

SUBJECT: RECOMMENDATION REPORT
Applications for Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Warden Holdings Inc. to facilitate the creation of approximately 894 residential units and mixed uses on the lands known municipally as 10348 Warden Avenue (Ward 2)
File No's.: ZA/SU 18 235516

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Planner II, North District

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Acting Development Manager, North District

RECOMMENDATION:

- 1) That the staff report dated April 21, 2020 titled "Recommendation Report, Applications for Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Warden Holdings Inc. to facilitate the creation of approximately 894 residential units and mixed uses on the lands known municipally as 10348 Warden Avenue (Ward 2)" be received;
- 2) That the record of the Public Meeting held on March 26, 2019, regarding the Draft Plan of Subdivision and Zoning By-law Amendment applications by Berczy Warden Holdings Inc. on the Subject Property known municipally as 10348 Warden Avenue, be received;
- 3) That in accordance with the provisions of subsections 45 (1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Owners shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the accompanying Zoning By-law, before the second anniversary of the day on which the by-law was approved by Council;
- 4) That the application submitted by Berczy Warden Holdings Inc. to amend Zoning By-law 304-87, as amended, be approved and the draft by-law attached as Appendix 'A' be finalized and brought forward to a future Council meeting to be enacted without further notice.
- 5) That Draft Plan of Subdivision 19TM-18009 be approved, subject to the conditions set out in Appendix B of this report;
- 6) That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in

Appendix B, as may be amended by the Director of Planning and Urban Design, or his designate;

- 7) That draft plan approval for Plan of Subdivision 19TM-18009 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
- 8) That servicing allocation for 894 units be assigned to Draft Plan of Subdivision 19TM-18009; and,
- 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

This report recommends approval of Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by Berczy Warden Holdings Inc. to provide for 894 residential units and mixed uses on the lands known municipally as 10348 Warden Avenue.

The 45 hectare (111 acre) Subject Lands are located on the west side of Warden Avenue, south of Elgin Mills Road, within the Berczy Glen Secondary Plan Area. The lands are currently used for agricultural operations. Surrounding land uses primarily consist of agricultural and rural residential uses.

A statutory Public Meeting was held by the Development Services Committee (DSC) on March 26, 2019 to seek input on the original Draft Plan of Subdivision. No public comments were made at the Public Meeting; however DSC members provided the following comments and direction: encourage senior friendly housing, affordable housing and a mix of housing forms; ensure the collector road network is complete in a timely manner to service future residents as homes are built; encourage the provision of bus transit services throughout the community; and confirm a local Fire Station is planned to serve the Berczy Glen community.

In response to the matters raised at the Public Meeting and those outlined in Staff's preliminary report dated February 11, 2019, the applicant submitted a revised proposal in November 2019. The revised proposal, as discussed in this report, addresses matters raised by members of DSC, City staff and external agencies throughout the review process.

Staff are of the opinion that the Draft Plan of Subdivision and implementing Zoning By-law Amendment are consistent with the Provincial Policy Statement, 2014, conform to all applicable Provincial, Regional and Municipal plans, has regard to Section 51(24) of the *Planning Act*, represents good planning and is in the public interest. Staff recommend that Council approve the Draft Plan of Subdivision subject to the conditions attached as Appendix B. Staff are finalizing the content of the Zoning By-law Amendment with the Owner, in consultation with applicable public agencies/City departments and in accordance with this report. Staff therefore recommend that the zoning by-law, attached

as Appendix A, be brought forward to a future Council meeting once the by-law has been finalized.

PURPOSE:

This report recommends approval of Draft Plan of Subdivision and Zoning By-law Amendment applications (the “Applications”), submitted by Berczy Warden Holdings Inc. (the “Owner”), to permit residential and mixed uses on the lands known municipally as 10348 Warden Avenue (the “Subject Lands”).

