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**SUBJECT: RECOMMENDATION REPORT**

Berczy Elgin Holdings Inc.

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2)

File No's.: SU/ZA 18 235522

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**RECOMMENDATION:**

- 1) THAT the staff report dated April 21, 2020 titled "RECOMMENDATION REPORT, Berczy Elgin Holdings Inc., Applications for a Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2)," be received;
- 2) THAT the record of the Public Meeting held on March 26, 2019, regarding the Applications for a Draft Plan of Subdivision and Zoning By-law Amendment by Berczy Elgin Holdings Inc. on the subject property known municipally as 3575 Elgin Mills Road East (Ward 2), 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 Elgin 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-18010 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;

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- 7) THAT draft plan approval for Draft Plan of Subdivision 19TM-18010 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;
  - 8) THAT servicing allocation for 788 units be assigned to Draft Plan of Subdivision 19TM-18010; and,
  - 9) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

Berczy Elgin Holdings Inc. has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof and one park block on the subject property known municipally as 3575 Elgin Mills Road East (See Figure 4: Draft Plan of Subdivision).

The 28.2 hectares (69.7 acres) subject property is located west of Warden Avenue, south of Elgin Mills Road East, within the Berczy Glen Secondary Plan Area (See Figure 1: Location Map). It is primarily used for agricultural operations and among other structures, contains a listed heritage structure adjacent to Elgin Mills Road East referred to as the Lyon-Schell-Frisby House (See Figure 2: Aerial Photo). 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 applications. A number of area residents, landowners and Committee members provided comments, including but not limited to: mitigating impacts on neighboring rural residential uses; encouraging the re-use of the listed heritage structure; encouraging senior friendly housing, affordable housing and a varied housing product; seeking more information on arterial/collector road phasing; and, providing roundabouts where possible.

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 (See Figure 4: Draft Plan of Subdivision). The revised proposal, as discussed in this report, addresses matters raised by members of DSC, the public, City staff and external agencies throughout the review process.

Staff are of the opinion that the Draft Plan of Subdivision and Zoning By-law Amendment are consistent with the Provincial Policy Statement, 2014; conform to all applicable Provincial, Regional and Municipal plans, have regard to Section 51(24) of the Planning Act; represent good planning; and are 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 draft 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 draft zoning by-law, attached as Appendix A, be brought forward to a future Council meeting once the by-law has been finalized.

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**PURPOSE:**

The purpose of this report is to provide an overview, evaluation and staff recommendations with regard to the applications for Draft Plan of Subdivision and Zoning By-law Amendment submitted by Berczy Elgin Holdings Incorporated (the “Owner”).

**PROCESS TO DATE:**

- November 2018 - Applications deemed complete
- February 2019 - Preliminary report to Development Services Committee
- March 2019 - Statutory Public Meeting
- February 2020 - revised plans submitted.

**Next steps**

- If approved, the Owner will be required to clear the Conditions of Draft Plan of Subdivision Approval attached in Appendix B, enter into a subdivision agreement with the City and register the draft plan.

It should be noted that 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 Subject Property is located within the Berczy Glen Secondary Plan Area**

3575 Elgin Mills Road East (the “Subject Property”) consists of approximately 28.2 hectares (69.7 acres), located west of Warden Avenue, south of Elgin Mills Road East (See Figure 1: Location Map). It is located within the City’s Future Urban Area (the “FUA”), more specifically the Berczy Glen Secondary Plan Area, which is bounded by Elgin Mills Road to the north; Warden Avenue to the east; a residential estate subdivision to the south; and the Hydro corridor to the west (the “Secondary Plan Area”).

The Subject Property is primarily used for agricultural operations, contains a listed heritage structure adjacent to Elgin Mills Road East referred to as the Lyon-Schell-Frisby House, a barn complex and several metal-clad agricultural outbuildings (See Figure 2: Aerial Photo).

Surrounding land uses include (See Figure 3: Area Context/Zoning):

- North: Elgin Mills Road East with agricultural uses to the north, which form a part of the City’s Future Employment Area;
- East: Rural residential and agricultural uses intended for residential/mixed use development in the Berczy Glen Secondary Plan;
- South: Agricultural uses intended for residential development in the Berczy Glen Secondary Plan; and,

- West: Agricultural uses intended for residential development in the Berczy Glen Secondary Plan, currently subject to Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by Mattamy Homes.

### PROPOSAL:

The Owner has submitted Draft Plan of Subdivision and Zoning By-law Amendment applications to facilitate the creation of two elementary school blocks or parts thereof, one park block, approximately 788 residential units and the supporting road/lane network, which includes access to Elgin Mills Road East (the “Proposal”) (See Figure 4: Draft Plan of Subdivision). Table 1 below summarizes the Proposal statistics.

