987), as amended, and Secondary Plan PD 3-1, as amended shall apply to the Subject Lands.

The Proposed Development represents good planning as it makes efficient use of underutilized parcels of land identified provincially, regionally and locally for intensification. The Subject Lands are also located within close proximity to existing and future transit routes and higher order transit stations. The Subject Lands are therefore an appropriate location for the proposed high density development.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 266)

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1. Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 266 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2. Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 266 to the list of amendments listed in the second sentence of the bullet item dealing with the Thornhill Secondary Plan (PD-3-1), for the Thornhill Planning District (Planning District No. 3), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3. Section 9.2.25 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 266 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4. Schedule ‘G’ - SITE PLAN CONTROL, is amended by removing the Subject Lands from the “Area subject to special study to determine right-of-way widths and intersection improvements (Section 7.12.4.b)” as shown on Schedule “A” attached hereto.
- 1.5. No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule “AA” – LAND USE PLAN and the text of the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). These changes are outlined in Part III which comprises Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

PART III - THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

(This is an operative part of Official Plan Amendment No. 18)

PART III – THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 18 to the Thornhill Secondary Plan PD 3-1)

The Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3) is hereby amended as follows:

- 1.1. Schedule ‘AA’ – LAND USE PLAN, is amended by removing the Subject Lands from “DEFERRAL NO. 1” and redesignating the Subject Lands from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL to “HIGH DENSITY II HOUSING” as shown on Schedule “B” attached hereto.
- 1.2. Section 5.8 “HIGH DENSITY II HOUSING” is amended by adding a new subsection (l) to Section 5.8.3 as follows, to be appropriately placed on the first page following Section 5.8.3 (k):

- “5.8.3 (l) The following additional provisions shall apply to the lands designated as “HIGH DENSITY II HOUSING”, located at the north-east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue and 37-49 Highland Park Boulevard, as shown on Figure 3-1-18:
- a. The maximum tower heights shall be 44 and 40 storeys;
 - b. The maximum density shall be 8.75 FSI (gross, prior to any public land takings);
 - c. A private underground parking structure shall also be permitted beneath a public park, as well as Privately-Owned Publicly Accessible Spaces (POPS); and
 - d. The development plan will be required to protect and demonstrate that a future vehicular and pedestrian interconnection will be provided to the east. This road will be required to connect as a condition of Site Plan Approval.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regards to this Amendment, except as specifically provided for in this Amendment.

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



BY-LAW 2024-84

**Being a By-law to adopt Amendment No. 266 to the
City of Markham Official Plan (Revised 1987), as amended**

THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. That Amendment No. 266 to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. That this by-law shall come into force and take effect on the date of this final passing thereof. By-law 177-96, as amended, is hereby further amended as follows:

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF MAY, 2024

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Remove from "Area subject to special study to determine right-of-way widths and intersection improvements [Section 7.12.4.b]"


Highland Park Blvd

Dudley Ave

Steeles Ave E

AMENDMENT TO SCHEDULE 'G' - SITE PLAN CONTROL CITY OF MARKHAM OFFICIAL PLAN (REVISED 1987), as amended



 BOUNDARY OF AREA COVERED BY THIS AMENDMENT


Remove from Deferral No. 1 and redesignate from "Low Density Housing" and "Low Density Housing Special" to "High Density II Housing".

Highland Park Blvd

Dudley Ave

Steeles Ave E

AMENDMENT TO SCHEDULE 'AA' - LAND USE PLAN OF THE THORNHILL SECONDARY PLAN (PD-3-1)

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



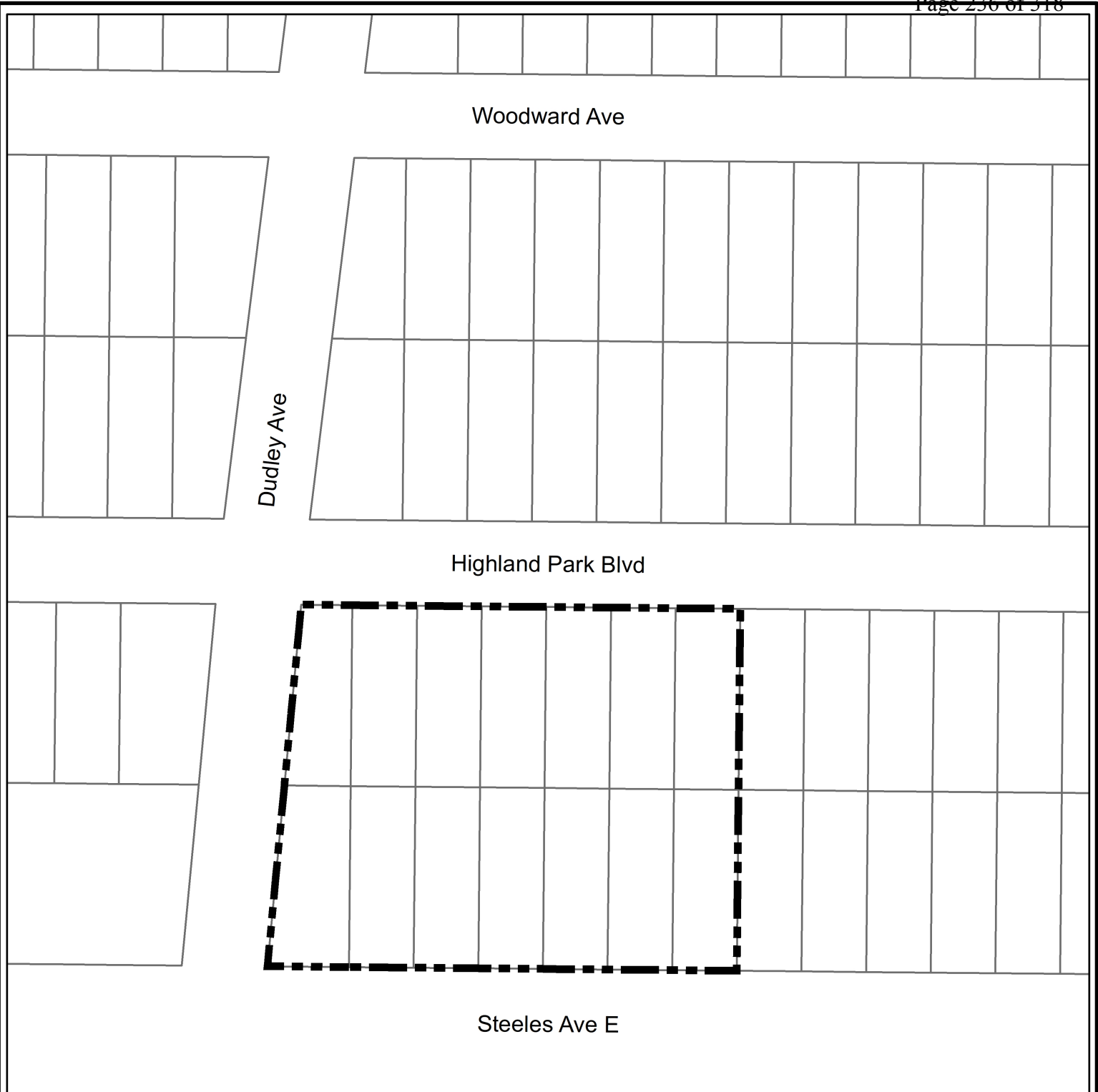

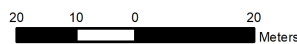


FIGURE NO. 3-1-18 TO THE THORNHILL SECONDARY PLAN (PD-3-1)

 BOUNDARY OF AREA COVERED BY THE AMENDMENT



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

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 7, 2024

CASE NO.: OLT-22-003176

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.
 Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
 Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
 Reference Number: 19 114290
 Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
 Municipality/UT: Markham/York
 OLT Case No: OLT-22-003176
 OLT Lead Case No: OLT-22-003176
 OLT Case Name: Zonix Group Inc. v. Markham (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.
 Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
 Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
 Reference Number: 19 114290
 Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
 Municipality/UT: Markham/York
 OLT Case No: OLT-22-003178
 OLT Lead Case No: OLT-22-003176

BEFORE:

A. MASON)	
MEMBER)	Tuesday, the 7 th day of
)	
DAVID BROWN)	May, 2024
MEMBER)	

THIS MATTER having come on for a public hearing and the Tribunal, in its Decision and Interim Order issued on October 17, 2023 (the “Decision and Interim Order”), having withheld its Final Order contingent upon confirmation of the pre-requisite matters as stipulated in Paragraph 42 of the Decision and Interim Order;

THE TRIBUNAL ORDERS that the appeal with respect to the Official Plan Amendment is allowed in part and the Official Plan for the City of Markham is modified as set out in Attachment “1” to this Order;

AND THE TRIBUNAL ORDERS that the appeal with respect to the Zoning By-law Amendment is allowed in part, and By-law 2237, as amended, and By-law 177-96, as amended, are hereby amended in the manner set out in Attachment “2” to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purpose.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment "1"

**OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA**

AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended,
to incorporate Amendment **No. 18** to the Thornhill Secondary Plan (PD 3-1), as amended,
for the Thornhill Planning District (Planning District No. 3).

([Zonix Group Inc.] 36-48 Steeles Avenue East & 37-49 Highland Park Boulevard)

(April 2024)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3)

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2024 - ___ in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the XX day of Month, 2024.

Martha Pettit
Deputy Clerk

Frank Scarpitti
MAYOR

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- 1. THE OFFICIAL PLAN AMENDMENT.....7
- 2. IMPLEMENTATION AND INTERPRETATION.....8
- SCHEDULE “A”

PART III - THE SECONDARY PLAN AMENDMENT

- 1. THE SECONDARY PLAN AMENDMENT.....9
- 2. IMPLEMENTATION AND INTERPRETATION.....10
- SCHEDULES “B” and “C”

PART I - INTRODUCTION

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

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Official Plan Amendment **No. XXX** to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedules “B” and “C” attached thereto, constitutes Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3). This Secondary Plan Amendment may be identified by the symbol PD 3-1-18. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and the Thornhill Secondary Plan (PD 3-1), as amended, (the “Amendment”) applies to 0.9143 hectares (2.26 acres) of land located on the north east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard (the “Subject Lands”).

3.0 PURPOSE

The purpose of this Amendment is to amend the Thornhill Secondary Plan to:

- Remove the Subject Lands from “DEFERRAL NO. 1” and redesignate them from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL” to “HIGH DENSITY II HOUSING” as shown on Schedule “B”, and
- Incorporate site-specific height and density provisions to accommodate the proposed development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Subject Lands are designated as “URBAN RESIDENTIAL” in the Official Plan (Revised 1987), as amended. The “URBAN RESIDENTIAL” designation is predominantly used for housing and related purposes. The Subject Lands are also subject to the Thornhill Secondary Plan, which designates the Subject Lands “LOW DENSITY RESIDENTIAL”, “LOW DENSITY HOUSING SPECIAL”, and

“DEFERRAL NO. 1”. The “LOW DENSITY HOUSING” designation predominantly permits low density forms of housing. The “LOW DENSITY HOUSING SPECIAL” designation predominantly reflects the significant transportation upgrades in this area and is generally intended to permit expanded residential uses and limited office uses. In consideration of office uses or additional residential uses, Council shall ensure a number of conditions are met as stated in Section 5.5.2 of the Thornhill Secondary Plan. The Subject Lands are further subject to a special policy as described in Section 5.5.3, which requires a comprehensive study to provide a transitional buffer block between the existing apartment to the west and the adjacent low density mature neighbourhood. Accordingly, it is intended that the overall height and density of this block be lower than those fronting Yonge Street. The Subject Lands are located within “DEFERRAL NO. 1” in the Thornhill Secondary Plan, which was intended to allow for further discussions between the City, Region, and Centrepont Mall.

This Amendment will facilitate the redevelopment of the Subject Lands with a high density apartment development with two towers with maximum heights of 40 and 44 storeys, above a 6-storey podium and a maximum density of 8.3 FSI (“the Proposed Development”).

The Proposed Development is consistent with the policies of the Provincial Policy Statement 2020 (the “PPS”) in that it would promote the efficient uses of land, resources, and infrastructure by providing residential uses, while supporting active transportation and current and future transit improvements.