PROCESS TO DATE:

- November 2018 – Applications were deemed complete by staff
- February 2019 – Development Services Committee (“DSC”) received the Preliminary Report
- March 2019 – The Statutory Public Meeting was held

Next Steps

- If approved, the Owner can clear conditions of Draft Plan of Subdivision approval attached in Appendix B, enter into a subdivision agreement with the City and register the draft plan.

Application Processing

This application is moving forward during a period when the Province of Ontario has suspended Planning Act timelines for the appeal of an application to the Local Planning Appeal Tribunal. Municipalities have the discretion to continue the processing of applications, so long as the procedural requirements of the *Planning Act* can be met. At the time of the writing of this report, matters respecting finalization of approvals and appeals are still being resolved. The Clerk, Legal Services and Development Services are working together to address the mandatory requirements and any technical issues that arise as a result of the emergency.

BACKGROUND:

The approximately 45 hectare (111 acre) Subject Lands are located on the west side of Warden Avenue, south of Elgin Mills Road, as shown on Figure 1: Location Map. The Subject Lands are located within the City’s Future Urban Area, more specifically the Berczy Glen Secondary Plan Area (the “Secondary Plan Area”), which is bounded by Elgin Mills Road East to the north, Warden Avenue to the east, the residential estate subdivision to the south and the hydro corridor to the west.

The Subject Lands are currently used for agricultural operations, as shown on Figure 2: Aerial Photo.

The surrounding land uses include:

- North: Agricultural uses and rural residential properties.
- East: The Angus Glen Golf Course and an agricultural property are located east of Warden Avenue.
- South: Agricultural uses and existing rural residential properties. Major Mackenzie Drive is located farther south.

- West: The Berczy Creek. Beyond the creek to the southwest is an existing residential neighbourhood. Beyond the creek to the west are agricultural lands.

Draft Plan of Subdivision and Zoning By-law Amendment applications for lands to the north and west of the subject lands were recently approved by the City (File No.: ZA/SU-18-181743).

PROPOSAL:

The Owner submitted Draft Plan of Subdivision and Zoning By-law Amendment applications to the City to facilitate the creation of approximately 894 residential units, an elementary school, a neighbourhood park, a parkette, part of a community park, an open space block, two stormwater management blocks, and the supporting road/lane network (the “Proposal”), as shown on Figure 3: Draft Plan of Subdivision. Table 1 below summarizes the Proposal statistics.

TABLE 1: Draft Plans of Subdivision Statistics		
Land Use (Residential)	Units	Hectares (Acres)
Detached Dwellings	196	6.42 (15.86)
Laneway townhouses	486	7.77 (19.2)
Back-to-back townhouses	72	0.83 (2.04)
Residential Mid-rise	16	0.31 (0.75)
Mixed Use Mid-rise	124	2.18 (5.38)
Total (Residential)	894	17.5 (43.2)
Land Use (Other)	Blocks	Hectares (Acres)
Parkette	307	4.2 (1.03)
Neighbourhood Park	308	2.00 (4.94)
Community Park	309	2.35 (5.81)
Elementary School	310	2.62 (6.47)
Stormwater Management Facilities	311 and 312	4.78 (11.81)
Open Space	314 and 315	0.42 (1.05)
Natural Heritage System	316	0.19 (0.48)
Buffer (adjacent street ‘14’, ‘16’ and ‘22’)	317-326	0.06 (0.15)
Walkways (adjacent snow storage notch)	329-336	0.08 (0.19)
Servicing Easement	327 and 328	0.12 (0.30)
Road widening	313	0.41 (1.02)
Collector/Local Roads/Laneways		14.04 (34.7)
Total (Other)		31.27 (77.27)
Total (All)	894	48.77 (120.47)

Since the initial submission of the Applications in November 2018, the Proposal has been revised by the Owner to address comments by City Staff, external agencies, members of DSC and the public. Some key changes include the following:

- The residential unit count was increased from 879 to 894;
- Local road rights-of-way were increased from 18 to 18.5 metres;
- Snow storage notches and mid-block connector lanes were introduced to laneways exceeding 90 metres in length;
- 72 back-to-back townhouses were introduced;
- Neighbourhood park (Block 308) size was increased to 2 hectares; and
- Backlotting adjacent the Greenway System was reduced and is now comparable to what is proposed in the Berczy Glen Community Design Plan.

