

November 29, 2013

Development Services Committee
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

MGP File: 11-2006

Dear Members of Committee:

**RE: Comments on Revised Draft Official Plan
Unionville Montessori School- Northwest Kennedy Road and 16th Avenue**

Malone Given Parsons Ltd., is the planning consultant for Unionville Montessori School (UMS) who operate the private school at the northwest corner of Kennedy Road and 16th Avenue.

We had requested previously that the proposed site specific policy for UMS (Section 9.1.3) permit a private school rather than a "private elementary school" and permit it as a single use in a mixed-use designation (Section 8.3.3.1(d)). We continue to maintain our request that the site specific policy permit a full range of grades i.e. a private school.

We also had previously expressed our client's concern with the minimum height and density provisions in the Mixed Use Mid Rise designation and requested that the site specific policy exempt UMS from these requirements.

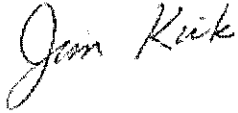
After a closer review of the site specific policy, it does not appear to provide the exceptions that we are seeking. We propose that Section 9.1.3 site specific policy be replaced with the following to address our concerns:

9.1.3 Mixed Use Mid Rise

"Notwithstanding Section 8.3.3.1(d) General Policies and 8.3.3.4 Height and Density in the Mixed Use Mid Rise designation, a single use development for a private school is permitted on the lands at 4484, 4486, 4488 16th Avenue and 9286, 9316, 9322 Kennedy Road, as shown in Figure 9.1.3."

November 29, 2013

Yours very truly,
MALONE GIVEN PARSONS LTD.



Jim Kirk MCIP, RPP
Partner
jkirk@mgp.ca

cc: Clerks Department, City of Markham
Al Remtulla, Unvionville Montessori School

(11)

Hau, Lucy

Subject: FW: NOTICE - Draft Official Plan

From:
Sent: November-30-13 4:51 PM
To: Bavington, Kitty; Wouters, Margaret
Cc: Kanapathi, Logan
Subject: Re: NOTICE - Draft Official Plan

Dear Margaret and Kitty,

Thanks for forwarding and informing regards to the forth coming Development Services Committee meeting on the 3rd December where the 19th November 2013 Draft Official Plan is to be considered.

Unfortunately as I am out of the country I will not be able to attend this meeting,

Hence this request:

The revised 19th November draft official plan shows that some components of the North Rouge secondary plan are included, namely the Special development area SPDA1, SPDA2, SPDA3.

In the draft plan, it does not include 2 plots (65 and 69 Chatelaine drive) in SPDA2 area and 1 plot (37 Carolwood crescent) in SPDA1, since these 3 plots are on appeal with the OMB (Case PL120685). The hearing was in end of July 2013 and we are still waiting on the decision.

I was hoping to hear on this before the 3rd December and was following the passage of the Draft official plan.

In the absense of a decision from OMB when this official plan is being considered for adoption, I would like to request a diferment of the above 3 plots being shown on the 19th November draft official plan as NOT being part of the SPDA1 and SPDA2.

The basis for this request is that we do not know the decision of OMB at this point and it would be pre emptive for Markham to take this specifically out at this time, with out knowing how the OMB will decide.

Also, if the decision by the OMB was to, not allow the subdivision of these 3 plots in line with the current official and secondary plans that are in force, then I am not knowledgeable to know how that decision will be refelected on the new official plan once it has been approved on 3rd December, if it already shows these 3 plots not being part of SPDA1 and SPDA2. (as the current draft shows)

Please note the request is only to difer until we hear from OMB and there may be a better way to do this apart from my suggested request to difer.

I will be most obliged if this request is looked at the Development Services Comittee meeting on the 3rd December at 9 am, as I am not able to attend.

Look forward to hearing from you.

Regards,
Stephen Emmanuel

AIRD & BERLIS LLP

Barristers and Solicitors

Eileen P. K. Costello
Partner
Direct: 416.865.4740
E-mail: ecostello@airdberlis.com

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December 2, 2013

Our File No. 118366

BY EMAIL: kbavington@markham.ca
clerks@markham.ca

Development Services Committee
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Kitty Bavington, Council/Committee Coordinator

Dear Sirs and Mesdames:

**Re: Revised Draft Official Plan : Development Services Committee Meeting
December 3, 2013
Our Client: Enbridge Gas Distribution Inc.
101 Honda Boulevard, City of Markham**

We are the solicitors for Enbridge Gas Distribution Inc. In respect of their lands located at 101 Honda Boulevard, in the City of Markham. We write concerning the City's proposed draft Official Plan.

As the Committee is aware, in 2011, our client made a considerable investment in the City through the development of a state of the art technology training centre, which includes a 9,366.32 m² main building, an outside area which is designed to provide training for staff in a simulated environment and an area for truck parking, enclosed storage and covered storage areas.

The proposed Road Network, as depicted on Map 10 of the draft Official Plan, shows a "Potential Provincial 400 Series Highway Mid-Block Crossing" of Highway 404 between Elgin Mills Road and 19th Avenue. Until the details with respect to the proposed road crossing are available, our client cannot confirm whether there will be any impact, traffic or otherwise, to its property and accordingly, objects to the proposed road crossing.

We kindly request that you please provide us with written notice of any Committee or Council meetings which are scheduled to consider the above-noted matter, as well as written notice of any decision respecting same.

December 2, 2013
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Should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



for Eileen P. K. Costello

EPCK/SJL

c. Client

15904515.1



13

November 29, 2012

City of Markham Clerk
Legislative Services (Clerk's Department)
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attn: Ms. Kimberly Kitteringham:
City Clerk

Re: **Revised Draft City of Markham Official Plan (November 2013)**
Official Plan Review

Dear Ms. Kitteringham,

Richmond Hill Staff have reviewed the City of Markham Revised Draft Official Plan (November 2013) released to the public for final review and received by the Development Services Committee on November 19, 2013. In advance of the upcoming public meeting to be held on December 3, 2013 to consider adoption of the Draft Markham OP, we provide the following comments for your consideration:

1. In our previous correspondence dated December 13, 2012, Richmond Hill staff commented on Map 10 – Road Network of the Draft Markham OP. Map 10 illustrates a proposed Hwy 404 mid-block crossing into Richmond Hill and is shown conceptually to be located north of the approved mid-block crossing at Centurian Drive/East Pearce Street. The mid-block crossing, as proposed, is shown with an asterisk and the following notation: *"Special Transportation Study Area (road network improvements to be confirmed based on further studies with agencies having jurisdiction)"*. This notation was added to the September 2012 draft of the Markham OP which originally denoted the asterisk as a *"Special Study Area"*.

With respect to the proposed mid-block crossing, our previous comments and concerns remain valid. Richmond Hill is concerned about the potential traffic and its associated impacts that would be generated into Richmond Hill by this additional crossing. Moreover, we have stated our concerns with respect to this matter in relation to the development proposal for the Buttonville Airport site in Markham.

2. A response to the comments made by Richmond Hill staff regarding Map 10 of the Draft Markham OP was provided by Markham staff in the November 19, 2013 staff report to Development Services Committee. On pages 6 and 7 of Appendix 'C' to its staff report, Markham staff noted the following:

"Map 10 has been revised to denote the Potential Provincial 400 Series Highway Mid-Block Crossing shown as an extension of Valleywood Drive/Apple Creek Boulevard as a Special Transportation Study Area where road network improvements are to be confirmed based on further studies with agencies having

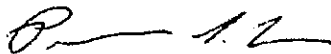
jurisdiction. The 404 flyover is planned as an extension of Valleywood and AppleCreek because of its continuity to Warden Avenue which will provide a continuous E-W link parallel to Hwy 7 and 16th Avenue. The additional E-W midblock crossing is required to provide direct route for intermediate distance trips (e.g. between Warden to Leslie) instead of using 16th Avenue, Highway 7 or the planned Centurian flyover."

The York Region Official Plan does not plan for two Hwy 404 crossings in the area bounded by 16th Avenue and Highway 7. Justification for this additional flyover has not been provided and it continues to be our position that it is not appropriate to designate an additional Hwy 404 crossing beyond what is identified in the York Region OP. Notwithstanding the notation on Map 10 that the second Hwy 404 crossing is to be confirmed based on further study, we request that the identification of this second Hwy 404 crossing south of 16th Avenue be removed.

3. We have reviewed the Draft OP policies with respect to employment land conversion and specifically in relation to the site-specific requests for the conversion of employment lands to non-employment uses within Markham that abut Richmond Hill. Richmond Hill Staff are supportive of the comments made by Markham Staff that employment lands should be maintained for employment land purposes over the long term. We are specifically concerned about those lands proposed for employment land conversion in Markham that abut Richmond Hill's designated employment lands located in the Hwy 404 corridor. Employment lands within this corridor should be maintained for employment uses to meet long-term needs so as to not destabilize the overall viability of the area for employment land employment and economic development purposes taking into account cross-jurisdictional issues.

Thank you for the opportunity to provide comments on the draft Markham OP. We request that Richmond Hill be provided notification of any decisions by Markham Council concerning the proposed Markham Draft Official Plan. If there are any questions, or to discuss our comments, please do not hesitate to contact the undersigned or Mr. Brian DeFreitas, Planner at 905-771-8910.

Sincerely,



Patrick Lee, MCIP, RPP
Director of Policy
Planning and Regulatory Services
Policy Division

cc:
Ana Bassios, Commissioner of Planning
Jim Baird, Commissioner of Development Services
Karen Whitney, York Region Transportation and Community Planning

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140 Renfrew Drive, Suite 201
Markham, Ontario L3R 6B3
Tel: 905-513-0170
Fax: 905-513-0177
www.mgp.ca

December 2, 2013

Development Services Committee
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

MGP File: 12-2113

Dear Members of Committee:

RE: Comments on Revised Draft Markham Official Plan (November 2013)
LBS Group- 8651 McCowan Road

We are the planning consultants to LBS Group who owns 8651 McCowan Road (North of Heritage Road).

We submitted correspondence on the draft Official Plan dated January 24, 2013. We requested previously a site specific policy be included in the revised draft Official Plan to recognize the existing permissions for single use retail and accessory outdoor storage.

We have reviewed the revised draft Official Plan and note that the property is part of the Markville Secondary Plan and subject to an area specific policy. Sections 9.14.4.2 and 9.14.4.3 state that a Secondary Plan will be prepared and until the new secondary plan is approved, the policies of the current (revised 1987) Official Plan remain in effect. This means retail uses with and without accessory outdoor storage and/or display of merchandise is permitted.

In response to our January submission, staff note (in Attachment C to the December 3rd 2013 staff report) that *"a site specific policy will be included in the new secondary plan for Markville to recognize the existing single use building with outdoor storage. Until a new secondary plan is approved for this area in accordance with Section 9.14.4.3, the provisions of the Official Plan (revised 1987), as amended, shall apply to the lands"*.

We recognize and appreciate staff's commitment to establish a site-specific policy in the future, however to clarify and entrench this intent, we request a site specific policy in the proposed new Official Plan.

Yours very truly,
MALONE GIVEN PARSONS LTD.

A handwritten signature in cursive script that reads 'Jim Kirk'.

Jim Kirk, MCIP, RPP
Partner
jkirk@mgp.ca

cc: Jim Maxwell, LBS Group

(15)

AIRD & BERLIS LLP

Barristers and Solicitors

Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

December 2, 2013

Our File No. 115947

BY EMAIL: kbavington@markham.ca

Development Services Committee
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Kitty Bavington, Council/Committee Coordinator

Dear Sirs and Mesdames:

**Re: City of Markham Revised Draft Official Plan
Development Services Committee Meeting of December 3, 2013
Our Client: E. Manson Investments Limited**

We are the solicitors for E. Manson Investments Limited. Our client owns a number of properties in the City of Markham, some of which are designated for employment purposes while others are located in the North Markham area.

We enclose with this letter our previous submissions to City Staff respecting the draft Official Plan as it relates to lands designated for employment purpose. We have reviewed the revised draft Official Plan recommended for adoption by City Council. Our client is concerned about the employment policies generally as found within the draft Official Plan, including (but not limited to) policies restricting or prohibiting places of worship, private/commercial/trade schools and day care centres on lands designated for employment purposes. The proposed policy restrictions on these uses (in the instance of private schools and places of worship, an outright prohibition) represents a significant hardship not only on employment land owners and their potential tenants but also in the services and amenities available to employees in Markham's business areas.

We have set out below our additional comments on the draft Official Plan as it relates to our client's current landholdings:

245 Renfrew Drive (Site Specific Exception 9.4.12):

The enclosed correspondence and background sets out the range of permitted uses currently developed on this property today. Through both an OMB approval (supported by Markham) and subsequent additional approvals by the City, our client successfully operates a private school, day care and place of worship (the latter on Sundays only) at 245 Renfrew Drive. The use of the school during non-school hours for place of worship

represents an efficient use of the land and recognizes that both uses can co-exist successfully on the site and within this business employment area.

The updated draft Official Plan proposes to recognize the private school use and day care through a site specific policy exception (exception 9.4.12). The exception as drafted, however, limits the Official Plan recognition to the existing building and caps the number of classrooms. The policy does not permit or recognize the place of worship that operates on this site on Sundays.

The policy as drafted is not appropriate and we would ask that Committee amend it to recognize without limitation that the site may be used for *private school, day care* and *place of worship*. Restrictions on number of classrooms and days of operation are more appropriately placed through the zoning on the lands.

100 Steelcase Road East (Site Specific Exception 9.17.5)

The correspondence enclosed sets out our client's site specific concerns expressed to Staff previously with the designation of this site as General Employment. 100 Steelcase Road East is situated one parcel east of Woodbine and the entire site is zoned Select Industrial and Limited Commercial. The zoning was put in place by the City in recognition of the site's proximity to the Woodbine corridor which is commercial in nature. The zoning permits a range of employment uses, including commercial and trade schools, health centres, retail, restaurant and personal service uses as well as business and professional offices. In light of the site's location and zoning, it remains our client's submission that the site is more appropriately designated Service Employment and not General Employment.

Staff have proposed instead to recognize the site through a site specific policy exception (9.17.5). The Staff report dated November 19, 2013, indicates that the General Employment designation coupled with the site specific policy exception should serve to recognize the current use permission on the lands. They do not.

We have communicated with Staff to point out, for example, that the General Employment designation proposes to permit commercial schools in policy 8.5.5.2 (e) while simultaneously prohibiting the same use in policy 8.5.5.4 (p). The staff report (in discussing our client's concerns at Appendix C, item 85) indicates that commercial schools are intended to be permitted. At a minimum, we would ask that section 8.5.5.4(p) be deleted from the Official Plan prior to adoption.

The site specific exception in policy 9.17.5, moreover, does not recognize the full range of uses permitted on this site today, including restaurants and personal service uses, health care centres and private clubs. Additionally, our client's overall concern with the prohibition on the introduction of private schools and places of worship on this site remains outstanding.

North Markham landholding:

Our client also owns lands located north of Major Mackenzie Drive and east of Hwy 48 in the North Markham area. These lands are proposed to be designated Countryside and Greenway. Our client's concerns include, but are not limited to, the policies that propose

to "deem" all lands within the Countryside and Greenway designations as prime agricultural lands for purposes of provincial policy. The effect of this deeming may be to hinder or prevent future urban expansions onto these lands, even though this may be required by upper tier policies. In this respect, our client submits that the draft Official Plan does not address or conform with the approved Region of York Official Plan respecting the protection of these same lands for future urban uses. Map 1 of the approved Regional Official Plan notes that lands identified as Agricultural are subject to both the agricultural policies in the York Official Plan as well as policy 5.1.12. Regional Official Plan policies 5.1.12 (i) and (j) recognize that future urban expansions may occur on lands that, in the case of the draft Markham Official Plan, are proposed to be designated as Countryside. Policy 5.1.12(j), moreover, directs both the Region and local municipalities (including Markham) to protect for the opportunity for new community areas and employment lands within these lands.

Our client is concerned that the policies in the Markham Official Plan that propose to protect the Countryside lands for agricultural purposes only are not balanced by policies recognizing and protecting for future urban expansion on the lands. In the absence of such policies, it is our client's position that the draft Official Plan does not conform with the Regional Official Plan.

We would be pleased to discuss with Staff the enclosed comments to work toward further changes to the Plan prior to Council consideration of same.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jad

c. E. Manson Investments Limited

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AIRD & BERLIS LLP

Barristers and Solicitors

Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

April 9, 2013

Our File No. 115947

BY EMAIL

Margaret Wouters
Senior Manager, Policy & Research
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Ms. Wouters:

Re: **City of Markham's Draft New Official Plan**
Our Client: E. Manson Investments Limited
Proposed Policy Changes: Schools (Private, Trade, Commercial); Day
Care Centres; Places of Worship

We are the solicitors for E. Manson Investments Limited. From our previous correspondence filed with you, you will be aware that our client owns a number of properties in the City of Markham that are designated for employment purposes. We have previously outlined for you our client's concerns respecting the proposed policy approach in the draft new Official Plan respecting private, trade and commercial schools in Markham's employment areas.

The purpose of this letter is to reiterate our request that the City reconsider its approach to the policies respecting these schools and that the City reinstate its previous Official Plan approach to accommodating these uses in its employment areas. In doing so, it is our view that the City will properly recognize the benefit that these facilities offer to Markham's employees and the contribution that they make to the continued success of Markham's employment areas.

Our client is also concerned with the City's proposed approach to day cares and places of worship in employment areas in its draft new Official Plan. Our client currently has permission for both uses for its current landholdings and wishes to maintain the flexibility to accommodate such uses in any future landholdings it may acquire in Markham. As it relates to its property at 245 Renfrew Drive, moreover, our client has successfully implemented both uses on its site.

Our client is very concerned regarding the policy direction embodied in the new Official Plan to prohibit or restrict these uses in employment areas, including business parks and general employment areas. In our submission, the restriction on day care uses and places of worship fails to address the direction of both the PPS and the Growth Plan, which recognize that institutional uses are employment uses.

April 9, 2013
Page 2

The proposed policy restrictions do not recognize the difficulty that such facilities may have in finding suitable sites in the remaining areas proposed to be designated for the uses (residential; mixed use; commercial) under the proposed Official Plan. For places of worship, the ability to locate in employment areas (including Business Park designations) also offers the opportunity to locate in a manner that does not impact on surrounding land uses (given the difference in peak hours of operation) and takes advantage of transit and road accessibility.

Permitting day care uses only as ancillary uses in employment areas will have the practical result that it will be difficult for any such facility to locate in a manner that makes it accessible to a number of surrounding employment uses. The requirement for notice to landowners within 1000 metres, moreover, is excessive and again fails to recognize that such uses are supportive of healthy employment areas. Markham's current Official Plan policies for day care uses permit such uses in employment areas, but permit Council to assess the introduction of the use through site specific zoning and site plan applications. Our client and its consultants are not aware that this approach has been unworkable or has failed to address compatibility concerns satisfactorily and would suggest that the current policy approach should remain.

We would be pleased to discuss these concerns with Staff.

Yours truly,

AIRD & BERLIS LLP

Patricia A. Foran

PAR/jad

c. E. Manson Investments Limited
Malone Given Parsons Ltd.

14311195.1

AIRD & BERLIS LLP
Barristers and Solicitors

AIRD & BERLIS LLP

Barristers and Solicitors

Patricia A. Foran
Direct: 416.866.3426
E-mail: pforan@airdberlis.com

March 13, 2013

Our File No. 115947

BY EMAIL

Margaret Wouters
Senior Manager, Policy & Research
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Ms. Wouters:

Re: **City of Markham's Draft New Official Plan**
Our Client: E. Manson Investments Limited

We are the solicitors for E. Manson Investments Limited. Our client owns 100 Steelcase Road East in the City of Markham ("the subject property"). The subject property currently houses an approximately 8300 m² multi-tenanted building, which includes commercial and trade school tenants. The permission for the existing commercial and trade school tenants is derived from Zoning By-law 2011-243, which was passed by the City in 2011 and applies specifically to our client's property. The effect of By-law 2011-243 is to zone the entirety of our client's property as Select Industrial and Limited Commercial [M.C.(50%)] with an increase in the commercial permissions on the subject property. This zoning recognizes the proximity of the subject property to the commercial corridor along Woodbine Avenue. No appeals were filed from the passage of the By-law (which was the subject of a supporting recommendation from Staff to Council).

Our client has reviewed the City's draft new Official Plan as it relates to its property. The draft Official Plan proposes to designate the subject property as General Employment. The designation would prohibit private and commercial schools on the subject lands. This is of significant concern to our client, particularly as the site specific zoning to permit broader commercial permissions was passed by Council just over one year ago and was deemed to represent good planning for this site.

The City's proposed restrictions for school uses in employment areas is, in our client's view, a significant and unwarranted departure from the City's current Official Plan policy framework. As you are aware, the City's in-force Official Plan contemplates the introduction of private and commercial schools in its employment designations subject to a review of a zoning and site plan application that addresses criteria set out in the Official Plan. We are not aware that the City's framework has posed difficulties for the City or its employment users. In fact, in a recent OMB decision (enclosed), which considered a private school use in one of the City's employment designations (Business Park), the OMB considered the challenges that face private schools in locating in other parts of the

March 13, 2013

Page 2

City. The proposed policies in the draft Official Plan will only exacerbate this challenge. Furthermore, the OMB considered that private schools were complementary to the City's employment areas and supportive of the City's goal to encourage a stronger connection between the education sector and other employment sectors.