Key changes made to the Proposal during the review process include:

- Unit count reduced from 798 to 788 (-10 units)
- Snow storage notches/walkways and mid-block connector lanes introduced
- Local road rights-of-way increased from 18 metres to 18.5 metres
- York Catholic District School Board site (Block 206) size increased to 2.4 hectares
- Neighbourhood park (Block 207) size increased to 1 hectare

To facilitate implementation of the Proposal, the Zoning By-law Amendment application proposes to re-zone the Subject Property from ‘Agricultural One (A1)’ under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including special provisions. The draft zoning by-law amendment is attached is Appendix A.

**Table 1: Draft Plan of Subdivision Statistics**

<b>Land Use (Residential)</b>	<b>Units</b>	<b>Hectares (Acres)</b>
Detached Dwellings	178	5.74 (14.18)
Laneway townhouses	117	1.80 (4.44)
Residential Mid-rise	458	7.67 (18.96)
Mixed Use Mid-rise	35	0.58 (1.43)
<b>Total (Residential)</b>	<b>893</b>	<b>15.79 (39)</b>
<b>Land Use (Other)</b>	<b>Blocks</b>	<b>Hectares (Acres)</b>
Neighbourhood Park	207	1.00 (2.47)
Elementary Schools	205-206	4.41 (10.91)
Walkways (adjacent snow storage notch)	209-211	0.02 (0.07)
Road widening	208	0.66 (1.63)
Collector/Local Roads/Laneways	-	6.29 (15.54)
<b>Total (Other)</b>		<b>12.38 (30.59)</b>
<b>Total (All)</b>	<b>788</b>	<b>28.17 (69.60)</b>

### Public Consultation

A Public Meeting was held on March 26, 2019. Matters with respect to the original draft plan of subdivision were identified through written submissions and comments made by

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members of the Committee and the public. The following is a summary of the matters raised:

- Encouraged the adaptive reuse of the listed heritage dwelling;
- Concerns that the Proposal would impact the neighbouring rural residential properties to the east;
- The need for senior friendly housing, affordable housing and a variety of housing forms;
- Residents expressed preference for roundabouts;
- Requested additional information regarding collector and arterial road phasing and improvement projects.

The discussion section of this report (begins on page 8) outlines how these matters have been 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. The PPS provides the direction for the efficient use of land and development patterns, which support sustainability by promoting strong, livable, healthy and resilient communities, while protecting the environment and public health and encouraging safety and economic growth.

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, protects a listed heritage dwelling 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 Property is 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

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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 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 plan'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 the requirements of the Growth Plan to encourage high quality urban design, attractive buildings, landscaping and public streetscapes.

The Regional Official Plan designates the Subject Property 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, protects the listed heritage structure 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 *Planning Act* that sets out land use policy to guide future development and manage growth.

Map 3 - Land Use designates the Subject Property 'Residential Low Rise', 'Residential Mid Rise' and 'Mixed Use Mid Rise' (See Figure 5: 2014 Official Plan Map 3 Extract - Land Use). It provides direction for the development of a Conceptual Master Plan for the FUA 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 (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 Property 'Residential Low Rise', 'Residential Mid Rise I' and 'Mixed Use Mid Rise' and identifies two symbols denoting public and catholic elementary school sites and one symbol denoting a neighbourhood park (See Figure 6: Berczy Glen Secondary Plan Extract - Detailed Land Use). 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 identifies the density calculations for the Proposal.

**Table 2: Proposal Density Analysis**

<b>Designation</b>	<b>Area (Hectares)</b>	<b>Units</b>	<b>Secondary Plan Density Range (units per net hectare)*</b>	<b>Proposed Density (units per net hectare)</b>
Residential Low Rise	7.42	266.5	25-45	35.94
Residential Mid Rise I	8.20	486.5	40-70	59.32
Mixed Use Mid Rise	0.58	35	40-70	60.14

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

Staff have reviewed the Proposal in the context of the Secondary Plan and are satisfied the Proposal conforms to the Berczy Glen 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 are of the opinion the Proposal meets the objectives of the Guidelines.

As a condition of draft plan approval, the Guidelines require the Owner 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, single detached dwellings and mid-rise development 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 from 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 Property is zoned 'Agriculture One Zone (A1)' by By-law 304-87, as amended (See Figure 4: Area Context/Zoning). To facilitate implementation of the Draft Plan of Subdivision, the Zoning By-law Amendment application proposes to re-zone the Subject Property from 'Agricultural One (A1)' under By-law 304-87, as amended, to the appropriate zone categories under By-law 177-96, as amended, including any special

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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.

**Matters raised through public consultation by DSC and members of the public****Lyon-Schell-Frisby heritage house to be preserved under the Ontario Heritage Act**

The Subject Property contains the Lyon-Schell-Frisby House, c.1850, a one-and-a half storey brick farmhouse that is listed on the *Markham Register of Property of Cultural Heritage Value or Interest* (the “Heritage Building”).