The Proposed Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it accommodates growth through intensification within a Major Transit Station Area (“MTSA”), and contributes to a range of housing types within the community. The Proposed Development also provides convenient access to transportation options and a new public park, and fosters a compact built form with an attractive and vibrant public realm.

The Proposed Development conforms to the York Region Official Plan, 2022 (the “YROP”). The Proposed Development is located in the delineated “Urban Area” and designated “Community Area” in the YROP, where most of the housing and population-related jobs required to accommodate the forecasted population will be located. The Subject Lands are also located within the Steeles Subway Station MTSA, and provide a scale of development and intensification that supports transit. As per the direction in the Growth Plan, MTSA’s are part of a regional strategy to align transit with growth and must be delineated by upper-tier municipalities and planned to achieve specified minimum density targets. The YROP also identifies all MTSA’s as “Protected” MTSA’s under the Planning Act to enable inclusionary zoning. The YROP identifies a minimum planned density target for the Steeles Subway Station PMTSA of 300 people and jobs per hectare.

The Subject Lands are designated ‘Residential Mid Rise’ in the 2014 Markham Official Plan and are within the Yonge Steeles Corridor key development area. However,

Section 9.18.8.3 of the 2014 Markham Official Plan states that until the approval of an updated secondary plan for the Yonge Steeles Corridor key development area lands, the provisions of the Official Plan (Revised 1987), as amended, and Secondary Plan PD 3-1, as amended shall apply to the Subject Lands.

The Proposed Development represents good planning as it makes efficient use of underutilized parcels of land identified provincially, regionally and locally for intensification. The Subject Lands are also located within close proximity to existing and future transit routes and higher order transit stations. The Subject Lands are therefore an appropriate location for the proposed high density development.

PART II - THE OFFICIAL PLAN AMENDMENT

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

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1. Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2. Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Thornhill Secondary Plan (PD-3-1), for the Thornhill Planning District (Planning District No. 3), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3. Section 9.2.25 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4. Schedule ‘G’ - SITE PLAN CONTROL, is amended by removing the Subject Lands from the “Area subject to special study to determine right-of-way widths and intersection improvements (Section 7.12.4.b)” as shown on Schedule “A” attached hereto.
- 1.5. No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule “AA” – LAND USE PLAN and the text of the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). These changes are outlined in Part III which comprises Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

PART III - THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

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

PART III – THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 18 to the Thornhill Secondary Plan PD 3-1)

The Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3) is hereby amended as follows:

- 1.1. Schedule ‘AA’ – LAND USE PLAN, is amended by removing the Subject Lands from “DEFERRAL NO. 1” and redesignating the Subject Lands from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL to “HIGH DENSITY II HOUSING” as shown on Schedule “B” attached hereto.
- 1.2. Section 5.8 “HIGH DENSITY II HOUSING” is amended by adding a new subsection (l) to Section 5.8.3 as follows, to be appropriately placed on the first page following Section 5.8.3 (k):

“5.8.3 (l)

The following additional provisions shall apply to the lands designated as “HIGH DENSITY II HOUSING”, located at the north-east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue and 37-49 Highland Park Boulevard, as shown on Figure 3-1-18:

- a. The maximum tower heights shall be 44 and 40 storeys;
- b. The maximum density shall be 8.75 FSI (gross, prior to any public land takings);
- c. A private underground parking structure shall also be permitted beneath a public park, as well as Privately-Owned Publicly Accessible Spaces (POPS); and
- d. The development plan will be required to protect and demonstrate that a future vehicular and pedestrian interconnection will be provided to the east. This road will be required to connect as a condition of Site Plan Approval.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regards to this Amendment, except as specifically provided for in this Amendment.

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

Attachment “2”



MARKHAM
BY-LAW 2024-_____

**A By-law to amend By-law 2237, as amended
 And By-law 177-96, as amended**

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

1. That By-law 2237, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 2237, 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 the lands shown on Schedule ‘A’ attached hereto.

 - 2.2. By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from:

Fourth Density Single Family Residential (R4) Zone under By-law 2237, as amended

to:

Residential Four *752 (R4 *752) Zone; and,
Open Space One *753 (OS1 *753) Zone under By-law 177-96, as amended

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

Exception *7.752	Zonix Homes Inc.	Parent Zone R4
File PLAN 19.114290	36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Amending By-law 2024-XX

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule ‘A’ to this By-law. All other provisions,

unless specifically modified/amended by this section, continue to apply to the lands subject to this section.	
7.752.1 Special Zone Standards	
The following zone standards shall apply:	
a)	<p>Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.</p> <p>Notwithstanding the above, any lands conveyed to the City of Toronto for road widening purposes shall not be deemed to form part of the lot.</p>
b)	For the purpose of this by-law, the provisions of table B6 shall not apply
c)	<p><i>Amenity Area</i> means indoor or outdoor space on a <i>lot</i> that is designed for and available for use by the occupants of a <i>building</i> on the <i>lot</i> for recreational or social activities.</p> <p><i>Bicycle Parking Space</i> means a space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey <i>building</i>, which is located above <i>average grade level</i>, and is measured from <i>average grade level</i> to the maximum <i>podium height</i> as prescribed. A <i>podium</i> may or may not have a <i>point tower</i> projecting above it.</p> <p><i>Point Tower</i> means portions of a <i>building</i> that projects above a <i>podium</i>.</p>
d)	For the purposes of this By-law, the <i>front lot line</i> shall be the <i>streetline</i> adjacent to Steeles Avenue East.
e)	Maximum <i>gross floor area</i> – 79,800 square metres
f)	<p>Minimum setback</p> <ul style="list-style-type: none"> i) Front yard – 2.0 metres ii) Westerly side yard – 3.0 metres iii) Easterly side yard – 8.0 iv) To the Highland Park streetline – 30 metres
g)	<p>Maximum <i>Building Height</i>:</p> <ul style="list-style-type: none"> i) Podium: The greater of 7 storeys or 230 metres above sea level, geodetic datum (CGS) ii) Point Tower: The lesser of 44 storeys or 350 metres above sea level, geodetic datum (CGS)
h)	Maximum <i>gross floor area</i> of each floor plate of a <i>point tower</i> – 850 square metres.
i)	Minimum separation between the exterior walls of a <i>point tower</i> – 25 metres, exclusive of balcony areas

j)	Maximum Number of <i>Dwelling Units</i> – 1,075
k)	Minimum number of required <i>Parking Spaces</i> i) 0.38 <i>parking spaces</i> per <i>apartment dwelling unit</i> ; plus ii) 0.1 <i>parking spaces</i> per <i>apartment dwelling unit</i> for visitor parking iii) 5% of the required parking spaces shall be provided as accessible parking space
l)	Total required <i>bicycle parking spaces</i> – 0.7 <i>bicycle parking spaces</i> per <i>dwelling unit</i>
m)	Minimum <i>amenity area</i> – 4.0 square metres per <i>dwelling unit</i>
n)	Notwithstanding any other provision within this by-law, <i>amenity area</i> can be provided on balconies
o)	Minimum setback to a <i>lot line</i> for a <i>parking garage</i> located completely below <i>grade</i> - 0.3 metres
p)	In the case of a <i>corner lot</i> with a daylighting triangle or a rounding, the <i>exterior side lot line</i> shall be deemed to extend to its hypothetical point of intersection with the extension of <i>the front lot line</i> for the purposes of calculating minimum and maximum setbacks from <i>streetlines</i> . Notwithstanding the above, in no case shall any <i>building</i> or <i>structure</i> extend into the <i>public street</i> right of way.

Exception *7.753	Zonix Homes Inc. 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Parent Zone 177-96
File PLAN 19.114290		Amending By-law 2024-XX
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.753.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Parking garage</i>	
7.753.2 Special Zone Standards		
The following zone standards shall apply:		
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.	
b)	<i>Parking garages</i> are only permitted below <i>established grade</i>	
c)	Notwithstanding b) above, ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting 1.8 metres above <i>established</i>	

grade, and other similar facilities associated with *parking garages* are permitted above *established grade*.

Read and first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2024-_____

A By-law to amend By-laws 2237 and 177-96, as amended

Zonix Homes Inc.

36-48 Steeles Avenue and 37-49 Highland Park Boulevard.

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.9143 ha (2.26 ac), located at the north-east corner of Steeles Avenue and Dudley Avenue, east of the intersection of Steeles Avenue and Yonge Street.

Existing Zoning

The subject lands are currently zoned Fourth Density Single Family Residential (R4) Zone by By-law 2337, as amended.

Purpose of the By-law

The purpose of this By-law amendment is to remove the lands from By-law 2237, as amended, and to incorporate them into By-law 177-96, as amended, and re-zone the lands, as follows:

From: **Fourth Density Single Family Residential (R4) Zone** under By-law 2237, as amended

To: **Residential Four *752 (R4 *752) Zone** and **Open Space One *753 (OS1 *753) Zone** under By-law 177-96, as amended, with site-specific development standards to implement a residential apartment building.

Effect of the By-law

The effect of this By-law amendment is to permit the majority of the property to be developed with a high-density residential development. A portion of the Subject Land is to be conveyed to the City of Markham as a stratified public park (with private underground parking).

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 17, 2023

CASE NO(S): OLT-22-003176

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant	Zonix Group Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number:	19 114290
Property Address:	36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT:	Markham/York
OLT Case No:	OLT-22-003176
OLT Lead Case No.:	OLT-22-003176
OLT Case Name:	Zonix Group Inc. v. Markham (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant:	Zonix Group Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number:	19 114290
Property Address:	36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT:	Markham/York
OLT Case No.:	OLT-22-003178
OLT Lead Case No.:	OLT-22-003176

Heard: September 27, 2023 by Video Hearing

APPEARANCES:**Parties****Counsel**

Zonix Group Inc.

David Bronskill
Rodney Gill (*in absentia*)

City of Markham

Maggie Cheung-Madar

City of Toronto

Adam Ward
Ray Kallio (*in absentia*)**MEMORANDUM OF ORAL DECISION DELIVERED BY A. MASON AND DAVID BROWN ON SEPTEMBER 27, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

[Link to Order](#)**INTRODUCTION AND BACKGROUND**

[1] This matter involves a Settlement Hearing related to appeals brought under s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. c. P13, as amended (the “Act”), by Zonix Group Inc. (“Applicant/Appellant”) from the failure of the City of Markham (“City”) to make a decision on an Application to Amend the Official Plan and on an Application to Amend the Zoning By-law (together, “Applications”) within the timeframes prescribed by the Act.

[2] The lands that are the subject of the Applications are known municipally as 36, 38, 40, 42, 44, 46 and 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 and 49 Highland Park Avenue (together, “Subject Property”). The Subject Property is located on the north side of Steeles Avenue East, east of Yonge Street. More specifically, the Subject Lands are bounded by Dudley Avenue on the west, Highland Park Boulevard on the north side, Steeles Avenue East along the southerly side, and by low-density residential properties to the east. The Subject Property is comprised of 14 properties

currently each being occupied by a detached residential dwelling. The Subject Property has an area of 0.92 hectares.

[3] The area directly surrounding the Subject Property to the north and east is characterized low-density detached residential dwellings. To the west, across Dudley Avenue, is a 10-storey apartment building fronting on Steeles Avenue East and low-density detached dwellings fronting on Highland Park Boulevard. The City of Toronto (“Toronto”) is located on the south side of Steeles Avenue East, and the development along the south side of Steeles Avenue East is characterized by low-density residential dwellings.

[4] The Applicant/Appellant filed the Applications with the City on March 5, 2019. The City deemed the Applications complete on March 27, 2019. The Applications were circulated to commenting agencies and, after receiving comments, the Applicant/Appellant resubmitted a revised proposal in May 2021 in response to the comments received. The City held a statutory public meeting on February 15, 2022.

[5] The Applicant/Appellant filed the appeals (“Appeals”) on March 30, 2022.

[6] Prior to the Hearing, the Tribunal was advised that the Parties had negotiated a Settlement and they requested that the Tribunal conduct these proceedings as a Settlement Hearing pursuant to Rule 12 of the Tribunal’s *Rules of Practice and Procedure*.