Finally, private schools, along with trade and commercial schools, are all employment uses, a recognition that is absent from the City's proposed new Official Plan policies. In light of the foregoing considerations, our client requests that Council restore the use permissions and framework currently existing in the City's Official Plan and permit private, trade and commercial schools within the City's employment areas subject to review of a zoning and site plan application.

Alternatively, and in order to properly recognize the commercial use permission on our client's property at 100 Steelcase Road East, our client requests that its lands be designated Service Commercial rather than General Employment, but with a site specific policy recognizing that the site may be used for private, trade and commercial school uses.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jad
Encl.

c. Martha Pettit, Acting City Clerk, City of Markham
E. Manson Investments Limited
Lauren Caplongo, Malone Given Parsons Ltd.

14239163.1



AIRD & BERLIS LLP
Barristers and Solicitors

AIRD & BERLIS LLP

Barristers and Solicitors

Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

February 22, 2013

Our File No. 104533

BY EMAIL

Mr. Jim Baird
Commissioner, Development Services
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Mr. Baird:

Re: City of Markham's Draft New Official Plan
Our Client: E. Manson Investments Limited

We represent E. Manson Investments Limited, the owner of lands located at 245 Renfrew Drive in the City of Markham. Our client's property is located north of Hooper Road and west of Woodbine Avenue. The purpose of this letter is to request that Council incorporate into its new Official Plan, prior to adoption, a site specific policy recognizing an additional permission for a private school use on the property at 245 Renfrew Drive.

Background to Request

In 2010, our client's application for zoning amendment to permit a private school use (Peoples Christian Academy) on this property was approved by the Ontario Municipal Board (a copy of the Board's Decision is enclosed for ease of reference). The application had been approved by the City of Markham, appealed by a neighbouring landowner, and the City's decision upheld by the Board following a 3 week hearing.

Under the City's draft new Official Plan, our client's property continues to be proposed for a business park designation. However, the policies proposed to apply Business Park lands prohibit private schools from locating within the Business Park.

The Ontario Municipal Board decision specifically recognizes that private schools are an employment use under the Provincial Policy Statement and Growth Plan. In making this finding, the Board determined that because private schools do not share the same opportunities to acquire sites as public boards do, the foregoing provincial policies/Plan specifically enable these uses to locate in employment areas.

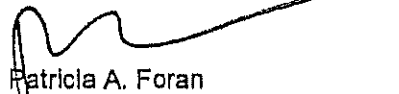
In the absence of recognition for the permitted private school use at 245 Renfrew Drive, our client is concerned that the proposed Business Park policies fail to conform with the Growth Plan and are not consistent with the Provincial Policy Statement.

February 22, 2013
Page 2

Having had the benefit of a full City public process (including thorough review by City Staff and their outside consultants) and a subsequent review at a Board hearing, it is our client's position that the planning merits and justification for the continued recognition on their property for a private school use has been established. We would respectfully request that Council provide for such recognition and the continued use permission within the City's draft new Official Plan.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jad
Encl.

c. E. Manson Investments Limited

14119928.2



AIRD & BERLIS LLP
Barristers and Solicitors

ISSUE DATE:

August 12, 2010



Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL100113.

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Pinedale Properties Ltd.
Subject: By-law No. 2009-193
Municipality: Town of Markham
OMB Case No.: PL100113
OMB File No.: PL100113

APPEARANCES:

Parties

Town of Markham

Pinedale Properties Ltd.

E. Manson Investments Ltd.

Counsel

Q. Annibale
B. Duguid

S. Leisk
M. Winch
C. Thorne

P. Foran
S. Loiacono

DECISION DELIVERED BY JAMES R. McKENZIE

I. INTRODUCTION

The matter before the Board is an appeal of Town of Markham (Town) By-law No. 2009-193 pursuant to Section 34(19) of the *Planning Act*. By-law No. 2009-193 applies to a property known municipally as 245 Renfrew Drive (Subject Property), owned by E. Manson Investments Ltd. (Manson), and introduces zoning permissions for a private school and daycare in the existing, vacant building on the lot. Pinedale

Properties Ltd. (Pinedale) owns the abutting property to the south, 185 Renfrew Drive. Pinedale opposes the proposed uses and appealed By-law No. 2009-193.

II. BACKGROUND and CONTEXT

The Peoples Christian Academy (Academy) currently operates a private school in the City of Toronto at the north-east corner of Sheppard Avenue East and Wilfred Avenue, a few blocks west of Bayview Avenue. It has been at that location since 1971. Its lease is expiring and the Academy has therefore entered an arrangement with Manson to relocate its school operation, with a new daycare operation, to the Subject Property, which is situated in the north-east portion of the Buttonville Business Park.

The Buttonville Business Park is bounded on the south by Highway No. 7, on the west by Highway No. 404, on the north by Sixteenth Avenue, on the north-east by the Rouge River, and on the east by Woodbine Avenue. It is a component of a larger employment land agglomeration situated around the Interchange of Highway Nos. 404 and 407, and represents one of the Town's more mature and successful business parks. It includes the Buttonville Airport; however, the future of that facility is in question, as will be addressed below. Opposite the Rouge River, in the south-west quadrant of the Sixteenth Avenue and Woodbine Avenue intersection, is a small residential community.

The Subject Property is situated on the east side of Renfrew Drive, which terminates in a cul-de-sac north of the Subject Property. It is approximately 2.1 hectares in area and maintains a vacant, one-storey building that formerly housed a warehouse operation (at the rear) with associated offices (in the front). The Academy proposes to maintain the existing building and undertake renovations to facilitate its use for the private school and daycare. The proposed school will have an ultimate capacity for 750 students, (Kindergarten through Grade 12), and the daycare will maintain 48 spaces. There are approximately 415 students currently enrolled in the Academy's existing school.

The proposed uses will maintain vehicular access from Renfrew Drive via two existing driveways. Vehicles will enter from the south by the southerly driveway, circulate through the site around the rear of the building, and exit to the south by the northerly driveway. The south driveway abuts Pinedale's property at 185 Renfrew Drive. While the approval of a site plan is not before the Board, the current plan reflects parking for the school operation along the south property line and at the rear of the existing building, and for the daycare operation along the north side of the existing building. Two separate drop-off/pick-up points at the rear of the building are designated for different school grades, and a third point on the north side of the building is designated for the daycare.

The daycare operation will occupy the north-west portion of the building, and an outdoor play area is proposed immediately in the front yard adjacent to this part of the existing building. A large, outdoor activity area, including a playing field, is proposed in the rear yard of the Subject Property.

The Buttonville Airport is situated opposite the Subject Property and Pinedale's property, on the west side of Renfrew Drive. The Airport maintains two runways: the longer of the two traverses the site in a south-east-to-north-west manner, and the shorter in a south-west-to-north-east manner. Between the runways and Renfrew Drive, situated opposite Subject Property and Pinedale's property, are situated a number of aircraft maintenance hangers as well as what are referred to as "run-up areas" between the hangers. The run-up areas are simply paved areas on which aircraft preparing for take-off run their engines, have key systems and components checked, and are, regardless of season, otherwise readied for flight, (much as an automobile might be warmed-up in cold weather). Aircraft run-up activities generate noise, an issue taken up later in this decision given the proximity of these activities to the Subject Property.

NOVX Industries currently leases the building on Pinedale's property. NOVX, however, is not renewing its lease and will be vacating the building in December 2010. As a consequence, Pinedale is in the process of seeking a new tenant for 185 Renfrew Drive. It is concerned that a private school and daycare adjacent to its property will prejudice its ability to do so by limiting the scope and flexibility of prospective tenants. Suffice to say at this point, however, that at issue in this hearing is whether the proposed private school and daycare uses, implemented as they are by By-law No. 2009-193, are compatible land uses in the Buttonville Business Park and reflective of sound land use planning.

III. ISSUES, EVIDENCE, and ANALYSIS

Over the course of a 12-day hearing, the Board heard from 11 expert witnesses in four professional disciplines: land use planning, traffic, noise, and land economics. Pinedale advanced its case through Scott Burns (planning), Angela Iannuzziello (traffic), Brian Howe (noise), and Gary Stamm (land economics). Manson advanced its case through Lindsay Dale-Harris (planning), Chris Middlebro' and Richard Pernicky (traffic), Al Lightstone (noise), and Douglas Annand (land economics). Finally, the Town advanced its case through Gary Sellars (planning) and Ting Ku (traffic).

A Procedural Order and Issues List established 10 issues for the hearing. Those issues are taken up over the balance of this decision under the following headings: A. Provincial Policy and Land Use Planning; B. Noise; and, C. Traffic.

At the request and on the consent of counsel, the Board visited the site on its own over a weekend during the hearing and reported its activities to counsel on the Monday following.

A. Provincial Policy and Land Use Planning

It is Pinedale's position that the proposed private school and daycare, being sensitive land uses under provincial policy, will deleteriously impact the use of its

property for industrial uses permitted as-of-right by the Town's comprehensive Zoning By-law. Its counsel and planning witness were highly critical of the proposed land uses and especially of the Town and the planning process by which Council approved By-law No. 2009-193. Mr. Burns testified that that process was truncated, that planning staff neglected to undertake any rigorous assessment of the application to rezone within the context of provincial policy or otherwise, that Council approved the By-law without appropriate information, and that its decision was taken without any supporting analysis regarding the compatibility of land uses.

Ms Dale-Harris testified that the planning process culminating in the adoption of By-law No. 2009-193 was consistent with the approach and process used by the Town for other rezoning applications, and that Council, by virtue of having her Planning Justification Study, a required submission with a rezoning application, adopted By-law No. 2009-193 fully cognizant of the planning merits of the proposed land uses on the Subject Property.

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement stipulates that all decisions regarding planning matters, including decisions issued by this Board, must be consistent with provincial policy as enunciated through the Statement. Likewise, planning decisions must conform to the Growth Plan.

Three areas arise within the Policy Statement with respect to the proposed private school and daycare: employment area policies; airport policies; and, land use compatibility policies. Focusing on these particular areas in no way deviates from the requirement that the Policy Statement be read and applied in its entirety – which the Board has done. Rather, the aforementioned policy areas are simply those engaged by the issues concerning Pinedale's appeal. Gauging whether By-law No. 2009-193 is consistent with these policies and in conformity with the Growth Plan is taken up in this

section and in the latter section of this decision concerning Noise given the Subject Property's proximity to the Buttonville Airport.

Given its treatment in the Town's Official Plan, the Buttonville Business Park is an Employment Area under both the Policy Statement and the Growth Plan. Both the Subject Property and Pinedale's property are, therefore, Employment Lands. Pinedale contends that the proposed private school and daycare – and, by extension, By-law No. 2009-193 – are neither consistent with the Policy Statement nor conform to the Growth Plan because, in Mr. Burns's opinion, those uses are not employment uses within the meaning of the Policy Statement and Growth Plan. According to Messrs. Burns and Stamm, the proposed private school and daycare undermine the basic function of the Employment Areas because they do not promote economic development and competitiveness.

Employment Areas are defined as clusters of business and economic activities. The Policy Statement and Growth Plan maintain the exact same definition of Employment Area and there is virtually no daylight between the thrust of their respective intentions concerning the treatment of Employment Lands. Indeed, Mr. Stamm told the Board that these expressions of policy reflect the Province's concern with and response to limitations on future economic opportunities as a consequence of Employment Lands being converted from their intended use. Seeing the proposed private school and daycare as activities that are not of a business or economic nature, Mr. Burns testified that the proposed uses represent a conversion of Employment Lands to non-employment uses. In his view, their approval would require a comprehensive review pursuant to Section 1.3.2 of the Policy Statement and Section 2.2.6.5 of the Growth Plan. Mr. Stamm shared Mr. Burns's conclusions and opinions.

Having evaluated the totality of the evidence with respect to the Provincial Policy Statement, (including noise, which is addressed below with further reasoning), and the Growth Plan, the Board finds that By-law No. 2009-193 is consistent with the Provincial Policy Statement and in conformity with the Growth Plan.

institutional uses are explicitly identified in the Policy Statement and the Growth Plan as employment uses. Mr. Burns sought to draw a distinction between types of institutional uses in order to sustain his overarching opinions, testifying that the scale of institutional use was in some manner a relevant or differentiating factor. The Board, however, finds nothing in the text of either the Policy Statement or the Growth Plan limiting or otherwise circumscribing institutional uses as permitted in Employment Areas. On this point, provincial policy is clear.

The Board heard testimony that the proposed private school and daycare would generate a total of 63 full-time equivalent jobs, evidence that was not contradicted by either Mr. Burns or Mr. Stamm. In fact, Mr. Stamm acknowledged that that level of employment on the Subject Property was preferable to no employment as is the status quo with a vacant building on the Subject Property. The proposed private school and daycare clearly generate employment.

Mr. Burns and Mr. Stamm testified that a private school and daycare are not appropriate institutional uses within the context of Section 1.3.1 of the Provincial Policy Statement because they do not maintain linkages to the surrounding business park and, therefore, are not employment uses for the purposes of the Policy Statement. The Board cannot countenance such a view. Section 1.3.1(a) explicitly and unambiguously identifies institutional uses as candidates for inclusion in an appropriate mix and range of employment uses. Moreover, Section 2.2.6.2 of the Growth Plan specifically cites institutional uses as a permitted component of employment uses directed at promoting economic development and competitiveness.

Both Ms Dale-Harris and Mr. Annand testified that daycare facilities provide a direct link to a business park by making available potential spaces for employees working at nearby companies. They also testified that private schools provide a linkage, albeit over time, to a business park by nurturing and developing an educated and capable workforce upon which companies located in a business park may one day rely.

Furthermore, the Board cannot countenance Mr. Burns's testimony that the proposed private school and daycare constitute a conversion of Employment Lands to a non-employment use. Such an opinion can only be sustained based on an interpretation that the proposed uses are not Institutional uses and therefore are not employment uses. It remains beyond this Board Panel's comprehension how a private school and daycare do not fall within the purview of institutional land uses; the Board was not shown anything about the nature of this particular school operation to meaningfully suggest otherwise. The fact that it will be privately operated by a proponent that has done so for almost 40 years does not change what it is – a school. Ms Dale-Harris testified that private schools and daycare centres represent a form of community infrastructure; by making available a more full range of services, they are responsive to policies in the Growth Plan encouraging complete communities. Mr. Annand testified that providers of private educational opportunities, like the Academy, do not have access to sites codified in legislation as do public authorities like school boards. As a consequence, they are often forced to look to employment lands – a fact inherently recognized in the Policy Statement and Growth Plan by the inclusion of policies allowing Institutional uses in Employment Areas. Finally, Mr. Stamm's admission that the preference of the anticipated employment associated with the proposed uses is preferable to zero employment is an implicit confirmation that the proposed uses are employment uses. As previously noted, therefore, the proposed uses are employment uses, notwithstanding that some may seek to characterize them strictly as service uses or non-employment uses.

York Region Official Plan

The Region's Official Plan maintains as a policy of economic vitality that Employment Areas be planned to accommodate a variety of business uses, and that industrial and commercial uses requiring separation be located so as to not interfere with potential mixed-use areas or other uses that might be affected.

Mr. Burns testified that the proposed school and daycare do not conform to these policies of the Regional Plan. As previously noted, the proposed uses are service uses in his opinion, do not directly support economic development, and therefore have no place in an Employment Area. The implicit premise in Mr. Burns's analysis and opinions is that the proposed uses will have a deleterious impact on other existing business park uses. The evidence, set out in the following section, shows that premise to be without foundation. The Board finds, therefore, that the By-law No. 2009-193 conforms to the York Region Official Plan.

It is noteworthy, too, that York Region, having received notice of the passage of By-law No. 2009-193, did not deem it necessary to attend upon the hearing to object to the By-law and the proposed uses.

Town of Markham Official Plan

The Subject Property is designated Industrial (Business Park Area) in the Town's Official Plan. The Plan sets out general policies relating to the development of Industrial-designated lands, and includes a goal of providing a range of business activities and mix of compatible uses. It more specifically designates lands for Business Park, General Industrial, or Business Corridor purposes, and establishes that certain non-industrial, employment-related uses are permitted provided that they are compatible with and complementary to other primary uses. Institutional uses are explicitly identified. Moreover, the Plan's language acknowledges "...the positive and supportive interrelationship and vibrancy that may occur through the mixing of complementary and compatible uses."

The Plan contains policies regarding the approval of a rezoning to permit a specific land use or activity, making such approval conditional upon a review of a specific development proposal to ensure various requirements are satisfied, including, for example, compliance with planned function and compatibility with adjacent land uses. More specifically, with respect to a rezoning to establish a daycare, the Plan also

stipulates various requirements that must be satisfied before any such rezoning may be approved.

Policies specifically relating to the Business Park Area designation establish a planned function – focused exclusively on urban design considerations – and categories of permitted and prohibited uses. Mr. Burns and Ms Dale-Harris were sharply divided on the interpretation of those categories, which include: (1) uses which may be zoned, (2) uses which may be approved subject to a review of a specific development proposal and rezoning, and (3) uses which are prohibited. Daycares are a use listed under the first category; private schools under the second. At issue, therefore, is whether the second category represents permitted uses or not; that is, whether a listed use, subject to the condition of a review, constitutes a de facto permission of the use, or whether a review is a qualifying condition in the first instance before the use is permitted.

Mr. Burns testified that the proposed private school and daycare are neither complementary to the business park nor compatible with adjacent land uses. In his opinion, the approval of By-law No. 2009-193 would remove land from the Business Park that is otherwise reserved for complementary and compatible Industrial land uses, and would prejudice Industrial uses by creating a situation where concerns arising in connection with the proposed land uses would be impossible to mitigate. Mr. Burns also testified that while the planned function of the Business Park Area designation is directed to urban design, any review of planned function under that policy need not be restricted to urban design because it was planning staff's intent, in preliminary studies, to include considerations beyond urban design.

Mr. Burns also told the Board that private schools are not a de facto permitted use. Ms Dale-Harris, on the other hand, expressed her opinion that, when considering use only, private schools are permitted; the requirement for a review simply introduces a further opportunity for detailed study about the means by which that use is put into operation. In her view, permission for a private school could be refused on the basis of

its development characteristics, i.e., its intensity of use, but not on the basis of what it is, i.e., its fundamental character.

The Board has very carefully evaluated the planning evidence with respect to conformity with the Town's Official Plan and, based on the following reasons, finds that By-law No. 2009-193 conforms to the Official Plan. It is clear that the Official Plan policies contemplate private schools and daycare operations in the Town's business parks. Daycares are clearly permitted; at issue is whether private schools are permitted, and the Board finds that they are.

From a plain reading and operation of the use categories in the Business Park Area designation, it is readily apparent that Council turned its mind to both uses that are complementary to and compatible with a business park and those that are not. Private schools are not listed in the third use category – uses that are prohibited. That they are listed in the second use category is a clear sign that Council deems private schools appropriate in a business park and it therefore follows that Council, from a use-only perspective, considers such a use complementary and compatible. The requirement of being subject to a review of a specific development proposal does not derogate from the appropriateness of the use per se in a business park; rather, it is merely a means by which Council may take additional comfort that the manifestation of that use – as reflected, for example, by its size or intensity – is something that respects and reinforces complementarity and compatibility, and does not jeopardize its intent for its business parks.

The Board also finds that the proposed private school and daycare are consistent with the planned function policies of the Business Park Area designation in the Official Plan. Ms Dale-Harris testified that the appearance of the existing building on the Subject Property will remain virtually unchanged. Except perhaps for signage, a passer-by would not necessarily know a private school occupies the building. The Board was not presented with any evidence suggesting that the urban design aspects of the proposed uses are contrary to the planned function of the Business Park Area

designation. More importantly, however, the planned function of any Official Plan designation is what the Official Plan indicates it to be, and it is Council – and only Council through the adoption of its Official Plan – who determines planned function. That fact supercedes anything planning staff might have had in mind in preliminary work prior to the Plan's adoption and approval.

Finally, the Board is satisfied that the requirements of the Official Plan arising in connection with rezoning applications to establish daycare uses have been fully addressed. The evidence of Ms Dale-Harris on those points was not impeached.

In sum, the Board prefers the planning evidence of Ms Dale-Harris, finding it to be clearly expressed, cogent, and well-reasoned.

B. Noise

Proximity to the Buttonville Airport as well as the presence of an emergency diesel generator on Pinedale's property elevated concerns about noise impacts to a matter for this hearing. Despite numerous points of agreement between them, Mr. Howe and Dr. Lightstone maintained divergent opinions with respect to these two subjects, which they engaged by addressing the Provincial Policy Statement, relevant provincial and federal guidelines – namely, Ministry of the Environment Publications LU-131 and NPC-2005, and Transport Canada Publication TP1247 – and by addressing Certificate of Approval requirements under the *Environmental Protection Act*.

Two other provincial publications were also canvassed – Guidelines D1 and D6 – in addition to those identified above. Both address land use compatibility and encourage the application of minimum specified separation distances between sensitive land uses and classes of industrial land uses as a means by which to mitigate externalities. The Town's comprehensive Zoning By-law generally permits Class I and II industrial uses on Pinedale's property.

