



Report to: Development Services Committee

Report Date: June 23, 2015

SUBJECT: 2014 City of Markham Official Plan, Part 1 – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board

PREPARED BY: Policy and Research Division, Planning & Urban Design Department

REVIEWED BY: Marg Wouters, M.C.I.P., R.P.P., Ext. 2909
Senior Manager, Policy and Research

RECOMMENDATION:

- 1) That the report entitled “2014 City of Markham Official Plan, Part I – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board” dated June 23, 2015, be received;
- 2) That the proposed modifications to the 2014 City of Markham Official Plan – Part 1, as outlined in Appendix ‘A’ of the report entitled “2014 City of Markham Official Plan, Part I – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board” dated June 23, 2015, be endorsed, and forwarded to the Ontario Municipal Board for approval;
- 3) And that staff and legal counsel be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to recommend to the Ontario Municipal Board (OMB) a number of additional modifications to the 2014 Official Plan (not yet in force) and to provide an update on the Official Plan appeal proceedings.

BACKGROUND:

Markham’s new Official Plan (2014 Official Plan) was approved with modifications by Regional Council on June 12, 2014 and was subsequently appealed to the OMB and is not yet in force. 38 appeal letters were received by York Region and forwarded to the OMB in July 2014. Since that time, the OMB has received 3 requests to withdraw appeals. Markham legal counsel continues to meet with interested appellants to discuss scoping and resolution of appeals.

As issues are resolved by parties, or adjudicated by the OMB, the 2014 Official Plan, or parts thereof, will come into effect. Until an OMB decision to approve all or part of the Official Plan has been made, the current Official Plan (Revised 1987), as amended, (referred to as the 1987 Official Plan) will continue to remain in force.

The OMB held two pre-hearing conferences on January 28, 2015 and April 27, 2015, at which Markham legal counsel advanced a strategy for dealing with the appeals of the 2014 Official Plan. The proposed strategy for the OMB hearing includes grouping common or shared appeal issues and identifying an approach for scoping and resolving the issues based on a combination of meetings with affected parties, and OMB mediation sessions and hearings. At the last pre-hearing conference, appellants were asked to provide comments on a consolidated issues list and an annotated version of the 2014 Official Plan, Part 1 which identified text and mapping under appeal.

A third pre-hearing conference is scheduled for July 8, 2015, before which time Markham legal counsel will provide a final consolidated issues list and a final annotated version of the 2014 Official Plan which will also cross reference appellants and appeal issues. At the pre-hearing conference, Markham legal counsel is proposing to bring forward a partial approval order for portions of the 2014 Official Plan that are not being contested.

It is proposed that the modifications outlined in this report be considered by the OMB along with the partial approval of the Plan at the July 8, 2015 pre-hearing conference.

OPTIONS/ DISCUSSION:

Recommended further modifications to the 2014 Official Plan are provided in Appendix 'A'. The proposed modifications are intended to address OMB, Regional Council and Council decisions on lands within Markham that were made after the 2014 Official Plan was approved by the Region, as well as two new modifications and a number of technical corrections proposed by Markham staff. The key modifications are outlined below.

Ontario Municipal Board Decisions

The following are proposed modifications in response to OMB decisions that were made after the 2014 Official Plan was approved. All of these decisions are consistent with Council decisions on applications or secondary plans made respecting the subject lands. The proposed modifications are intended to reflect the Board decisions in the 2014 Official Plan.

365 Hood Road

On November 3, 2014 the OMB issued an order to approve a minor variance to the Markham Zoning By-Law to permit the development of a private school with accessory dormitories on the 365 Hood Road lands. Proposed Modifications 64-65 in Appendix 'A' to this report provide for a new site specific policy to permit a *private school* with accessory dormitories on the 'Business Park Employment' lands at 365 Hood Road. The

proposed modifications are intended to allow the approved zoning for the lands to remain in conformity with the 2014 Official Plan.