[7] Counsel for the City confirmed that the Parties have reached a Settlement, and City Council at its meeting held on July 28, 2023 authorized the execution of the confidential Minutes of Settlement in accordance with the Settlement Plans submitted to the Tribunal and marked as Exhibit 2.

[8] The Tribunal convened the proceedings as a Settlement Hearing.

SETTLEMENT PROPOSAL

[9] The Settlement Proposal proposes a 44-storey tower and a 40-storey tower on a six-storey podium with a total gross floor area of 74,467 square metres (“m²”) and a Floor Space Index (“FSI”) of 8.2. The development proposes 1,060 residential units, 510 vehicle parking spaces provided at a parking ratio of 0.48 parking spaces per unit based on 0.38 resident parking spaces per unit and 0.1 visitor parking spaces per unit. A total of 740 bicycle parking spaces are proposed. Driveway access will be provided from both Dudley Avenue and Highland Park Boulevard.

[10] The Settlement Proposal also proposes that a park, having an area of 1,829 m², is to be dedicated to the City, through a stratified conveyance, along the southerly side of Highland Park Boulevard. A privately owned public space (“POPS”) is also proposed along the easterly property edge, comprising an area of 450 m². The Settlement Proposal includes a combined indoor and outdoor amenity area ratio of 4.0 m² per unit.

LEGISLATIVE FRAMEWORK

[11] When considering appeals filed pursuant to s. 22(7) and s. 34(11) of the Act, the Tribunal must have regard to the matters of Provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 (“PPS”) and, in this case, conform to A Place to Grow; Growth Plan for the Greater Golden Horseshoe, 2020, as amended (“Growth Plan”). The Tribunal must also be satisfied that the Applications conform with the Region of York (“Region”) Official Plan 2022 (“ROP 2022”) and the City Official Plan.

[12] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Applications represent good planning and are in the public interest.

SUBMISSIONS AND EVIDENCE

[13] The Tribunal qualified Nick Pileggi, a Registered Professional Planner in the Province of Ontario, to provide opinion evidence in the field of land use planning. Mr. Pileggi's Witness Statement was filed with the Tribunal in support of the Settlement Proposal and marked as Exhibit 1.

[14] Mr. Pileggi proffered that the area context surrounding the Subject Lands is evolving. The City of Vaughan ("Vaughan"), located on the west side of Yonge Street, recently approved the Yonge Steeles Corridor Secondary Plan ("YSCSP") permitting mixed use, high-density, transit-oriented development. Toronto approved the Yonge North Secondary Plan ("YNSP"), providing for mixed-use, high-density, transit-oriented development for the lands south of Steeles Avenue along the Yonge Street corridor, in anticipation of the Yonge North Subway Extension and the proposed subway station to be constructed at Steeles Avenue. In addition, Steeles Avenue is planned as a future higher-order transit corridor with a transitway.

[15] The City Council endorsed the Yonge Corridor Land Use and Built Form Study ("YCLUBF Study") in June of 2022 and Mr. Pileggi advised that the Subject Lands are included in the YCLUBF Study area.

[16] Mr. Pileggi reviewed the densities and building heights contemplated in the Vaughan YSCSP, the Toronto YNSP, and the City YCLUBF Study surrounding the Yonge Street and Steeles Avenue intersection. He advised that, in Vaughan, heights of up to 67 storeys are proposed at the intersection, stepping down as you proceed west away from Yonge Street along Steeles Avenue West. The heights contemplated in Toronto are up to 45 storeys along the Yonge Street corridor, and Mr. Pileggi advised that the YCLUBF Study is planning for heights of 66 storeys at Yonge Street and Steeles Avenue, stepping down as you proceed east along Steeles Avenue East.

[17] Mr. Pileggi reviewed the Settlement Plans and proffered that the two towers— the

westerly tower at 44 storeys and the easterly tower at 40 storeys – represent a decreasing height and density along Steeles Avenue East from the heights proposed at Yonge Street. The Settlement Plans propose a parkland conveyance that represents 20 percent of the gross site area and a POPS that is an additional 4.9 percent of the site area. No residential units are proposed at grade and the areas not utilized to service the building on the ground floor are proposed as amenity space with windows along the street frontages.

[18] In consideration of the PPS, Mr. Pileggi reviewed the relevant policies and opined that the Settlement Proposal is consistent with the PPS. Mr. Pileggi reviewed the applicable policies of the Growth Plan and opined that the Settlement Proposal conforms with the Growth Plan.

[19] The ROP 2022 locates the Subject Lands in the Urban Area and designates the Subject Lands as Community Area on the Land Use Map. This designation provides for a range of uses and is to be the focus of growth. Mr. Pileggi proffered that the ROP 2022 emphasizes transit supportive development and prioritizes active transportation. The Subject Lands are located within a Major Transit Station Area (“MTSA”) which is centered around the future Steeles Subway Station planned along the Yonge Street corridor. Mr. Pileggi opined the intensification contemplated by the Settlement Proposal conforms with the ROP 2022.

[20] Turning to the City Official Plan, 2014 (“2014 OP”), Mr. Pileggi explained that the 2014 OP was approved by Regional Council on June 12, 2014, and was appealed to the Ontario Municipal Board. The majority of appeals have been resolved; however, there remain appeals to certain land use designations and policies and for certain areas in the City that require further planning in the form of a secondary plan. Where no secondary plan is in effect, s. 9 of the 2014 OP refers back to the designations and policies of the former City Official Plan implemented in 1987 (“1987 OP”), which remains in force. The Subject Lands which are included in the area identified for the future

YSCSP, and therefore the 1987 OP applies and further identifies the Subject Lands as being located within the Thornhill Secondary Plan (“TSP”).

[21] Mr. Pileggi proffered that the 1987 OP and the TSP predate the PPS and the Growth Plan and have not been updated to bring them into conformity with the PPS, the Growth Plan, the ROP 2022 nor the 2014 OP. Mr. Pileggi opined that it is unreasonable to apply the policies of the 1987 OP and the TSP to the Settlement Proposal. The YCLUBF Study work completed by the City to date provides the most relevant and current vision of City Council for the planning and policy context for the area and Mr. Pileggi proffered that the Settlement Proposal should be evaluated using the YCLUBF Study context, which contemplates that the Subject Lands will be developed with a residential high-density built form.

[22] Mr. Pileggi reviewed the Settlement Proposal in the context of the 2014 OP Residential High-Rise Designation land use policies as he opined that they are most appropriate and relevant. In consideration of the policies within the 2014 OP, Mr. Pileggi proffered:

- the location of the proposed building along the Steeles Avenue East frontage is appropriate for a consistent massing and continuity of built form planned along Steeles Avenue;
- the Settlement Proposal will create residential intensification adjacent to existing and planned transit as the Subject Property is within a short walking distance to the future Steeles Subway Station at Yonge Street and the ROP designates Steeles Avenue East as a rapid transit corridor;
- the proposed buildings are oriented away from the low-rise residential uses on the north side of Highland Park Boulevard and the proposed park along Highland Park Boulevard and POPS along the easterly boundary

provides an appropriate buffer to the existing residential uses;

- the absence of residential units at grade ensures no privacy impacts for the future residents along the street frontage of the Subject Lands;
- the six-storey podium, the reduced tower floor plates at a maximum of 800 m², together with the tower separation of 25m and the tower orientation, will reduce shadow impacts and ensure that shadows move quickly across the neighbouring low-rise residential neighbourhood to the north; and
- while the upper floors of the proposed towers exceed the 45-degree angular plane recommended in the YCLUBF Study, the built form appropriately reflects the depth of the Subject Property, and the proposed intensification is appropriate to support the Major Transit Station Area designation and along the Major Transit Corridor identified in the ROP.

[23] Mr. Pileggi opined that the Settlement Proposal conforms to the intent and the objectives of the 2014 OP. He further opined that a Secondary Plan is not required for the Settlement Proposal to proceed and that the proposed Official Plan Amendment is appropriate for the Subject Property. Matters related to public realm, urban design, and built form will be more thoroughly addressed through the Site Plan Approval process.

[24] The Tribunal received three Participant Statements and Mr. Pileggi summarized the concerns as relating to urban design, which includes shadow and sunlight impact, compatibility of built form, and concerns related to traffic.

[25] Mr. Pileggi proffered that the Settlement Proposal addresses the Participants concerns through the following:

- The original two-building proposal has been revised to a single-building, two-tower proposal with the building footprint shifted away from Highland Park Drive

and located against Steeles Avenue East.

- A public park is proposed along the Highland Park Boulevard frontage. The location of the proposed park, combined with the width of the interior drive aisle for vehicle access to the buildings, provides a separation distance of over 50 m between the proposed building face to the nearest residential property on the north side of Highland Park Boulevard.
- The reduced podium height of six storeys and the tower floor plate reduction and tower separation combined with the opposing building orientations will mitigate shadow impacts on the neighbouring low-density residential properties.
- Traffic concerns are mitigated by the low parking ratio proposed, which is intended to discourage vehicle dependency and increase reliance on transit and other modes of transportation including active transportation.
- A Transportation Report was prepared in support of the proposed development and lower parking standard.

[26] Counsel for the City confirmed that the City supports the Settlement Proposal and has no objection to the draft conditions submitted by the Applicant/Appellants Counsel for consideration by the Tribunal.

ANALYSIS AND FINDINGS

[27] The Tribunal accepts the uncontroverted *viva voce* evidence and Witness Statement of Mr. Pileggi and finds that the intensification proposed by the Settlement Proposal represents an appropriate optimization of the Subject Lands and public infrastructure, in particular, the existing and planned public transit infrastructure.

[28] The Settlement Proposal proposes a density that is appropriate for the Subject

Property, being well located along the future Steeles Avenue Bus Rapid Transit Way and within a short walking distance of the future Steeles Avenue Subway Station along the Yonge Street corridor. The Settlement Proposal provides additional residential units in an area that is currently well serviced by public transit, and will support future transit infrastructure investments.

[29] The re-orientation of the proposed development as described in the Settlement Plans away from the Highland Park Boulevard frontage, and the creation of a new public park along the north boundary of the Subject Property and the POPS along the east boundary will reduce the impacts with respect to adjacency, shadows, and transition to the surrounding low-rise residential uses.

[30] The Tribunal has considered the matters of Provincial interest as set out in s. 2 of the Act and is satisfied that the approval of the OPA and the ZBA will have regard for such matters, including being an appropriate location for growth, promoting a design that supports public transit, that the Settlement Plans represent a well-designed built form and mitigates greenhouse gas emissions with the reduction of reliance on the automobile.

[31] The Tribunal finds that the Settlement Proposal is consistent with the PPS as it proposes an efficient development and land use pattern that provides an appropriate range and mix of housing types that will meet the needs of current and future residents. The Settlement Proposal represents an integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development pattern that optimizes transit investments and incorporates standards to minimize land consumption and servicing costs.

[32] In consideration of the Growth Plan, the Tribunal finds that the Settlement Proposal supports the achievement of complete communities that are designed to

support healthy and active living by providing compact built form and a mix and range of housing. The Subject Property is located within the “delineated built boundary” and appropriate for intensification that optimizes the use of existing urban land supply.

[33] The Tribunal finds that the Settlement Proposal conforms to the ROP 2022 as it proposes development that will contribute to the creation of complete communities, represents intensification in a compact development pattern, is transit-supportive, and will minimize land consumption and service costs in order to meet density targets set out by the ROP 2022. The ROP 2022 requires that communities be designed to prioritize active transportation, transit-supportive development, and intensification in appropriate locations, and the Tribunal is satisfied that the Settlement Proposal achieves these objectives.

[34] The Tribunal accepts the opinions proffered by Mr. Pileggi in respect to the 2014 OP and the 1987 OP as it relates to their applicability of current Official Plan policies pertaining to the Subject Lands. The 2014 OP identifies the Subject Lands as being located within the future Yonge Street Corridor Secondary Plan area and that, until the approval of that Secondary Plan, the provisions of the 1987 OP and the TSP will continue to apply. The Tribunal acknowledges that the planning policy framework context has changed significantly since the approval of the 1987 OP and the TSP and that these documents predate the PPS and the Growth Plan and do not contemplate the extension of the Subway service along Yonge Street through the City.