To facilitate implementation of the Proposal, the Zoning By-law Amendment application proposes to rezone the subject property from 'Agriculture One (A1)' under By-law 304-87 to the appropriate zone categories under By-law 177-96, as amended, including special provisions. The draft Zoning By-law Amendment is attached as Appendix A.

Public Consultation

A Public Meeting was held on March 26, 2019. No written submissions were received regarding the Applications, and there were no public comments made at the Public Meeting. The following comments were shared by members of DSC:

- Encourage senior friendly housing, affordable housing and a mix of housing forms
- Ensure the collector road network is complete in a timely manner to service future residents as homes are built
- Encourage the provision of bus transit services throughout the community
- Confirm a local Fire Station is planned to serve the Berczy Glen community

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

PLANNING POLICY AND REGULATORY CONTEXT:

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

Provincial Policy Framework

The Proposal is consistent with the Provincial Policy Statement, 2014 (the "PPS")

The PPS provides direction on matters of Provincial interest related to land use planning and development. These matters include building strong communities with an emphasis on efficient development and land use patterns, wise use and management of resources and protecting public health and safety.

The Subject Property is located within a defined settlement area, which is designated for development in both the York Region and City of Markham Official Plans. Consistent

with the policies of the PPS, the Proposal promotes density, which efficiently uses land and resources and supports alternative transportation modes, incorporates a range and mix of housing styles, and achieves efficiency by utilizing a master planned road and servicing network. Staff are satisfied that the Proposal is consistent with the PPS.

The Proposal conforms to the Provincial Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”)

The Growth Plan provides a framework for implementing the Province’s vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan, 2017 is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wise use of natural resources and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form.

The Subject Lands are located within a Designated Greenfield Area (DGA) of the Growth Plan, 2017. DGA lands are planned for development and are required to accommodate forecasted growth to the horizon of the Growth Plan. Staff are of the opinion that the Proposal conforms to the Growth Plan, 2017, as it is located within a DGA, promotes a diverse mix of land uses, provides a range and mix of housing types, and supports the achievement of a compact community.

The development conforms to the Greenbelt Plan, 2017

The Greenbelt Plan “identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on the landscape.” The Greenbelt Plan is applicable to lands in the Berczy Creek corridor that run in a north/south direction through the Secondary Plan Area. The southwest corner of the Subject lands contains part of the Natural Heritage System lands associated with the Berczy Creek. These lands are designated “Protected Countryside” and “Natural Heritage System” in the Greenbelt Plan.

The Proposal does not provide for development in the Natural Heritage System. The Natural Heritage System lands located on Subject Lands (Block 316) are to be conveyed into public ownership for their long-term protection and stewardship.

The Proposal has regard to Section 51 (24) of the *Planning Act*

Section 51 (24) of the Ontario Planning Act sets out the criteria which a draft plan of subdivision must have regard for. Consideration has been given to the criteria, including the suitability of the land for the purpose proposed, dimensions and shape of the proposed lots, conservation of natural resources and flood control, adequacy of school sites, highways and the extent to which the Proposal’s design optimizes the available supply, means of supplying, efficient use and conservation of energy. Staff are of the opinion that the Proposal has regard for the criteria.

Regional Policy Framework

The Proposal conforms to the York Region Official Plan, 2010 (the “Regional Official Plan”)

The Regional Official Plan includes policies to guide land use planning consistent with requirements of the Growth Plan to encourage high quality urban design, attractive buildings, landscaping and public streetscapes.