Power Education Corp. has appealed the 2014 Official Plan on an area/site specific basis. Legal Counsel for Power Education Corp. have provided a letter indicating terms of settlement and an acknowledgement that it will settle its appeal based on the OMB approving Proposed Modifications 64-65 referred to above.

Future Urban Area Lands in Cornell Centre and the Little Farm Lands

On May 13, 2015 the OMB issued an order to remove the restriction on the urban area designation in the Regional Official Plan for certain lands in Cornell Centre, located generally east of the Donald Cousens Parkway, and the Little Farm lands, located generally north of Steeles Avenue East and east of 9th Line.

Proposed Modification 101 provides for the inclusion of the Cornell Centre/Little Farm lands within the urban area shown on Map 12 – Urban Area and Built-Up Area. Proposed Modification 53 removes the reference to the ‘Future Employment Area’ designation for certain Cornell Centre lands east of Donald Cousens Parkway in Section 9.7.8.3. Proposed Modifications 86 and 92 remove the ‘Future Urban Area’ overlay on Map 1 - Markham Structure and redesignates these Cornell Centre lands from ‘Future Employment Area’ to ‘Business Park Employment’ and ‘Service Employment’ on Map 3 – Land Use. The proposed modifications are consistent with the 1987 Official Plan and the Cornell Secondary Plan PD 29-1, as amended, as further modified by York Region in accordance with Council’s direction of May 31, 2011. It should be noted that Section 9.7.8.3 of the 2014 Official Plan provides for the 1987 Official Plan to continue to apply to the lands until an updated secondary plan is approved for the Cornell Centre lands.

In accordance with Section 9.2.8 of the 2014 Official Plan, the ‘Future Neighbourhood Area’ designation will continue to apply to the Little Farm lands as shown on Map 3 – Land Use. Section 9.2.8 requires an Official Plan Amendment to redesignate the Little Farm lands from ‘Future Neighbourhood Area’ to an appropriate land use designation(s).

York Region Council Decisions

The following are proposed modifications in response to York Region decisions on lands within Markham, which were made after the 2014 Official Plan was approved. All of these decisions are consistent with Council decisions made respecting the subject lands. The proposed modifications are intended to reflect York Region’s decisions in the 2014 Official Plan.

Employment Land Conversion Requests

In approving the 2014 Official Plan, York Region modified the site-specific policies related to potential conversion of certain employment lands by deferring them to the Region’s next municipal comprehensive review. The modified wording states that the removal of the deferral must await the Region’s consideration of the potential collective impact of all employment land use deferrals through substantial completion of the

forecasting and land budget component of the Region's comprehensive review by April 2015.

On April 23, 2015 Regional Council supported the removal of the Region's deferral modifications to the Markham Official Plan and endorsed 8 of the 10 site-specific employment conversion requests: Neamsby Investments, Times Group, Kings Square, Jolis Investments, Holborn Properties, Wemat One, Box Grove Hill Developments, and Lindvest Properties.

Neamsby Investments, Box Grove Hill Developments, Lindvest Properties Employment Conversion Applications

At the April 23, 2015 meeting, Regional Council approved the Neamsby, Box Grove Hill and Lindvest employment land conversion official plan amendment applications (OPA Nos. 222, 223, and 224) to the 1987 Official Plan. On May 8, 2015, Regional staff issued notices of decision for these OPAs to the 1987 Official Plan and all three have subsequently all been appealed to the OMB.

Regional Council further supported the removal of their deferral modification on the site specific policies for the Neamsby, Box Grove Hill, and Lindvest employment conversion properties in the 2014 Official Plan and endorsed the site specific policies and land use designations contained in OPA Nos. 2 and 3 to the 2014 Official Plan, for the Neamsby and Box Grove Hill lands respectively, for approval by the OMB. Regional Council also endorsed the proposed permissions for low, medium and high density residential uses on the Lindvest lands to be incorporated in the proposed update to the Cornell Centre Secondary Plan that will form an amendment to the 2014 Official Plan.