[35] Mr. Pileggi’s evidence refers the Tribunal to the YCLUBF Study for an indication of the current City Council direction in respect to the form of development contemplated for the subject and surrounding lands. The corridor along Steeles Avenue East is expected to be characterized by high-density residential developments. Applying the high-rise residential policies of the 2014 OP is appropriate and the Tribunal finds that the Settlement Proposal conforms to the intent and objectives of these policies.

[36] The Tribunal finds that the Settlement Proposal will contribute to good urban design, economic vitality, attractive streetscape, health of the community, and provide vibrant public space as required by the 2014 OP. Further, the Settlement Proposal represents a compatible built form with high-quality urban design and sustainable development that is compact and walkable to higher-order transit and services.

[37] Notwithstanding the maximum height and density permitted in the 2014 OP, the Tribunal finds that the proposed heights of 40 and 44 storeys and the proposed FSI of 8.0, as described in the Settlement Proposal, is contemplated by the YCLUBF Study, and are consistent with the heights and densities planned in Vaughan and Toronto surrounding the intersection of Yonge Street and Steeles Avenue. The Tribunal also notes that the Subject Lands are located in an MTSA as designated in the ROP 2022. The Growth Plan directs the greatest intensification towards MTSA's in order to, among other matters, maximize transit infrastructure investment.

[38] The Tribunal is satisfied that the concerns raised by the Participants are addressed through the Settlement Proposal with the increased separation provided to the low-density residential uses across the proposed public park on the Subject Property, the revised building design addressing massing with the reduced tower floor plate size, tower separation, tower orientation and the six-storey podium creating an appropriate transition and mitigating shadow impacts. Traffic impacts in the low-density residential neighbourhood will be addressed by the proposed parking ratio that will encourage the reduction of vehicle use and increase reliance on public transit and active transportation modes.

[39] In consideration of the above, the Tribunal finds that the Settlement Proposal represents good planning and is in the public interest.

[40] The Tribunal allows the Appeals and approves the OPA and ZBA in principle subject to Conditions and subject to the City providing the final form of the OPA and

ZBA instruments for approval by the Tribunal.

ORDER

[41] **THE TRIBUNAL ORDERS THAT** the appeals be allowed, in part, on an interim basis, and that the proposed Official Plan Amendment and Zoning By-Law Amendment to reflect the Settlement Proposal as described in the Settlement Plans included in Exhibit 2, which, for greater clarity, are the Architectural Plans prepared by Arcadis Architects (Canada) Inc. under Project No. 140764 having a revision date of September 14, 2023, are hereby approved in principle.

[42] **AND THE TRIBUNAL ORDERS THAT** the Tribunal will withhold issuance of its Final Order contingent upon confirmation of the following pre-requisite matters:

- a. That the Tribunal has received, and approved, the Official Plan Amendment and Zoning By-law Amendment in a final form, confirmed satisfactory by the City Solicitor of the City of Markham and the City of Toronto;
- b. That the Tribunal shall be in receipt of confirmation from the City of Markham Solicitor that the Applicant/Appellant has submitted any updated studies and/or reports in respect of the revised plans and that the Applicant/Appellant has entered into any agreements required to secure any required upgrades or improvements to the existing Municipality infrastructure, should they be required, all to the satisfaction of City of Markham;
- c. That the Tribunal shall be in receipt of confirmation from the City Solicitor for the City of Toronto that:
 - i. The Applicant/Appellant has submitted updated reports, to the satisfaction of the Chief Engineer and Executive Director, City of

Toronto, to address the matters in the February 14, 2022 memorandum from Engineering and Construction Services, City of Toronto (**Exhibit 6**); and,

- ii. Where updated servicing reports identify required upgrades to City of Toronto services the Owner shall enter into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City of Toronto and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, City of Toronto.

[43] If the Parties do not submit the final draft of the Official Plan Amendment and final draft of the Zoning By-law Amendment, and provide confirmation that the contingent pre-requisites to the issuance of the Final Order set out in paragraph 42 above have been satisfied, and do not request the issuance of the Final Order, by **Tuesday, April 30, 2024**, the Applicant/Appellant and the City of Markham shall provide a written Status Report to the Tribunal by that date as to the timing of the expected confirmation and submission of the final form of the draft Official Plan Amendment and Zoning By-law Amendment and request for issuance of the Final Order by the Tribunal. In the event that the Tribunal fails to receive the required Status Report, and/or in the event that the contingent pre-requisites are not satisfied by the date indicated above or by such other deadline as the Tribunal may impose, the Tribunal may then dismiss the appeal.

[44] The Panel will remain seized for the purposes of reviewing and approving the final draft of the Official Plan Amendment and the Zoning By-law Amendment and the issuance of the Final Order.

[45] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for the submission of the final form of the instrument and the satisfaction of the contingent pre-

requisites to the issuance of the Final Order.

“A. Mason”

A. MASON
MEMBER

“David Brown”

DAVID BROWN
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal. Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



BY-LAW 2024-85

A By-law to amend By-law 2237, as amended And By-law 177-96, as amended

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

1. That By-law 2237, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 2237, 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 the lands shown on Schedule 'A' attached hereto.

 - 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto as follows:

from:

Fourth Density Single Family Residential (R4) Zone under By-law 2237, as amended

to:

Residential Four *752 (R4 *752) Zone; and,
Open Space One *753 (OS1 *753) Zone under By-law 177-96, as amended

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

Exception *7.752	Zonix Homes Inc. 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Parent Zone R4
File PLAN 19.114290		Amending By-law 2024-85
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.752.1 Special Zone Standards		
The following zone standards shall apply:		
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law. Notwithstanding the above, any lands conveyed to the City of Toronto for road widening purposes shall not be deemed to form part of the lot.	
b)	For the purpose of this by-law, the provisions of table B6 shall not apply	
c)	<i>Amenity Area</i> means indoor or outdoor space on a <i>lot</i> that is designed for and available for use by the occupants of a <i>building</i> on the <i>lot</i> for recreational or social activities.	

	<p><i>Bicycle Parking Space</i> means a space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey <i>building</i>, which is located above <i>average grade level</i>, and is measured from <i>average grade level</i> to the maximum <i>podium height</i> as prescribed. A <i>podium</i> may or may not have a <i>point tower</i> projecting above it.</p> <p><i>Point Tower</i> means portions of a <i>building</i> that projects above a <i>podium</i>.</p>
d)	For the purposes of this By-law, the <i>front lot line</i> shall be the <i>streetline</i> adjacent to Steeles Avenue East.
e)	Maximum <i>gross floor area</i> – 79,800 square metres
f)	Minimum setback <ul style="list-style-type: none"> i) Front yard – 2.0 metres ii) Westerly side yard – 3.0 metres iii) Easterly side yard – 8.0 iv) To the Highland Park streetline – 30 metres
g)	Maximum <i>Building Height</i> : <ul style="list-style-type: none"> i) Podium: The greater of 7 storeys or 230 metres above sea level, geodetic datum (CGS) ii) Point Tower: The lesser of 44 storeys or 350 metres above sea level, geodetic datum (CGS)
h)	Maximum <i>gross floor area</i> of each floor plate of a <i>point tower</i> – 850 square metres.
i)	Minimum separation between the exterior walls of a <i>point tower</i> – 25 metres, exclusive of balcony areas
j)	Maximum Number of <i>Dwelling Units</i> – 1,075
k)	Minimum number of required <i>Parking Spaces</i> <ul style="list-style-type: none"> i) 0.38 <i>parking spaces</i> per <i>apartment dwelling unit</i>; plus ii) 0.1 <i>parking spaces</i> per <i>apartment dwelling unit</i> for visitor parking iii) 5% of the required parking spaces shall be provided as accessible parking space
l)	Total required <i>bicycle parking spaces</i> – 0.7 <i>bicycle parking spaces</i> per <i>dwelling unit</i>
m)	Minimum <i>amenity area</i> – 4.0 square metres per <i>dwelling unit</i>
n)	Notwithstanding any other provision within this by-law, <i>amenity area</i> can be provided on balconies
o)	Minimum setback to a <i>lot line</i> for a <i>parking garage</i> located completely below <i>grade</i> - 0.3 metres
p)	In the case of a <i>corner lot</i> with a daylighting triangle or a rounding, the <i>exterior side lot line</i> shall be deemed to extend to its hypothetical point of intersection with the extension of <i>the front lot line</i> for the purposes of calculating minimum and maximum setbacks from <i>streetlines</i> . Notwithstanding the above, in no case shall any <i>building</i> or <i>structure</i> extend into the <i>public street right of way</i> .

Exception	Zonix Homes Inc.	Parent Zone
*7.753	36-48 Steeles Avenue East and 37-49 Highland Park Boulevard	177-96
File PLAN 19.114290	High Rise Residential Block	Amending By-law 2024-85
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions,		

unless specifically modified/amended by this section, continue to apply to the lands subject to this section.	
7.753.1 Additional Permitted Uses	
The following additional uses are permitted:	
a)	<i>Parking garage</i>
7.753.2 Special Zone Standards	
The following zone standards shall apply:	
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.
b)	<i>Parking garages</i> are only permitted below <i>established grade</i>
c)	Notwithstanding b) above, ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting 1.8 metres above <i>established grade</i> , and other similar facilities associated with <i>parking garages</i> are permitted above <i>established grade</i> .

Read and first, second and third time and passed on May 15, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2024-85

A By-law to amend By-laws 2237 and 177-96, as amended

Zonix Homes Inc.

36-48 Steeles Avenue and 37-49 Highland Park Boulevard.

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.9143 ha (2.26 ac), located at the north-east corner of Steeles Avenue and Dudley Avenue, east of the intersection of Steeles Avenue and Yonge Street.

Existing Zoning

The subject lands are currently zoned Fourth Density Single Family Residential (R4) Zone by By-law 2337, as amended.

Purpose of the By-law

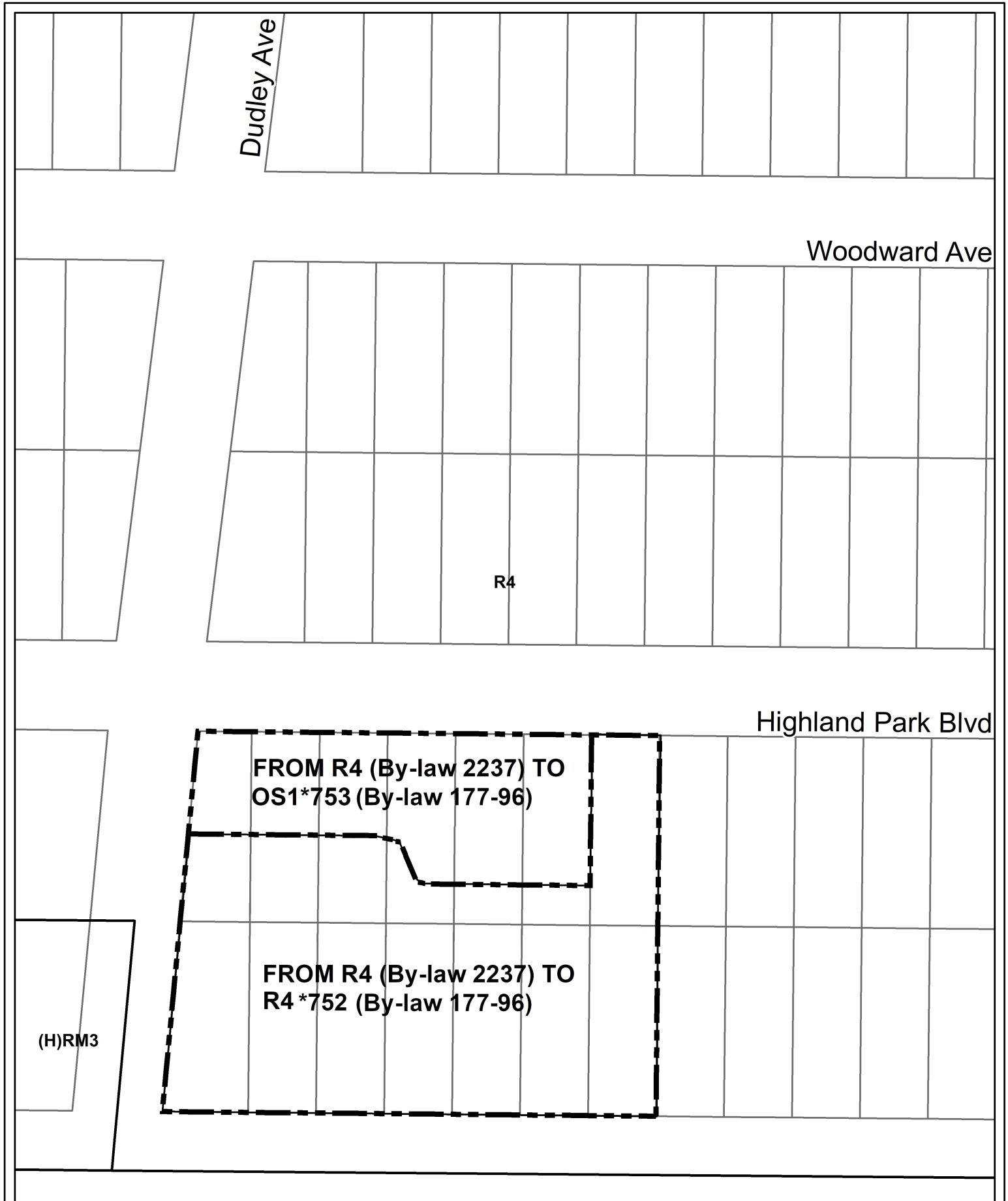
The purpose of this By-law amendment is to remove the lands from By-law 2237, as amended, and to incorporate them into By-law 177-96, as amended, and re-zone the lands, as follows:

From: **Fourth Density Single Family Residential (R4) Zone** under By-law 2237, as amended

To: **Residential Four *752 (R4 *752) Zone** and **Open Space One *753 (OS1 *753) Zone** under By-law 177-96, as amended, with site-specific development standards to implement a residential apartment building.