There is no dispute that the proposed private school and daycare represent sensitive land uses. Mr. Burns testified that distance between what are considered incompatible land uses is the preferred method of mitigation and, taking a line directly from Guideline D6, testified that the separation distances stipulated in D6 should be sufficient to eliminate adverse effects. Mr. Howe, on the other hand, testified that compliance with minimum distances provides no assurance of removing adverse impacts. Dr. Lightstone concurred with Mr. Howe on that point. Moreover, Dr. Lightstone testified that, from his long experience working with provincial officials, the Ministry of the Environment is relying less on dated, generic standards and is increasingly embracing an approach that takes into account site-specific circumstances. In that regard, he told the Board that the Ministry encourages cooperation among proponents to resolve incompatibilities between land uses, and includes the expectation that one or even both may have to mitigate. Moreover, he testified that the goal remains addressing noise impacts in a satisfactory manner which the proponent of the proposed private school and daycare, in his opinion, have done.

Guideline D6 stipulates a minimum distance of 20 metres between a Class I use and a sensitive land use, and 70 metres between a Class II use and sensitive land use. Mr. Howe testified that the presence of the proposed land uses would effectively preclude Class II uses from Pinedale's property, and otherwise increase the cost, delay, and risk associated with obtaining a Certificate of Approval. He stated in his witness statement that the proposed private school and daycare would "trigger" a need for Industries to apply for a Certificate of Approval. In cross-examination, however, he acknowledged that the requirement for a Certificate is legislatively-mandated and is not a consequence of the nature of nearby land uses. To be fair, however, Mr. Howe established that the nature of adjacent uses can affect the stringency with which Ministry staff respond to and evaluate Certificate of Approval applications. As will be shown below under the consideration of Publication NPC-205, the Board is satisfied that the proposed private school and daycare will not deleteriously impact Pinedale with respect to any future application for a Certificate of Approval.

In view of the fact that Guideline D6 explicitly directs matters regarding noise to Publication LU-131 and Dr. Lightstone's uncontradicted evidence regarding the Ministry's present-day approach and expectations, the Board concludes that Guidelines D1 and D6 are not a factor in the case at hand.

Section 1.6.7 of the Provincial Policy Statement deals with airports and its policies are specifically directed at protecting the long-term operation and economic role of airports. For ease of reference, the relevant extracts of Section 1.6.7 are reproduced below:

1.6.7 Airports

1.6.7.1 Planning for land uses in the vicinity of *airports* shall be undertaken so that:

- a) the long-term operation and economic role of *airports* is protected; and
- b) *airports* and *sensitive land uses* are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

1.6.7.2 *Airports* shall be protected from incompatible land uses and development by:

- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*;

(Note: italicized text appears in the original document and represents defined terms.)

There was no disagreement among the parties that the Buttonville Airport will likely be redeveloped: all public funding has ceased; its redevelopment is contemplated and addressed in the respective Official Plan of the Town and York Region; and its owner, the Armadale Group, has issued an RFP inviting proposals for its redevelopment. That said, it was acknowledged that By-law No. 2009-193 is subject to

Section 1.6.7 of the Policy Statement, and with that acknowledgement the debate focused on Subsection 1.6.7.2.

Mr. Burns testified that Section 1.6.7.2(a) explicitly excludes the proposed private school and daycare because they are sensitive land uses and because the NEF 30 contour traverses the Subject Property roughly in-line with the front wall of the existing building. Drawing on his prior experience working with the Greater Toronto Airport Authority (GTAA) in establishing an Airport Operating Area for Pearson International Airport, he expressed his professional opinion that the Subject Property in its entirety should be deemed to fall within (i.e., above) the 30 NEF contour notwithstanding that it is only its front yard that is actually within/above the contour. In Mr. Burns's view, only Subsection 1.6.7.2(a) applies; Subsection 1.6.7.2(b) is not applicable in these circumstances – a conclusion Ms Lelsk reinforced by arguing that Section 1.6.7.2(b) does not apply, "...as there are currently no sensitive land uses present or approved on the Subject Lands [Property]...."

The Board has very carefully scrutinized the language of Section 1.6.7 as a foundation for its assessment of the evidence on this particular issue. Setting Subsection 1.6.7.2 aside for a moment, it is patently clear from Subsection 1.6.7.1 that the Policy Statement contemplates the possibility of sensitive land uses in the vicinity of airports. The relationship, however, between Subsections 1.6.7.1 and 1.6.7.2 is murky. For example, if sensitive land uses are appropriately buffered as stipulated in Subsection 1.6.7.1, are those same uses regarded as incompatible land uses as in Subsection 1.6.7.2? What is clear is that it will be for others to explicate precisely how the two policies are intended to interface in light of the requirement that the Policy Statement be read in its entirety. In this situation though, and based on the following reasons, the Board finds that By-law No. 2009-193 is consistent with Section 1.6.7 of the Policy Statement.

First, given the nature of forecasting noise exposure contours, the delineation of an NEF contour is something that cannot be demarcated with scientific precision. Mr. Burns testified that the determination of an NEF contour is a mathematical exercise, one that takes into account various numerical factors and considerations. Mr. Howe testified that an NEF contour represents an approximation, that the true line can fall somewhere between 50 metres on either side of the plotted contour. Dr. Lightstone confirmed these points in his testimony.

Given this evidence, it is possible that no part of the Subject Property falls within/above the 30 NEF contour. And, to be fair, the opposite could also be the case: that more than simply the front yard may fall within the contour.

The current state of the science inferred from the testimony of these experts points to it being the best evidence available. When it is taken into account with Dr. Lightstone's testimony that, in terms of noise impact, there is virtually no difference between a 29, 30, or 31 NEF contour – evidence that stands uncontradicted – and that the proposed land uses, having appropriate mitigation features, will not negatively impact the airport, the Board finds that the intent of Section 1.6.7, which is the long-term protection of airports, is respected.

The Board, moreover, is not persuaded by Mr. Burns's testimony or Ms Lelsk's argument that Subsection 1.6.7.2(b) is not applicable. Ms Lelsk sought to draw a distinction between development and redevelopment – both of which are defined terms in the Policy Statement – and leverage support for her argument off that by concluding that only the definition of development applies. On the face of those definitions, the proposed uses of the existing building on the Subject Property could be either development or redevelopment and, therefore, the Board finds that the point of Ms Lelsk's argument to be a distinction without a difference. Moreover, the Board is not persuaded by the argument (or its inherent interpretation) that Section 1.6.7.2(b) does not apply in the absence of existing or approved sensitive land uses on a property being considered for redevelopment.

Second, with respect to circumstances where an NEF contour threshold traverses a property, Mr. Burns testified about his experiences with the GTAA and the manner by which it handled such situations. There, he testified that the planning team, of which he was a member, adopted a pragmatic approach and plotted the delineation of the Airport Operating Area (AOA) so as to align with the nearest practical natural or human-made feature, (i.e., a watercourse, a public road, a property line, etc.). (An AOA functions in the same manner as an NEF contour threshold and may be employed as an alternative approach.) For those properties traversed by the AOA delineation, the planning team's pragmatism resulted in their being excluded from the AOA so as to not unduly prejudice the property owner. Mr. Burns told the Board how the exclusion of such properties was not a concern given that the effect of doing so was negligible. Dr. Lightstone confirmed the GTAA approach in his subsequent testimony.

When compared to the present case, what the Board finds peculiar is that the GTAA approach – an approach Mr. Burns expressed no reservation about during his testimony – is completely opposite to how he believes the Subject Property should be treated. Why, the Board was left wondering, would Mr. Burns readily accept being pragmatic in one set of circumstances, yet insist on being pedantic in another? In the face of what appears to the Board to be like circumstances, the Board was left without any satisfactory explanation for what it finds to be a grave inconsistency.

Dr. Lightstone testified that there will be no impact on the long-term functioning of the Airport. His evidence is to be preferred given its inherent logic and consistency.

Section 1.7.1(e) of the Policy Statement addresses long-term economic prosperity by planning so that major facilities (i.e., airports) and sensitive land uses are appropriately designed, buffered, and/or separated from each other to prevent adverse impacts. Given Dr. Lightstone's evidence and the analysis woven through the balance of this subject, the Board finds that By-law No. 2009-193 is also consistent with this policy.

Publication LU-131 is, "... Intended for use in planning of noise sensitive land uses adjacent to facilities such as, but not limited to, airports ... [and] ... industrial facilities...." The Board has carefully reviewed and assessed the evidence regarding Publication LU-131 and finds that the proposed private school and daycare can comply with this Publication's intent.

Mr. Howe drew the Board's attention to the Annex of LU-131 and specifically to the Ministry's position regarding the use of central air conditioning for addressing noise conflicts. While the Annex identifies central air conditioning as being inferior and generally inappropriate, it also identifies exceptions to that position. It explicitly states that central air conditioning, "... could be an effective means of mitigation in facilities such as hospitals or similar institutional uses which are designed with air conditioning as the primary means of ventilation...." Dr. Lightstone testified that the Ministry has applied this exception in other cases and, further, in his opinion, that such an exception is warranted given the nature of the proposed land uses. The Board, accordingly, adopts and relies on Dr. Lightstone's evidence.

Publication NPC-205 establishes sound level limits for stationary sources such as industrial and commercial establishments ... affecting points of reception in Class 1 and 2 Areas (Urban). (A Class 1 Area maintains an acoustical environment typical of a major population centre; a Class 3 Area maintains an acoustical environment that is dominated by natural sounds; and a Class 2 Area maintains an acoustical environment that has qualities representative of both Class 1 and 3 Areas.)

As noted previously, an emergency diesel generator is located on Pinedale's property, on the north side of the existing building facing the Subject Property. It is enclosed only with a visual screen, wood-slat fence, several of which are missing as the Board noted during its site visit.

Dr. Lightstone testified that he sought permission from Pinedale to examine and test the generator – permission which was denied. Nevertheless he accounted for the

generator in his work by assessing a generic proxy and concluded that appropriate mitigation could be implemented. Mr. Howe acknowledged under cross-examination that it was not unusual to seek such cooperation and that the generator was analyzed to the extent possible given Pinedale's refusal of cooperation.

The Board is satisfied with Dr. Lightstone's analysis of the diesel generator as a noise source. He sought information about the generator and permission to examine it, and when those requests were refused, he followed-through on accounting for the generator as a noise source by assessing a proxy. He maintained his professional diligence. Mr. Howe neither assessed the generator nor inquired with his client so as to have even the most basic of information about it. Nor, through his client, did he inquire about its use or testing by NOVX. If anyone was in a position to have ease of access to details about the generator, it would be Mr. Howe. Yet, he provided no explanation for why such details were absent. Moreover, when asked if a Certificate of Approval had been obtained for the generator, he acknowledged that Pinedale had not obtained one and that he did not know whether NOVX had.

In any event, the fact that the generator is an emergency generator must be borne in mind as this has implications for the matter of Certificates of Approval. Through Mr. Howe's cross-examination, the Board was made aware that the operation of the generator as an emergency measure is exempt from the *Environmental Protection Act*. Routine testing, however, is not. There is no requirement in the legislation or in any guideline stipulating the time of day for testing, and the Board is satisfied that testing could occur before or after the typical school day when classes are in session.

Pinedale's witnesses also expressed concern that the proposed private school and daycare would preclude an expansion of the existing building on its property. Mr. Howe testified that complaints filed with the Ministry of the Environment by the Academy or parents of students could motivate Ministry staff to more stringently interpret NPC-205 which, in turn, could make obtaining a Certificate of Approval more difficult. Dr.

Lightstone testified that the existing residential uses to the east of the Subject Property and Pinedale's property are also sensitive land uses and are therefore considered points of reception pursuant to NPC-205. Mr. Burns told the Board, to Dr. Lightstone's considerable chagrin, that a school is a more sensitive land use than is a residential use. Dr. Lightstone testified that he had never heard such a statement over the span of his professional career. Among his professional ilk, it is readily acknowledged that residential uses are the most sensitive. He told the Board that the proposed land uses would not impact the process for obtaining a Certificate of Approval as any such application would have to be responsive to the existing residential uses east of Pinedale's property, regardless of whether a school and daycare were located on the Subject Property.

The Board, therefore, further adopts and relies on Dr. Lightstone's evidence.

TP 1247 describes the operational characteristics of airports that may influence land uses outside of airport boundary limits and recommends, where applicable, guidelines for land uses in the vicinity of airports. The Board has carefully reviewed TP 1247 and finds that the proposed private school and daycare respect its intent.

TP 1247 stipulates that schools may be acceptable in areas below (and near) the 30 NEF contour or between the 30-35 NEF contours, provided that, "...a detailed noise analysis is conducted and the required noise insulation features are considered by the architectural consultant responsible for building design." It also stipulates that athletic fields may be acceptable in areas between the 30-35 NEF contours, provided that, "...serious consideration is given to an analysis of peak noise levels and the effects of those levels on the specific land use under consideration."

Mr. Howe testified that the analysis undertaken by Dr. Lightstone was deficient in that it failed to address ground-related airport activities and failed to consider the impact on outdoor activities. In his opinion, aircraft noise could startle young children or interfere with a student's ability to verbally communicate during outdoor activities.

As noted previously, the Airport lands directly opposite the Subject Property and Pinedale's property are used for maintenance/storage hangers and for outdoor aircraft preparation. Mr. Howe testified that the Subject Property will be exposed to ground-related aircraft activity in these run-up areas. In his opinion, based on noise measurements he took at the front of Pinedale's property, these areas are a source of significant noise and contribute to the Subject Property's inappropriateness for a school and daycare.

While ground-related airport activities in the designated run-up areas represent a source of noise, they are not factored into any calculation of NEF contour thresholds, and therefore any noise associated with such activities is something beyond the purview of TP 1247. More importantly, however, the hanger buildings located between the Subject Property and the designated run-up areas screen it from the noise generated by run-up activities. Unlike the Pinedale property, the Subject Property does not maintain a clear, unobstructed line-of-sight between itself and the run-up areas. Mr. Howe sought to demonstrate from photos tendered as exhibits that the Subject Property is exposed, however that evidence does not accord with what the Board directly observed during its site visit. In cross-examination, Mr. Howe admitted that the Subject Property is shielded. For these reasons, the Board finds that it cannot countenance Mr. Howe's conclusion that the Subject Property will experience a noise impact akin to Pinedale's given its direct exposure to the run-up areas.

With respect to Mr. Howe's evidence regarding the impact of aircraft noise on outdoor activities, the Board finds, for the following reasons, that proximity to the airport will not deleteriously impact outdoor activities. Dr. Lightstone testified that aircraft noise tends to increase and decrease gradually, as a plane approaches and flies away; it is not an instantaneous, sharp and sudden sound. Mr. Howe even acknowledged that habituation to aircraft noise would reduce any startle effect. Given those characteristics, the Board is satisfied that children would not likely be startled by occasional aircraft noise. With respect to the playing field in the rear of the Subject Property and Mr. Howe's evidence regarding speech interference, Dr. Lightstone drew a parallel to parks

located adjacent to train tracks and told the Board that students may have to stop their conversations for some small period of time as a plane passes overhead. Again, the Board is satisfied that, while occasional speech interference may pose an inconvenience, it does not rise to the level of causing harm or a sustained diminution of outdoor experience.

As a concluding remark about noise, the Board would be remiss were it to not address evidence tendered with respect to a peer review of Dr. Lightstone's analysis. The Town retained Delila Guisti, a professional engineer with Jade Acoustics Inc., who, despite some initial reservations, determined that the proposed land uses are "... feasible ... provided specific site plan conditions are incorporated to ensure that the appropriate indoor environment for this type of use can be achieved." Draft conditions were tendered as an exhibit and they include additional requirements which, the Board understands, Ms Guisti helped prepare.

During her cross-examination of Mr. Sellars, Ms Leisk sought to characterize the inclusion of those additional requirements as evidence of Ms Guisti's professional opinion being something different or less than what was presented to the Board. The Board is not persuaded. First, Mr. Sellars is hardly in any position to know Ms Guisti's frame-of-mind were it something different than the content of her memorandum to staff wherein she signed-off on the proposed uses. Ms Guisti could have been subpoenaed, but was not. Second, the additional requirements call for attention to be paid to specific matters and reported in an updated noise report, (being an update to Dr. Lightstone's July 2009 Report). Upon assessing what the additional requirements actually call for, and in the absence of any evidence to the contrary, the Board finds that the extra care directed to those matters through the draft conditions is a reflection of prudence; they do not of necessity suggest a negation of Ms Guisti's professional conclusion.

C. Traffic

The traffic experts met prior to the hearing and produced a statement setting out both agreed matters and issues remaining in dispute. For the reasons set out below, the Board finds that the proposed private school and daycare will not deleteriously impact the Pinedale Property, nor will they, in conjunction with the anticipated redevelopment of the Airport lands, negatively impact the business park and its road network. Having carefully evaluated the traffic evidence, the Board finds that the proposed traffic and parking arrangements will function satisfactorily and that By-law No. 2009-193 is appropriate from a traffic and transportation point-of-view.

Central to any determination and assessment of impact owing to traffic generated by the proposed land uses is determining the trip rate expected for those uses. It is the foundation upon which other analyses and conclusions are based.

Ms Iannuzziello testified that the proposed uses will generate traffic at levels to cause vehicles to spill-over, (that is, cars being backed up out) onto Renfrew Drive, thereby interfering with access to and from Pinedale's property. Messrs. Middlebro' and Pernicky testified that such a result is not likely, that Ms Iannuzziello's conclusions are based on overstated trip rate estimates, and that the proposed uses will function adequately with respect to traffic and transportation considerations.

Ms Iannuzziello testified that she considered three sources with respect to calculating trip rate: the Academy's existing school on Sheppard Avenue East; a York Region publication, entitled *Safety and Traffic Circulation at School Sites Guidelines Study* (York Region Guidelines); and, a publication of the Institute of Transportation Engineers (ITE), entitled *Trip Generation (8th Edition)*. Messrs. Middlebro' and Pernicky consulted the York Region Guidelines, but relied on their analyses of the existing school and the ITE publication as the foundation for their analyses.

In those situations where an existing use is relocating to a new location, all experts agreed that the best predictor of impact at the new location is the existing use at

its current location. The Academy shares its current location on Sheppard Avenue East with a church. Like Messrs. Middlebro' and Pernicky, Ms Iannuzziello studied the existing location. She acknowledged in cross-examination that she and her staff were not aware of a shared parking arrangement between the Academy and the church, (the latter having approximately 35 full-time office staff). Nor was she aware, she admitted, that the church/school parking area was shared with a nearby real estate office. As a result, she and her staff did not differentiate between trips, (school- vs. church- vs. office-related) to the existing location, and she admitted that the counts undertaken by her staff could include trips for all three uses. Messrs. Middlebro' and Pernicky differentiated between those uses with respect to the trips each generated and incorporated those findings in their respective analyses. Ms Iannuzziello acknowledged their work in that regard and indicated that she took no issue with it. The Board, therefore, finds the analyses undertaken by Messrs. Middlebro' and Pernicky to be preferred.

Ms Iannuzziello's analysis of trip generation also relied on the York Region Guidelines respecting the design of school sites. Those Guidelines were published in 1999. The context within which those Guidelines were developed is markedly different than the present context of By-law 2009-193. Two key factors account for those differences. First, the Guidelines were developed when Grade 13 was still a part of Ontario's high school curriculum. At that time, the possibility and indeed likelihood of Grade 13 students driving to school was very much a reality. That is no longer the case. Second, the Province has since introduced graduated licensing requirements for new, teenage drivers, meaning that teenagers are not driving without supervision until an age sometime after they graduate from Grade 12.

Taken together, these factors erode the confidence one might otherwise have in the York Region Guidelines, and the Board finds that evidence relying upon them warrants less weight than evidence that does not. Messrs. Middlebro' and Pernicky's analyses accurately accounted for the present-day context, first by acting on a recognition of the inherent limitations in the York Region Guidelines, and second, by

properly relying on the ITS publication and cross-comparing the analysis of the existing school to it – all of which lead to their analyses being preferred by the Board.

In sum, the Board prefers Messrs. Middlebro' and Pernicky's evidence with respect to matters regarding trip rate and the conclusions drawn therefrom.

With respect to the matter of sufficiency of on-site parking and circulation, the Board finds that the proposed arrangement will function adequately through the implementation of a Transportation Demand Management Plan. Ms Iannuzziello and Messrs. Middlebro', Pernicky, and Ku each testified to their expectation that the Town will require such a plan as a condition of site plan approval. Such a plan will address, among other things, staff marshalling and supervision of drop-off/pick-up driver behaviour, staggered start and finish times for junior and senior grades, and school bus activities should the Academy come to implement bussing for its students.

Mr. Middlebro', who has extensive experience in the formulation of such plans, told the Board that the Academy is committed to developing such a plan, and, in his opinion, that such a plan will provide operational consistency. Accordingly, the Board will withhold its Order until such time that it is in receipt of confirmation that a Transportation Demand Management Plan has been approved as a condition of site plan approval.

Finally, with respect to three other areas of concern – the lack of sidewalks on Renfrew Drive, and the impact of the proposed land uses on any redevelopment of the Airport lands, and the impact of the proposed uses on the Renfrew Drive/Hooper Road intersection – the Board finds as follows:

Messrs. Middlebro', Pernicky, and Ku testified that students could safely access the Subject Property without sidewalks, and that the Renfrew Drive right-of-way maintains a sufficient width to accommodate sidewalks. Mr. Ku further testified that the Town makes sidewalk installation decisions on a case-by-case basis. Only Ms Iannuzziello testified that the absence of sidewalks rendered the Subject Property

unsafe and inappropriate for a school use. Ms Leisk argued, in turn, that By-law 2009-193 was not in conformity with the Town's Official Plan because it contains policies that make pedestrian accessibility, convenience, and safety a primary consideration of development and redevelopment.