Proposed Modifications 45-46, 82 and 88 are intended to reflect the Region's decision as it applies to the Neamsby lands by removing the Region's deferral modification from Section 9.2.10 and replacing the current wording with the wording contained in OPA No. 2. Among other things, the proposed modifications would modify Map 3 – Land Use to remove the deferral hatching and redesignate the 'General Employment' lands to 'Residential Low Rise' and 'Service Employment'.

Proposed Modifications 62-63, 84 and 91 are intended to reflect the Region's decision as it applies to the Box Grove Hill lands by removing the Region's deferral modification from Section 9.16.14 and replacing the current wording with wording contained in OPA No. 3. Among other things, the proposed modifications would modify Map 3 – Land Use to remove the deferral hatching and redesignate the 'Business Park Employment' lands to 'Mixed Use Mid Rise', 'Mixed Use Low Rise' and 'Residential Low Rise'.

Proposed Modifications 54-55, 85, and 93 are intended to reflect in part the Region's decision as it applies to the Lindvest lands by removing the Region's deferral modification from Section 9.7.8.5 and replacing the current wording of the Section with wording acknowledging that the land use designations shown on Map 3 – Land Use shall be used to inform the update of the Cornell Secondary Plan for the lands. The

update of the Cornell Secondary Plan shall conform with the designations and policies of OPA No. 224, once in force, and development of the lands will be informed by the findings of the Master Environmental Servicing Plan as it relates to the lands. Section 9.7.8.3 of the new Official Plan states that the provisions of the Official Plan (Revised 1987), as amended, shall apply to the lands in Cornell Centre until an updated secondary plan is approved. As such, it is intended that the land use designations and mapping to implement the City's and Region's decision as it applies to the Lindvest lands will be addressed through the update of the Cornell Centre Secondary Plan.

Times Group, Kings Square, Jolis Investments, Holborn Properties and Wemat One Employment Conversion Applications

At the April 23, 2015 meeting, Regional Council supported the removal of the deferral designation on the site specific policies for the Kings Square, Jolis, Holborn and Wemat One employment conversion properties. Regional Council further directed Regional staff to, upon receipt of a site-specific OPA to the 1987 Official Plan, approve and issue notices of decision for the Times, King Square, Jolis, Holborn and Wemat One employment conversion applications.

Proposed Modifications 49-52 are intended to reflect the Region's decision as it applies to the Kings Square, Jolis, Holborn and Wemat One lands by removing the Region's deferral modifications from Sections 9.4.7, 9.4.14, 9.5.14 and 9.6.6 respectively.

Flato (Auriga) and Cornell Rouge Employment Conversion Applications

Regional Council deferred, for future consideration, the removal of the Region's deferral designation and maintenance of the employment designation for 2 employment conversion properties, Flato (Auriga) and Cornell Rouge. These deferrals will require a further staff report to the Regional Committee of the Whole in the future.

Proposed Modifications 56-57 are to update Sections 9.7.8.5 and 9.7.8.6 to further clarify that the Region's deferral modification's reference to certain site specific policies is based on the June 12, 2014 decision of Regional Council.

Markham Council Decisions

The following are proposed modifications in response to recent Markham Council decisions on lands within Markham that were made after the 2014 Official Plan was approved. The proposed modifications are intended to reflect these decisions in the 2014 Official Plan.

Special Policy Area (SPA) and Related Policies

On February 17, 2015 Council adopted proposed modifications to the Special Policy Area (SPA) and related policies to provide greater specificity and clarity on the implementation of the SPA policies relative to the Provincial Policy Statement 2014 and provincial and TRCA technical guidelines. Subsequent to Markham Council adoption, the proposed modifications were forwarded to the TRCA for endorsement and the Ministry of Municipal Affairs and Housing for Ministerial approval. The TRCA

endorsed the proposed modifications at its Board meeting of May 29, 2015 and they are before the Ministers for their consideration.