Effect of the By-law

The effect of this By-law amendment is to permit the majority of the property to be developed with a high-density residential development. A portion of the Subject Land is to be conveyed to the City of Markham as a stratified public park (with private underground parking).



SCHEDULE 'A' TO BY-LAW AMENDING BY-LAW 2237 AND 177-96

- SUBJECT AREA
- RESIDENTIAL (R4)
- EXCEPTION NUMBER
- OPEN SPACE



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.

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN22_258667\PLAN22_258667\Schedule A.mxd

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

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 7, 2024

CASE NO.: OLT-22-003176

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number: 19 114290
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT: Markham/York
OLT Case No: OLT-22-003176
OLT Lead Case No: OLT-22-003176
OLT Case Name: Zonix Group Inc. v. Markham (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Zonix Group Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number: 19 114290
Property Address: 36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT: Markham/York
OLT Case No: OLT-22-003178
OLT Lead Case No: OLT-22-003176

BEFORE:

A. MASON)	
MEMBER)	Tuesday, the 7 th day of
)	
DAVID BROWN)	May, 2024
MEMBER)	

THIS MATTER having come on for a public hearing and the Tribunal, in its Decision and Interim Order issued on October 17, 2023 (the “Decision and Interim Order”), having withheld its Final Order contingent upon confirmation of the pre-requisite matters as stipulated in Paragraph 42 of the Decision and Interim Order;

THE TRIBUNAL ORDERS that the appeal with respect to the Official Plan Amendment is allowed in part and the Official Plan for the City of Markham is modified as set out in Attachment “1” to this Order;

AND THE TRIBUNAL ORDERS that the appeal with respect to the Zoning By-law Amendment is allowed in part, and By-law 2237, as amended, and By-law 177-96, as amended, are hereby amended in the manner set out in Attachment “2” to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purpose.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment "1"

**OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA**

AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended,
to incorporate Amendment **No. 18** to the Thornhill Secondary Plan (PD 3-1), as amended,
for the Thornhill Planning District (Planning District No. 3).

([Zonix Group Inc.] 36-48 Steeles Avenue East & 37-49 Highland Park Boulevard)

(April 2024)

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3)

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2024 - ___ in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the XX day of Month, 2024.

Martha Pettit
Deputy Clerk

Frank Scarpitti
MAYOR

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PART I - INTRODUCTION

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

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedule “A” attached thereto, constitutes Official Plan Amendment **No. XXX** to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedules “B” and “C” attached thereto, constitutes Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1), for the Thornhill Planning District (Planning District No. 3). This Secondary Plan Amendment may be identified by the symbol PD 3-1-18. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan (Revised 1987), as amended, and the Thornhill Secondary Plan (PD 3-1), as amended, (the “Amendment”) applies to 0.9143 hectares (2.26 acres) of land located on the north east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard (the “Subject Lands”).

3.0 PURPOSE

The purpose of this Amendment is to amend the Thornhill Secondary Plan to:

- Remove the Subject Lands from “DEFERRAL NO. 1” and redesignate them from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL” to “HIGH DENSITY II HOUSING” as shown on Schedule “B”, and
- Incorporate site-specific height and density provisions to accommodate the proposed development.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Subject Lands are designated as “URBAN RESIDENTIAL” in the Official Plan (Revised 1987), as amended. The “URBAN RESIDENTIAL” designation is predominantly used for housing and related purposes. The Subject Lands are also subject to the Thornhill Secondary Plan, which designates the Subject Lands “LOW DENSITY RESIDENTIAL”, “LOW DENSITY HOUSING SPECIAL”, and

“DEFERRAL NO. 1”. The “LOW DENSITY HOUSING” designation predominantly permits low density forms of housing. The “LOW DENSITY HOUSING SPECIAL” designation predominantly reflects the significant transportation upgrades in this area and is generally intended to permit expanded residential uses and limited office uses. In consideration of office uses or additional residential uses, Council shall ensure a number of conditions are met as stated in Section 5.5.2 of the Thornhill Secondary Plan. The Subject Lands are further subject to a special policy as described in Section 5.5.3, which requires a comprehensive study to provide a transitional buffer block between the existing apartment to the west and the adjacent low density mature neighbourhood. Accordingly, it is intended that the overall height and density of this block be lower than those fronting Yonge Street. The Subject Lands are located within “DEFERRAL NO. 1” in the Thornhill Secondary Plan, which was intended to allow for further discussions between the City, Region, and Centrepoin Mall.

This Amendment will facilitate the redevelopment of the Subject Lands with a high density apartment development with two towers with maximum heights of 40 and 44 storeys, above a 6-storey podium and a maximum density of 8.3 FSI (“the Proposed Development”).

The Proposed Development is consistent with the policies of the Provincial Policy Statement 2020 (the “PPS”) in that it would promote the efficient uses of land, resources, and infrastructure by providing residential uses, while supporting active transportation and current and future transit improvements.

The Proposed Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) as it accommodates growth through intensification within a Major Transit Station Area (“MTSA”), and contributes to a range of housing types within the community. The Proposed Development also provides convenient access to transportation options and a new public park, and fosters a compact built form with an attractive and vibrant public realm.

The Proposed Development conforms to the York Region Official Plan, 2022 (the “YROP”). The Proposed Development is located in the delineated “Urban Area” and designated “Community Area” in the YROP, where most of the housing and population-related jobs required to accommodate the forecasted population will be located. The Subject Lands are also located within the Steeles Subway Station MTSA, and provide a scale of development and intensification that supports transit. As per the direction in the Growth Plan, MTSA’s are part of a regional strategy to align transit with growth and must be delineated by upper-tier municipalities and planned to achieve specified minimum density targets. The YROP also identifies all MTSA’s as “Protected” MTSA’s under the Planning Act to enable inclusionary zoning. The YROP identifies a minimum planned density target for the Steeles Subway Station PMTSA of 300 people and jobs per hectare.

The Subject Lands are designated ‘Residential Mid Rise’ in the 2014 Markham Official Plan and are within the Yonge Steeles Corridor key development area. However,

Section 9.18.8.3 of the 2014 Markham Official Plan states that until the approval of an updated secondary plan for the Yonge Steeles Corridor key development area lands, the provisions of the Official Plan (Revised 1987), as amended, and Secondary Plan PD 3-1, as amended shall apply to the Subject Lands.

The Proposed Development represents good planning as it makes efficient use of underutilized parcels of land identified provincially, regionally and locally for intensification. The Subject Lands are also located within close proximity to existing and future transit routes and higher order transit stations. The Subject Lands are therefore an appropriate location for the proposed high density development.

PART II - THE OFFICIAL PLAN AMENDMENT

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

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1. Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2. Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Thornhill Secondary Plan (PD-3-1), for the Thornhill Planning District (Planning District No. 3), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3. Section 9.2.25 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4. Schedule ‘G’ - SITE PLAN CONTROL, is amended by removing the Subject Lands from the “Area subject to special study to determine right-of-way widths and intersection improvements (Section 7.12.4.b)” as shown on Schedule “A” attached hereto.
- 1.5. No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule “AA” – LAND USE PLAN and the text of the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). These changes are outlined in Part III which comprises Amendment No. 18 to the Thornhill Secondary Plan (PD 3-1).

2.0 IMPLEMENTATION AND INTERPRETATION

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

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

PART III - THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

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

PART III – THE SECONDARY PLAN AMENDMENT (PD 3-1-18)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 18 to the Thornhill Secondary Plan PD 3-1)

The Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3) is hereby amended as follows:

- 1.1. Schedule ‘AA’ – LAND USE PLAN, is amended by removing the Subject Lands from “DEFERRAL NO. 1” and redesignating the Subject Lands from “LOW DENSITY HOUSING” and “LOW DENSITY HOUSING SPECIAL to “HIGH DENSITY II HOUSING” as shown on Schedule “B” attached hereto.
- 1.2. Section 5.8 “HIGH DENSITY II HOUSING” is amended by adding a new subsection (l) to Section 5.8.3 as follows, to be appropriately placed on the first page following Section 5.8.3 (k):

“5.8.3 (l)

The following additional provisions shall apply to the lands designated as “HIGH DENSITY II HOUSING”, located at the north-east corner of Steeles Avenue East and Dudley Avenue, municipally known as 36-48 Steeles Avenue and 37-49 Highland Park Boulevard, as shown on Figure 3-1-18:

- a. The maximum tower heights shall be 44 and 40 storeys;
- b. The maximum density shall be 8.75 FSI (gross, prior to any public land takings);
- c. A private underground parking structure shall also be permitted beneath a public park, as well as Privately-Owned Publicly Accessible Spaces (POPS); and
- d. The development plan will be required to protect and demonstrate that a future vehicular and pedestrian interconnection will be provided to the east. This road will be required to connect as a condition of Site Plan Approval.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regards to this Amendment, except as specifically provided for in this Amendment.

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

Attachment “2”



MARKHAM
BY-LAW 2024-_____

**A By-law to amend By-law 2237, as amended
 And By-law 177-96, as amended**

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

1. That By-law 2237, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 2237, 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 the lands shown on Schedule ‘A’ attached hereto.