The Board is not persuaded. The Academy maintains the ability to regulate and restrict students from leaving the school property during the school day. For those students who may need to access public transit stops on Woodbine Avenue, sidewalks have been installed on Hooper Road, and Mr. Ku testified that the grassed boulevard on Renfrew Drive to Hooper Road is of sufficient width to accommodate walking, even though that may be less than ideal in wet weather conditions. The Board, therefore, does not find that the current absence of sidewalks renders By-law No. 2009-193 in contravention of the Town's Official Plan insofar as its policies addressing safety are concerned.

Concerning the redevelopment of Buttonville Airport and whether the presence of the proposed private school and daycare on the Subject Property will compromise the Town's ability to implement future road improvements, the Board finds that they will not. Ms Iannuzziello testified that based on her analysis of an assumed development scenario on the airport lands, improvements would be required to the road network. The Board is satisfied that such improvements will be addressed in the normal course of the planning process concerning the airport's redevelopment.

And finally, concerning the impact of the proposed uses on the level of service of the Renfrew Drive/Hooper Road intersection, Mr. Pernicky testified that the pavement width on Renfrew is sufficient to accommodate lane markings to ensure that the intersection continues operating at an acceptable level of service. The Board adopts and relies on his evidence in that regard.

IV. DISPOSITION

Given the fullness of the foregoing analysis and findings, the Board dismisses the appeal filed by Pinedale Properties Ltd. against By-law No. 2009-193. The Order is withheld pending receipt of confirmation that a Transportation Demand Management Plan has been approved as a condition of site plan approval. Upon such receipt, the Board's Order will issue.

"James R. McKenzie"

JAMES R. MCKENZIE
VICE-CHAIR

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December 2, 2013

Development Services Committee
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

MGP File: 11-2073

Dear Members of Committee;

**RE: Comments on City of Markham Revised Draft Official Plan
IBM Canada Limited – 8200 Warden Avenue**

Malone Given Parsons Ltd., on behalf of the IBM Canada Limited (IBM), is pleased to submit comments on the revised Draft Markham Official Plan. IBM owns lands in Markham Centre, on the west side of Warden Avenue, south of Cedarland Drive at 8200 Warden Ave. The property is 95 acres and is home to IBM's Software Development Lab.

In April 2013, we stated our concerns with the proposed designation of the IBM lands and requested that the designation be amended to reflect the current 'as-of-right' permissions (see letter attached). Since the submission of the letter, we recognize that the designation on the parcel at the southwest corner of Warden Avenue and Cedarland Drive has been changed to Mixed-Use High Rise and the central parcel west of Town Centre Boulevard has been changed to Mixed-Use Office Priority. However, the proposed designation for the residual lands to the west continues to be Business Park Employment.

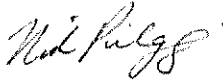
IBM remains concerned with this proposed designation and continues to review their options as the lands were previously within the Markham Centre secondary plan (current designation of Community Amenity Area) and views the proposed redesignation to an Employment designation as a downgrading of the permissions on the property.

We ask that Council receive this letter for the public record and forward these concerns to the Region for their consideration.

December 2, 2013

Thank you for the opportunity to input to the draft Markham Official Plan process. I look forward to discussing our requests with City and Regional Staff.

Yours very truly,
MALONE GIVEN PARSONS LTD.



Nick Pileggi MCIP, RPP
Principal
npileggi@mgp.ca

cc: Clerks Department, City of Markham
Susan Lawton, IBM Canada
Leo Longo, Aird & Berlis
Margaret Wouters, City of Markham Planning

Attachment 1

MGP Letter to City of Markham
Re. Comments on Draft Official Plan
April 21, 2013

April 21, 2013

City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

MGP File: 11-2073

Attention: Mayor Scarpitti and Members of Council

Dear Mayor and Members of Council;

**RE: Comments on City of Markham Draft Official Plan
IBM Canada Limited**

Malone Given Parsons Ltd., on behalf of the IBM Canada Limited (IBM), is pleased to submit comments on the Draft Markham Official Plan. IBM owns lands in Markham Centre, on the west side of Warden Avenue, south of Cedarland Drive at 8200 Warden Ave. The property is 95 acres and is home to IBM's Software Development Lab.

In November 2012, we provided the following comments to The City on the draft Official Plan:

IBM is very concerned with the proposed redesignation of the subject lands from an open and flexible Community Amenity designation (mixed use) to an Employment designation.

We believe that the conversion in designations amounts to a downgrading of the permissions on the property and IBM is opposed to any designation which serves to remove the flexibility for future development on the site.

Further, we are concerned with the depiction of the Regional Rapid Transit Corridor through the IBM lands. *(this has been corrected and is no longer an issue)*

We have since met with staff to discuss the IBM property in the context of the new Official Plan and in early April 2013, provided additional information to the City (a Highest and Best Land Use Study for a portion of the lands) to provide context regarding the development potential of the site.

April 21, 2013

We continue to be concerned with the proposed designation on the IBM lands and request that the designation be amended to reflect the current 'as of right' permissions. It is our opinion that these lands should be treated similarly to other lands in Markham Centre (current designation of Community Amenity Area) and be designated Mixed Use – High Rise in the new Official Plan.

Thank you for the opportunity to input to the draft Markham Official Plan process. I look forward to discussing our requests with City Staff.

Yours very truly,
MALONE GIVEN PARSONS LTD.



Nick Pileggi MCIP, RPP
Principal
npileggi@mgp.ca

cc: Clerks Department, City of Markham
Susan Lawton, IBM Canada
Leo Longo, Aird & Berlis
Margaret Wouters, City of Markham Planning

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December 2, 2013

City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

MGP File: 08-1792

Attention: Mayor Scarpitti and Members of Council

Dear Members of Council;

RE: City of Markham Draft Official Plan Review

Malone Given Parsons Ltd., on behalf of the Times Group Corporation, is pleased to submit comments on the Draft Markham Official Plan. Times Group owns several properties in Markham (see Aerial Photo attached) including the following:

- Almost 90 acres in Markham Centre (Markham Uptown), at the south-east corner of Highway 7 and Warden Avenue;
- Approximately 11 acres at the northeast corner of Highway 7 and Village Parkway;
- More than 20 acres in the Leitchcroft community, west of the Galleria development, on the south side of Highway 7, east of Bayview Ave.

Times Group continues to support the City in their new Official Plan initiative and we believe that the new Official Plan will bring into effect many of the same intensification and smart growth policies that Times Group supports through its development projects.

We previously provided comments on November 2, 2012 and April 22, 2013 outlining our concerns with the policies related to:

- Affordable housing;
- Parks/open space acquisition, and parkland dedication;
- Employment lands;

- Retail; and;
- Residential and mixed use policies.

Markham Centre

One of our main concerns continues to be related to the Markham Centre Secondary Plan area. Area specific policy 9.12 in the Draft Official Plan applies to all lands in Markham Centre. Policy 9.12.3 states that the land use designations and policies of the Markham Centre Secondary Plan will be updated to confirm generally with the policies and designations in the Draft Official Plan.

Times Group Markham Uptown lands have a variety of permissions and flexibility under the Markham Centre Secondary Plan. We recommend that the Draft Official Plan more strongly reflect the Markham Centre Secondary Plan. This will help to ensure that lands in Markham Centre will be able to realize their maximum potential, over the long term, in a manner consistent with the Markham Centre Secondary Plan and municipal objectives.

Leitchcroft

In the Leitchcroft community, Times Group owns a property at the south-east corner of Highway 7 and Saddlecreek Drive. This property is currently designated 'Commercial - Community Amenity Area', which permits a wide range of uses. The Draft Official Plan proposes to designate this site to 'Business Park Office Priority Employment'. Times Group has concerns with the proposed re-designation to an employment land use.

Leitchcroft Conversion Application

In early 2013, Times Group submitted an application for employment conversion on part of the Leitchcroft lands. As part of this application, we clarified our position that the lands within the Parkway Belt West plan were in fact, not designated for employment uses, but they were included in the recent application, under an abundance of caution.

Development Services Committee passed the following motion (*italics*):

Times Group OP 13-131100

*Moved by: Councillor Howard Shore
Seconded by: Councillor Alex Chiu*

That staff be directed to continue to process the employment land conversion application by Times Group (OP 13-131100), and that the employment land designation be deferred in the new Official Plan; and,

That staff be directed to work with the applicant to provide a joint community facility; and,

That staff be directed to work with the applicant to increase the number of jobs along Highway 7 by 10%.

The employment designation on the Leitchcroft lands had been shown as deferred and the site specific policies of Section 9.6 are proposed to apply to the Times Group property in the Draft Official Plan. While this is as was intended by the DSC recommendation, the criteria in Section 9.6.5 should be amended to reflect the DSC motion and specifically, the bullet point referring to 'no net reduction of jobs on the site' should be deleted as this contradicts the DSC motion, which called for a 10% increase along Highway 7, over the number of jobs proposed by the Times application.

Parkland

Times Group has concerns with the proposed parkland and dedication policies (mainly Sections 4.3 and 10.8) and needs more time to review and comment.

Retail

Times Group continues to have concerns with the retail policies in the Draft Official Plan. These proposed policies (mainly 5.1.7, 8.3 and 8.4) are overly restrictive relating to floor area and built form. We also have concerns with the definition of Major Retail and the low thresholds outlined in the definitions section of the Official Plan.

Employment

The west portion of the Leitchcroft site is not currently designated for employment, and Times is concerned with the underlying employment designation that is intended for the site. In addition to the designation, Times Group has concerns with the overly restrictive land uses, building types, heights and development criteria in Section 8.5 of the Draft Official Plan.

Residential and Mixed Use

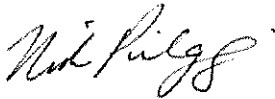
Times Group continues to have concerns with the proposed heights, densities, building types, GFA limits and development criteria for residential and mixed use sites (8.2 and 8.3).

TO: Members of Council, City of Markham
RE: Times Group – Comments on the Draft Markham Official Plan

December 2, 2013

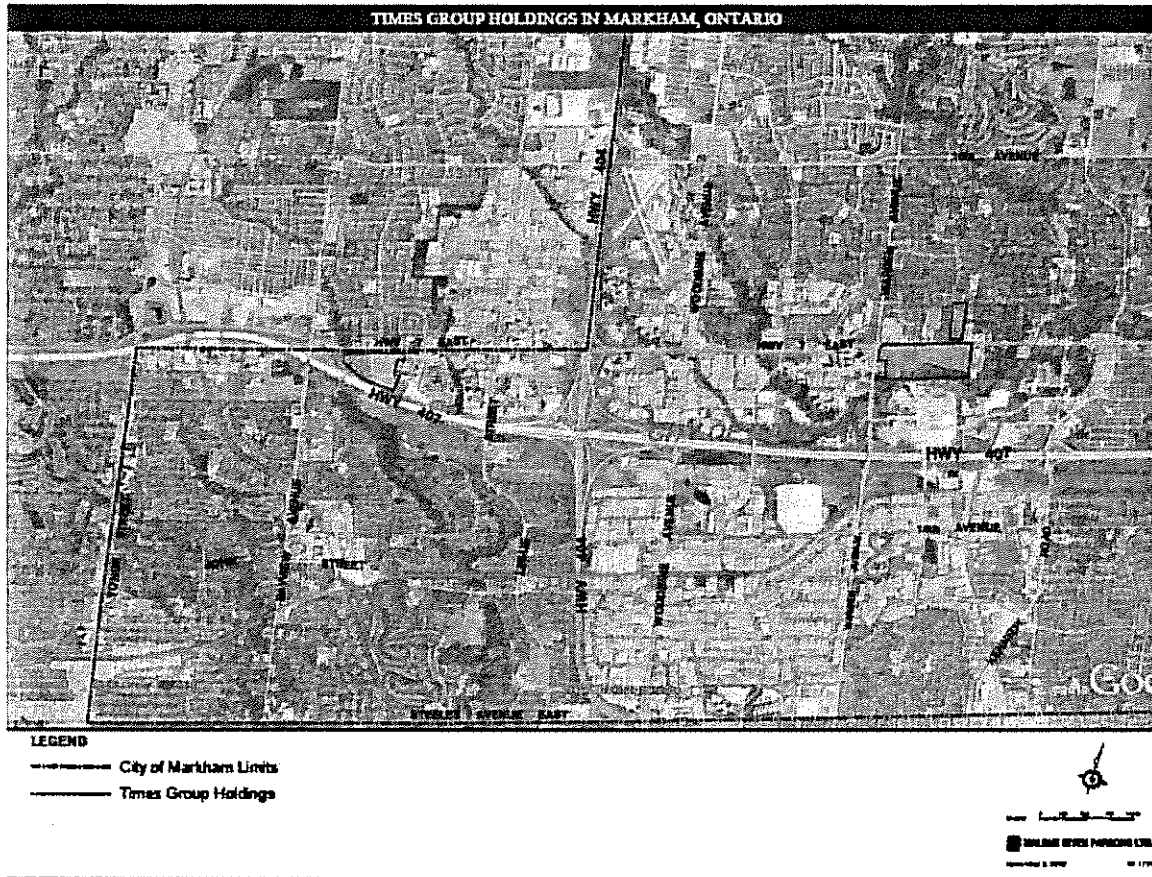
We continue to review the OP document and will provide additional comments to the City and Region, if necessary. Thank you for the opportunity to provide input to the draft Markham Official Plan process. I look forward to discussing our concerns with City and Regional Staff.

Yours very truly,
MALONE GIVEN PARSONS LTD.



Nick Pileggi MCIP, RPP
Principal
npileggi@mgp.ca

cc: Clerks Department, City of Markham
Hashem Ghadaki/Shadi Aghaei
Ira Kagan, Kagan Shastri
Margaret Wouters, City Of Markham



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December 2, 2013

City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

MGP File: 10-1984

Attention: Mayor Scarpitti and Members of Council

Dear Members of Council;

RE: City of Markham Draft Official Plan Review

Malone Given Parsons Ltd., on behalf of the owners of Buttonville Airport (CF/OT Buttonville Properties LP), is pleased to submit comments on the Draft Markham Official Plan.

First, we would like to acknowledge the staff response to our initial letter on the draft Markham Official Plan and the revisions made to the final document, in relation to edits to mapping and appendices and the dewatering policies.

Since our comments on the draft Official Plan (early 2013), the Buttonville site specific Secondary Plan application has been appealed to the Ontario Municipal Board due to lack of decision. This may lead to a timing and 'grandfathering' issue related to the site specific application and the new Official Plan. It is our intention that the Buttonville Secondary Plan will fit seamlessly into the new OP, but we are concerned about how this process will unfold and how it will be ultimately implemented.

In addition, there are a number of policies in the new Official Plan which may conflict with the proposed master plan for the Buttonville Airport redevelopment, these include:

- Affordable housing;
- Parks/open space acquisition, and parkland dedication;
- Employment lands;
- Retail; and;

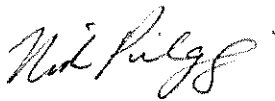
December 2, 2013

- Residential and mixed use policies.

It is our intention to continue to work with staff at both the City and the Region on a mutually acceptable Secondary Plan for the Buttonville lands, meantime, we will continue to monitor the Official Plan process to ensure that it does not have a negative impact on that site specific process.

We will also continue to review the OP document and provide additional comments to the City and Region, if necessary. Thank you for the opportunity to provide input to the draft Markham Official Plan process. I look forward to discussing our concerns with City and Regional Staff.

Yours very truly,
MALONE GIVEN PARSONS LTD.



Nick Pileggi MCIP, RPP
Principal
npileggi@mgp.ca

cc: Clerks Department, City of Markham
Finley McEwen, Georgia Brook, Cadillac Fairview
Patrick Devine, Dentons
Margaret Wouters, City Of Markham

December 2, 2013

VIA E-MAIL ORIGINAL VIA COURIER

Mayor and Members of Council
City of Markham
c/o Development Services Committee
Anthony Roman Centre
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Attention: Chair and Members of the Development Services Committee

Your Worship and Members of Council:

Re: Proposed New City of Markham Official Plan (the "New OP")
And Re: 8359 Reesor Road

Infrastructure Ontario is the agent for the Province of Ontario respecting the property known municipally as 8359 Reesor Road (the "Site"). We are generally supportive of the New OP. However, we are seeking modification to some of the policies as proposed for the Site.

By way of background, Infrastructure Ontario has been positively engaging with City staff and other interested stakeholders for quite some time on a program to provide for an appropriate form for employment uses on the Site. This process involved a comprehensive review of both the physical and policy context. The outcome of this process was previously reflected in the City Council resolution of May 31, 2011 which requested the Region of York to modify the Cornell Secondary Plan (the "Council Resolution") to provide for this development.

Consistent with this process and Council's direction, Infrastructure Ontario submits that the Site would appropriately be designated as Business Park Employment. However, in the New OP as currently constituted the Site is designated "Future Urban Area"/"Future Employment Area". This designation requires a further secondary plan amendment, which we believe is unnecessary given that the Site has been studied in sufficient detail. We further believe that the New OP should also be amended should such be necessary to implement the development program as has been articulated in the process to date for the Site.

Infrastructure Ontario looks forward to working with the City and its officials to implement the Council Resolution in the context of finalizing the New OP. We would welcome Council's direction to work with City staff in this regard.

Please provide us with notice of the Development Services Committee's decision on the above-captioned matters, and also with notice of any subsequent consideration and/or decision respecting these matters by this Committee or Council.

Thank you for your kind consideration.

Yours truly,

Jeremy Warson
Senior Project Manager, Development Planning
Infrastructure Ontario

cc: John Dawson
John Lohmus
Anil Wijesooriya, Vice President, Development Planning, Infrastructure Ontario

AIRD & BERLIS LLP

Barristers and Solicitors

Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

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December 2, 2013

Our File No. 110524

BY EMAIL: kbavington@markham.ca

Development Services Committee
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Kitty Bavington, Council/Committee Coordinator

Dear Sirs and Mesdames:

**Re: City of Markham Revised Draft Official Plan: Development Services
Committee Meeting of December 3, 2013
Our Client: Lindvest Properties (Cornell) Limited**

We are the solicitors for Lindvest Properties (Cornell) Limited ("Lindvest") in respect of their lands located in the Cornell Secondary Plan area. We write concerning the City of Markham's proposed draft Official Plan as it relates to our client's current applications for Official Plan, Zoning By-law amendment, and Site Plan Approval in Cornell Centre.

As Committee is aware, our client filed a complete application for Official Plan Amendment (File No. OP 12 132870) seeking approval for an updated concept plan for Cornell Centre in December, 2012. That application was deemed complete by Staff on January 9, 2013.

The application includes, but is not limited to, proposed changes relating to an approximately 12 ha parcel of land in Cornell Centre that is currently designated for employment uses. Among other matters, the application also seeks to relocate currently designated high density residential uses to a location east of the central woodlot and to update the open space and school configuration currently shown in the secondary plan. To the extent that the application has yet to proceed through the public process, the draft Official Plan recommended for adoption remains inconsistent with the overall changes (mapping and policy) sought by our client. Because our client expects to be able to proceed with this application shortly through Markham's public process, we have not set out herein the policy and mapping changes required to accommodate our client's request. They are fully reflected in the applications filed and illustrated in the updated concept plan.

The updated concept plan, including the lands which are sought to be redesignated from employment uses, has been considered extensively as part of the Development Services Sub-Committee process structured by the City and held over several in-depth meetings through the summer of 2013. Our client is pleased to have been able to work with the

December 2, 2013
Page 2

Sub-Committee and that Development Services Committee recommended a deferral of the employment designation on this parcel to permit consideration of other uses on these lands. Our client hopes that its complete application will be scheduled for the earliest possible public meeting. As a result of Development Services Committee's direction, our client has not set out in this letter its concerns with the employment land policies generally proposed within the new Official Plan on the basis that a designation other than employment may be considered for part of its lands.

The recommended new Official Plan sets out differing policy approaches to the Lindvest lands, both as an area within a secondary plan (contemplated to be updated later) as well as an area proposed to be deferred. Due to scheduling constraints, our client's request to meet with Staff to discuss its application and the new Official Plan can only be accommodated following Committee's consideration of the Plan. We understand that the intent is to permit full consideration of the application filed by our client last year and to reflect that in the new Official Plan once considered.

In addition to the complete application filed last year, our client has also recently filed Official Plan amendment, Zoning By-law amendment and Site Plan applications respecting its commercial block at the southeast corner of Bur Oak and Highway 7. The intent of these applications is to update the list of permitted uses within the commercial block. While this application is similarly not subject to the policies of the new Official Plan, our client will be meeting with your Staff shortly to ensure that full consideration of this application occurs as soon as possible.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jad

c. Lindvest Properties (Cornell) Limited

15869789.3



HUMPHRIES PLANNING GROUP INC.