The Regional Official Plan designates the Subject Lands as ‘Urban Area’ on Map 1 – Regional Structure. This designation permits a range of uses including those provided in the Proposal. Furthermore, the Proposal achieves the density targets required by the plan, promotes a diverse mix of land uses and provides a range and mix of housing types. Staff are satisfied the Proposal conforms with the Regional Official Plan.

City of Markham Policy Framework

The Proposal conforms to the Markham Official Plan, 2014 (the “City’s Official Plan”)

The City’s Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) is a statutory document under the Ontario Planning Act that sets out land use policy to guide future development and manage growth.

Map 3 - Land Use designates the Subject Lands ‘Residential Low Rise’, ‘Residential Mid Rise’, ‘Mixed Use Mid Rise’ and ‘Greenway’, as shown on Figure 4: 2014 Official Plan Map 3 Extract - Land Use. It provides direction for the development of a Conceptual Master Plan for the entire Future Urban Area (FUA) lands as the basis for the development of Secondary Plans, including the Berczy Glen Secondary Plan. The Conceptual Master Plan for the FUA was completed and endorsed by Council in November 2017.

The Proposal conforms to the Berczy Glen Secondary Plan, 2019 (the “Secondary Plan”)

The Secondary Plan includes detailed policies to guide future development and growth in the Berczy Glen community to 2031, providing a comprehensive policy framework for Council decisions with respect to the use of land, provision for municipal services and infrastructure, and the implementation and phasing of development.

Map SP1 – Detailed Land Use designates the Subject Lands ‘Residential Low Rise’, ‘Residential Mid Rise I’, ‘Residential Mid Rise II’, ‘Mixed Use Mid Rise’ and ‘Greenway’. The following symbols are also shown on Map SP1 within the boundary of the Subject Lands: one public elementary school symbol, one neighbourhood park symbol, part of a community park symbol, and two stormwater management facility symbols (see Figure 5: Berczy Glen Secondary Plan – Land Use Map Extract). The Secondary Plan contains minimum and maximum density targets, minimum and maximum building heights and specific development criteria associated with each land use. Table 2 below details the density calculations for the Proposal. Staff have reviewed the Proposal in the context of the Secondary Plan and are satisfied the Proposal conforms to the Berczy Glen Secondary Plan.

TABLE 2: Density Calculation				
Designation	Area (Hectares)	Units	Secondary Plan Density Range (units per net hectare)*	Proposed Density (units per net hectare)
Residential Low Rise	15.75	706	25-45	44.84
Residential Mid-Rise 1	1.16	64	40-70	54.41
Mixed Use Mid-Rise	2.18	124	40-70	56.91

*Calculated based on the requirements of Section 8.1.8 of the Secondary Plan

The Proposal has regard for the Berczy Glen Community Design Plan (the “Guidelines”)
The Guidelines set out to achieve a coordinated approach to urban design throughout the community. Among other things, the Guidelines provide direction related to streetscape, parks and open space, building typology and mix, lotting pattern, sustainability features, gateways, special community and landmark features, etc. Staff have evaluated the Proposal in the context of the Community Design Plan and are of the opinion the Proposal has regard for the Guidelines.

As a condition of draft plan approval, in accordance with the Guidelines, the Owner is required to retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the subdivision agreement. Architectural control guidelines will ensure that the future townhouses, mid-rise buildings, and single detached dwelling elevations are designed in a manner that incorporates the requirements and criteria of the Guidelines. This will ensure that the physical elements of the dwellings visible within the public realm contribute to the development of a sense of place and address components such as the location of main entrances and porches, roof slopes, corner lot architecture and materials. Building permit applications will only be accepted and processed when drawings are stamped and signed by the Design Control Architect to ensure that the dwellings have been designed in accordance with the approved architectural control guidelines.

Zoning

The Subject Lands are zoned ‘Agriculture One (A1)’ by By-law 304-87, as amended (See Figure 6: Area Context/ Zoning). To facilitate implementation of the Draft Plan of Subdivision, the Zoning By-law Amendment application proposes to re-zone the Subject Lands from ‘Agriculture One (A1)’ under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including any special provisions. The draft Zoning By-law Amendment can be found in Appendix A, and once finalized will be brought forward to a future Council meeting.