At Heritage Markham’s meeting on January 9, 2019 the following recommendation was passed with respect to the Heritage Building:

*“That Heritage Markham strongly recommends the retention of the Lyon-Schell-Frisby House at 3575 Elgin Mills Road East on its original site on an appropriate size lot to provide ample space for landscape, amenity space, and any potential additions, and its integration into the proposed development; and,*

*That Heritage Markham recommends that the standard Heritage Condition of Draft Approval be included in the approval of the Draft Plan of Subdivision application.”*

Heritage planning recommends that the heritage building be retained on its original site as required by the cultural heritage planning policies of the City’s Official Plan. Included in the Draft Plan of Subdivision conditions attached as Appendix B are the standard Heritage conditions of draft plan approval, which include requirements for the preservation and maintenance of the heritage building, a heritage easement agreement, heritage designation, site plan approval and the requirement for an interpretive plaque.

Restoration of the Heritage Building, will be subject to site plan approval. At this stage, details such as landscaping, amenity space and compatibility with future development will be further examined by staff. Some of the permitted uses for the Heritage Building include day care centres, convenience retail and personal services.

**Barn complex to be salvaged for lumber by the Frisby family for a future residence**

At Heritage Markham’s meeting on January 9, 2019, staff were directed to further examine the barn and outbuildings to determine their significance and potential options for the buildings.

City staff, the Owners representatives and two members of the Frisby family conducted a site visit on April 23, 2019. Members of the Frisby family advised that the barn was constructed in 1912 and that they had arranged with the Owner to salvage the lumber from the barn for a future residence. On May 8, 2019 Heritage Markham passed a motion in support of salvaging the lumber from only the barn by the Frisby family for a future new



residence and that staff investigate options for the City to obtain a financial security to ensure the salvaged lumber is used for its stated purpose.

**Residents to the east to be protected during construction activity**

At the public meeting, residents along Elgin Mills Road located east of the Proposal raised concerns with regards to the construction impacts. These residents will be protected from potential erosion and sedimentation during construction of the subdivision through draft plan conditions that shall require the preparation of an erosion and sediment control plan (the “Plan”) in accordance with the City’s design criteria and the “Erosion and Sediment Control Guideline for Urban Construction (2006)”. The Plan will identify erosion control practices (i.e. staged earthworks, track walking, stabilization, etc.) as well as sediment controls (fencing, mud mats, catchbasin sediment control devices, etc.).

In addition to erosion and sediment control practices during construction, there are by-laws in place to protect residents during construction activity. Specifically, the City’s Noise By-law 2017-74 prohibits the operation of any equipment in connection with construction: all day on Sundays and Statutory Holidays; from 7pm one day to 7am the next day; Fridays from 7pm to 9am Saturday; and after 5pm on Saturday.

**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 ramps where suitable
- Optional master bedroom on the main floor on select models
- Optional elevators on select models
- 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

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- 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

**Roundabouts**

At the Public Meeting residents inquired about opportunities for roundabouts to be incorporated within the Proposal and at the intersection of Warden Avenue and Elgin Mills Road East. A roundabout is one of several alternative traffic controls that are typically considered in any development. The decision on roundabouts as a potential traffic control depends on various factors, namely surrounding land use, traffic operations, and technical feasibility. Based on these considerations, it is determined that there is not a suitable location for where roundabouts will be beneficial within the Proposal given the intersecting road functions (mostly local roads). A roundabout at the Warden Avenue and Elgin Mills Road East intersection will be addressed as part of the City's environmental assessment study for Elgin Mills Road East. York Region policy also requires that roundabouts be considered as an option when undertaking environmental assessment studies for its intersection improvements.

**Infrastructure 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 Class Environmental Assessment (EA) Study for Elgin Mills Road corridor**

With the anticipated development in the Future Urban Area, ~~it is expected that~~ a number of regional and municipal roads and intersections are required to be built or widened in order to accommodate the projected population growth. The following are ~~the~~ arterial/collector roads identified for road widening as part of the FUA, and the agency responsible for undertaking of the Municipal Class EA: -

- Elgin Mills Road – Victoria Square Boulevard to McCowan Road (City of Markham)
- Warden Avenue – Major Mackenzie Drive East to north of Elgin Mills (York Region)
- Kennedy Road – Major Mackenzie Drive East to Elgin Mills Road East (York Region)

**Matters raised by City Staff and Public Agencies**

**School boards have confirmed the size and location of sites provided are acceptable**

The Proposal includes one full size catholic elementary school site (Block 206) and a partial public elementary school site (Block 205) based on the requirements of the

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Secondary Plan (See Figure 4: Draft Plan of Subdivision and Figure 6: Berczy Glen Secondary Plan Extract - Detailed Land Use).