December 2, 2013
HPGI File: 12311

Clerk's Department
Town of Markham
101 Town Centre Blvd.
Markham, ON L3R 9W3

Attn: Klitty Bavington
City Clerk

Re: 9329 McCowan Road
Town of Markham Official Plan Review Process
Development Services Committee Meeting - December 3, 2013

On behalf of Terra Gold (McCowan) Properties Inc., owners of 9329 McCowan Road, Humphries Planning Group Inc. (HPGI) is corresponding to reiterate our previous request as contained in correspondence dated March 18, 2013 and April 23, 2013. The subject site is legally known as Part of Lot 17, Concession 7 in the Town of Markham. The request specifically seeks a Residential Mid Rise land use designation on the subject.

HPGI does not agree with the proposed Residential Low Rise Designation for the subject site in the City of Markham draft Official Plan, dated November 2013. HPGI is of the opinion that based on review of the draft OP the request for Residential Mid-Rise designation is appropriate as briefly outlined below:

Based on Section 8.1 - General Land Use, densities can be expected to be higher on large sites well serviced by public transit, as concentrated growth is desired in these locations. This applies to the subject site which is less than 56 metres from major transit stops at McCowan Road and 16th Avenue. Also the site has an adequate provision of transportation and water and waste water Infrastructure, and community infrastructure to support higher density permissions. Surrounding community infrastructure includes the Bridge Community Church, Stonebridge Public School, St. Edward Separate School, Ramer Wood Public School, Markville Secondary School, Wismer Public School, Wismer Park, Cobblehill Parkette, Chelsea Park, Fredrick Bagg Park, Berczy Park, Belgrave Park,

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www.humphriesplanning.com
~ Do Something Good Everyday! ~

Central Park and Manhattan Woods, As such, the above noted policy supports our request for both Low and Mid Rise Residential permissions to occur on the subject site.

Section 8.2.4 - Residential Mid Rise, states that:

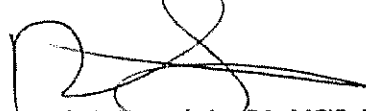
"Lands designated "Residential Mid-Rise" are generally located along arterial or major collector roads and are characterized primarily by mid-rise residential buildings that provide for a diversity of housing mix and building types and respect the existing character of the adjacent and surrounding areas. For the most part these areas are located near mixed-use developments and shopping centres."

The subject site has frontage along two major Arterial Roads, 43.33 metres of frontage along 16th Avenue and 223.29 metres frontage along McCowan Road. The site is also within 400 metres of a major shopping centre plaza located at the south-west corner of McCowan Road and Bur Oak Avenue. The subject site is consistent with the above policy which describes as general locations for Residential Mid Rise designated lands. As such, the above noted policy supports our request for both Mid Rise Residential permissions to occur on the subject site.

We request that the City re-consider the planning merits of our request based on the new draft Official Plan policies, rather than relying on an old secondary plan and land use designation.

Should you have any questions, please contact the undersigned at ext. 244.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



Rosemarie L. Humphries BA, MCIP, RPP
President

Cc: Terra Gold (McCowan) Properties Inc.

Encl. Correspondence dated March 18, 2013 and April 23, 2013

HUMPHRIES PLANNING GROUP INC.

April 23, 2013
HPGI File: 12311

Clerk's Department
Town of Markham
101 Town Centre Blvd.
Markham, ON L3R 9W3

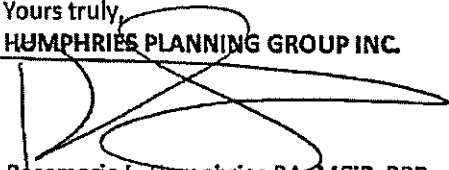
Attn: Kltty Bavington
City Clerk

Re: 9329 McCowan Road
Town of Markham Official Plan Review Process
Development Services Public Meeting

On behalf of Terra Gold (McCowan) Properties Inc., owners of 9329 McCowan Road, Humphries Planning Group Inc. is corresponding to reiterate previous request as contained in correspondence dated March 18, 2013. The subject site is legally known as Part of Lot 17, Concession 7 in the Town of Markham. The request specifically seeks a land use designation on the subject site for Residential Low/Mid Rise land use designation permissions.

Should you have any questions, please contact the undersigned at ext. 244.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



Rosemarie L. Humphries-BA, MCIP, RPP
President

Cc: Terra Gold (McCowan) Properties Inc.

Encl. Correspondence dated March 18, 2013

218 Chrislea Road
Suite 103
Vaughan, ON
L4L 8S5

T: 905-264-7678
F: 905-264-8073

www.humphriesplanning.com
~ Do Something Good Everyday! ~

HUMPHRIES PLANNING GROUP INC.

March 18, 2013
HPGI File: 12311

Clerk's Department
City of Markham
101 Town Centre Blvd.
Markham, ON L3R 9W3

Attn: Ms. Kltty Bavington
City Clerk

Re: 9329 McCowan Road (former Salvation Army Site)
City of Markham Official Plan 2012
Development Services Committee Meeting March 19 2013
Request for Re-Designation by Terra Gold (McCowan) Properties Inc.

Humphries Planning Group Inc. is submitting the following letter on behalf of Terra Gold (McCowan) Properties Inc., which are new owners of 9329 McCowan Road legally known as Part of Lot 17, Concession 7 in the Town of Markham.

The subject site is located at the north east corner of McCowan Road and 16th Avenue and currently occupied by a cellular telecommunications tower, a single family dwelling and the Salvation Army Church. The property has frontage along 16th Avenue of 43.33 metres and frontage along McCowan Road of 223.29 metres and an area of 2.9 ha. A survey representing the subject site is attached for information purposes.

The subject site is currently designated under the Town of Markham Official Plan as Low Rise Residential and subject to the policies of the Wismer Commons Secondary Plan which designates the site as Institutional. The subject site is zoned RR4 - Rural Residential under By-law 304.87.

Surrounding land uses include, York Region Pumping station to the immediate south, rear yards of semi detached units fronting onto Maria Road to the east, McCowan Road, commercial uses (Gas Station) and flankage yards of single family and townhouse development to the west, existing residential lot with application proposing 3 storey office building (9365 McCowan Road) to the immediate north.

218 Christie Road
Suite 103
Vaughan, ON
L4L 8S5

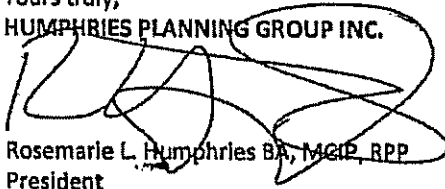
T: 905-264-7676
F: 905-264-8073

www.humphriesplanning.com
~ Do Something Good Everyday! ~

We are formally requesting that the City of Markham New Official Plan be amended to incorporate specific provisions for the subject site allowing for both Residential Low/Mid Rise land use designation permissions. In support of such a request we advise the municipality that given the location of the site and its relatively large parcel size in addition to the surrounding land use context as briefly described above, a variety of building forms and densities could reasonably be supported on the subject site. It is therefore appropriate for the City to allow the flexibility in its Official Plan for both Low and Mid Rise Residential lands to occur on the subject site.

We would be pleased to meet with staff to discuss this request in greater detail should the need arise.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



Rosemarie L. Humphries BA, MCIP, RPP
President

Encl. – site survey

cc. Client
Mr. Jim Baird, Commissioner of Development Services
Mr. Rino Mostacci, Director of Planning and Urban Design
Ms. Marg Wouters, Senior Manager, Policy and Research

22

HENDRIK OP'T ROOT ARCHITECT LTD.

Member of the Ontario Association of Architects

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International Associate of the American Institute of Architects

Ingenieur in the Netherlands



The City of Markham

101 Town Centre Boulevard, Markham, Ontario

L3R 9W3

Tel: (905) 477-7000 ext 2600

Attention: Ron Blake, Development Manager West District

Planning and Urban Design Department email: rblake@markham.ca

Date: December 2, 2013

Reference: 8051-8055 Yonge Street, Thornhill, Ontario L3T-2C5

Hello Ron:

My Client, The Norfinch Group Inc., owns the Plaza located at 8051-8055 Yonge Street, Thornhill, Ontario (Ward 1).

Presently the Official Plan designates the property: **Commercial** as per Land Use Schedule "A." Schedule 'H,' defines the lot as **Community Amenity** (a further refinement of the Commercial category).

Highlights of the New Draft Official Plan pertaining to 8051-8055 Yonge Street, Thornhill, Ontario:

1. Map 1 – Markham Structure indicates that the site is located in a **Mixed Use Neighbourhood Area with Regional Corridor/Key Development Area**
2. Map 3 – Land Use indicates **Mixed Use High Rise**
3. Map 11 indicates a Minor Collector (Royal Orchard Boulevard)
4. **Site Specific Policies are identified – See 11.18.4 and Map 15**
5. **Mixed Use High Rise is Identified –See Section 8.3.4**

Key Issues:

- Priority locations for Development where the greatest levels of intensification are intended

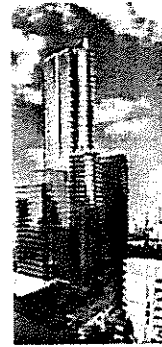
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International Associate of the American Institute of Architects

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- Presently you may find larger scale retail development, or underused and undeveloped properties
- New Development will be planned in a comprehensive way
- Minimum height of 4 storeys (u.n.o), and maximum height 25 storeys
- Unless noted otherwise in a Secondary Plan, a Density of 2.5-3.0 FSI will apply (3.5 FSI if located in an intensification area).

I am requesting the following feedback:

1. Please keep us informed of the approval progress of the New Draft Official Plan.
2. Are any Uses deleted as a result of re-designating the property from Commercial to Mixed Use High Rise?

Present permitted Uses are listed in section 3.4.6.2 versus Section 8 in the New Draft Plan OP?
3. What is the present Density versus future permissible Density of the property expressed in FSI (Floor Space Index)?
4. Will the Zoning be amended, or implementation only via Site Specific Re-Zoning Process?

Back Ground: Zoning Map indicates a CC zone. By-law 2150 identifies the General Conditions of a CC Zone. The site is identified as Site Specific Zoning 2374
5. What is the restriction in height at my Client's property?
6. Are any new impediments placed on the property?
7. Have you received any submissions by First Capital Holdings (the Plaza neighbour on the south and east side) pertaining to the New Draft Plan Official Plan or any re-development proposals?

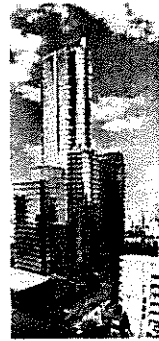
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I thank in advance you for your response...

Yours truly,

Hendrik Op 't Root Architect

If this letter/report contains any errors or omissions, please advise the consulting architect no later than five days after the issuance of the letter. A rectification will be issued.

25 Cole Street, Suite 1408, Toronto, Ontario M5A 4M3

Tel: 416-361-1915 Cel: 416-995-2281 email: optroot@sympatico.ca

23



Toronto and Region
Conservation
for The Living City

December 2, 2013

CFN 47861

Via Mail and Email (mwouters@markham.ca)

Ms. Margaret Wouters
Senior Manager, Policy & Research
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Dear Ms. Wouters:

**Re: Revised Draft Official Plan to be considered for Council Adoption
Development Services Committee, Tuesday December 3, 2013
City of Markham**

The Toronto and Region Conservation Authority would like to congratulate the City and City staff in moving forward with the adoption of the City of Markham Draft Official Plan. The work involved in research, coordinating information, and collaborating with the general public and agencies such as ourselves, is certainly complex and extensive; The TRCA commends City staff on completing such a monumental task.

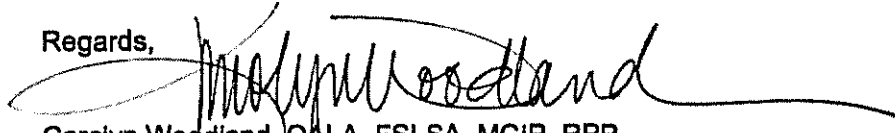
TRCA appreciates the City's efforts to accommodate our comments and recognize that the policy document addresses a number of our areas of concern. However, TRCA staff would like to reiterate that while we continue to meet with City staff on a number of items from our previous correspondences, to date, TRCA have not received any written feedback on the latest comments provided on February 26, 2013 and June 27, 2013. While we acknowledge and appreciate that the City is attempting to address a substantial number of comments at this time, in the absence of a response to that letter, it is difficult to determine if our comments have been sufficiently addressed. TRCA staff requested a written response to our formal correspondence, specifically with respect to policies regarding Special Policy Areas, Flood Vulnerable Areas, enhancement of the Natural Heritage Systems, Stormwater Management and Flood Hazards, however to date, no written response has been received. TRCA staff would still appreciate receiving a response to our comments.

As such, TRCA staff would like to note that as a technical review agency, we will remain involved in a number of the on-going studies in support of the Draft Official Plan. As such, following Council's endorsement or approval of the document, TRCA staff will continue to provide comments and technical support to Markham during the refinement of the document during the Regional and Provincial review process.

We look forward to continually working collaboratively with City staff in the months ahead, and look forward to providing our technical support and expertise.

Should you have any additional questions or comments, please do not hesitate to contact Doris Cheng at (416) 661-6600 extension 5306 or myself at extension 5214.

Regards,



Carolyn Woodland, OALA, FLSA, MCIP, RPP
Director, Planning and Development
Toronto and Region Conservation Authority

CW/dc

Copy: By email

Lilli Duoba, City of Markham (Lduoba@markham.ca)

Duncan MacAskill, Region of York (Duncan.MacAskill@york.ca)

Kitty Bavington, City of Markham Clerks Department (kbavington@markham.ca)

(24)



MMM Group Limited
Planning & Environmental Design
100 Commerce Valley Drive West,
Thornhill, Ontario, L3T 0A1
t: 905.882.1100 | f: 905.882.0055
www.mmm.ca

December 2, 2013
File No. 14-08229-002- P01

Ms. Kitty Bavington
Clerks Department
Markham Civic Centre
101 Town Centre Boulevard
Markham, Ontario, L3R 9W3

Sent via email: kbavington@markham.ca

Dear Ms. Bavington,

**Subject: Markham Official Plan Recommended for Council Adoption (November 2013)
First Elgin Mills Developments Limited
3208 Elgin Mills Road East, City of Markham**

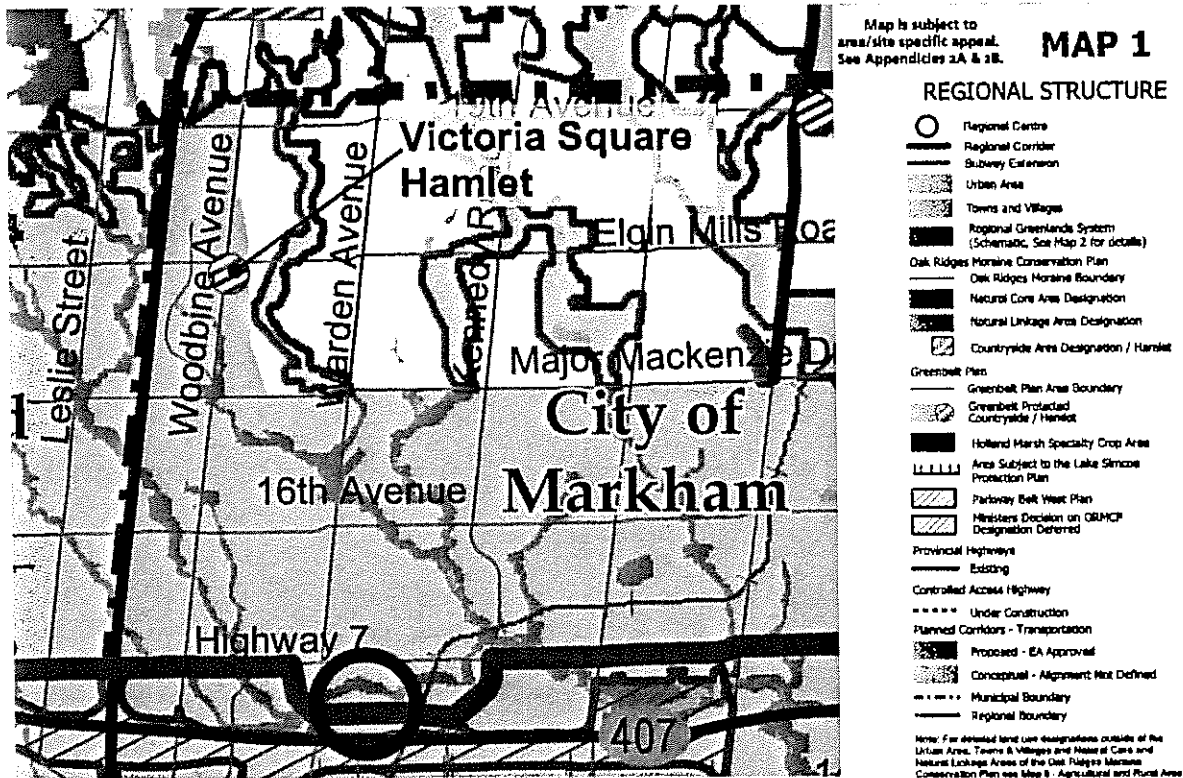
On behalf of our client, First Elgin Mills Developments Limited (First Elgin), MMM Group Limited is providing this letter to supplement our previous comment letter dated June 21, 2013, for consideration at the Development Services Committee meeting on December 3, 2013, with respect to the Official Plan. Our comments relate to First Elgin's property at 3208 Elgin Mills Road East (the "Subject Property").

City staff are currently processing Official Plan Amendment and Zoning By-law Amendment applications for the Subject Property. The purpose of these applications are to apply site-specific policies and zone regulations to the Subject Property to provide for a form and character of development which is compatible with the Victoria Square Hamlet, and provide an appropriate land use transition between the Hamlet and the Future Urban Areas to the east. Notwithstanding the comments below, it is our understanding that the Official Plan Amendments and Zoning By-law Amendment applications related to the Subject Property are to be reviewed under the planning framework in force and effect at the time these applications were submitted (April 10, 2013).

The York Region Official Plan (OMB Approved, as Modified, June 20, 2013 Office Consolidation) identifies Victoria Square as a Hamlet, as illustrated conceptually on Map 1 (Regional Structure) (Refer to Figure 1). The Region requires local municipalities to update Hamlet policies in accordance with the policies of the Regional Official Plan (Section 5.6.32). We note that the City's Proposed Official Plan identifies the Victoria Square Hamlet as a Neighbourhood Area, as opposed to identifying it as a Hamlet and delineating a Hamlet boundary.

COMMUNITIES
TRANSPORTATION
ZONING
INFRASTRUCTURE

Figure 1 - Map 1 (Regional Structure) Excerpt, York Region Official Plan



We understand that the City has indicated that they will work with the Region to amend the York Region Official Plan for the Hamlet to be considered an Urban Area, consistent with the City of Markham Official Plan. While we recognize that Area and Site-Specific policies are provided in Chapter 9.5.9 for the Historic Village of Victoria Square, we still question whether this appropriately implements the York Region Official Plan.

Furthermore, we maintain our position that the development of the Subject Property warrants a unique planning approach and process, from that which is currently contemplated in the Future Urban Areas designation. We recommend that through the City's review of the development applications for the Subject Property that consideration be given to establishing a form and density of development on the Subject Property that is consistent and sympathetic to the character of the Victoria Square Hamlet.

We look forward to working with City staff regarding this matter. Please contact us should you have any questions or comments.

Yours truly,

MMM GROUP LIMITED



Chris Tyrrell
Manager, Planning and Environmental Design
Partner

CC: Mr. Rino Mostacci, MCIP, RPP
Mr. Jim Baird, MCIP, RPP
Ms. Marg Wouters, MCIP, RPP
Ms. Joanne Barnett

95



140 Renfrew Drive, Suite 201
Markham, Ontario L3R 6B3
Tel: 905-513-0170
Fax: 905-513-0177
www.mgp.ca

December 2, 2013

Mayor Scarpitti and Members of Council
City of Markham
Markham Civic Centre
101 Town Centre Boulevard
L3R 9W3

MGP File: 13-2171

Dear Sirs/Madames:

**RE: North Markham Landowners Group and Angus Glen North West Inc.
Comments on the City of Markham Revised Draft Official Plan – November 2013**

I am writing on behalf of my clients the North Markham Landowners Group (NMLG) and Angus Glen Northwest Inc. (AGNW) in respect of the City's Revised Draft Official Plan (OP), released November 15th 2013. The NMLG and AGNW are developers and landowners that own, control or otherwise have an interest in approximately 733 hectares of land in north Markham. The attached map (Attachment 1) identifies the current participants in the NMLG and the locations of the properties represented including the AGNW holdings. Most are within the Future Urban Area (FUA) north of Major Mackenzie Drive.

This letter is in-follow-up to previous submissions on the September 2012 Draft OP and a meeting with staff in September 2013 to review the concerns raised in those submissions. I am pleased to note that this engagement was productive and that many of the issues seen in the earlier draft have been addressed in the current version. That said, there remain several substantive concerns, and a number of specific policy issues that I believe require further attention. These are described in this letter and its attached table.

In my view these on-going concerns can be effectively addressed through York Region's review and approval of the City's new Official Plan, and that the ultimate approval of the OP is best expedited by Council adopting the Revised Plan on December 10th. I believe staff have expressed the same view in their reports of November 19th and 30th 2013

Overview

There are four major areas of ongoing concern with policy directions in the OP:

- Balancing environmental and economic objectives
- Enabling competitive employment areas
- Accommodating retail growth needs
- Phasing policies (a new issue).