DISCUSSION:

The following section identifies how the matters raised throughout the application review process, including those raised at the Public Meeting, have been resolved.

Senior Friendly Housing and Purpose Built Secondary Suites

The *Planning Act*, as amended by The Strong Communities Through Affordable Housing Act (Bill 140), requires municipalities to pass zoning by-laws permitting secondary suites in detached, semi-detached and townhouses, as well as in ancillary structures. The effect of these legislative changes is to identify affordable housing as a matter of provincial interest with secondary suites playing a key role in the provision of affordable housing. Secondary suites provide more affordable housing choices and secondary incomes through private rental units for residents. In accordance with provincial legislation, as-of-right secondary suites are permitted in the draft Zoning By-law for all units.

The Owner has developed a list of options that they will be offering to their purchasers at the time of sale that aim to facilitate aging in place and improved accessibility. The following features will be available as design options:

- Optional master bedroom on the main floor on select models
- Optional elevators on select models
- Optional ramps where suitable
- Optional secondary entrances to facilitate secondary suites

Additionally, the following custom design options will be available:

- Double front entry doors for detached designs
- Open floor plans where possible, with minimum hallway widths of 36 inches or greater
- All door handles in the home will be pull down lever style design
- Electrical outlets may be placed 18- 24 inches from the floor level throughout the home, except over kitchen and bathroom counters, at the purchaser's request
- The main bathroom will have wood reinforcing built into the walls of the bath tub and over the toilet for future installation of grab bars
- A walk- in shower will be provided in all master bathrooms
- Generous Master Ensuite shower sizes that can accommodate shower seats
- Generous main floor stair widths to accommodate future chair lifts

Compact and Complete Communities supported by an Active Transportation Network

One of the guiding principles of the Berczy Glen Secondary Plan is to build compact and complete communities through the provision of residential neighbourhoods with a range of housing types, mixed use centres and corridors, and an interconnected system of parks that are all integrated with an active transportation network. The Proposal provides for an interconnected system of parks and open spaces, with connections provided by multi-use paths, sidewalks and trails. An active transportation network is proposed in the Berczy Glen Secondary Plan and supported by the Proposal, which includes multi-use paths and appropriate right-of-way widths to support future transit infrastructure. Bus transit stops will be provided throughout the Berczy Glen community at locations determined by York Region Transit/Viva. The proposal provides for a range of housing types, including detached dwellings, townhouse dwellings, back-to-back townhouse dwellings and a future mixed use mid-rise block. This range of housing types provides for more affordable housing choices, such as back-to-back townhouses and mid-rise building forms in the future mixed use block.

Block 305, located in the southwest corner of Warden Avenue and Street 1 (see Figure 3: Draft Plan of Subdivision), is proposed to be developed in the future with a mix of residential and non-residential uses in mid-rise buildings. Building forms under consideration include stacked townhouses, apartment buildings and multi-storey non-residential or mixed-use buildings ranging in height from 3 to 6 storeys. The development of this block will require Site Plan Approval from the City of Markham. The future Site Plan Application process will include evaluation of the site plan layout, building elevations, landscape and tree planting, vehicular and pedestrian circulation, vehicular parking, interface with the surrounding existing and planned developments, sustainable initiatives, parkland dedication or cash-in-lieu of parkland, etc.

Parkland Obligations

The Berczy Glen Community Design Plan, together with the Secondary Plan, identify the locations and sizes of parks in the Berczy Glen community. Planning for parks and open spaces within the Berczy Glen community was done during the Secondary Plan process to ensure an integrated and comprehensive approach that considers linkages and connectivity, facility requirements, and interface conditions. The interconnected system of parks and open spaces was designed to provide a range of passive and active recreation opportunities within walking distance of all neighbourhoods.