 - 2.2. By rezoning the lands outlined on Schedule ‘A’ attached hereto as follows:

from:

Fourth Density Single Family Residential (R4) Zone under By-law 2237, as amended

to:

Residential Four *752 (R4 *752) Zone; and,
Open Space One *753 (OS1 *753) Zone under By-law 177-96, as amended

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

Exception *7.752	Zonix Homes Inc.	Parent Zone R4
File PLAN 19.114290	36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Amending By-law 2024-XX

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule ‘A’ to this By-law. All other provisions,

unless specifically modified/amended by this section, continue to apply to the lands subject to this section.	
7.752.1 Special Zone Standards	
The following zone standards shall apply:	
a)	<p>Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.</p> <p>Notwithstanding the above, any lands conveyed to the City of Toronto for road widening purposes shall not be deemed to form part of the lot.</p>
b)	For the purpose of this by-law, the provisions of table B6 shall not apply
c)	<p><i>Amenity Area</i> means indoor or outdoor space on a <i>lot</i> that is designed for and available for use by the occupants of a <i>building</i> on the <i>lot</i> for recreational or social activities.</p> <p><i>Bicycle Parking Space</i> means a space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey <i>building</i>, which is located above <i>average grade level</i>, and is measured from <i>average grade level</i> to the maximum <i>podium height</i> as prescribed. A <i>podium</i> may or may not have a <i>point tower</i> projecting above it.</p> <p><i>Point Tower</i> means portions of a <i>building</i> that projects above a <i>podium</i>.</p>
d)	For the purposes of this By-law, the <i>front lot line</i> shall be the <i>streetline</i> adjacent to Steeles Avenue East.
e)	Maximum <i>gross floor area</i> – 79,800 square metres
f)	<p>Minimum setback</p> <ul style="list-style-type: none"> i) Front yard – 2.0 metres ii) Westerly side yard – 3.0 metres iii) Easterly side yard – 8.0 iv) To the Highland Park streetline – 30 metres
g)	<p>Maximum <i>Building Height</i>:</p> <ul style="list-style-type: none"> i) Podium: The greater of 7 storeys or 230 metres above sea level, geodetic datum (CGS) ii) Point Tower: The lesser of 44 storeys or 350 metres above sea level, geodetic datum (CGS)
h)	Maximum <i>gross floor area</i> of each floor plate of a <i>point tower</i> – 850 square metres.
i)	Minimum separation between the exterior walls of a <i>point tower</i> – 25 metres, exclusive of balcony areas

j)	Maximum Number of <i>Dwelling Units</i> – 1,075
k)	Minimum number of required <i>Parking Spaces</i> i) 0.38 <i>parking spaces</i> per <i>apartment dwelling unit</i> ; plus ii) 0.1 <i>parking spaces</i> per <i>apartment dwelling unit</i> for visitor parking iii) 5% of the required parking spaces shall be provided as accessible parking space
l)	Total required <i>bicycle parking spaces</i> – 0.7 <i>bicycle parking spaces</i> per <i>dwelling unit</i>
m)	Minimum <i>amenity area</i> – 4.0 square metres per <i>dwelling unit</i>
n)	Notwithstanding any other provision within this by-law, <i>amenity area</i> can be provided on balconies
o)	Minimum setback to a <i>lot line</i> for a <i>parking garage</i> located completely below <i>grade</i> - 0.3 metres
p)	In the case of a <i>corner lot</i> with a daylighting triangle or a rounding, the <i>exterior side lot line</i> shall be deemed to extend to its hypothetical point of intersection with the extension of <i>the front lot line</i> for the purposes of calculating minimum and maximum setbacks from <i>streetlines</i> . Notwithstanding the above, in no case shall any <i>building</i> or <i>structure</i> extend into the <i>public street</i> right of way.

Exception *7.753	Zonix Homes Inc. 36-48 Steeles Avenue East and 37-49 Highland Park Boulevard High Rise Residential Block	Parent Zone 177-96
File PLAN 19.114290		Amending By-law 2024-XX
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.753.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Parking garage</i>	
7.753.2 Special Zone Standards		
The following zone standards shall apply:		
a)	Notwithstanding any further division or partition of lands, all lands zoned R4*752 and OS1*753 shall be deemed to be one <i>lot</i> for the purposes of this By-law.	
b)	<i>Parking garages</i> are only permitted below <i>established grade</i>	
c)	Notwithstanding b) above, ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting 1.8 metres above <i>established</i>	

grade, and other similar facilities associated with *parking garages* are permitted above *established grade*.

Read and first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2024-_____

A By-law to amend By-laws 2237 and 177-96, as amended

Zonix Homes Inc.

36-48 Steeles Avenue and 37-49 Highland Park Boulevard.

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.9143 ha (2.26 ac), located at the north-east corner of Steeles Avenue and Dudley Avenue, east of the intersection of Steeles Avenue and Yonge Street.

Existing Zoning

The subject lands are currently zoned Fourth Density Single Family Residential (R4) Zone by By-law 2337, as amended.

Purpose of the By-law

The purpose of this By-law amendment is to remove the lands from By-law 2237, as amended, and to incorporate them into By-law 177-96, as amended, and re-zone the lands, as follows:

From: **Fourth Density Single Family Residential (R4) Zone** under By-law 2237, as amended

To: **Residential Four *752 (R4 *752) Zone** and **Open Space One *753 (OS1 *753) Zone** under By-law 177-96, as amended, with site-specific development standards to implement a residential apartment building.

Effect of the By-law

The effect of this By-law amendment is to permit the majority of the property to be developed with a high-density residential development. A portion of the Subject Land is to be conveyed to the City of Markham as a stratified public park (with private underground parking).

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 17, 2023

CASE NO(S): OLT-22-003176

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant	Zonix Group Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number:	19 114290
Property Address:	36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT:	Markham/York
OLT Case No:	OLT-22-003176
OLT Lead Case No.:	OLT-22-003176
OLT Case Name:	Zonix Group Inc. v. Markham (City)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant:	Zonix Group Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the development of 6-storey and 27-storey residential buildings to contain a total of 533 units
Reference Number:	19 114290
Property Address:	36, 38, 40, 42, 44, 46 & 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 & 49 Highland Park Avenue
Municipality/UT:	Markham/York
OLT Case No.:	OLT-22-003178
OLT Lead Case No.:	OLT-22-003176

Heard: September 27, 2023 by Video Hearing

APPEARANCES:**Parties****Counsel**

Zonix Group Inc.

David Bronskill
Rodney Gill (*in absentia*)

City of Markham

Maggie Cheung-Madar

City of Toronto

Adam Ward
Ray Kallio (*in absentia*)**MEMORANDUM OF ORAL DECISION DELIVERED BY A. MASON AND DAVID BROWN ON SEPTEMBER 27, 2023 AND INTERIM ORDER OF THE TRIBUNAL**

[Link to Order](#)**INTRODUCTION AND BACKGROUND**

[1] This matter involves a Settlement Hearing related to appeals brought under s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. c. P13, as amended (the “Act”), by Zonix Group Inc. (“Applicant/Appellant”) from the failure of the City of Markham (“City”) to make a decision on an Application to Amend the Official Plan and on an Application to Amend the Zoning By-law (together, “Applications”) within the timeframes prescribed by the Act.

[2] The lands that are the subject of the Applications are known municipally as 36, 38, 40, 42, 44, 46 and 48 Steeles Avenue East and 37, 39, 41, 43, 45, 47 and 49 Highland Park Avenue (together, “Subject Property”). The Subject Property is located on the north side of Steeles Avenue East, east of Yonge Street. More specifically, the Subject Lands are bounded by Dudley Avenue on the west, Highland Park Boulevard on the north side, Steeles Avenue East along the southerly side, and by low-density residential properties to the east. The Subject Property is comprised of 14 properties

currently each being occupied by a detached residential dwelling. The Subject Property has an area of 0.92 hectares.

[3] The area directly surrounding the Subject Property to the north and east is characterized low-density detached residential dwellings. To the west, across Dudley Avenue, is a 10-storey apartment building fronting on Steeles Avenue East and low-density detached dwellings fronting on Highland Park Boulevard. The City of Toronto (“Toronto”) is located on the south side of Steeles Avenue East, and the development along the south side of Steeles Avenue East is characterized by low-density residential dwellings.

[4] The Applicant/Appellant filed the Applications with the City on March 5, 2019. The City deemed the Applications complete on March 27, 2019. The Applications were circulated to commenting agencies and, after receiving comments, the Applicant/Appellant resubmitted a revised proposal in May 2021 in response to the comments received. The City held a statutory public meeting on February 15, 2022.

[5] The Applicant/Appellant filed the appeals (“Appeals”) on March 30, 2022.

[6] Prior to the Hearing, the Tribunal was advised that the Parties had negotiated a Settlement and they requested that the Tribunal conduct these proceedings as a Settlement Hearing pursuant to Rule 12 of the Tribunal’s *Rules of Practice and Procedure*.

[7] Counsel for the City confirmed that the Parties have reached a Settlement, and City Council at its meeting held on July 28, 2023 authorized the execution of the confidential Minutes of Settlement in accordance with the Settlement Plans submitted to the Tribunal and marked as Exhibit 2.

[8] The Tribunal convened the proceedings as a Settlement Hearing.

SETTLEMENT PROPOSAL

[9] The Settlement Proposal proposes a 44-storey tower and a 40-storey tower on a six-storey podium with a total gross floor area of 74,467 square metres (“m²”) and a Floor Space Index (“FSI”) of 8.2. The development proposes 1,060 residential units, 510 vehicle parking spaces provided at a parking ratio of 0.48 parking spaces per unit based on 0.38 resident parking spaces per unit and 0.1 visitor parking spaces per unit. A total of 740 bicycle parking spaces are proposed. Driveway access will be provided from both Dudley Avenue and Highland Park Boulevard.

[10] The Settlement Proposal also proposes that a park, having an area of 1,829 m², is to be dedicated to the City, through a stratified conveyance, along the southerly side of Highland Park Boulevard. A privately owned public space (“POPS”) is also proposed along the easterly property edge, comprising an area of 450 m². The Settlement Proposal includes a combined indoor and outdoor amenity area ratio of 4.0 m² per unit.

LEGISLATIVE FRAMEWORK

[11] When considering appeals filed pursuant to s. 22(7) and s. 34(11) of the Act, the Tribunal must have regard to the matters of Provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 (“PPS”) and, in this case, conform to A Place to Grow; Growth Plan for the Greater Golden Horseshoe, 2020, as amended (“Growth Plan”). The Tribunal must also be satisfied that the Applications conform with the Region of York (“Region”) Official Plan 2022 (“ROP 2022”) and the City Official Plan.

[12] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Applications represent good planning and are in the public interest.

SUBMISSIONS AND EVIDENCE

[13] The Tribunal qualified Nick Pileggi, a Registered Professional Planner in the Province of Ontario, to provide opinion evidence in the field of land use planning. Mr. Pileggi's Witness Statement was filed with the Tribunal in support of the Settlement Proposal and marked as Exhibit 1.

[14] Mr. Pileggi proffered that the area context surrounding the Subject Lands is evolving. The City of Vaughan ("Vaughan"), located on the west side of Yonge Street, recently approved the Yonge Steeles Corridor Secondary Plan ("YSCSP") permitting mixed use, high-density, transit-oriented development. Toronto approved the Yonge North Secondary Plan ("YNSP"), providing for mixed-use, high-density, transit-oriented development for the lands south of Steeles Avenue along the Yonge Street corridor, in anticipation of the Yonge North Subway Extension and the proposed subway station to be constructed at Steeles Avenue. In addition, Steeles Avenue is planned as a future higher-order transit corridor with a transitway.

[15] The City Council endorsed the Yonge Corridor Land Use and Built Form Study ("YCLUBF Study") in June of 2022 and Mr. Pileggi advised that the Subject Lands are included in the YCLUBF Study area.

[16] Mr. Pileggi reviewed the densities and building heights contemplated in the Vaughan YSCSP, the Toronto YNSP, and the City YCLUBF Study surrounding the Yonge Street and Steeles Avenue intersection. He advised that, in Vaughan, heights of up to 67 storeys are proposed at the intersection, stepping down as you proceed west away from Yonge Street along Steeles Avenue West. The heights contemplated in Toronto are up to 45 storeys along the Yonge Street corridor, and Mr. Pileggi advised that the YCLUBF Study is planning for heights of 66 storeys at Yonge Street and Steeles Avenue, stepping down as you proceed east along Steeles Avenue East.

[17] Mr. Pileggi reviewed the Settlement Plans and proffered that the two towers— the

westerly tower at 44 storeys and the easterly tower at 40 storeys – represent a decreasing height and density along Steeles Avenue East from the heights proposed at Yonge Street. The Settlement Plans propose a parkland conveyance that represents 20 percent of the gross site area and a POPS that is an additional 4.9 percent of the site area. No residential units are proposed at grade and the areas not utilized to service the building on the ground floor are proposed as amenity space with windows along the street frontages.

[18] In consideration of the PPS, Mr. Pileggi reviewed the relevant policies and opined that the Settlement Proposal is consistent with the PPS. Mr. Pileggi reviewed the applicable policies of the Growth Plan and opined that the Settlement Proposal conforms with the Growth Plan.

[19] The ROP 2022 locates the Subject Lands in the Urban Area and designates the Subject Lands as Community Area on the Land Use Map. This designation provides for a range of uses and is to be the focus of growth. Mr. Pileggi proffered that the ROP 2022 emphasizes transit supportive development and prioritizes active transportation. The Subject Lands are located within a Major Transit Station Area (“MTSA”) which is centered around the future Steeles Subway Station planned along the Yonge Street corridor. Mr. Pileggi opined the intensification contemplated by the Settlement Proposal conforms with the ROP 2022.