These are expanded upon below. The comments advanced in the attached table are specific to individual policy sections and schedules. However, many individual policy comments also serve to reinforce one of the major themes.

1. Chapter 3 - ENVIRONMENTAL SYSTEMS: Environmental policies require revisions to practically accommodate infrastructure and new development, as guided by science.

Again, I note and appreciate the attention paid in the Revised Draft OP to concerns raised with the earlier draft. Review of this version identifies ongoing issues with policies that, in the NMLG consulting team's view, continue to impede practical solutions to balancing the quantum of growth to be accommodated in the Future Urban Area with protecting valued environmental features and functions. Examples include:

- Requirements for compensation if non-significant features are removed
- Lack of clarity regarding definition of features and whether redefinition of a boundary shown on a Map schedule triggers a compensation requirement
- Lack of flexibility for SWM pond locations abutting key natural heritage features and in the Greenbelt as otherwise permitted by York Region's approved OP
- Arbitrarily requiring "expansion" of key heritage features and linkages
- Mandating excessive "Vegetation Protection Zones" on an arbitrary basis without regard for environmental evaluations.

Concerns with specific policies are described in the attached table. Previous correspondence raised the issue that Draft OP policy for enhancements to the Natural Heritage Network proposed that these were to be acquired without compensation to the affected landowner(s). The revised draft now recognizes the need to compensate for such acquisition. The new policies in this Chapter would be further clarified by making express reference to City's ability to acquire such lands as part of a parkland dedication.

2. CHAPTERS 5 & 8 RE EMPLOYMENT LANDS: Employment policies still constrain Business Park functionality

With regard to the Future Employment Area (FEA) in north Markham, I note that the Revised Draft in section 8.5 has both broadened the range of uses enabled in the "Service Employment", designation and defined restrictions on their size. Generally, the combination of this designation with the other employment designations in the FEA should enable a better balance of economic and amenity uses. However, the ultimate balance may still be unduly constrained by policies in Chapter 5 that lock in to the York Region employment allocations by type, an approach that was deleted from the Region's OP through its approvals.

Interactions with restrictions on retail permissions and the size restrictions will need to be tested in the planning for the FEA. I will be seeking further discussion with City and Regional staff on

these relationships, with a view to ensuring that NMLG lands in the FEA will be market-competitive in the GTA (see below). Council and staff may find the attached Globe & Mail clipping regarding the Healthcare of Ontario Pension Plan (HOOPP) Spectrum SQ project at the Airport Corporate Centre in Mississauga illuminating as it describes this competitive context.

3. CHAPTER 8 – LAND USE – COMMERCIAL and RETAIL: Markham's Official Plan must accommodate Major Retail and be more flexible regarding retail form.

Major Retail

I believe that the Revised Draft Markham OP continues to not properly recognize Major Retail as a distinct type of land use with a specific land requirement – 75 hectares as identified in York Region's Land Budget. Earlier correspondence highlighted NMLG's specific concerns with the draft policies for Major Retail. The Draft OP's proscription against new Commercial designations in combination with the Service Employment policies essentially precludes major retail as a stand-alone use. The new Official Plan must acknowledge and provide for the retail development necessary to serve the Urban Area's expected 112,000 new people by 2031, in an economic form.

More fundamentally, the York Region OP requires local municipalities to plan comprehensively for all retail uses, including major retail. In my view the City has yet to do so, and it is premature to approve its retail policy framework in isolation of this effort.

Retail in the Mixed Use Setting

I recognize and support the manner in which the Revised Draft has introduced flexibility regarding the form and integration of retail with residential and other uses in its "Mixed Use Mid Rise" section (8.3.3) policies for the FUA. The same flexibility is not evident in the proposed "Mixed Use Low Rise"- policies in 8.3.2. The NMLG and AGNW cautiously support encouraging the integration of retail with office or residential uses in mixed use buildings. There are however significant barriers that will impede developers' abilities to deliver this form. Requiring it in policy is not practical. I request flexibility for implementing mixed use forms in the Mixed Use Low Rise setting.

Barriers to integrating retail with office or residential space above in Markham include low market demand for above grade mixed use space, conflicting form requirements, non-economic rental rates or prices vs. construction costs, and DC cost premiums in Markham as compared to adjoining municipalities. If the City's objective of encouraging walkable and complete communities is to be achieved, it is imperative that retail plays a key role. The draft policy framework would frustrate achievement of this objective because it fails to recognize the business realities of creating financially sustainable retail functions.

4. PHASING OF DEVELOPMENT: A new concern with phasing policy has emerged.

The Revised Draft OP has phasing policies that would impede the most logical phasing of urban expansion in the FUA. In discussions with City staff, agreement has been reached that a general south to north pattern of development across the full FUA frontage of Major Mackenzie Drive is preferred. This pattern makes the most efficient use of infrastructure already in the ground, and best delivers early support for transit use along that arterial. It can be implemented while also ensuring that phasing is integrated with the delivery of transportation and community infrastructure.

Enabling this strategy will require modification to the City's Revised Draft OP policy and amendment to the York Region OP.

CONCERNS SPECIFIC TO ANGUS GLEN NORTH WEST INC.

The Revised Draft OP's Chapter 9 policy 9.9.3 refers to woodlands on AGNW properties, and recognizes that they are composed of ornamental plantings and plantation growth. The policy requires that they be further delineated when composition is confirmed by more detailed study. As it stands, the policy is incomplete. It needs to provide for removal of the features determined to be ornamental and plantation without triggering a compensation requirement. Further, and as contemplated in the Development Agreement between the City and the then Angus Glen Group, there are portions that might be removed regardless of their composition along a future road/servicing alignment, again without triggering compensation.

On behalf of both the NMLG and AGNW, I will continue to engage with City and Regional staff in finding solutions to these concerns, and would be happy to meet at any time to discuss them. I can be reached at 905.513.0170 x109 to arrange a meeting.

Yours very truly,
MALONE GIVEN PARSONS LTD.

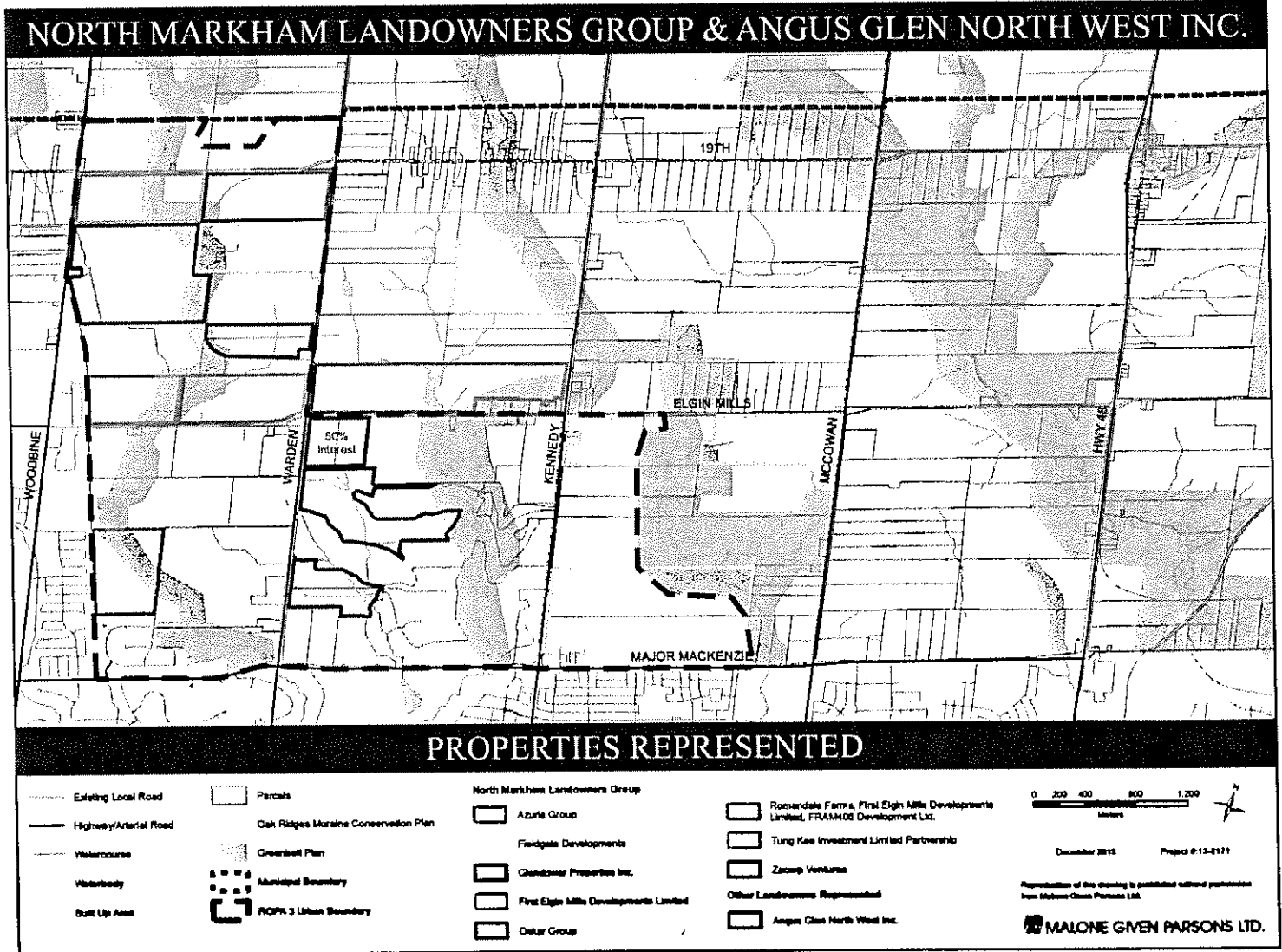


Donald F. Given, MCIP, RPP
President
dgiven@mgp.ca

Attachment 1 – NMLG & AGNW: Properties Represented
Attachment 2 - Clipping – Restaurant and Service uses in Mississauga's Spectrum SQ
Attachment 3 - Table – Specific Comments on Revised Draft City of Markham Official Plan

cc: Jim Baird, Rino Mostacci, Marg Wouters, *City of Markham*
North Markham Landowners Group
David MacLachlan, *Angus Glen North West Inc.*
Tom Hilditch, Sean Geddes, *Savanta Inc.*
Joanne Thompson, *RJ Burnside*
Nancy Mather, *Stonybrook Consulting*
David Richardson, *MMM Group*
Jeff King, *MMM Group*
Patricia Forhan, *Aird & Berlis*

Note: Malone Given Parsons Ltd. does not represent Romandale Farms Limited (Properties #8 on the Attachment 1 map) who no longer participates in the NMLG. However, we continue to represent First Elgin Mills Developments Limited and FRAM405 Development Ltd., part owners of those same properties.



Property Report

ROI Capital
Real Estate Asset Management
roicapital.ca



10.9%

Biggest one-week REIT gainer: Lanesborough, a CIBC

5.3%

Biggest one-week REIT decliner: Dundee International, a CIBC

\$8-billion

Canadians are the largest foreign buyers of commercial property in the U.S. with closed and under-contract transaction volumes reaching \$8-billion (U.S.) in Colliers International

\$14.2-billion

Canada rates as the third-largest investor in other foreign markets with \$14.2-billion (U.S.), behind the United States (\$37.5 billion) and Singapore (\$14.4 billion), in Colliers International

PLANNING

A suburban office park designed with an urban vibe

To be built near Toronto's biggest airport, HOOPP's Spectrum Square to offer a lively update on the isolated, car-centric model

JOHN O'KANE, MISSISSAUGA

Lisa Lafave wants to dispel the notion that everyone wants to work downtown.

"It's a little misguided," says Ms. Lafave, senior portfolio manager with Healthcare of Ontario Pension Plan. Workers, she says, want to be downtown for the amenities: food options, transit access, life after work - in essence, a sense of culture.

"You're really describing an environment that all workers want."

Ms. Lafave has made it her job to channel downtown's energy into the archetypal suburban work environment: the office park. Her guinea pig? The Airport Corporate Centre in Mississauga: a sprawling, 180-hectare office park just south of Pearson International Airport.

HOOPP, a major owner of commercial real estate across the country, already owns a cluster of buildings there, including AeroCentre V, a state-of-the-art office complex that houses the headquarters of Target Corp. and PepsiCo Inc. But the pension plan's bigger bet on office parks is a plot of land just southwest of there, on the other side of a pair of softball diamonds.

This will become Spectrum Square, a 13-million-square-foot complex with a six-building "restaurant campus" and plaza that will be nestled against Mississauga's planned Bus Rapid Transit corridor on Eglinton Avenue West. With this project, HOOPP intends to urbanize - if not humanize - the office park environment, by helping shed its reputation for dated office space, congested roads and few food choices.

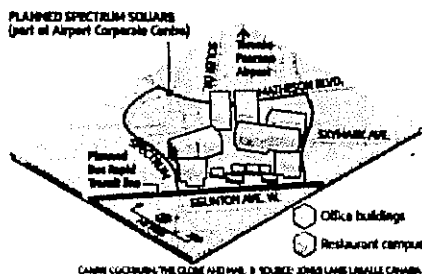
Half a million people drive to work in isolated, transit-barren office parks in the Greater Toronto Area, according to the Canadian Urban Institute. If Spectrum Square succeeds in Mississauga, Canada's sixth largest city, the project could both alleviate the growing congestion that plagues GTA roads and become a shining example of how to successfully execute a mixed-use office park in the 21st century.

"Somehow, corporate culture got missed along the road," Ms. Lafave says. "It forgot how to really engage employees."

The office park, the unexpected stepchild of the industrial park, is a product of mid-20th century planning gone wrong and unchecked, as cheap land and quick development opportunities converged in spacious lands that were often zoned as



A pedestrian-friendly restaurant campus will be located at the centre of Spectrum Square. To be connected to a planned bus rapid transit line, this Mississauga project aims to break the conventions of the stand-alone, service-less office park that can be reached only by car. JAMES LANG LAMALLE CANADA



noisy, industrial areas.

That means these parks often exist in isolation from the rest of their communities, forcing them to be car-centric by design. They rarely have sufficient transit service, and when they do, they're hardly pedestrian-friendly; they're also not often zoned for supportive smaller businesses such as restaurants.

On a micro level, this means employees almost always need to take a vehicle to work, with lunch often requiring another car trip out of the park. On a macro level, this adds significant congestion to a city's roadways, causing headaches for all commuters - and planners.

"They were developed around the car, plain and simple," says Ed Sajacki, Mississauga's planning commissioner. In a park home to 55,000 employees, he

says, that creates an immense challenge.

That challenge is both complex and urgent, according to the Canadian Urban Institute. In a series of papers released over the past several years, the urban-development think tank has argued that office parks are leading perpetrators in clogging the GTA's arteries.

Rethinking the accessibility and walkability of these parks, as researchers say, is crucial to keeping traffic off the road. And in the 905 ring of municipalities around Toronto, this is even more imperative. These suburbs have had the highest amount of growth in office clusters; the CUI estimates the region employs more than 25,000 people across its 68 million square feet of office space.

That's more space than the

downtowns of Calgary and Edmonton combined, according to figures from Colliers International.

"These office parks were laid out with an industrial footprint," says Glenn Miller, CUI's acting president. "You have these office buildings surrounded by surface parking, but also a lot of hard-to-utilize green space. It makes it very hard to get the proximity between buildings that we're used to in an urban environment."

The provincial government expects the GTA's population to grow by 2.5 million by 2036, and the CUI estimates the region could need another 100 million square feet of office space to accommodate that influx. There's room for this level of development in the 905, but to convince people to work there and save Toronto's roads from hitting a standstill, it will require office parks - new and old - to rethink their built form.

All eyes, then, are on Spectrum Square. The project's buildings will be pushed to roadsides, eschewing long driveways, with parking spaces concentrated in the middle of the central four-building cluster. Bus rapid transit will run next to the development on Eglinton Avenue West by 2016, eventually connecting it to major junctions in Mississauga and, indirectly, Toronto, via the Kipling subway station. HOOPP already runs a regular shuttle in and out of the park connecting with transit, and plans to add more volume. At

the centre of it all will be the restaurant plaza, providing a walkable place to eat and a central gathering place for the office park's thousands of workers.

"Everybody's looking very closely at how HOOPP's doing," says Iain Dobson, co-founder of Real Estate Search Corp. and one of the lead authors of CUI's reports. "They're pioneering this, and they should be well applauded."

Spectrum Square's office buildings will resemble AeroCentre V, which boasts numerous employee-friendly features. (They share an architect: Sweeney Sterling Enlaxson & Co. Architects Inc.) Among the amenities: 10-foot floor-to-ceiling windows, collaborative workspaces, raised-floor HVAC for constant fresh air and individually controlled temperature vents.

But as much as employees will benefit, HOOPP's Airport Corporate Centre expansion isn't entirely selfless. It will help them organically retain key clients as they expand and need more room. And it's part of a larger, growing play on the future of suburban, local estate accounts for \$7-billion of the pension plan's portfolio, and a full billion of that is invested in suburban plays in the Vancouver and Toronto regions.

That's been our strategy complexes," Ms. Lafave says. Creating a culture within that complex is crucial, too. "You know what a HOOPP complex looks like - the brand that comes with it."

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ATTACHMENT 3

COMMENTS ON REVISED DRAFT CITY OF MARKHAM OFFICIAL PLAN POLICIES, NOVEMBER 2013

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
Chapter 2: A FRAMEWORK FOR SUSTAINABLE GROWTH			
2.2.1.2 Also see 2.3 a, 2.3.2 a, b.	"To sustain a local food system by protecting agricultural lands ..."	This Policy does not recognize future urban expansion into the Whitebelt and could be interpreted to preclude future urban expansion. It should reflect or recognize Section 5.1.12(i) and j) of the Regional OP.	Insert "consistent with policies 5.1.12 i) and j) of the York Region Official Plan" to follow "agricultural lands".
2.6.1	"...minimum density of 20 residential units per hectare and a minimum density of 70 residents and jobs per hectare for developable lands."	Noting that developable lands are not yet defined	Add a definition for developable lands to Chapter 11.
2.6.2	"...shall be planned to accommodate the amount and types of employment required to achieve employment forecasts for Markham to 2031."	The employment lands in the FUA are intended to contribute to the forecasts	Reword to: "contribute to Markham's achievement of employment forecasts to 2031"
Chapter 3: ENVIRONMENTAL SYSTEMS			
3.1 (Entire Section)	Greenway System		
Chapter 3	All instances of the word "maintain"	In most cases, "maintain" is not appropriate when used as a test	Replace instances of "maintain" with "manage" or "protect"
3.1.1.1 d)	"d) providing protection for agricultural lands and ecological features and function in the Greenbelt;"	The Greenbelt Plan does allow for some permitted uses in the Greenbelt such as SWM facilities. This policy restricts those uses?	d) providing protection for agricultural lands and ecological features and function in the Greenbelt <u>in accordance with policies of the Greenbelt Plan;</u>

Malone Given Parsons Ltd.

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Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
3.1.1.3	b) "major modifications to the boundaries of the Greenway System components, as determined by the City, shall only occur through an amendment to this Plan. An amendment to this Plan shall not be required to add lands to the Greenway System where confirmed through an appropriate study"	What constitutes a major modification? Any additions to the Greenway System should not be implemented through study recommendations; they should require an OPA.	Remove the last sentence allowing additions without an OPA
3.1.1.3 and 3.1.1.4	"Where the removal of natural heritage and hydrologic features is supported through one or more of the studies referred to above, appropriate compensation shall be provided by the landowner at their cost."	We have the following concerns with this policy: <ul style="list-style-type: none"> - Remains a 'no net loss' policy and our previous concerns remain - This policy could be interpreted to mean that the removal of <u>any</u> feature regardless of its size, condition or function requires compensation - What is 'appropriate' compensation? - This assumes the feature is mapped correctly and it would not be appropriate to 	We suggest that this policy be removed or qualified as the removal of some features may be supported due to their very minor nature or functions. In such circumstances where features are not of significance, their compensation should not be required by policy. We also suggest the following for a qualifier: "When one or more of the studies referred to above confirm the extent of the natural feature and that the removal of some part of that extent is supported, appropriate compensation for the removed portion will be provided"

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
		<p>compensate if no value in the feature</p> <ul style="list-style-type: none"> - How would compensation be implemented? - Retrospective versus prospective (what if feature removed in past?) 	
3.1.1.7	MZO reference	NMLG has appealed its application to remove lands from the MZO	
3.1.1.10	Minimum vegetation protection zones	<p>We have concerns with the use, location and size of VPZs</p> <p>The City's OP applies Oak Ridges Moraine or Greenbelt Plan VPZs to all locations in the municipality. The ROPA 3 lands include Greenbelt lands but are not part of the ORM. The Greenbelt Plan does not establish a VPZ for Significant Valleylands (ORM does), however, the City's OP sets out a VPZ of 30m from Significant Valleylands. This means that a 30m setback from a stable top of bank would be required. This is not technically justified and not consistent with Greenbelt policies.</p>	We suggest that the VPZ for Significant Valleylands outside of the ORM be noted separately to be determined through appropriate study.
3.1.1.11	"To ensure that connectivity is maintained or where possible enhanced between key natural heritage and key	We do not support creation of the Greenway System Core Linkage Enhancement. We question their	Provide reference to Sections 3.1.3 and 4.3.2.2c)

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
	hydrologic features to ensure the movement of native plants and animals across the landscape where development, redevelopment and site alteration is proposed in the Greenway System."	ecological viability, and further object to the loss of developable area. We are in support for compensation to be provided in accordance with 4.3.2.2c)	
3.1.1.12	Hedgerows and smaller woodlot features	Policy does not include reference to guiding studies.	Replace "discourage" with "To be guided by the conclusions of a Master Environmental Servicing Plan, Environmental Impact Study, Natural Heritage Evaluation and/or Hydrological Evaluation, or equivalent in making decisions about".
3.1.2 (Entire Section)	Natural Heritage Network		
3.1.2.2	"That where natural heritage and hydrologic features and functions have been damaged, destroyed or removed without the approval of Council..."	Other decision processes could result in approvals for alterations that might not be approved by Council.	Replace to read: "Except where permitted by PPS or other Act or Regulation, that where <i>key natural heritage</i> and <i>key hydrologic features</i> and functions have been damaged, destroyed or removed without the approval of Council or other authority with jurisdiction."
3.1.2.4	"To require the conveyance of lands within the Natural Heritage Network to a public authority as part of a development approval process at no cost to Markham. Conveyance of lands within the Natural Heritage Network shall not be considered as contributing towards parkland dedication requirements under the Planning Act."	The policy must be revised to encourage dedication, not require it.	Replace "require" with "encourage".
3.1.2.10	"To minimize the impact of required infrastructure on the Natural Heritage Network, where need is demonstrated and no reasonable alternative is	These policies appear to go beyond the policies of the Greenbelt Plan and should be modified to allow for infrastructure and SWM facilities as per	Revise this policy to be consistent with YROP Policy 2.1.10 and the Greenbelt Plan.