The parks proposed for the Berczy Glen Secondary Plan area consist of one Community Park, three Neighbourhood Parks, and ten Parkettes/Urban Parkettes. The Berczy Glen Community Design Plan and Secondary Plan identify the requirement for one Neighbourhood Park, a Parkette, and a portion of the six hectare Community Park to be provided on the Subject Lands.

In accordance with the City's Parkland Dedication By-law 195-90 and the *Planning Act, R.S.O. 1990, c.P.13*, as amended, the parkland requirement for the Proposal is 2.99 ha. The parkland calculation is based on the greater of 1 hectare per 300 units or 5% of land area capped at 1.2141ha/1000 pop.

The Proposal includes one 2.0 ha Neighbourhood Park, part of the Community Park (2.35 ha), and a 0.42 ha Parkette, totalling 4.77 ha of parkland. Based on the number of units proposed and the overall park space layout of the Community Design Plan, the total amount of parkland in the draft plan exceeds the required parkland dedication. At the same time, the total size of the Community Park, which traverses three different properties, will be 5.61 ha in size, whereas the Secondary Plan requires a minimum 6 ha Community Park. The over-dedication of total park space and the (shared) undersize of the Community Park must be resolved among the Landowners Group. It is Staff's opinion that a Master Parks Agreement be required to ensure parkland dedication in the Berczy Glen community meets the intent of the Community Design Plan and Secondary Plan, and the requirement of the City's Parkland Dedication By-law. Staff have incorporated a draft plan condition requiring a Master Parks Agreement prior to release of the lands for registration.

School Site Size and Location

The Proposal includes one full size public elementary school site (Block 310) based on the requirements of the Secondary Plan (See Figure 3: Draft Plan of Subdivision and Figure 5: Berczy Glen Secondary Plan - Land Use Map Extract). The York Region District School Board confirmed that the size and location of the school site is appropriate. Conditions for the school site are set out in the Draft Plan of Subdivision conditions attached as Appendix B.

The Master Environmental Servicing Plan for the Berczy Glen Secondary Plan (the “MESP”)

The MESP has been prepared in support of the Secondary Plan. The MESP assesses a range of environmental and engineering matters associated with the development of lands in the Secondary Plan area. It outlines existing conditions relating to surface water, groundwater, terrestrial and aquatic resources. It defines the Berczy Glen Greenway System, assesses and recommends stormwater management (SWM), site grading, transportation, water and wastewater servicing requirements. The MESP also identifies potential impacts and mitigation measures, including conceptual design requirements for SWM ponds, Low Impact Development (LID) measures, site grading, management of headwater drainage features (HDFs), wetland water balance, Berczy Creek road crossing designs and restoration/enhancement recommendations.

The Engineering Department has incorporated a draft plan condition requiring that the MESP be finalized and accepted by the City to the satisfaction of the Commissioner of Development Services prior to final approval of Berczy Warden Holdings Inc. Draft Plan of Subdivision.

Community Energy Plan (the “CEP”) and Sustainable Initiatives

The CEP for the Future Urban Area is finalized, but is a living document and will be updated as needed over time. The CEP will identify and advance sustainable development practices as they relate to energy use and generation within the Secondary Plan Area. Staff have incorporated a draft plan condition requiring the Owner to agree to the mandatory measures of the CEP, such as high energy efficiency building design.

The Proposal will feature efficient and resilient development to support a healthy, livable and safe community in accordance with directions of the PPS, Growth Plan and the applicable sustainable development policies of the Regional Official Plan and the City’s Official Plan. The applicant has incorporated the following sustainability initiatives:

- Low-Impact Development (LIDs) features, such as rear yard infiltration trenches and/or permeable paver driveways
- Infiltration facilities in park blocks, school blocks and mixed-use blocks to help reduce the likelihood of flooding and meet water balance objectives
- High energy efficiency building design, including:
 - A minimum of R60 in the attic/roof insulation
 - R10 underslab insulation
 - Triple pane windows or equivalent high performance double pane (U-value 1.4 or lower)

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- Electric Vehicle wiring in all garages
 - Implementation of the Solar Strategy outline in the CEP
 - Smart thermostats and in-home energy displays
 - Design and construct all buildings greater than 5 storeys to LEED Silver certification or exceed by 25% the energy efficiency levels attained by conforming to SB-10, Division 3, Chapter 2 or Chapter 3 and participate in YR Servicing Incentive Program or Sustainable Development Through LEED®.