The respective school boards have confirmed that the size and locations of the school sites are appropriate. It is anticipated that the partial public elementary school site (2 hectares) will become a full 2.4 hectare site when a draft plan of subdivision is submitted to the City for the lands located to the east of the Subject Property. Included in the Draft Plan of Subdivision conditions attached as Appendix B are the respective school board conditions.

**Proposed parkland meets the objectives of the Community Design Plan and conforms to the Secondary Plan**

The Community Design Plan and Secondary Plan identify the locations and sizes of parks in the Berczy Glen community, irrespective of property ownership. Together these plans ensure an integrated and comprehensive approach that considers linkages and connectivity, facility requirements, and interface conditions.

As well, these plans identify the requirement for a one hectare Neighbourhood Park on the Subject Property, which the Proposal provides in Block 207.

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 2.63 ha (based on the number of units), resulting in a under-dedication of 1.63 ha., calculated on a site-specific basis.

However, given that the parkland block shown in the Proposal meets the parkland provision strategies set out in the Community Design Plan and Secondary Plan, which provide for 100% parkland dedication on a Community-wide basis, it is Staff's opinion that the proposed parkland conveyance, while representing an under dedication on a site specific basis, is acceptable in the context of the Community as a whole, and no additional cash in lieu of parkland would be required. In the context of large greenfield communities like Berczy Glen it is common for some landowners to under dedicate parkland while others over dedicate parkland on a property-specific basis. Typically, staff require these discrepancies to be resolved through the Landowners Group and are implemented from the City's standpoint through a Master Parks Agreement. Staff have incorporated a draft plan condition reserving the right to require a Master Parks Agreement and/or revisions to this draft plan of subdivision to incorporate additional parkland, prior to release of the lands for registration.

**Residential mid-rise blocks and mixed-use mid-rise block are subject to site plan approval**

Blocks 202 and 203 are proposed to be developed in the future with residential mid-rise product. This may include building forms such as townhouses including back to back and stack townhouses, small multiplex buildings containing 3 to 6 units and apartments with heights ranging from 2 to 4 storeys.

Block 204 forms a portion of a larger mixed use mid-rise block and is proposed to be developed at some time in the future with residential and possible commercial uses (i.e.

offices, restaurant, retail, etc.) Building forms considered by the Secondary Plan, include stack townhouses, apartment buildings and multi-storey non-residential or mixed-use buildings ranging in height from 3 to 6 storeys.

These blocks are subject to site plan approval including a review of built form transitions to adjacent uses, landscaping, massing, parking supply, vehicular and pedestrian circulation, building materials, waste management, among other matters.

### **The Community Energy Plan (the “CEP”) and sustainability 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)
  - 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®.

### **Section 37 contributions including Public Art**

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.

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**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 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 Elgin Holdings Inc. Draft Plan of Subdivision.

**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 Proposal. One access to Elgin Mills Road East from Street “1” is shown on the Proposal. A partial second access to Elgin Mills Road East is also shown on the Draft Plan of Subdivision (Street “2”). This second access is required to be fully constructed, and is included as a condition of draft approval (see Appendix B). The Owner is expected to coordinate construction with the adjacent landowner, Mattamy Homes.

A fire station is not required on the Subject Property or within the Berczy Glen Secondary Plan Area. To serve the FUA, a Fire Station is planned to be located within the boundaries

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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.

**Resolution to permit minor variances within two years of by-law enactment are recommended**

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.

**Municipal servicing is available**

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 to the satisfaction of the Director of Engineering. This requirement is reflected in Appendix B: Conditions of Draft Plan of Subdivision Approval.

**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 requiring all Owners in the Secondary Plan Area to enter into the Berczy Glen Developers Group Agreement has been incorporated into the conditions. (See Appendix B: Conditions of Draft Plan of Subdivision Approval).

**CONCLUSION:**

Berczy Elgin Holdings Inc. has submitted applications for Draft Plan of Subdivision and Zoning By-law Amendment to facilitate the creation of approximately 788 residential units, two school blocks or parts thereof, one park block on the Subject Property known municipally as 3575 Elgin Mills Road East.

Based on the discussion above, staff are of the opinion that the proposed Draft Plan of Subdivision and 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.

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Staff recommend that Council approve and 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 Proposal has 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:**

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context/Zoning

Figure 4: Draft Plan of Subdivision

Figure 5: 2014 Official Plan Map 3 Extract - Land Use Plan

Figure 6: Berczy Glen Secondary Plan Extract - Detailed Land Use Plan

Appendix A: Draft Zoning By-law Amendment

Appendix B: Conditions of Draft Plan of Subdivision Approval

**APPLICANT/AGENT:**

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