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
	available by: a) avoiding <i>key natural heritage</i> and <i>key hydrologic features</i> and the associated vegetation protection zone where feasible in accordance with recommendations of an appropriate study; c) locating planned linear infrastructure parallel to valleylands outside of the minimum vegetation protection zone identified in Section 3.1.23"	Greenbelt Plan policies. These policies also go beyond YROP policy 2.1.10 which provides greater latitude in locating required infrastructure, and recognize legally existing uses and agriculture. The 'no reasonable alternative' test is onerous.	
Pre-text to 3.1.2.11	It is the intent of this Plan that <i>key natural heritage features</i> and <i>key hydrologic features</i> shall be assessed, expanded and planned for in a comprehensive and integrated manner, which builds upon and supports the Natural Heritage Network.	This wording is unclear and open to wide range of interpretation. This should be revised particular with respect to "expanded". We are concerned as to how this would be applied in the context of balancing environmental protection with community design objectives.	Remove "expanded"
3.1.2.11	That components of <i>key natural heritage features</i> and <i>key hydrologic features</i> include the following: a) wetlands;	Need to qualify wetlands	Refer to and define "locally significant wetlands", with the definition addressing those identified and evaluated by procedures developed or applied by the Province or in a Master Environmental Servicing Plan, Environmental Impact Study, Natural Heritage Evaluation and/or Hydrological Evaluation, or equivalent
3.1.2.12	Protect and enhance key natural features and key hydrologic features and their functions by prohibiting development, redevelopment and site alteration with <i>key natural heritage features</i> and <i>key hydrologic features</i> and their vegetation protection zones as determined through environmental	. This does not appear to allow for the removal of small isolated wetlands that may exist on the landscape separate from the Greenway System. These small features are very difficult to maintain in an urban setting and can affect community design. Studies may determine that their removal and	We have similar comments on policies 3.1.2.20 and 3.1.2.21. Regarding 3.1.2.21, no changes were made to respond to our comments that no negative impacts must be demonstrated for development surrounding any wetlands. The 'no negative impact' test came from the PPS and was intended to apply to PPS features, not all features.

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
	Impact studies except for uses provided in this Plan	replacement with the Greenway is desirable. It is unclear if this policy would allow for such circumstances.	
3.1.2.13	That <i>key natural heritage features</i> and <i>key hydrologic features</i> on Map 5 – Natural Heritage Features and Landforms and Map 6 – Hydrologic Features shall be precisely delineated on a site-by-site basis using procedures established by the Region, TRCA and Province, where applicable, and through the approval of Planning Act applications where supported by the appropriate study. Where approved by Council, the refined boundaries of the features may be identified without amendment to this Plan.	Could be interpreted to preclude removal of features found to not warrant protection/preservation.	Insert "and their extent" before "shall be precisely delineated"
3.1.2.14	To only permit development, redevelopment and site alteration within <i>valleylands</i> and watercourse corridors and their associated <i>vegetation protection zones</i> , in accordance with Section 3.1.2.23 of this Plan...	This policy wording would preclude grading or any drainage works such as LID measures in vegetation protection zones.	Add "with the exception of grading, LID or drainage works in <i>vegetation protection zones</i> "
3.1.2.16	That vegetation protection zones...be provided in accordance with Section 3.1.2.23.	Concerns with VPZ	See comments under policy 3.1.2.23

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
3.1.2.17	To increase the quantity and quality of woodlands in Markham by protecting and enhancing: a) significant woodlands as defined by the Region and Province and their vegetation protection zones by: i. prohibiting development, redevelopment and site alteration on significant woodlands and their vegetation protection zones;	This policy wording would preclude grading or any drainage works such as LID measures in vegetation protection zones adjacent to significant woodlands. This is too inflexible. It may be desirable to maintain drainage into woodlands or introduce abutting LID's; this may require grading or swales, etc. in the VPZ. This problem occurs in every policy prohibiting site alteration in vpz's.	Add "with the exception of grading, LID or drainage works in vegetation protection zones" to the end of policy i.
3.1.2.17 b	i) prohibiting development, redevelopment and site alteration on woodlands...except where all the following requirements are met: • There is a significant net gain...; • Impact to the woodlands is unavoidable;	This policy establishes very restrictive criteria for considering development in or abutting locally significant woodlands. The interpretation to be applied to "significant" is unclear. "Unavoidable" is an impossible test, operating to preclude any activity.	Delete "significant" before "net gain" and add "or function" after "woodland cover". Replace "is unavoidable" with "cannot reasonably be avoided". See comments re the definition of "woodlands" as well.
3.1.2.18	"Woodland compensation will not be accepted...within key natural heritage features, or key hydrologic features or their vegetative protection zones."	If there are opportunities within or abutting these features to add to or enhance an existing woodland, it should be permitted as doing so results in increased woodland cover or enhanced function.	Delete the phrase "...within key natural heritage features, or key hydrologic features or their vegetative protection zones"
3.1.2.20	"To protect all <u>wetlands and their functions where...</u> "	See comments for Section 3.1.2.11 Standard provincial procedures wording unclear and inconclusive.	Use other wording for standard provincial procedures and include "determined appropriate for protection" in c)
3.1.2.21	To only permit development,	There is no definition for "no negative	Insert "locally significant" before "wetland; replace "no negative

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
	<i>redevelopment and site alteration within 120 metres of a wetland, but outside of the vegetation protection zone, where it has been demonstrated through an appropriate study that there will be no negative impacts to the feature or its functions.</i>	impacts", which is an overly rigid test. As per comments above, it is not appropriate to apply this test to all wetlands.	Impacts" with "no unacceptable impacts". Delete "but outside of the vegetation protection zone". Site alteration may be required in the VPZ. The study could confirm the need. No changes were made to respond to our comments that no negative impacts must be demonstrated for development surrounding any wetlands. The 'no negative impact' test came from the PPS and was intended to apply to PPS features, not all features.
3.1.2.23	VPZs	The protection of vegetation protection zones from site alteration is too inflexible at the OP level and is inconsistent with some permitted uses in these areas in the Greenbelt Plan. Policies should be modified to allow some site alteration in these areas.	Permit grading in VPZ as mentioned above
3.1.2.23	Minimum Vegetation Protection Zone Table - "all other wetlands" All other features	Per comments above, "wetlands" need to be distinguished by significance. Otherwise, we view the table as arbitrary and antithetical to balanced urban development at the required densities.	Qualify "wetlands" by adding "significant". "Fish habitat" can also be broadly interpreted, and should be qualified as well. We request a meeting to discuss the table "Minimum Vegetation Protection Zones" and our issues with it.
3.1.2.24	That where development, redevelopment or site alteration outside the urban area is proposed between key natural heritage features or ... the	Request further clarification. As noted in 3.1.2.23, we do not support the use of the minimums in the table.	

Policy Clause	Specific Policy Reference	Questions or Issue(s)	Proposed Solution/Policy Wording
	minimum adjacent lands... may be increased		
3.1.2.26	Reduced VPZ	TRCA not an approval authority	Reword to "in consultation with the TRCA"
3.1.2.28	That where areas of natural or scientific interest....	Concerned that there is no threshold for these ANSIs (e.g., provincial, regional, local and that a VPZ is assumed to be warranted. If the policy is addressing Provincial requirements, ANSIs at the Provincial level are all that should be referenced.	Insert "at the Provincial scale" after "Interest". The Province does not automatically prohibit development in ANSIs.
3.1.3 (Entire Section)	Natural Heritage Network Enhancement Lands		
3.1.3.2	To delineate the Natural Heritage Network Enhancement Lands...	Core Linkage Enhancement Lands do not appropriately recognize that enhancement is more effectively directed towards the larger regional system where positive impacts can be more effectively assigned/delineated and achieved.	We do not support the Core Linkage Enhancements across tableland. We can accept such takings where appropriately compensated. See comments re: 3.1.1.11
3.1.3.3	To require the protection and enhancement of Natural Heritage Enhancement Landsto maintain existing connectivity.....and create large blocks of habitat.	As above – designation of Core Linkage Enhancement Lands must be based on science, realistically achievable benefits and recognizing the presence of arterial and collector road barriers to safe movement by wildlife.	Insert "where required" before "to maintain" and replace "create large blocks of habitat" with "and enhance connectivity and create large blocks of habitat where possible through appropriate compensation arrangements with willing landowners.
3.1.3.4	Priority for public acquisition	No reference to parkland dedication	Make reference to parkland dedication section 4.3.2.2c)
3.2.1	"the protection, expansion and integration of urban forest into all new communities – urban forest includes	This is not a workable policy – policy 3.2.6 provides slightly better, more flexible wording - these two policies	

	hedgerows and individual trees on public and private lands"	appear to be in conflict. Policy 3.2.1 is also in conflict with 3.1.1.12 that provides some flexibility to remove hedgerows and small woodlot features.	
3.2.4	Appropriate compensation for urban forest	See comments on 3.1.1.3 and 3.1.1.4	See comments on 3.1.1.3 and 3.1.1.4
3.2.6	Hedgerows and small woodlots	Hedgerow needs to be defined to exclude narrow linear, discontinuous features, ideally as an exclusion in the woodlands (locally significant) definition.	Define hedgerow separately
3.3 WATER SYSTEMS			
3.3.2 GROUNDWATER AND SURFACE WATER RESOURCES			
3.3.2.1	To direct development, <i>redevelopment</i> and <i>site alteration</i> away from <i>sensitive groundwater resources</i> and <i>sensitive surface water features</i> . <i>Sensitive surface water features</i> is defined to include Class 1 features defined using Markham's Small Streams Classification System.	The definition of sensitive surface water features includes Class 1 Streams as defined through the use of the Small Stream Study recommendations. The definition needs to be modified to remove reference to the Class 1 streams. Also, we continue to support the use of the PPS wording from PPS policy 2.2.2 to 'restrict' development and site alteration in these features. Directing development etc. away from Class 1 streams would preclude balanced and efficient greenfields development.	Replace this policy with Section 2.2.2 of the PPS to be consistent with the PPS. Remove the reference to Class 1 features, and adopt the PPS definition of sensitive water features vs. that currently specified in the OP. We continue to support the use of the PPS wording from PPS policy 2.2.2 to 'restrict' development and site alteration in these features. The definition needs to be modified to remove reference to the Class 1 streams.
3.3.2.5	"That where potentially <i>significant local groundwater recharge areas</i> are identified in an approved <i>watershed plan</i> and/or <i>subwatershed plan</i> , Markham shall require that a subwatershed plan, Master Environmental Servicing Plan, an	We understand the need for the hydrogeological studies, but the issue is the inclusion of the word 'modelling'. It is preferred that the policy just identify the need for a hydrogeological study and not specify the methodology to be used. Computer modelling at the	Remove the requirement for modeling

	Environmental Impact Statement, a Natural Heritage Evaluation and/or Hydrological Evaluation, or equivalent. These studies shall include a hydrogeological study and modeling component..."	detailed site study level is not necessary to assess groundwater conditions and development impacts on individual land parcels, therefore, the option to use a modelling methodology should be the choice of the study team.	
3.3.2.7	"...the features shall be evaluated and protected where required using Markham's "Small Streams Classification System and Management Protocol."	This policy requires the use of the City's Small Stream protocol for the assessment of headwater drainage features. We strongly prefer the use of the TRCA protocol. Discussions are ongoing with the City and TRCA regarding which protocol is to be used.	The reference to the City's Small Streams should be removed from this policy and it should only reference TRCA protocol or equivalent
3.3.3 STORMWATER MANAGEMENT			
3.3.3.2	To apply best management practices in stormwater management...	Can't use word 'maintain' for stream baseflow if that means keep the same as existing flows (ponds will increase flows). This is not consistent with changes made to policy 3.3.2.2.	Replace "maintain" with "manage" or "protect" in a)
3.3.3.5	Stormwater Management Guidelines	Guidelines should be considered or addressed, however 'in accordance with' wording is not appropriate.	Remove "in accordance with"
3.3.3.6	That low-impact development measures be promoted as part of overall stormwater management strategies in order to address impacts at-source and to maintain or restore components of the natural water balance.	It is not clear what is meant by 'impacts at source'. It is not practically feasible to maintain all components of the water balance in an urban environment (e.g.,	Replace "address impacts at source and to maintain or restore" with "reduce runoff and manage". Wording should be modified to be consistent with changes they made to 3.3.2.2.

		<p>evapotranspiration and runoff components will change).</p> <p>Use of word 'natural' here is unclear and inappropriate.</p>	
3.3.3.8	Prohibit SWM ponds in NHN except where provided in 3.3.3.9	General concern with this policy. Looking to 3.3.3.9 for more detail.	Not in accordance with Greenbelt Plan.
3.3.3.9	Only consider naturalized SWM in VPZ where demonstrated site conditions prevent the location outside of the VPZ	<p>The City has gone farther than the Greenbelt policies with respect to prohibiting where ponds can be located in vegetation protection zones. The tests for where you can locate ponds in the Natural Heritage Network – make it essentially impossible to meet, resulting in no ponds allowed in vegetation protection zones.</p> <p>One of the Greenbelt Plan policies allows ponds in vegetation protection zones as long as they are located 30m away from a river or stream. The City's policy would keep them out of these VPZ. Coupled with the size of the VPZ for Significant valleylands of 30m, this is a concern. There is no blanket technical reason for not allowing ponds in portions of the VPZ.</p>	<p>Permit SWM facilities in VPZ where feasible and subject to meeting Greenbelt Plan.</p> <p>Replace "further enhancement" with "no adverse impact"</p>
3.3.3.10	Outfalls and channel outfalls be placed close to the base of the slope <u>above the 25 year floodline</u> and located outside of the meander belt, wherever possible.	This requirement is going to require a lot of discussion and may result in time delays in the design process. Depending upon site grades, requirements to be above the 25 yr floodline could introduce substantial fill requirements to	Remove policy from OP

		service adjacent areas. Without understanding the specific implications, this seems too detailed to be an OP policy.	
3.3.3.12	Sediment Control	TRCA is not an approval authority.	Should reword to "In consultation with TRCA"
3.4 ENVIRONMENTAL HAZARDS			
3.4.1.1	To protect the safety of the public and reduce property damage by directing development, <i>redevelopment</i> and <i>site alteration</i> to locations outside of the <i>hazardous lands</i> and <i>hazardous sites</i> as generally shown in Appendix A – Toronto and Region Conservation Authority Regulatory Framework.	Why is site alteration included in this policy? This is inconsistent with other policies that allow some site alteration (e.g., SWM pond outlets) in hazardous areas.	Delete "as generally shown" with "within regulated areas shown", and add "except as permitted in policies in this Plan" after "Framework".
3.4.1.5	To prohibit development, <i>redevelopment</i> and <i>site alteration</i> and lot creation in <i>hazardous lands</i> and <i>hazardous sites</i> contained within the 'Greenway' designation in accordance with the policies and requirements of the Provincial Policy Statement and the Toronto and Region Conservation Authority.	Why is site alteration included in this policy? This is inconsistent with other policies that allow some site alteration in hazardous areas. This policy automatically makes TRCA policy OP policy.	To permit only in accordance with...rather than "prohibit"

3.4.1.6	To require conveyance of hazardous lands and hazardous sites within the Greenway designation at no cost to a public authority."	The City can encourage this conveyance but cannot require it.	Replace "require" with "encourage".
3.4.1.7	That the management of floodplain lands as generally shown in Appendix A - Toronto and Region Conservation Authority Regulatory Framework be based on the regulatory flood standard in accordance with Provincial standards and mapping produced by the Toronto and Region Conservation Authority.	Areas beyond the regulatory floodplains are shown on Appendix A.	Replace "as generally shown" with " <u>located within the regulated areas shown</u> ".
3.4.1.18	To work with the Toronto Region Conservation Authority and upstream municipalities to ensure development, redevelopment and site alteration upstream of flood vulnerable areas provide for stormwater management controls that decrease existing flood levels on properties within Markham for storms up to and including the Regulatory Storm.	<p>New developments in the ROPA 3 area should not bear the burden of reducing flood vulnerability in already comprised areas. If this is mandated it would require DC funding to compensate for downstream benefits.</p> <p>This policy essentially means that SWM measures in ROPA 3 will have to provide over-control (i.e. control to less than predevelopment flows) and SWM ponds will be larger than typical, or, offsite remedial measures will be required to lower flood levels.</p>	Remove policy or replace "decrease" with "do not increase".
CHAPTER 4: HEALTHY NEIGHBOURHOODS AND COMMUNITIES			
4.2.3.2	"Markham shall request first right of refusal to acquire all or part of the school site and that government agencies and community groups with identified needs shall have the second right of refusal"	Policy states that government agencies and community groups 'have' second right of refusal.	We request that this policy be deleted and the current practice of offering the surplus school site to the landowner be retained. Alternatively, policy can be revised to make it clear it relates only to sites owned by a school board and that the City and other agencies "can request first and second rights of refusal"

4.3.2.2 c)	Reference to OP policy 3.1.3.3	Reference should be to 3.1.3.4	Revise reference
4.3.2.2	Park Standards	Given the review of the parkland policies is still underway, it is premature to incorporate into OP policy.	Need more time to review
4.3.5	Parkland Acquisition	Given the review of the parkland policies is still underway, it is premature to incorporate into OP policy.	Need more time to review
4.3.5.3	Provide parks at a rate of 1.2ha/1,000 persons	Given the review of the parkland policies is still underway, it is premature to incorporate into OP policy.	Need more time to review
CHAPTER 5: A STRONG AND DIVERSE ECONOMY			
5.1.2.1	"To recognize that all designated "Employment Lands" are strategic and vital to Markham's and the Region's economy..."	All employment lands are important and play a role in the economies of the City and the Region, but we consider deeming all employment lands as strategic an over-statement.	"To recognize that all designated "Employment Lands" are important to Markham's and the Region's economy..."
5.1.3.1	"To plan for and accommodate York Region's forecasts for employment by type..." Part d) "controlling and managing the use of 'Employment Lands'"	This policy and its part b) could act to unduly constrain the land areas dedicated to particular employment designations and seeks to implement the York Region Land Budget in a selective and inconsistent (e.g., re major retail) manner that was removed from the YROP itself. Appears to go beyond the City's authority.	Delete "by type" from the policy, or make it more flexible with express recognition that employment is generated on a variety of land types in addition to designated employment lands. Qualify the policy with description of what is intended to be managed, or delete it.
5.1.3.5	"To ensure that the planning and phasing for development of the lands designated 'Future Employment Area' and 'Future Neighbourhood Area' in the 'Future Urban Area' as shown on Map 3 – Land Use contributes to an	The policy is silent regarding what constitutes an appropriate balance over an unspecified time frame and could be interpreted to restrict the pace of development for reasons beyond the control of residential or employment	Identify a reasonable target range and horizon date or delete the policy.