[20] Turning to the City Official Plan, 2014 (“2014 OP”), Mr. Pileggi explained that the 2014 OP was approved by Regional Council on June 12, 2014, and was appealed to the Ontario Municipal Board. The majority of appeals have been resolved; however, there remain appeals to certain land use designations and policies and for certain areas in the City that require further planning in the form of a secondary plan. Where no secondary plan is in effect, s. 9 of the 2014 OP refers back to the designations and policies of the former City Official Plan implemented in 1987 (“1987 OP”), which remains in force. The Subject Lands which are included in the area identified for the future

YSCSP, and therefore the 1987 OP applies and further identifies the Subject Lands as being located within the Thornhill Secondary Plan (“TSP”).

[21] Mr. Pileggi proffered that the 1987 OP and the TSP predate the PPS and the Growth Plan and have not been updated to bring them into conformity with the PPS, the Growth Plan, the ROP 2022 nor the 2014 OP. Mr. Pileggi opined that it is unreasonable to apply the policies of the 1987 OP and the TSP to the Settlement Proposal. The YCLUBF Study work completed by the City to date provides the most relevant and current vision of City Council for the planning and policy context for the area and Mr. Pileggi proffered that the Settlement Proposal should be evaluated using the YCLUBF Study context, which contemplates that the Subject Lands will be developed with a residential high-density built form.

[22] Mr. Pileggi reviewed the Settlement Proposal in the context of the 2014 OP Residential High-Rise Designation land use policies as he opined that they are most appropriate and relevant. In consideration of the policies within the 2014 OP, Mr. Pileggi proffered:

- the location of the proposed building along the Steeles Avenue East frontage is appropriate for a consistent massing and continuity of built form planned along Steeles Avenue;
- the Settlement Proposal will create residential intensification adjacent to existing and planned transit as the Subject Property is within a short walking distance to the future Steeles Subway Station at Yonge Street and the ROP designates Steeles Avenue East as a rapid transit corridor;
- the proposed buildings are oriented away from the low-rise residential uses on the north side of Highland Park Boulevard and the proposed park along Highland Park Boulevard and POPS along the easterly boundary

provides an appropriate buffer to the existing residential uses;

- the absence of residential units at grade ensures no privacy impacts for the future residents along the street frontage of the Subject Lands;
- the six-storey podium, the reduced tower floor plates at a maximum of 800 m², together with the tower separation of 25m and the tower orientation, will reduce shadow impacts and ensure that shadows move quickly across the neighbouring low-rise residential neighbourhood to the north; and
- while the upper floors of the proposed towers exceed the 45-degree angular plane recommended in the YCLUBF Study, the built form appropriately reflects the depth of the Subject Property, and the proposed intensification is appropriate to support the Major Transit Station Area designation and along the Major Transit Corridor identified in the ROP.

[23] Mr. Pileggi opined that the Settlement Proposal conforms to the intent and the objectives of the 2014 OP. He further opined that a Secondary Plan is not required for the Settlement Proposal to proceed and that the proposed Official Plan Amendment is appropriate for the Subject Property. Matters related to public realm, urban design, and built form will be more thoroughly addressed through the Site Plan Approval process.

[24] The Tribunal received three Participant Statements and Mr. Pileggi summarized the concerns as relating to urban design, which includes shadow and sunlight impact, compatibility of built form, and concerns related to traffic.

[25] Mr. Pileggi proffered that the Settlement Proposal addresses the Participants concerns through the following:

- The original two-building proposal has been revised to a single-building, two-tower proposal with the building footprint shifted away from Highland Park Drive

and located against Steeles Avenue East.

- A public park is proposed along the Highland Park Boulevard frontage. The location of the proposed park, combined with the width of the interior drive aisle for vehicle access to the buildings, provides a separation distance of over 50 m between the proposed building face to the nearest residential property on the north side of Highland Park Boulevard.
- The reduced podium height of six storeys and the tower floor plate reduction and tower separation combined with the opposing building orientations will mitigate shadow impacts on the neighbouring low-density residential properties.
- Traffic concerns are mitigated by the low parking ratio proposed, which is intended to discourage vehicle dependency and increase reliance on transit and other modes of transportation including active transportation.
- A Transportation Report was prepared in support of the proposed development and lower parking standard.

[26] Counsel for the City confirmed that the City supports the Settlement Proposal and has no objection to the draft conditions submitted by the Applicant/Appellants Counsel for consideration by the Tribunal.

ANALYSIS AND FINDINGS

[27] The Tribunal accepts the uncontroverted *viva voce* evidence and Witness Statement of Mr. Pileggi and finds that the intensification proposed by the Settlement Proposal represents an appropriate optimization of the Subject Lands and public infrastructure, in particular, the existing and planned public transit infrastructure.

[28] The Settlement Proposal proposes a density that is appropriate for the Subject

Property, being well located along the future Steeles Avenue Bus Rapid Transit Way and within a short walking distance of the future Steeles Avenue Subway Station along the Yonge Street corridor. The Settlement Proposal provides additional residential units in an area that is currently well serviced by public transit, and will support future transit infrastructure investments.

[29] The re-orientation of the proposed development as described in the Settlement Plans away from the Highland Park Boulevard frontage, and the creation of a new public park along the north boundary of the Subject Property and the POPS along the east boundary will reduce the impacts with respect to adjacency, shadows, and transition to the surrounding low-rise residential uses.

[30] The Tribunal has considered the matters of Provincial interest as set out in s. 2 of the Act and is satisfied that the approval of the OPA and the ZBA will have regard for such matters, including being an appropriate location for growth, promoting a design that supports public transit, that the Settlement Plans represent a well-designed built form and mitigates greenhouse gas emissions with the reduction of reliance on the automobile.

[31] The Tribunal finds that the Settlement Proposal is consistent with the PPS as it proposes an efficient development and land use pattern that provides an appropriate range and mix of housing types that will meet the needs of current and future residents. The Settlement Proposal represents an integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development pattern that optimizes transit investments and incorporates standards to minimize land consumption and servicing costs.

[32] In consideration of the Growth Plan, the Tribunal finds that the Settlement Proposal supports the achievement of complete communities that are designed to

support healthy and active living by providing compact built form and a mix and range of housing. The Subject Property is located within the “delineated built boundary” and appropriate for intensification that optimizes the use of existing urban land supply.

[33] The Tribunal finds that the Settlement Proposal conforms to the ROP 2022 as it proposes development that will contribute to the creation of complete communities, represents intensification in a compact development pattern, is transit-supportive, and will minimize land consumption and service costs in order to meet density targets set out by the ROP 2022. The ROP 2022 requires that communities be designed to prioritize active transportation, transit-supportive development, and intensification in appropriate locations, and the Tribunal is satisfied that the Settlement Proposal achieves these objectives.

[34] The Tribunal accepts the opinions proffered by Mr. Pileggi in respect to the 2014 OP and the 1987 OP as it relates to their applicability of current Official Plan policies pertaining to the Subject Lands. The 2014 OP identifies the Subject Lands as being located within the future Yonge Street Corridor Secondary Plan area and that, until the approval of that Secondary Plan, the provisions of the 1987 OP and the TSP will continue to apply. The Tribunal acknowledges that the planning policy framework context has changed significantly since the approval of the 1987 OP and the TSP and that these documents predate the PPS and the Growth Plan and do not contemplate the extension of the Subway service along Yonge Street through the City.

[35] Mr. Pileggi’s evidence refers the Tribunal to the YCLUBF Study for an indication of the current City Council direction in respect to the form of development contemplated for the subject and surrounding lands. The corridor along Steeles Avenue East is expected to be characterized by high-density residential developments. Applying the high-rise residential policies of the 2014 OP is appropriate and the Tribunal finds that the Settlement Proposal conforms to the intent and objectives of these policies.

[36] The Tribunal finds that the Settlement Proposal will contribute to good urban design, economic vitality, attractive streetscape, health of the community, and provide vibrant public space as required by the 2014 OP. Further, the Settlement Proposal represents a compatible built form with high-quality urban design and sustainable development that is compact and walkable to higher-order transit and services.

[37] Notwithstanding the maximum height and density permitted in the 2014 OP, the Tribunal finds that the proposed heights of 40 and 44 storeys and the proposed FSI of 8.0, as described in the Settlement Proposal, is contemplated by the YCLUBF Study, and are consistent with the heights and densities planned in Vaughan and Toronto surrounding the intersection of Yonge Street and Steeles Avenue. The Tribunal also notes that the Subject Lands are located in an MTSA as designated in the ROP 2022. The Growth Plan directs the greatest intensification towards MTSA's in order to, among other matters, maximize transit infrastructure investment.

[38] The Tribunal is satisfied that the concerns raised by the Participants are addressed through the Settlement Proposal with the increased separation provided to the low-density residential uses across the proposed public park on the Subject Property, the revised building design addressing massing with the reduced tower floor plate size, tower separation, tower orientation and the six-storey podium creating an appropriate transition and mitigating shadow impacts. Traffic impacts in the low-density residential neighbourhood will be addressed by the proposed parking ratio that will encourage the reduction of vehicle use and increase reliance on public transit and active transportation modes.

[39] In consideration of the above, the Tribunal finds that the Settlement Proposal represents good planning and is in the public interest.

[40] The Tribunal allows the Appeals and approves the OPA and ZBA in principle subject to Conditions and subject to the City providing the final form of the OPA and

ZBA instruments for approval by the Tribunal.

ORDER

[41] **THE TRIBUNAL ORDERS THAT** the appeals be allowed, in part, on an interim basis, and that the proposed Official Plan Amendment and Zoning By-Law Amendment to reflect the Settlement Proposal as described in the Settlement Plans included in Exhibit 2, which, for greater clarity, are the Architectural Plans prepared by Arcadis Architects (Canada) Inc. under Project No. 140764 having a revision date of September 14, 2023, are hereby approved in principle.

[42] **AND THE TRIBUNAL ORDERS THAT** the Tribunal will withhold issuance of its Final Order contingent upon confirmation of the following pre-requisite matters:

- a. That the Tribunal has received, and approved, the Official Plan Amendment and Zoning By-law Amendment in a final form, confirmed satisfactory by the City Solicitor of the City of Markham and the City of Toronto;
- b. That the Tribunal shall be in receipt of confirmation from the City of Markham Solicitor that the Applicant/Appellant has submitted any updated studies and/or reports in respect of the revised plans and that the Applicant/Appellant has entered into any agreements required to secure any required upgrades or improvements to the existing Municipality infrastructure, should they be required, all to the satisfaction of City of Markham;
- c. That the Tribunal shall be in receipt of confirmation from the City Solicitor for the City of Toronto that:
 - i. The Applicant/Appellant has submitted updated reports, to the satisfaction of the Chief Engineer and Executive Director, City of

Toronto, to address the matters in the February 14, 2022 memorandum from Engineering and Construction Services, City of Toronto (**Exhibit 6**); and,

- ii. Where updated servicing reports identify required upgrades to City of Toronto services the Owner shall enter into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City of Toronto and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, City of Toronto.

[43] If the Parties do not submit the final draft of the Official Plan Amendment and final draft of the Zoning By-law Amendment, and provide confirmation that the contingent pre-requisites to the issuance of the Final Order set out in paragraph 42 above have been satisfied, and do not request the issuance of the Final Order, by **Tuesday, April 30, 2024**, the Applicant/Appellant and the City of Markham shall provide a written Status Report to the Tribunal by that date as to the timing of the expected confirmation and submission of the final form of the draft Official Plan Amendment and Zoning By-law Amendment and request for issuance of the Final Order by the Tribunal. In the event that the Tribunal fails to receive the required Status Report, and/or in the event that the contingent pre-requisites are not satisfied by the date indicated above or by such other deadline as the Tribunal may impose, the Tribunal may then dismiss the appeal.

[44] The Panel will remain seized for the purposes of reviewing and approving the final draft of the Official Plan Amendment and the Zoning By-law Amendment and the issuance of the Final Order.