In approving the Official Plan, Regional Council withheld a decision on the SPA policies and certain area and site specific land use policies and mapping applying to SPA lands pending Provincial approval of the SPA and related policies. The Region's non-decision on the SPA policies has been appealed to the OMB and therefore any further approval of the SPA and related policies will be before the Board once Ministerial approval is obtained.

The modifications to the SPA and related policies are included in Appendix 'A' as Modifications 4-22, 29 and 78, to be forwarded to the OMB for approval prior to the potential partial approval of the Plan at the next pre-hearing conference. These modifications, as well as Modifications 61, 68-72, to area and site specific policies definitions applying to SPA areas, and Modifications 87, 96-97 to SPA related mapping are all subject to Ministerial approval of the SPA policies.

In the event that Ministerial approval is not obtained prior to the July 2015 pre-hearing conference, the deferral of the SPA and related policies shall remain in place and the proposed modifications will not be introduced to the OMB as a modification until Ministerial approval is provided.

Markham Staff Recommend Further Modifications

City-owned Community Centre lands at 14th Avenue and Middlefield Road

Markham Staff are proposing modifications to the 2014 OP mapping for the Southeast Community Centre lands at the southeast corner of 14th Avenue and Middlefield Road in light of Regional and City Council decisions to permit residential uses on the adjacent Neamsby lands.

Proposed Modifications 83 and 89 would replace the 'Employment Area' structural element on the City-owned Community Centre lands with a 'Neighbourhood Area' structural element on Map 1 – Markham Structure and redesignate the lands from 'General Employment' to 'Residential Low Rise' on Map 3 – Land Use.

Further Clarification of Building Type provisions in 'Residential Low Rise' designation

Markham staff are proposing that additional wording being added to Section 8.2.3.3 a) to clarify that low rise condominium development (ie. low rise dwellings on a private street) may also be considered by zoning by-law amendment where a development block has frontage on an arterial or major collector road.

The intent of proposed Modification 30 is to provide for flexibility in considering low rise condominium development in appropriate locations within the 'Residential Low Rise' designation without the need for an amendment to the Plan.

Technical Corrections

Markham Staff are proposing a number of modifications (Proposed Modifications 1-3, 23-28, 31-44, 47-48, 58-60, 66, 73-77, 79-81, 94-95, 98-100, 102-104) to address a number of technical corrections required to the text, figures, maps and appendices of the Plan. Each modification describes the technical correction provided in response to typographical or wording errors or wording and mapping that was inadvertently omitted.

Next Steps in the 2014 Official Plan Appeal proceedings at the OMB

It is recommended that the proposed modifications to the 2014 Official Plan contained in Appendix 'A' be presented to the OMB for approval.

Markham legal counsel will be providing an updated consolidated issues list and an updated annotated version of the Plan cross referencing appellants and appeal issues to all parties in advance of the July 8, 2015 pre-hearing conference. At that time, a partial approval order, for portions of the Official Plan that are not being contested, will also be provided to all parties.

At the July 8, 2015 pre-hearing conference, the Board will be requested to approve those parts of the Plan that are uncontested.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

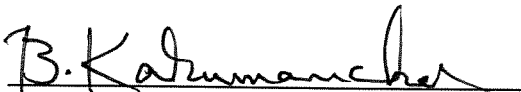
Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The 2014 Official Plan, and the modifications identified in this report, relate to all strategic priorities of Building Markham's Future Together, and specifically address the Growth Management priority.

BUSINESS UNITS CONSULTED AND AFFECTED:

The recommendations of this report have been discussed with Markham's legal counsel and the Legal Department, and their comments have been incorporated.

RECOMMENDED BY:

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



Jim Baird M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Appendix 'A' Proposed Further Modifications to 2014 Official Plan, Part 1

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