	appropriate City-wide balance between residents and jobs."	lands developers/builders or outside the Future Urban Area.	
5.1.4.4	"To provide for office uses as an accessory use or limited ancillary use complementary to primary Industrial uses where permitted in the appropriate 'Employment Lands' designation."	In certain 'Employment Lands' designations, office is permitted use (not accessory nor ancillary).	Revise to: "To provide for office uses where permitted in the 'General Employment' designation."
5.1.7	Retail (Entire Section)	Generally, we have implementation concerns restricting future application of the 'Commercial' designation, restricting large scale retail and requiring new retail only within a mixed use setting in buildings with minimum heights (per policy 8.3.2)	Further discussion is required regarding supply of major retail lands and fulfillment of the York Region employment forecast for major retail. More flexibility is sought for retail form in the 'Mixed Use Low Rise' designation in the Future Urban Area.
5.2.1 (Entire Section)	"It is important that these lands continue to be reserved and supported for sustainable agriculture and local food production...."	It is inconsistent with Provincial policy to reserve agricultural lands in perpetuity if they are required for urban expansion. Flexibility is required recognizing that circumstances may require different designations/land uses in the future.	As with Section 2.2.1.2, we request inserting "consistent with policies 5.1.12 i) and j) of the York Region Official Plan" to follow "loss to other uses" in policy 5.2.1.1 b).
5.2.1.10	Minister's Zoning Order	NMLG has appealed its application to remove the MZO	
CHAPTER 7: TRANSPORTATION, SERVICES AND UTILITIES			
7.1.1.6	To phase development growth in major mixed use neighbourhoods and intensification areas and the Future Urban Area in order to ensure that an acceptable balance between travel demand and transportation capacity is maintained.	The Intent of this policy is understandable. The reality is that funding for transit/transportation is lagging significantly the pace of growth. Failure to achieve growth within the Built Boundary could prevent growth in the North Markham ROPA 3 Area. Similarly, the lack of funding for transit in North Markham could have the same	Add ", recognizing the need to ensure a sustained supply of housing to accommodate allocated population and employment growth" after "maintained." See comments on phasing from Section 10.1.2.2m). This Section could reference the proposed south to north phasing approach.

		effect. We are of the opinion that growth in the FUA be phased from south to north. Transportation improvements along Major Mackenzie will be key in achieving density in the FUA.	
CHAPTER 8: LAND USE			
8.2 Residential policies			
8.3 Mixed Use policies			
8.3.2.1 b)	"Mixed Use Low Rise' areas in 'Future Neighbourhood Areas...b) require mixed-use buildings"	Development economics continue to constrain the ability to mix uses in the same building in greenfields areas.	Revise policy to "encourage" vs. "require".
8.3.2.3	"To only provide for multi-storey mixed-use buildings on lands designated 'Mixed Use Low Rise'."	Building type list is too restrictive and precludes single storey retail throughout the City	Add "or as otherwise specified in a secondary plan or a heritage conservation district plan" as in 8.3.2.4.
8.3.2.5	GFA of non-residential premises	Adding a low GFA cap creates further restrictions and limited flexibility.	Delete the cap on individual premise size.
8.3.3.3	Building Types	Building type list is too restrictive and does not permit stand-alone retail	Add "or as otherwise specified in a secondary plan or site-specific policy" as in 8.3.3.4.
8.3.3.5	GFA of individual retail premise shall not exceed 6,000 sq m	Further restrictions on GFA limit flexibility	Delete the cap on individual premise size.
8.3.4.1	d) "ensure a mix of uses on large sites by not allowing a site to be developed or redeveloped exclusively with residential or non-residential development"	We note that a comprehensive block plan could consist of one or more properties and still provide a mixed use development even one individual property within that plan has one type of use on it	What is considered a 'large' site?
8.3.4.3	Building Types	Too restrictive	Add "or as otherwise specified in a secondary plan or site-specific policy" as in 8.3.3.4.
8.4 Commercial			
8.4	That no additional lands to be designated Commercial in Markham, in order to ensure future large scale retail	We support integrating retail into mixed use communities. However, we do not agree that large scale retail (Major	Markham must comprehensively plan for Major Retail in North Markham as required in Section 4.4.8 of the Regional OP (under appeal).

	development is directed to lands designated Mixed Use.	<p>Retail) can be similarly integrated into mixed use areas. Major Retail requires larger parcels of land to accommodate the number and scale of stores, extensive parking and ease of access to the arterial and collector road network.</p> <p>The Region's Land Budget recognized the need for true Major Retail in Markham. Failure to plan for and accommodate Major Retail will result in the new community areas being under served.</p>	
8.5	Employment Lands		
8.5.2 through 8.5.5	Aside from the stated intent to designate no additional lands for 'Commercial' uses, the plan is silent on the designations considered appropriate for potential application to future urban lands.	As stated above, planning for future urban lands should be open to adopting the 'Commercial' designation. The same comment can be made for the 'Service Employment' and 'General Employment' designations, the descriptions for which could be interpreted as intending to not consider them for future urban lands.	Delete policy 8.4.1.2; make it clear that all employment designations are available for consideration for application to future urban lands.
8.5.2 & 8.5.3	The 'Business Park' and 'Business Park – Office Priority' designations preclude ancillary uses except as accommodated within industrial or office buildings.	Ancillary uses are an important element in amenitizing and reducing auto reliance within modern business parks (see the Healthcare of Ontario Pension Plan (HOOPP) Spectrum SQ project as an example). Markham will be a less functional and competitive employment location if these policies are carried forward.	These concerns can be resolved by a judicious geography of 'Service Employment' designations in the FEA

8.5.2.3, 8.5.3.3, 8.5.4.3 and 8.5.5.3	Discretionary Uses	Concerns with limited uses	Need more time to review
8.5.4.2	Retail In Service Employment	Caps on retail GFA permissions are unduly inflexible.	Remove restrictions on floor area per premise, building and property.
8.8 Countryside			
8.8	"These lands are intended to be protected for <i>agricultural uses</i> and support farming activities."	<i>Countryside</i> lands may be required for future urban area uses. NMLG does not support designation of these lands for farming in perpetuity.	Make consistent with previous policies relating to Regional OP Section 5.1.12 I) and J)
8.12 Future Urban Area			
8.12.1.3	Conceptual Master Plan will be endorsed	Section 10.1.2.4 requires "submission" of the CMP to Council prior to a Secondary Plan application	Make consistent with 10.1.2.4 to require submission to Council vs. "endorsed"
8.12.1.4	CMP policies	Not there yet with CMP	Need more time to review/input
CHAPTER 9: AREA AND SITE SPECIFIC POLICIES			
9.9.2 AND 9.9.3	Woodlands	Refers to incorrect Figure number	Refer to Figure 9.9.3 rather than 9.8.3. Policy needs to provide for removal of the features determined to be ornamental and plantation without triggering a compensation requirement.
CHAPTER 10: IMPLEMENTATION			
10.1 (Entire Section)	Secondary Plans, Precinct Plans and Comprehensive Block Plans		
10.1.2.2	m) ii. phasing	Policy implements the YROP 75% policy which is still under appeal at the OMB. The NMLG and City staff support a south to north phasing approach in the Future Urban Area (with the south limit being Major Mackenzie). This approach should be reflected in Markham's OP to guide Secondary Plans.	Remove 75% policy and add: "Phasing in the Future Urban Area shall generally occur from the south to the north"

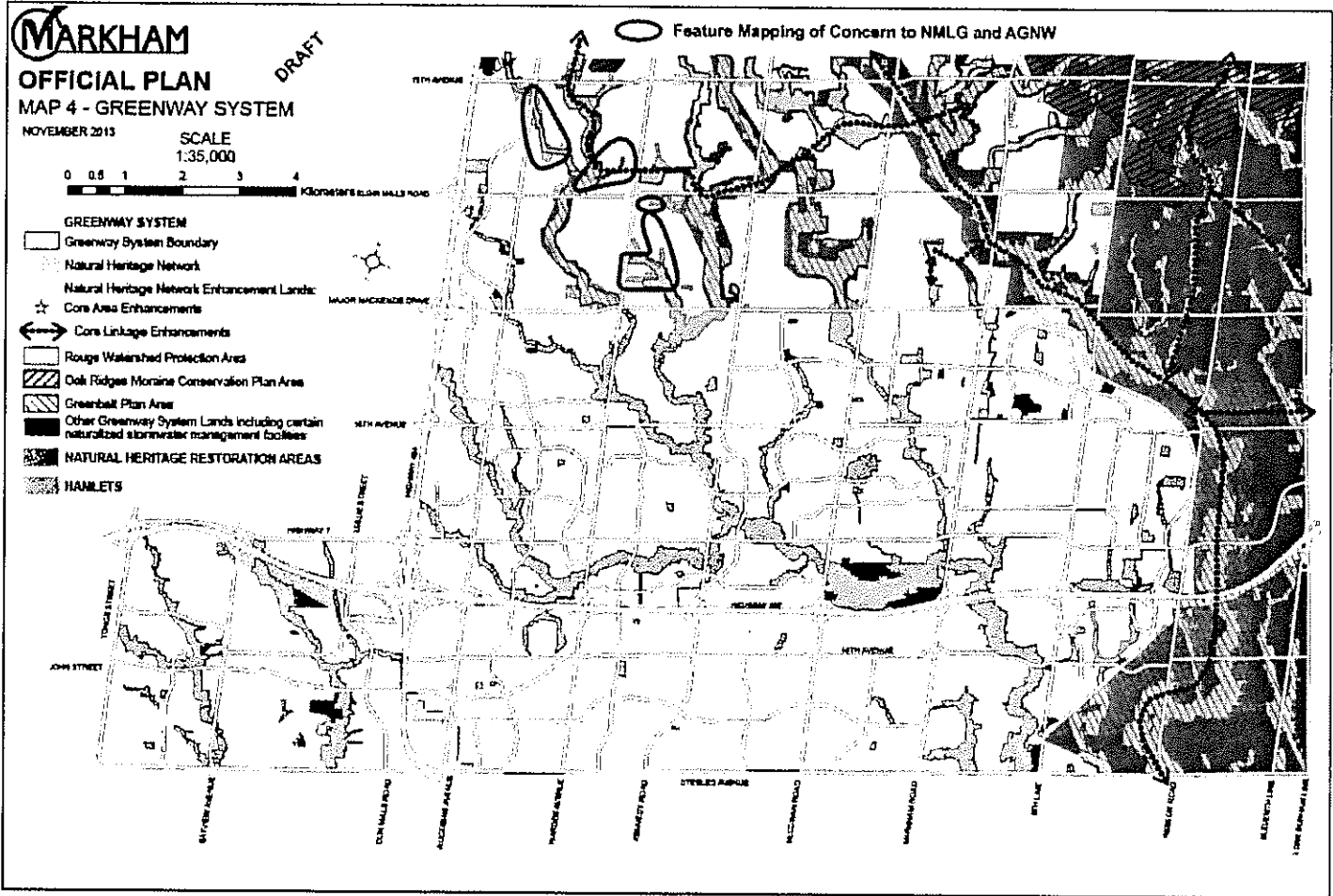
10.1.2.4	c) "the submission of secondary plan applications shall follow completion and submission to Council of a Conceptual Master Plan."	Support.	This wording is supported and needs to be reflected in 8.12.1.3
10.8 (Entire Section)	Parkland Dedication	Given the review of the parkland policies is still underway, it is premature to incorporate into OP policy.	Need more time to review
10.10	Zoning Order	NMLG has appealed its application to remove the MZO	
CHAPTER 11: INTERPRETATION -- DEFINITIONS			
	Major Retail	We have concerns with the thresholds for Major Retail (individual premise exceeding 1,000 sq. m) being too low. This definition would be too restrictive in future retail and mixed use developments.	Need more time to suggest a revised definition, in concert with review of major retail policies.
	Sensitive surface water features	Incorporates Markham's Small Streams Classification System, exclusively.	Remove Small Stream reference or definition should be modified by inserting "or equivalent" after "Class 1" and or equivalent" after "Classification System".

SCHEDULES

Maps 1-3

Map 4	Greenway System	NMLG and Angus Glen Northwest Inc. have concerns with the Greenway System mapping and limits of the Greenway.	We have concerns with the extent of certain features on the mapping and also with associated policies. Resolution will require revisions to the mapping and /or related policies.
Map 5	Natural Heritage Features and Landforms	NMLG and Angus Glen Northwest Inc. have concerns with this schedule, mainly the Permanent and Intermittent Stream locations.	We have concerns with the extent of certain features on the mapping and also with associated policies. Resolution will require revisions to the mapping and /or related policies.
Map 6	Hydrologic Features	NMLG and Angus Glen Northwest Inc. have concerns with this schedule, mainly wetlands mapping.	We have concerns with the extent of certain features on the mapping and also with associated policies. Resolution will require revisions to the mapping and /or related policies.

Map 9	Countryside Agriculture Area	NMLG has concerns with the Countryside designation and lack of regard for future urban expansion.	Insert reference to Section 5.1.12 I) and J) of the Regional OP to the schedule.
Map 10	Road Network	We will be providing input to the FUA Transportation Study	
App. B	Small Streams	Given that the mapping presented is based on desktop analysis, NMLG and Angus Glen Northwest Inc. have concerns with the locations of small streams and ditches on this schedule.	We understand the mapping is illustrative and to be used only for screening purposes. Commentary to that effect needs to be inserted into the map legend. We recommend using the TRCA's Headwater Drainage criteria as an alternative to Small Streams.





OFFICIAL PLAN

MAP 5 - NATURAL HERITAGE FEATURES AND LANDFORMS

NOVEMBER 2013

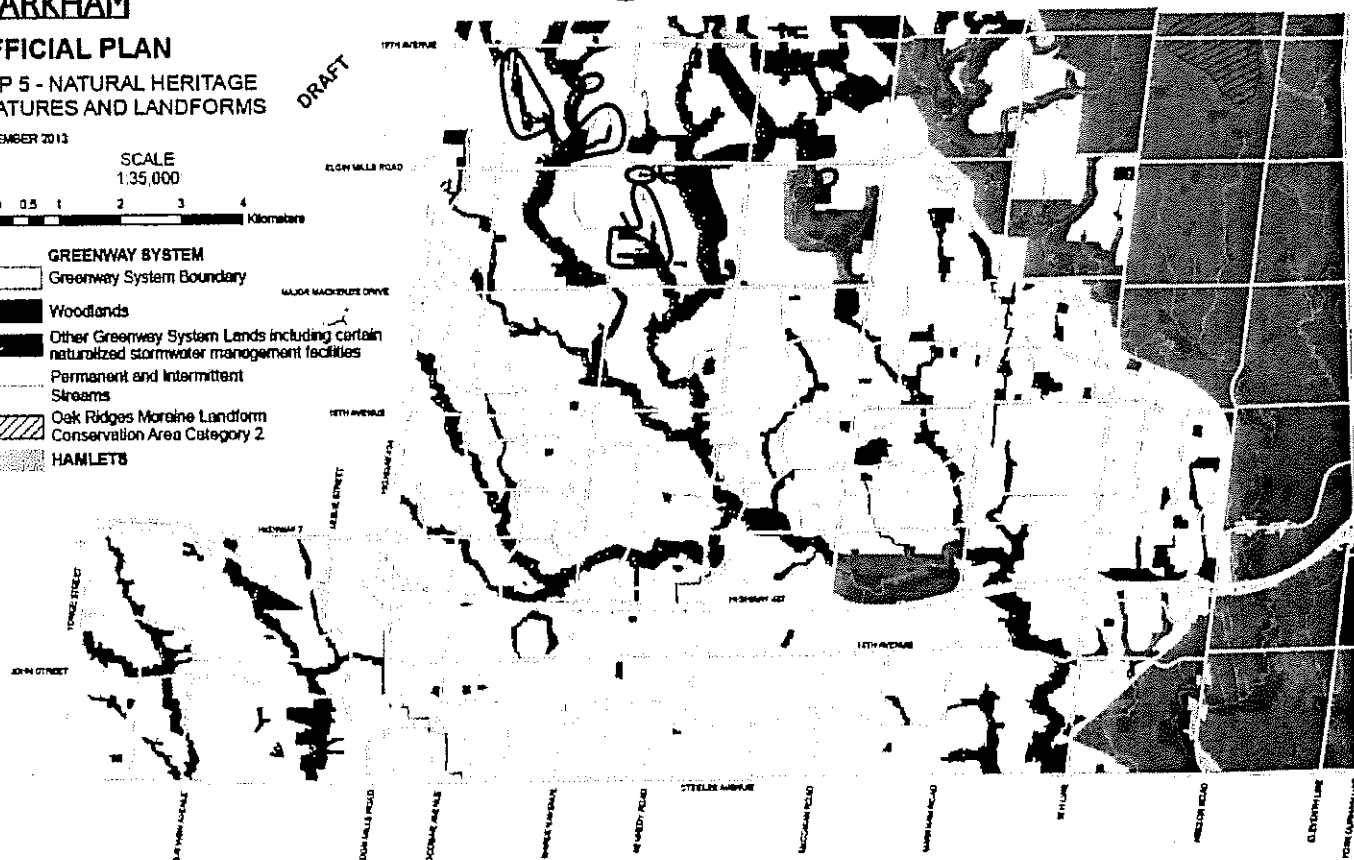
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GREENWAY SYSTEM

- Greenway System Boundary
- Woodlands
- Other Greenway System Lands including certain naturalized stormwater management facilities
- Permanent and Intermittent Streams
- Oak Ridges Moraine Landform Conservation Area Category 2
- HAMLETS

Feature Mapping of Concern to NMLG and AGNW





OFFICIAL PLAN

MAP 8 - HYDROLOGIC FEATURES

NOVEMBER 2013

SCALE
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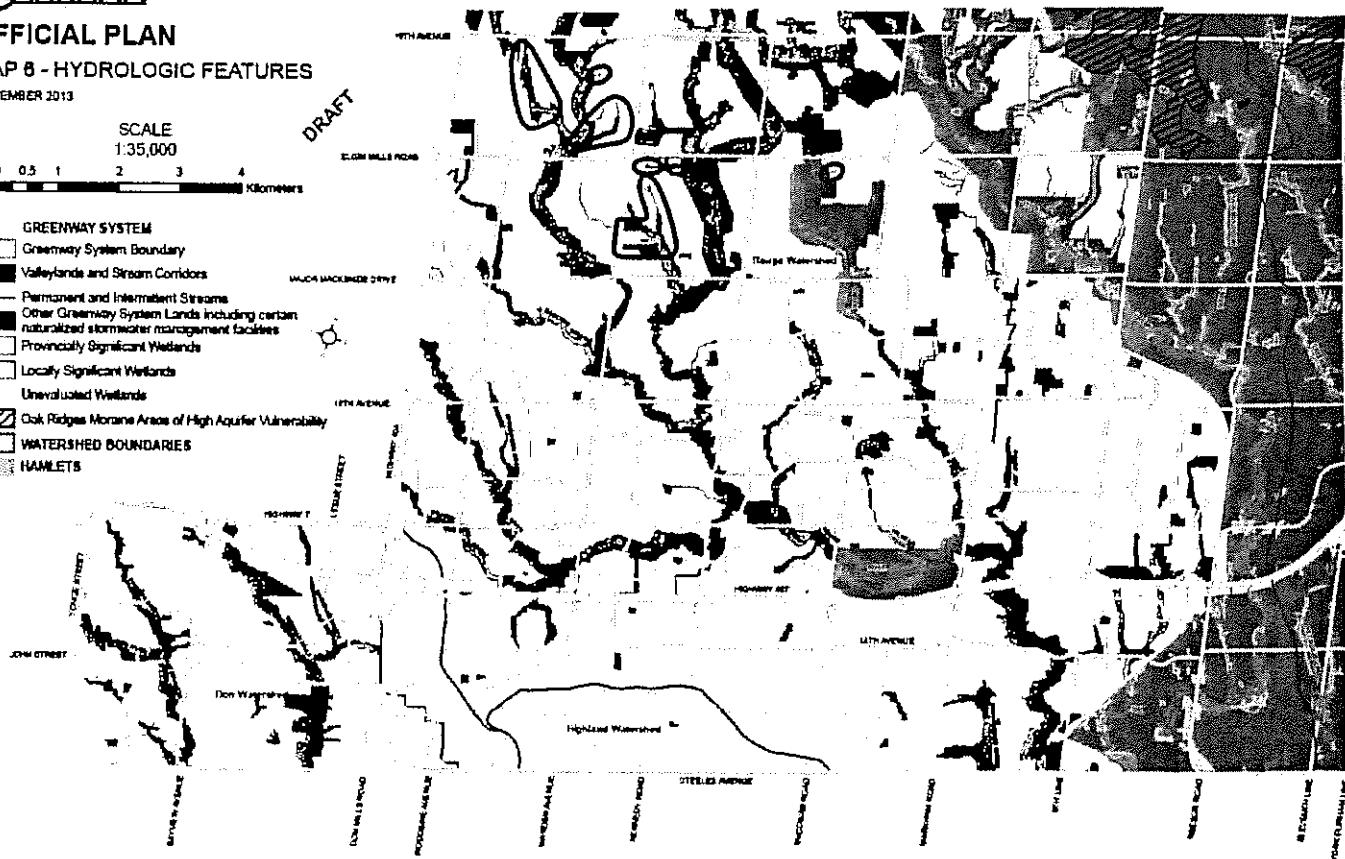
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DRAFT

Feature Mapping of Concern to NMLG and AGNW

GREENWAY SYSTEM

- Greenway System Boundary
- Valleylands and Stream Corridors
- Permanent and Intermittent Streams
- Other Greenway System Lands including certain naturalized stormwater management facilities
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Oak Ridges Moraine Areas of High Aquifer Vulnerability
- WATERSHED BOUNDARIES
- HAMLETS



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Hau, Lucy

Subject: FW: NOTICE - Draft Official Plan

From: Chris Zadel
Sent: December-03-13 4:00 AM
To: Bavington, Kitty; Wouters, Margaret; Kitteringham, Kimberley
Subject: Re: NOTICE - Draft Official Plan

To whom it may concern:

My name is Christopher Zadel. I am the owner of 10321 Highway 48 in Markham.
This message serves as a formal request to have my property included in the future urban boundary under the City of Markham's official plan.

Sincerely,

Christopher Zadel