Phasing Plan

At the Public Meeting, members of Development Services Committee raised questions about phasing infrastructure, such as roads, bridges and municipal services, within the Secondary Plan Area and with respect to the surrounding regional road network (i.e., Warden Avenue, Elgin Mills Road East). The Berczy Glen Development Phasing Plan (the “Phasing Plan”) includes information relating to, among other things: timing milestones for servicing, active transportation, road linkages, utility infrastructure, and requirements for interim works. The Engineering Department has incorporated a draft plan condition outlining that registration be phased in accordance with a completed Phasing Plan.

Municipal Servicing

There is sufficient servicing allocation available from the current allocation reserve to accommodate the Proposal. The City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner.

Final approval of the physical servicing of the subdivision relies on the technical submissions to the Engineering Department following draft approval, including final acceptance of the Functional Servicing Report. The Engineering Department has provided relevant draft conditions in Appendix B.

Berczy Glen Developers Group obligations (the “Developers Group”)

The Secondary Plan integrates the locations of public infrastructure (roads, stormwater management facilities) and the provisions of other community facilities (parks, schools, roads, road improvements, servicing), regardless of property boundaries.

To ensure all affected property owners contribute equitably towards the public infrastructure and provisions of other community facilities, a draft plan condition requires the Owner to enter into the Berczy Glen Developers Group Agreement. (See Appendix B: Conditions of Draft Plan of Subdivision Approval).

Ongoing FUA Class Environmental Assessment (the “Class EA”)

The City of Markham undertook the Future Urban Area Conceptual Master Plan (2017) Volume 2 – Transportation, Water and Wastewater Master Plan in accordance with the Municipal Class Environmental Assessments process, satisfying Class EA Phase 1 (Identify the Problem/Opportunity) and Class EA Phase 2 (Identify Alternative Solutions and Establish Preferred Solution) for all collector roads.

The participating FUA landowners are now undertaking the remaining Class EA Phase 3 (Examine Alternative Methods of Implementing the Preferred Solution) and Class EA Phase 4 (Prepare an Environmental Study Report) on an individual block-by-block basis to determine the collector road alignment.

The Proposal contains three collector roads, whose alignment will be confirmed through Phases 3 and 4 of the ongoing Class EA. The Engineering Department has incorporated a draft plan condition requiring the completion and approval of the Class EA prior to registration of the draft plan. The draft plan condition states that the Owner agrees to revise this draft plan as necessary to incorporate the recommendations of the Class EA.

Fire Department Requirements

To ensure reliability of access for Fire Department vehicles under all conditions, two means of street access, independent of one another are to be provided into the development. One access to Warden Avenue from Street “1” is shown on the Subject Lands on the Draft Plan of Subdivision. A second access to Warden Avenue from Street “2” is also shown on the Draft Plan of Subdivision; however, the portion of the road that connects to Warden Avenue is not located on the Subject Lands. This second access is required, and is included as a condition of draft approval (see Appendix B). The Owner has advised that they are coordinating with the adjacent landowner to the south to construct a second access to the Subject Lands.

A Fire Station is not required on the Subject Lands or within the Berczy Glen Secondary Plan Area. To serve the Future Urban Area, as per the FUA Community Structure Plan, a Fire Station is planned to be located within the boundaries of the Angus Glen Secondary Plan Area, which is located east of Warden Avenue, south of Elgin Mills Road, west of Kennedy Road and north of Major Mackenzie Drive.

Safety Fence

The property south of the Subject Lands is currently used for a farm operation. Staff have been advised by the owner of these lands that they intend to continue their agricultural operations. To ensure the safety of future residents and to prevent adverse impacts to the existing agricultural operation, Staff support the adjacent landowners request for a fence along the shared lot line to be constructed by the developer. Staff have included a condition of draft plan approval that requires construction of an acceptable fence.

Backlotting adjacent to the Natural Heritage System

The Draft Plan of Subdivision (see Figure 3: Draft Plan of Subdivision) currently includes backlotting adjacent to most of the Natural Heritage System (NHS) lands within this Draft Plan. Staff have been working with the Owner on options to minimize residential backlotting of the NHS to reduce the potential long-term negative impacts to the Greenway System and better integrates the natural environment into the subdivision. To achieve these goals, by facilitating a single-loaded road, grading is required into the NHS and on the adjacent landowners' property. Continued discussions with the Owner, adjacent landowner to the south, as well as the TRCA (where necessary), will help to confirm the acceptability of minor grading onto adjacent lands. Through a draft plan condition, the Owner is required to review opportunities, in consultation with staff and

stakeholders, to reduce backlotting and redline the Draft Plan of Subdivision to the satisfaction of the Director of Planning and Urban Design.

Section 37 Contributions

As part of the approval of the Zoning By-law Amendment, which seeks to intensify the subject lands with residential and mixed-use development, the Owner will be asked to provide financial contributions towards public art, pursuant to Section 37 of the *Planning Act*. This requirement is included in the draft Zoning By-law Amendment, attached as Appendix A.

Minor variances within two years of by-law enactment are permitted

The Owner requests that Council grant exemption from subsection 45 (1.3) of the *Planning Act*, which will permit applications for minor variances within two years of the enactment of the amending by-law attached as Appendix A. Staff have no objection to this request as the Zoning By-law Amendment is associated with the Draft Plan of Subdivision and is required to implement the Proposal. Minor variances that continue to uphold the intent of the zoning by-law should not be prohibited. Staff will have the opportunity to review the appropriateness of any requested minor variances should such applications be made in the future. This provision is included in the Resolution of Council.

CONCLUSION:

The Owner has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 894 residential units, an elementary school, a neighbourhood park, a parkette, part of a community park, an open space block, and two stormwater management facilities on the Subject Lands known municipally as 10348 Warden Avenue.

Based on the discussion above, Staff are of the opinion that the proposed Draft Plan of Subdivision and Zoning By-law Amendments are consistent with the Provincial Policy Statement, 2014, conform to all applicable Provincial, Regional and Municipal plans, has regard to Section 51(24) of the Planning Act, represents good planning and is in the public interest.

Staff recommend that Council approve the Draft Plan of Subdivision subject to the conditions attached as Appendix B.

Staff are finalizing the content of the Zoning By-law Amendment with the applicant, in consultation with applicable public agencies/City departments and in accordance with this report. Staff therefore recommend that the zoning by-law, attached as Appendix A, be brought forward to a future Council meeting for enactment once the by-law has been finalized.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

BUSINESS UNITS CONSULTED AND AFFECTED:

The Proposal was circulated to internal City department and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and the implementing Zoning By-law Amendment (See Appendix A: Draft Zoning By-law Amendment and Appendix B: Conditions of Draft Plan of Subdivision Approval).

RECOMMENDED BY:

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

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

ATTACHMENTS:

FIGURES

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Draft Plan of Subdivision

Figure 4: 2014 Official Plan Map 3 Extract - Land Use Plan

Figure 5: Berczy Glen Secondary Plan - Land Use Plan Extract

Figure 6: Area Context/Zoning

APPENDICES

Appendix A: Draft Zoning By-law Amendment

Appendix B: Conditions of Draft Plan of Subdivision Approval

APPLICANT/AGENT:

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