[45] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for the submission of the final form of the instrument and the satisfaction of the contingent pre-

requisites to the issuance of the Final Order.

“A. Mason”

A. MASON
MEMBER

“David Brown”

DAVID BROWN
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal. Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



BY-LAW 2024-_____

A By-law to amend By-law 2024-19, as amended

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

1. That By-law 2024-19, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto

from:

Residential – Established Neighbourhood Low Rise (RES-ENLR) Zone

to:

Residential – Low Rise One (RES-LR1)*2 Zone

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

Exception 14.002	28 and 32 Kirk Drive PLAN 4184 LOT 36 and PLAN 4184 LOT 35	Parent Zone RES-LR1
File Number PLAN 24 161084		Amending By-law 2024-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *2 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.		
14.002.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Detached dwelling	
b)	Shared housing – small scale	
c)	Home child care	
d)	Home occupation	
14.002.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum lot frontage – 15.0 metres	
b)	Minimum front yard – 8.0 metres	
c)	Minimum rear yard – 10.0 metres	
d)	Minimum interior side yard – 1.8 metres and 1.2 metres	
e)	Maximum height – 9.6 metres	
f)	Maximum lot coverage – 35%	
g)	Notwithstanding Section 4.8.10.1 d), the maximum height of a porch floor above the average grade level of the porch is 1.6 metres.	
h)	Notwithstanding Section 4.8.8, a portion of the main wall is permitted to encroach into the required interior side yard a maximum of 50% of the required setback , provided it is no more than 3.0 metres wide.	

Read and first, second and third time and passed on _____, 2024.

 Kimberley Kitteringham
 City Clerk
 Amanda File No. PLAN 24 161084

 Frank Scarpitti
 Mayor



EXPLANATORY NOTE

BY-LAW 2024-____

A By-law to amend By-law 2024-19, as amended

**PLAN 4184 LOT 36 and PLAN 4184 LOT 35
28 and 32 Kirk Drive
PLAN 24 161084**

Lands Affected

The proposed By-law amendment applies to parcels of land with an approximate area of 0.28 hectares (0.69 acres), which are located north of Kirk Drive and east of Thornheights Road.

Existing Zoning

The subject lands are zoned Residential – Established Neighbourhood Low Rise (RES-ENLR) Zone under By-law 2024-19, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands under By-law 2024-19, as amended as follows:

from:

Residential – Established Neighbourhood Low Rise (RES-ENLR) Zone

to:

Residential – Low Rise One (RES-LR1)*2 Zone;

in order to permit four (4) single detached dwellings on the lands.


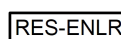
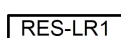
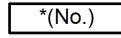
Thornheights Rd

**FROM RES-ENLR
TO RES-LR1*2**

Kirk Dr

SCHEDULE 'A' TO BY-LAW AMENDING BY-LAW 2024-19

NOTE: This is an amendment to the new comprehensive zoning by-law.

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  RESIDENTIAL - ESTABLISHED NEIGHBOURHOOD LOW RISE
-  RESIDENTIAL - LOW RISE ONE
-  EXCEPTION NUMBER



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

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN 24 161084\Schedule_A.mxd

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



BY-LAW 2024-_____

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

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

1. That By-law 2150, as amended, are hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 2150, 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:
Second Density Single Family Residential (R2A) Zone

to:
Residential Two (R2)*757 Zone

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

Exception 7.757	28 and 32 Kirk Drive PLAN 4184 LOT 36 and PLAN 4184 LOT 35	Parent Zone R2
File PLAN 24 161084		Amending By-law 2024-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *757 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.		
7.757.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Single Detached Dwelling</i>	
b)	<i>Home Occupation</i>	
c)	<i>Home Child Care</i>	
7.757.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required <i>front yard</i> – 8 metres	
b)	Minimum required <i>rear yard</i> – 10 metres	
c)	Minimum required <i>interior side yard</i> – 1.8 metres and 1.2 metres	
d)	Maximum required <i>height</i> – 9.6 metres	

Read and first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Amanda File No. PLAN 24 161084



EXPLANATORY NOTE

BY-LAW 2024-____

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

28 and 32 Kirk Drive

PLAN 4184 LOT 36 and PLAN 4184 LOT 35

PLAN 24 161084

Lands Affected

The proposed By-law amendment applies to a parcel of land with an approximate area of 0.28 hectares (0.69 acres), which is located north of Kirk Drive and east of Thornheights Road.

Existing Zoning

The subject lands are zoned Second Density Single Family Residential (R2A) Zone under By-law 2150, 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:

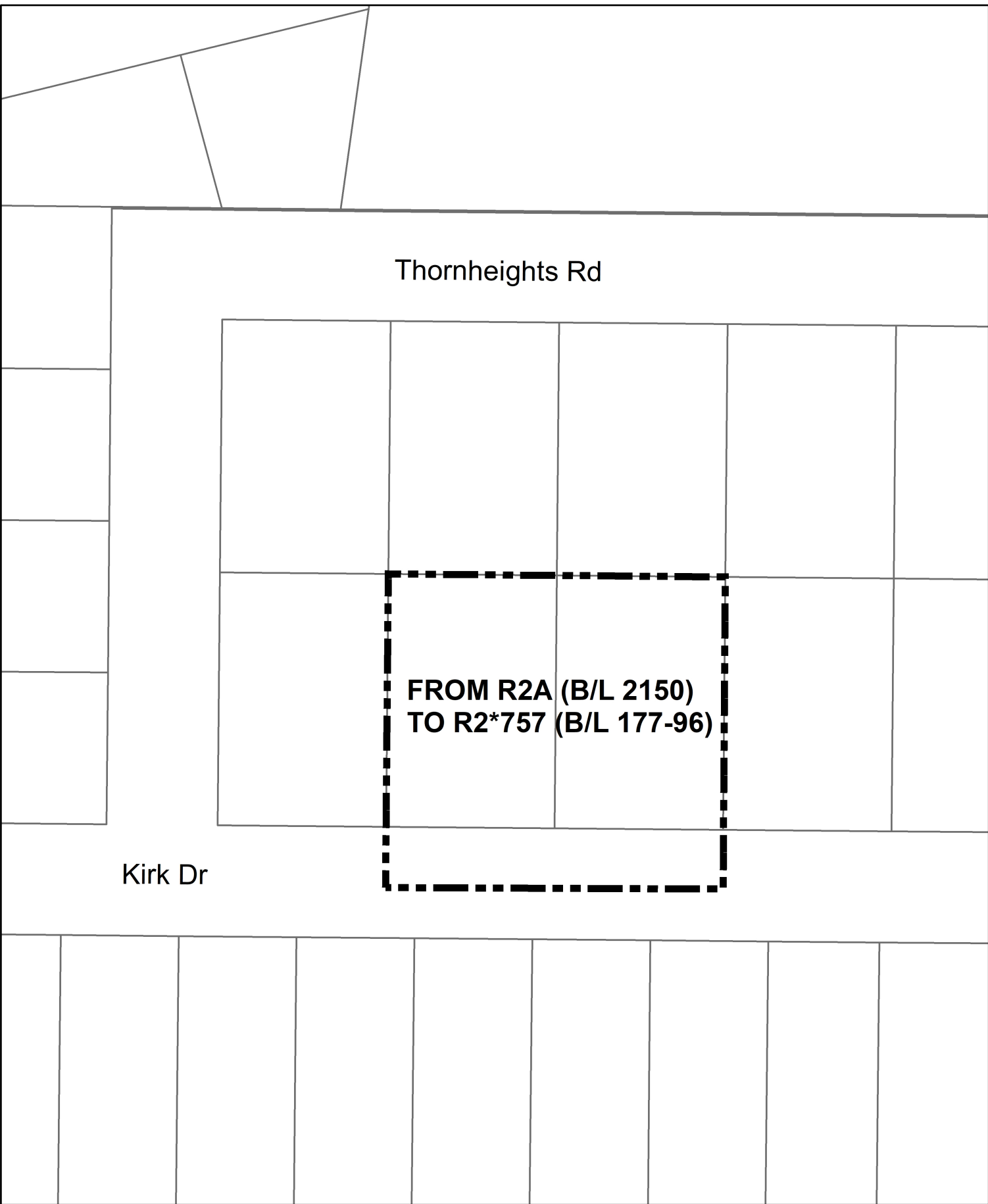
from:

Second Density Single Family Residential (R2A) Zone


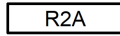
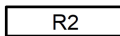
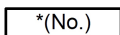
to:

Residential Two (R2)*757 Zone;

in order to permit four (4) single detached dwellings on the lands.



SCHEDULE 'A' TO BY-LAW AMENDING BY-LAWS 2150 AND 177-96

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  SECOND DENSITY SINGLE FAMILY RESIDENTIAL
-  RESIDENTIAL TWO
-  EXCEPTION NUMBER

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

Y:\Geomatics\New Operation\2024 Agenda\PLAN\PLAN 24 161084\Schedule_A.mxd

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



BY-LAW 2024-____

To amend Bylaw 2002-276 being a By-law to Impose Fees or Charges for Services or activities provided or done by the City of Markham

Whereas Section 391 of the Municipal Act, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it;

AND WHEREAS Section 392 of the Municipal Act, 2001 stipulates that a municipality shall establish and maintain a list for public inspection indicating which of its services and activities and the use of which properties will be subject to fees or charges;

AND WHEREAS amendments are required from time to time in order to streamline and consolidate fees and charges into one bylaw;

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

- (1) That the following Tree Preservation Permit fees and charges listed in Schedule 'A' of By-law 2002-276 be removed in its entirety.

Tree Preservation By-law Permit Fees	Fee	Fee Basis
Removal of first tree	\$200.00	Per Tree
Removal of each additional tree	\$100.00	Per Tree
Maximum Fee for removal of trees	\$5,000.00	
Tree Management Plan Review Fee	\$200.00	(in addition to Per Tree Fee)
Confirm exemptions from permit applications (Tree preservation fees established by By-law 2008-97)	No fee	

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

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2024-____

To amend Bylaw 2012-137 being a By-law to Impose Licensing, Permit and Service Fees

WHEREAS, it is necessary where authorities exist or where new authorities are granted to periodically add fees and charges as administrative and enforcement standard operating procedures are modified or enhanced;

AND WHEREAS Section 11 (1) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 391 of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, authorizes a municipality by by-law to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 398 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that fees and charges imposed by a municipality on a person constitute a debt of the person the municipality;

AND WHEREAS amendments are required since the Tree Preservation Bylaw was first implemented in 2008 and has never been administered;

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

- (1) That the fees and charges for the Tree Preservation By-law listed in Schedule 'A' of Bylaw 2012-137 be replaced with the following fees and charges:

<i>Tree Preservation By-law Inspection Administration</i>			
First Inspection Fee	N/A	Fee	\$75.00
Second Inspection Fee	N/A	Fee	\$154.00
Subsequent Inspection Fee	N/A	Fee	\$318.00
Municipal Remedy Fee	N/A	Fee	7% of Invoice

Tree Assessment & Preservation Plan Review Fee (1 – 15 Trees)		Fee	\$500.00 Base
Tree Assessment and Preservation Plan Review Fee (16 Trees or Greater)		Fee	\$500 Base + 20 Per Tree
Removal of 1st Tree Fee		Fee	\$200.00
Removal of Each Additional Tree Fee		Fee	\$100.00
Replacement Tree (Full Indexed Value)		Cash in Lieu Value	\$675.00
Replacement Tree (Half Indexed Value)		Cash in Lieu Value	\$337.50
Tree Preservation Zone Sign Fee		Charge per Sign	\$20.00
Private Tree Appeal Fee		Fee	\$154.00

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

 KIMBERLEY KITTERINGHAM
 CITY CLERK

 FRANK SCARPITTI
 MAYOR



By-law 2024-80

A By-law to confirm the proceedings of the Council Meeting held on
May 15, 2024

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

1. That the action of the Council Meeting held on May 15, 2024 in respect to each motion, resolution and other action passed and taken by the Council at the said meeting is, except where prior approval of the Local Planning Appeal Tribunal is required, hereby adopted ratified and confirmed.
2. That the Mayor and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix The Corporate Seal to all such documents.

Read a first, second, and third time and passed May 15, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor