# **DA TORONTO**

# STAFF REPORT ACTION REQUIRED

2900 Steeles Avenue East at Don Mills Road in the Town of Markham – Official Plan Amendment Application Status Report

Date:	April 6, 2010			
То:	North York Community Council			
From:	Director, Community Planning, North York District			
Wards:	n/a			
Reference Number:	08 103198 NPS 00 TM			

# SUMMARY

In October 2007 the Town of Markham received an application to amend the Markham Official Plan followed in March 2008 by an application for a zoning by-law amendment to permit the redevelopment of the property known as the Shops on Steeles. The subject property is located at 2900 Steeles Avenue East at the northeast corner of Steeles Avenue and Don Mills Road adjacent to Highway 404. The applications propose a mixed use development with retail, restaurant and office uses and 1,787 residential units at a total

FSI of 2.5. The Town of Markham has circulated the applications to the City of Toronto for comments as the subject property abuts the Toronto - Markham municipal boundary at Steeles Avenue East. The Town of Markham has scheduled a Public Meeting under the *Planning Act* for the Official Plan Amendment application on May 4, 2010. This report recommends that City Council notify the Town of Markham of comments in this report respecting this application as contained in Recommendation No. 1.



# RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Clerk notify the Town of Markham and the Region of York of the City Council comments regarding the application to amend the Official Plan of the Town of Markham at 2900 Steeles Avenue East at Don Mills Road in the Town of Markham as set out in Recommendation Nos. 2, 3 and 4 of this report in response to the Public Meeting under the *Planning Act* scheduled for May 4, 2010.
- 2. The Town of Markham be advised that the subject application should be amended to:
  - a. reduce the height of the southern most 32-storey apartment building in order to provide an appropriate transition to the lands designated *Neighbourhoods* located south of Steeles Avenue East;
  - b. redistribute development and the mix of uses over the subject site so that more of the development is closer to transit services and better defines and frames Steeles Avenue and Don Mills Road;
  - c. reduce the proposed floor plate size of any high rise residential buildings to reduce visual impact, impact on skyview and shadowing.
- 3. The Town of Markham be advised that Steeles Avenue East in this location has been identified for streetscape improvements including maximizing the landscaping opportunities on the existing median and any negotiations regarding Section 37 of the *Planning Act* related to this development should include consideration of the use of such funds for Steeles Avenue streetscape improvements;
- 4. The Town of Markham request that the applicant provide further information to the City of Toronto on:
  - a. the Traffic Impact Study and addendum dated August 2009 as contained in the Technical Services letter dated November 2, 2009 and contained in Attachment No. 7; and,
  - b. the Functional Servicing Report and addendum dated August 2009 as contained in the Technical Services letter dated November 2, 2009 and contained in Attachment No.7.
- 5. Staff report to North York Community Council on any further revisions to the subject application.

#### **Financial Impact**

The recommendations in this report have no financial impact.

# **DECISION HISTORY**

At its meeting of January 15, 2008, North York Community Council directed the Director, Transportation Services and the Director, Community Planning, North York District to report to the February 12, 2008 North York Community Council meeting on the status of the Official Plan and zoning amendment applications at 2900 Steeles Avenue East in the Town of Markham and the impacts it may have on the community immediately to the south of Steeles Avenue East as well as other impacts on development along the Steeles Avenue East corridor. The Information Report responding to this direction can be found at

http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-11352.pdf.

At its meeting of February 12, 2008, North York Community Council deferred this report to its meeting of April 8, 2008. At its meeting of April 29, 2008, City Council considered this Information Report as well as an Information Report from the City Solicitor regarding the City of Toronto's planning authority as it relates to lands in York Region which can be found at <u>http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/ny14.53a.pdf</u>.

City Council accepted these information reports and adopted motions that it inform the Regional Municipality of York of the City's intent to exercise its rights under the April 1974 Agreement respecting development adjacent to the City of Toronto in regard to the redevelopment proposal at 2900 Steeles Avenue East in the Town of Markham. City Council also requested that the Director, Community Planning, North York District advise the Town of Markham of the above noted agreement.

# **ISSUE BACKGROUND**

#### Proposal

The subject site is 7.2 hectares (17.7 acres) in area and currently contains an enclosed 2storey shopping centre, two stand-alone restaurants and a drive-through coffee shop with a total floor area of 25,446 m<sup>2</sup> (273,908 ft<sup>2</sup>). Applications to amend the Town of Markham Official Plan and zoning by-law have been filed to permit the redevelopment of the site for mixed use development. The applicant's Draft Official Plan Amendment is contained in Attachment No. 5.

The applicant indicates that the Sears Outlet Store is expected to vacate the mall. The portion of the shopping centre building containing the Sears is to be retained and renovated to include a new relocated food store as well as office and retail uses. The remainder of the existing mall is to be demolished. A new commercial component is proposed to be a 'Lifestyle Shopping Centre' with retail, restaurant and office uses fronting onto an outdoor shopping street which runs east-west in the interior of the site. The retail GFA proposed is 22,736 m<sup>2</sup>, the office GFA is 8,928 m<sup>2</sup> and the residential GFA is 147,802 m<sup>2</sup>. A total of 1,787 apartment dwelling units are proposed most of

which are to be located in five buildings ranging in height from 18 to 32 storeys in the eastern portion of the site. The Master Concept Plan for this proposal is illustrated in Attachment 1.

The applicant's preferred development option shows two 2-storey commercial buildings on the western portion of the site along the Steeles Avenue frontage between Don Mills Road and Townsend Road. The applicant is considering a second option which provides two, 8-storey mixed use buildings with commercial at grade and residential above. A 5storey office building and 6-storey residential building are shown as possible future development on the Don Mills Road frontage. All residential parking is to be accommodated underground. The proposed floor area of the development is 179,466 m<sup>2</sup> (1,931,819 ft<sup>2</sup>) with a floor space index of 2.5.

A total of 2,939 residential and commercial parking spaces will be provided on the site. Of these, 265 surface parking spaces are proposed for the use of shoppers. Currently there are three accesses to the site, with two on Steeles Avenue and one on Don Mills Road. The access opposite Townsend Road is signalized. These are retained in the redevelopment proposal.

An area of open space is proposed in the eastern, residential portion of the site and is 0.4 ha (1 acre) in size. Private streets are to be publicly accessible and designed to resemble a public street system.

The gas station located at the corner of Don Mills Road and Steeles Avenue East is owned by the applicant and is currently operating under a long term lease. The application shows long term future retail and office development or possibly housing above main floor retail uses on the existing gas station.

The applicant is proposing a seven phase redevelopment, with the majority of the residential units proposed in Phases 4 to 7, as shown in Attachment No. 6.

#### **Town of Markham Application Review Process**

The Town of Markham received the subject application in October 2007. In March 2008, a Preliminary Report was brought to Markham Development Services Committee and direction provided to hold a community information meeting and establish a resident working group. In May 2008 a status report to the Development Services Committee advised on the establishment of the resident working group. Seven resident working group meetings were held over 2008, 2009 and 2010. In March 2010, an update report was brought to Development Services Committee which recommended that a Public Meeting be held to consider the applicant's Official Plan Amendment. A Public Meeting has been scheduled for May 4, 2010 and a date has not yet been set for when Markham staff will report on the comments at the public meeting and make a recommendation on the development proposal.

# Site and Surrounding Area

The subject site currently supports an enclosed two storey shopping centre containing a supermarket, a Sears Outlet store, and office space. There is a large surface parking area and two stand-alone restaurants and a drive through coffee shop. A gas station is located at the intersection of Don Mills Road and Steeles Avenue East.

- South: in the City of Toronto, Steeles Avenue East, low rise (3-storey) apartments and townhouses as well as semi-detached homes along Steeles Avenue with single detached neighbourhoods beyond
- West: in the City of Toronto, Don Mills Road south of Steeles Avenue, 6 storey apartment building with low rise residential beyond
- East: Highway 404, employment uses beyond in both the City of Toronto and the Town of Markham
- North: low density residential uses in Markham

Other Lands in the Toronto Steeles Avenue Corridor

The majority of lands on the south side of the Steeles Avenue East corridor between Yonge Street and Hwy 404 are designated *Neighbourhoods* which provides for single, semi-detached, townhouses and walk up apartment buildings up to four storeys in height.. Two properties within the corridor are designated *Apartment* Neighbourhoods which provides for buildings of greater scale. For both *Neighbourhoods* and *Apartment Neighbourhoods* areas, redevelopment is to respect and reinforce the existing physical character of the neighbourhood. One property, located between Bayview Avenue and Leslie Avenue is designated *Mixed Use Areas* which provides for a range of commercial, residential and institutional uses. Development in *Mixed Use Areas* is to provide a transition between areas of different development intensity and scale.

#### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

# 1974 Agreement – City of Toronto and Region of York

In a 1974 agreement, York Region consented to the assumption of Steeles Avenue by Metro Toronto, and both parties agreed to act in a consultative and co-operative manner to plan development along Steeles Avenue. The entire Steeles Avenue right-of-way was assumed by Metro Toronto between 1975 and 1989 and it is now a City of Toronto road. The agreement grants the City of Toronto limited planning authority over lands within York Region that are within 45 metres of Steeles Avenue. This authority can only be exercised in compliance with the relevant Official Plans and requires the City to notify and seek agreement from York Regional Council. The agreement sets out a process for the City and York Region to circulate Official Plan Amendments, zoning by-law amendments and subdivision applications affecting lands adjacent to Steeles Avenue to each other for review and comment. City staff routinely review these boundary applications to identify any mitigating measures (e.g. traffic signals, turning lanes, sewer and storm water services) that may be required to serve new development.

# **Official Plan**

#### City of Toronto Official Plan

The subject lands, located on the north side of Steeles Avenue East between Don Mills Road and Highway 404 in the Town of Markham abut the Toronto – Markham shared municipal boundary which is Steeles Avenue. Directly across from the subject lands, within the City of Toronto on the west side of Highway 404 is a neighbourhood of semidetached homes designated *Neighbourhoods* in the Official Plan. Continuing east toward Don Mills Road, there are 3-storey apartments and townhouses which are designated *Apartment Neighbourhood*. A 6-storey Seniors apartment building is located on the west side of Don Mills Road diagonally across the intersection from the subject site and is designated *Apartment Neighbourhood*. The Official Plan designations within the City of Toronto are shown on Attachment No. 3.

*Neighbourhoods* and *Apartment Neighbourhoods* are designations that protect and reinforce the existing physical character of these stable residential areas. *Neighbourhoods* are made up of low scale residential uses including detached and semi-detached houses, duplexes and townhouses and interspersed walk up apartments that are no higher than four storeys. The *Apartment Neighbourhoods* designation provides for residential buildings of greater scale than those in the *Neighbourhoods* designation. *Neighbourhoods* and *Apartment Neighbourhoods* are considered stable areas and future development is to respect and reinforce the existing physical character of these areas. Policies in the Official Plan require that development adjacent to *Neighbourhoods* and *Apartment Neighbourhoods* locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

Map 4 of the Official Plan identifies "Higher Order Transit Routes" which are to receive future investment in transit system expansions. Don Mills Road from Overlea Boulevard

to Steeles Avenue is identified as a "Higher Order Transit Route" with future potential shown into York Region.

The Official Plan contains policies which provide for seeking community benefits on development applications in exchange for an increase in height and/or density under Section 37 of the *Planning Act*. Region of York Official Plan

The subject lands are identified as 'Urban Area' and Steeles Avenue and Don Mills Road in this location are identified as 'Local Corridors' in the Region of York Official Plan. Redevelopment along 'Local Corridors' must address criteria including:

- o provide a range and mix of uses;
- establish density and performance standards to encourage mixed use and public space at grade;
- o create consistent setbacks and continuous building forms adjacent to streets;
- o establish parking requirements that reflect the planned level of transit service;
- o encourage pedestrian activity through design.

As part of the Region's Official Plan Review to bring the Plan into conformity with the Provincial Growth Plan, the Region of York has developed an "Intensification Matrix Framework" which identifies areas for intensification which include "Regional Centres" and "Regional Corridors". The subject site is within a "Regional Corridor". "Regional Corridors" are identified as lands adjacent to rapid transit stations and/or other select areas and, further, that an appropriate FSI per development block shall be determined by the local municipality, in consideration of community character and context. The new Regional Official Plan has not yet been approved by the Province.

#### Town of Markham Official Plan

The subject site is designated "Commercial" in the Markham Official Plan which provides for medium and high density residential development subject to the review of a specific development proposal and rezoning and pursuant to the provisions of any implementing Secondary Plan. The planned function of the lands is to be maintained and the location is to be appropriate.

The subject site is designated "Major Commercial Area" in the Thornhill Secondary Plan of the Town of Markham Official Plan. This designation provides for a large scale multiuse, multi-purpose centre or area offering a diverse range of retail, service, community, institutional and recreational uses serving a major portion of the municipality and/or broader regional market. It provides for a range of commercial uses such as retail stores, service uses, offices, banks, hotels and restaurants. The Thornhill Secondary Plan has a site specific policy relating to the subject site as follows: "As changes in the use of this site are considered in the future, the major priority should be to enhance and strengthen the retail appeal of this facility. Accordingly, non-retail uses should be discouraged unless clearly demonstrated to be compatible with and support the primary retail function."

During the review of applications the Secondary Plan provides guidance for appropriate new development in terms of having regard for the relationship to surrounding housing in order to provide a transition in height and density and other buffering measures, the effects of shadowing or loss of amenity and the effect of increased traffic.

The Town of Markham Official Plan contains policies for the provision of community benefits in exchange for increases in height and/or density as provided for by Section 37 of the *Planning Act*.

The Town of Markham's Growth Management Strategy identifies the subject site as being within a "Major Corridor" which staff indicate corresponds to the Region's intensification hierarchy.

# Zoning

The subject site is zoned Community Commercial under Markham Zoning By-law 2612. Two site specific By-laws apply to the site which limit the uses to a shopping centre, an automotive service centre and community institutional uses. The maximum Floor Space Index permitted is 0.40 times the area of the lot. The current zoning does not permit residential uses.

# Site Plan Control

The applicant has not submitted an application for Site Plan Control.

# **Reasons for Application**

In October 2007 the owner filed an application for an Official Plan Amendment and in March 2008 a zoning by-law amendment application for a mixed use development. Subsequently, the owner requested that the zoning application be held in abeyance until the Official Plan Amendment application has been dealt with. The Official Plan Amendment application is to amend the Thornhill Secondary Plan to permit high density residential uses.

# **Community Consultation**

On January 29, 2008 a community information meeting on the proposed mixed use development was held by the local Toronto Councillor. The applicant and the Town of Markham also held community information meetings in January and February 2008. In March 2008, the Town of Markham established a Residents Working Group for Markham residents along with representation from residents from the City of Toronto. Town of Markham staff, the local Markham Councillor as well as other Markham Councillors and the applicant attended the Residents Working Group meetings. The Town of Markham invited the Toronto local Councillor and City of Toronto staff to attend. Four Working Group meetings were held in 2008 and one was held in 2009. One Working Group meeting has been held in 2010 and at the time of writing of this report, three more, as well as a community information meeting are scheduled prior to the Public Meeting under the *Planning Act* scheduled for May 4, 2010.

Issues discussed at the Residents Working Group meetings included: appropriate scale of intensification, contextual building height and transition in heights in relation to adjoining neighbourhoods, impacts on the existing road network, servicing capacity, distribution of density across the site, built form to frame streets, pedestrian circulation and parking supply.

Members of the Working Group representing Markham residents prepared a written report which was presented at the June 18, 2008 Working Group meeting. The report and presentation identified the primary concern as; whether it is appropriate to intensify the site with residential development, and, if so, what is the appropriate intensity of development given traffic and other infrastructure constraints. The report identifies further concerns with year round usability of the 'Lifestyle Shopping Mall' concept in terms of Canada's climate, the adequacy of the proposed parking supply and pedestrian and internal traffic flow.

# **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions for review and comment.

# COMMENTS

# Provincial Policy Statement and Provincial Growth Plan for the Greater Golden Horseshoe

The Provincial Policy Statement and the Provincial Growth Plan place an emphasis on intensification, infill and redevelopment. The goals of these policies involve directing new growth to built up areas, thus making use of existing infrastructure and avoiding urban area expansions.

The following policies in the Provincial Growth Plan guide City of Toronto and Town of Markham staff comments on the proposed development:

- Reducing dependence on the automobile through the development of mixed use transit supportive, pedestrian friendly urban environments
- Providing convenient access to intra and inter city transit
- Intensification areas will generally achieve higher densities than the surrounding area while achieving an appropriate transition of built form to adjacent areas

The proposed development concentrates height and density in the eastern portion of the site. It could better meet the Growth Plan policy which calls for reducing dependence on the automobile through the mixed use development by distributing the development density more evenly across the site closer to existing and planned transit. The Growth

Plan policies also state that convenient access to intra and inter city transit is to be provided, however, the most intensive portion of the development is located furthest away from transit.

The proposed development does not provide an appropriate built form transition to the lands designated *Neighbourhoods* located on the south side of Steeles Avenue in the City of Toronto. The Growth Plan policy states that intensification areas will generally achieve higher densities than the surrounding area while achieving an appropriate transition of built form to adjacent areas.

# **Region of York and Town of Markham Official Plans**

With respect to the Region of York Official Plan and the Town of Markham Official Plan, Markham staff indicate that subject to revisions, the proposal presents a potentially beneficial redevelopment and intensification project in accord with the Town's Growth Management objectives. In determining a specific density for the site, Markham staff indicate that the potential impact of the density proposed in relation to the Regional Official Plan and the Town's Growth Management Study is under review and that work with the applicant and stakeholders will continue to identify the appropriate density in this specific context.

# Density, Height and Massing

The major concerns with the subject application are the intense amount of development of the eastern portion of the site and the heights of the southern most apartment buildings. The proposal locates most of the development density and the highest heights across from lands designated *Neighbourhoods* within the City of Toronto.

Markham staff have identified that achieving an appropriate transition in built form, both in relation to adjacent areas and across the development site is key to successful intensification. Markham staff also comment that the current mix of uses should be redistributed across the site to better support rapid transit. City of Toronto staff support these comments and, based on policies in the Provincial Growth Plan and the Toronto Official Plan, have the following specific comments on the subject development.

Density and Transit Supportive Development

The subject site is located on Steeles Avenue, which is a 36 metre wide major arterial between Don Mills Road, which is identified as a "Higher Order Transit Corridor" in the Toronto Official Plan and Highway 404. The site is served by existing TTC and York Regional Transit.

A disproportionate amount of proposed development is located further than 300 metres from the Don Mills Road and Steeles Avenue transit stops. The closest tall residential building is 350 metres from the intersection and the furthest is 520 metres. In order to better support transit, residential development should be distributed across the site to a greater degree and such a distribution should take the form of mixed use mid-rise buildings fronting Steeles Avenue and Don Mills Road.

As noted earlier, the subject site is located within a 'Local Corridor' as identified in the York Region Official Plan. Redevelopment along 'Local Corridors' is to address criteria including encouraging pedestrian activity through design. Redistributing density more evenly over the site would provide more direct and comfortable pedestrian access to transit.

#### Density and Phasing

The applicant proposes to phase development in response to constraints on sewage capacity in the Region of York. The Town of Markham advises that the residential portion of the subject application has not yet received servicing allocation. The applicant has submitted an allocation request for the full development proposal and the Town of Markham will consider the request when York Region provides servicing allocation to the Town for 2013 and beyond.

The proposal is to proceed in seven phases as shown on the chart and drawing contained in Attachment 6. The first three phases have the commercial development on the western two thirds of the site proceeding along with 439 residential units. The residential development located in the eastern one third portion of the site is to proceed in Phases 3, 4 and 5 with 1,704 units planned. Phases 6 and 7 show the remaining residential units in the eastern portion of the site and a proposed residential building fronting onto Don Mills Road bringing the total residential unit count to 1,787. Phases 6 and 7 also show the redevelopment of the gas station with retail and office uses.

The proposed development and the mix of uses should be distributed more evenly over the subject site so that heights in the eastern portion of the development, directly across from lands designated *Neighbourhoods* within the City of Toronto will be lower and so that the resulting development is closer to transit services and better frames Steeles Avenue.

#### **Built Form**

The applicant indicates their preferred form of development is for 2-storey buildings fronting Steeles Avenue in the western portion of the site between Don Mills Road and Townsend Road. However, mid-rise buildings are appropriate at this location on Steeles Avenue which is 36 metres in width. Placing appropriately scaled buildings along Steeles Avenue assists in defining and framing this major street for both Toronto and the Town of Markham.

The proposed floor plates of the five high rise residential buildings are large and if reduced in size could reduce visual impact, impact on sky view and shadowing.

The proposed interior park is significantly shadowed by the five tall buildings which may cause some residents of this development to use parkland south of Steeles Avenue. In particular, the most southerly 32-storey residential tower casts the greatest shadow over the proposed park.

Markham staff have commented that mid-rise development is preferred for the Steeles Avenue frontage.

#### Height

The proposed plan for the eastern portion of the site shows five, high rise residential buildings ranging from 18 to 32-storeys. Once the development has been more appropriately distributed across the site there may be some opportunity for tall buildings abutting Highway 404. If the tall buildings met a 45 degree angular plane in relation to the low density residential neighbourhood located to the south of Steeles Avenue in the City of Toronto, this would provide an appropriate transition towards lower scale *Neighbourhoods*.

The proposed height of the southernmost apartment building at 32-storeys is a significant issue. Existing development on the south side of Steeles Avenue across from the 32-storey building is townhouses and semi-detached homes which are designated *Neighbourhoods*. The distance between the proposed apartment building face and the property line between the south side of Steeles Avenue and the *Neighbourhood* area is approximately 68 metres. The specific metric heights of these buildings have not been provided, however, at 32-storeys the building could range from between 86 and 96 metres in height. If a proposed building met the 45 degree angular plane this could provide an appropriate transition between the development and the low density *Neighbourhoods* area south of Steeles Avenue.

#### Section 37

Steeles Avenue East in this location has been identified for streetscape improvements including maximizing the landscaping opportunities on the existing median and any negotiations regarding Section 37 of the *Planning Act* related to this development should include consideration of the use of such funds for streetscape improvements.

# **Traffic Impact**

The subject site is adjacent to Steeles Avenue East, which is under the jurisdiction of the City of Toronto. As such, any impacts, such as proposed changes to driveway accesses, signal timings and other modifications to intersection lane geometry along the Steeles Avenue East right-of-way and potential negative traffic impacts to the adjacent road network and residential neighbourhoods are subject to review and approval by the City of Toronto. The applicant submitted a Transportation Impact Study (TIS) which is currently under review by Town of Markham Transportation staff. The TIS has also been reviewed by North York District Transportation Services and in a memorandum dated November 2, 2009 contained in Attachment No. 7 the following comments and issues are identified.

The following information is missing from the TIS and should be submitted to City of Toronto staff for review:

- north bound queue length on Townsend Road
- functional plans detailing proposed Toronto intersection improvements or modifications
- detail any proposed signal timing modifications
- provide Transportation Demand Measures to reduce auto dependence
- provide information related to relevant background developments/large scale transportation studies

# **Rapid Transit**

In November 2008, Metrolinx adopted its Regional Transportation Plan. The 15 year plan identifies a future rapid transit line (LRT) along Don Mills Road extending from Bloor Street north to Highway 7. In the 25 year plan, a future rapid transit line is identified along Steeles Avenue from York University to downtown Oshawa.

An Environmental Assessment (EA) for the Don Mills Road LRT which extends from Toronto into York Region is underway. The City of Toronto is completing the EA for its portion of the Don Mills Road LRT. The EA for the portion of the Don Mills Road LRT in York Region requires direction from York Regional Council to continue to proceed.

These proposed future transit improvements support comments regarding the redistribution of density and the mix of uses closer to the Don Mills Road and Steeles Avenue transit intersection.

#### Servicing

In a memorandum dated November 2, 2009 contained in Attachment No. 7, City of Toronto staff comment that the two existing storm service connections on Steeles Avenue are currently connected to the existing City of Toronto storm sewer. Any land developments connected to existing or proposed City of Toronto storm sewers are to adhere to the City's Wet Weather Flow Management Guidelines and City Standards. Requirements within the proposed development which address a major storm system have not been provided. Such requirements are to adhere to the City's Wet Weather Flow Management Guidelines. The applicant needs to address quality control measures for this development in accordance with the City's Wet Weather Flow Management Guidelines. The permitted drainage area is to be as indicated on the original drainage plans prepared in the early 1970's. The City has identified this area as problematic with respect to flooding and will not permit any additional discharge to existing storm sewers. Erosion and sediment control plans for any construction entrances proposed along Steeles Avenue will be reviewed and accepted by the City of Toronto in addition to review and approval by the Town of Markham and MTO. In accordance with the trilateral agreement between the City of Toronto, York Region and the municipalities north of the City of Toronto, a formal request is to be submitted by the Town of Markham to the City of Toronto Council for consideration of any new service connections from Markham to the existing Toronto storm sewer.

#### CONTACT

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#### SIGNATURE

Thomas C. Keefe, Director Community Planning, North York District

# ATTACHMENTS

Attachment 1: Master Concept Plan
Attachment 2: Perspective Drawing
Attachment 3: Toronto Official Plan
Attachment 4: Proposal Data
Attachment 5: Applicant's Draft Official Plan Amendment
Attachment 6: Applicant's Phasing Plan
Attachment 7: Memorandum from Technical Services dated November 2, 2009



Attachment 1: Master Concept Plan



# Attachment 2: Perspective Drawing



**Attachment 3: Toronto Official Plan** 

#### Attachment 4: PROPOSAL DATA

Municipal Address:	2900 Steeles Avenue East			
Location Description:	Town of Markham – NE corner of Steeles Avenue E and Don Mills Road			
Project Description:	Redevelopment of existing commercial uses for mixed use development			

Applicant:	Agent:	Architect:	Owner:
	Gatzios Planning +	KIRKOR Architects &	Bayview Summit
	Development Inc.	Planners	Development Ltd
	7270 Woodbine Ave,	20 Martin Ross Ave	Wycliffe
	Suite 302 Markham ON	Toronto ON	

#### **PROJECT INFORMATION**

Site Area :	7.2 ha (17.7 ac)	Height:	Storeys:	1, 2, 5, 6, 8, 18, 28, 30,32
Retail and Office GFA (sq. m):	31,664			
Residential GFA (sq. m):	147,892		Parking Space	es: 2,951
Total GFA (sq. m):	179,557			
Floor Space Index:	2.5			

#### **DWELLING UNITS**

Tenure Type:	Condo
Total Units:	1,787
	(estimated)

#### Attachment 5: Applicant's Draft Official Plan Amendment

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. \_\_\_\_\_

Being a by-law to adopt Amendment No. *X* to the Town of Markham Official Plan (Revised 1987), as amended.

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

- 1. THAT Amendment No. *X* to the Town of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
- 2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ *st* <u>OR</u> *nd* <u>OR</u> *rd* <u>OR</u> *th* DAY OF \_\_(*month*)\_\_\_, 200\_.

TOWN CLERK

MAYOR

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#### **PART I - INTRODUCTION**

#### 1.0 GENERAL

- **1.1** PART I INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- **1.2** PART II THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. *X* to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. <u>*YY*</u> to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). Part II is an operative part of this Official Plan Amendment.
- **1.3** PART III THE SECONDARY PLAN AMENDMENT, attached thereto, constitutes Amendment No. <u>YY</u> to the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). This Secondary Plan Amendment may be identified by the symbol PD 3-1-<u>YY</u>. Part III is an operative part of this Official Plan Amendment.

#### 2.0 LOCATION

This Amendment to the Official Plan and to the Thornhill Secondary Plan (PD 3-1) applies to the Shops on Steeles property at 2900 Steeles Avenue East, located on the northeast corner of Don Mills Road and Steeles Avenue East.

#### 3.0 PURPOSE

The purpose of this Secondary Plan Amendment is to expand the list of permitted uses in the 'Major Commercial Area' designation on the subject property in order to permit redevelopment of the existing retail mall into a mixed-use development.

#### 4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This Amendment serves to specifically add permission for high density residential uses in addition to the currently permitted uses in the 'Major Commercial Area' designation on the subject property. The location of the subject property represents an appropriate location for residential intensification in the form of high density residential housing, in conjunction with the redevelopment of the site for a new, updated and enhanced retail, office and commercial centre which will continue to serve as a large and highly specialized retail shopping facility in the Thornhill Planning District.

The lands subject to this Amendment are currently underutilized as they contain a small indoor mall, a two-storey department store, a grocery store, several pad restaurant and retail stores, a gas station, and a series of very large surface paved parking areas. This form of low intensity, automobile based type of development fails to take advantage of the site's location at the intersection of a provincial highway and two major transportation corridors that are expected to see enhanced transit service in the near future, as well as the site's location in the heart of the GTA urban area.

The policy basis for the addition of high density residential uses, and the redevelopment and modernization of the commercial component of this site is found in the various provincial planning policy documents, the Region of York planning policy documents, and various Town planning policies and initiatives which, in summary, promote higher intensity, mixed use, pedestrian and transit supportive developments which optimize the development potential afforded by an urban site such as this one.

#### PART II - THE OFFICIAL PLAN AMENDMENT

#### 1.0 THE OFFICIAL PLAN AMENDMENT

- **1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number *X* to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- **1.2** Section 1.1.3 (c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number *X* to the list of amendments listed in the second sentence of the bullet item dealing with the Thornhill Secondary Plan PD 3-1, for the Thornhill Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words "to this Plan".
- **1.3** Section 9.2.X of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number *X* to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words "to this Plan".
- **1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to the text of the Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District (Planning District No. 3). These changes are outlined in Part III which comprises Amendment No. <u>*YY*</u> to the Thornhill Secondary Plan (PD 3-1).

#### 2.0 IMPLEMENTATION AND INTERPRETATION

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

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

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

#### 1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. <u>YY</u> to the Thornhill Secondary Plan PD 3-1)

The Thornhill Secondary Plan (PD 3-1) for the Thornhill Planning District is hereby amended as follows:

**1.1** Subsection 6.3.2 in Section 6.3 MAJOR COMMERCIAL AREA is hereby amended so that it reads as follows:

"6.3.2 The MAJOR COMMERCIAL AREA designation recognizes the location of a multi-use, multi-purpose centre offering a range of retail, service, commercial, office, community, institutional and residential uses. The non-residential component of the site is to serve as a destination for major shopping needs and service commercial needs of the Thornhill Planning District.

The planned function of the Shops on Steeles property is to provide a full range of retail uses as well as service commercial uses and office uses in order to create a diverse and complete retail commercial facility. The high density residential uses shall only be permitted in conjunction with the provision of a range of non-residential uses comprising a major shopping destination.

The Shops on Steeles site is subject to the following policies:

#### i) Vision

- 1. The Shops on Steeles property is a pedestrian oriented shopping, commercial and office destination which includes high density residential uses.
- 2. Building height, form, placement and design will reinforce the locational attributes of the site. The western portion of the site is to be mixed use, with mid-rise buildings containing non-residential uses on the first floor and additional floors of a variety of uses, creating a low to mid-rise shopping and commercial destination for the existing communities to the south, west and east and for the on-site residents. The eastern portion of the site adjacent to Highway No. 404 is to be a high-density residential neighbourhood, with a central open space and pedestrian, vehicular, architectural and functional connections to the balance of the site to the west. Integration

and consistency across the entire site is to occur with a blend of uses through the middle of the site with: a transition of increasing height from west to east and north to south; consistent urban design, streetscape, and architectural design across the entire site; direct pedestrian and vehicular linkages from the Don Mills frontage east to the Open Space in the centre of the high-density buildings on the east side of the site; and consistently treated vehicular and pedestrian linkages across the entire site.

- 3. A publicly accessible Private Street System, designed to resemble a public street system, will be established within the site that will provide connections from Don Mills Road and Steeles Avenue East, and provide for interconnected vehicular and pedestrian circulation through the entire site for the surrounding community, residents of the site, visitors and employees.
- 4. Sustainable and environmentally responsible site development will be encouraged.
- 5. Grade-related, pedestrian-oriented non-residential uses will be located along the Don Mills frontage and the western majority of the Steeles Avenue frontage.

#### ii) General Land Use Structure

- 1. The general land use structure for the site consists of a broad range of uses including retail, commercial, service commercial, office, community uses, institutional and high density residential uses.
- 2. Retail, commercial, residential, office, institutional and/or community uses shall generally be located within the low to mid rise buildings along Don Mills and the western portion of the Steeles Avenue frontage, and high density residential shall generally be located within the high rise buildings along the Highway No. 404 frontage and the eastern portion of the Steeles Avenue frontage.
- 3. A new Open Space area shall be centrally located in the high density residential area located on the eastern portion of the site.

4. A publicly-accessible Private Street system providing vehicular and pedestrian access within the site will be developed generally as outlined on Figure X.

#### iii) Land Use

In addition to the permitted land uses as found in Section 3.4.6.1 Major Commercial Area, subsection c) Land Uses clause i), the following uses are permitted:

- 1. apartment dwellings
- 2. townhouse dwellings
- 3. multiple dwellings
- 4. underground parking garage structures

#### iv) Open Space

- 1. A new Open Space area shall be centrally located in the high density residential area located on the eastern portion of the site, and shall have direct pedestrian and vehicular access and visibility to the balance of the site to the west, with the specific location and size to be determined through site plan approval.
- 2. The Open Space area may be developed on top of underground parking garage structures, and may include structural elements such as stairways and vents.
- 3. The Open Space area shall be counted toward the required parkland contribution under the Planning Act. A cash-in-lieu or offsite contribution may be provided to off-set any potential deficiency in meeting the required parkland contribution.

#### v) Urban Design Principles

1. Provide building heights on the site that will reinforce the prominent location of the site as a destination commercial centre and a landmark residential gateway site to the Town of Markham to the north. A gradation of height across the site shall be provided, as generally illustrated by the "height gradation blocks' in FIGURE X. Implementing zoning by-laws will provide specific height limits, among other performance standards.

- 2. Provide a transition of building heights from the southeast corner of the site, the location of the highest buildings on site, to the established residential neighbourhoods located to the north, west and south.
- 3. Subject to the phasing provisions of section vi) Transportation Principles, a full build out maximum total FSI of 2.5 shall be permitted on site for all uses, of which a minimum of 0.4 FSI shall apply to non-residential uses.
- 4. Built form will generally be comprised of high rise residential buildings atop mid rise commercial and/or residential podiums on the east section of the site, with low rise non-residential and mid-rise mixed use buildings covering the central and western portion of the site, all arranged along a grid-like system of private streets and pedestrian linkages.

#### vi) Transportation Policies

Private Street System

- 1. A publicly accessible Private Street System, designed to resemble public roads, shall be developed on the site to facilitate vehicular and pedestrian circulation, generally as illustrated on Figure X. Precise location of the streets will be determined through Site Plan Control and variations will not require an amendment to this plan.
- 2. The Private Street System will be owned privately and may be built upon any underground parking and building structures located on the site.

#### vii) Implementing Zoning By-Law/s and Hold Provisions

Zoning By-law amendments, which implement the official plan policies for this site, shall include:

1. Requirements for performance standards that detail and implement the general height, layout and massing policies and direction in the official plan.

- 2. Requirements that the maximum density of development at full build out is a maximum of 2.5 FSI for all land uses combined. This total maximum is achievable upon confirmation of the adequacy of servicing capacity, the Town's and the Region's satisfaction.
- 3. Requirements for the release of residential land uses on the site utilizing Hold symbols, subject to the following conditions for removal:
  - i. Execution of a site plan agreement between the Town and the Owner requiring a minimum amount of non-residential *gross floor area* with such Site Plan Agreement requiring the issuance of a building permit for these uses prior to, or concurrent with, issuance of any building permit for residential uses;
  - *ii.* Certification by a qualified Transportation / Traffic Engineer's conclusion that sufficient transportation capacity is available to accommodate the proposed development;
  - iii. The Town, in consultation with York Region, is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing capacity to provide for the number of dwelling units permitted.

#### 2.0 IMPLEMENTATION AND INTERPRETATION

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

This Amendment shall be implemented by amendment/s to the Zoning By-law and site plan approval/s, as applicable, in conformity with the provisions of this Amendment.

Phase	1	2	3	4	5	6	7
GFA m <sup>2</sup>							
Retail	20,260	19,781	20525	20,525	21,191	20,878	20,878
Office	2,828	3,093	3,701	3,701	3,701	8,929	8,929
Res	-	10,209	38,429	81,816	140,300	140,300	179,559
Res (units)	-	116	439	977	1,704	1,704	1,787
Open	-	-	3,300	-	1,122	-	-
space			(approx)		(approx)		

# Attachment 6: Applicant's Phasing Plan Chart and Figure



#### **Attachment 7: Memorandum from Technical Services**



Development Engineering Technical Services Division North York District North York Civic Centre 5100 Yonge Street, 4<sup>th</sup> Floor North York, Ontario M2N 5V7 Frank Clarizio, P. Eng. Manager, Development Engineering North York District

Reply Attention: Robert Fazio, P. Eng. Senior Development Engineer Tel. 416-395-6306, Fax. 416-395-6328 Email: rfazio2@toronto.ca

# MEMORANDUM

**TO:** T. Keefe, Director Community Planning, North York District

#### **Attention: Lynn Poole**

- FROM:Frank Clarizio, P. Eng.Manager, Development Engineering, North York District
- **DATE:** November 2, 2009

2009

SUBJECT: Official Plan and Zoning By-Law Amendment Application No: 08 103198 NPS 00 TM Your Memorandum Dated: September 15, 2009 and October 6,

> Applicant: Bayview Summit Development Ltd Location: 2900 Steeles Avenue East

#### **APPLICATION DESCRIPTION**

A revised application has been submitted for the proposed redevelopment of the "Shops of Steeles" shopping centre located northeast of the Don Mills Rd and Steeles Avenue East intersection. The following comments are with respect to the submitted proposed Don Mills and Steeles redevelopment (Town of Markham Application File # OP 07 130802 & ZA 08 110745).

In support of the application, the following study has been submitted for review:

The following drawings were submitted in support of the subject application:

- Traffic Impact Study Report (Volume 1&2) by MMM Group dated August, 2009, stamped as received by Planning on October 5, 2009;
- Site Plan & Project Statistics, dated August 12, 2009, prepared by Kirkor Architects & Planners;
- Functional Servicing Report "Bayview Summit Development Ltd. The Shops on Steeles, dated August 2009, prepared by SCS Consulting Group Ltd.;
- Storm Drainage Plan Dwg. 11-65070-2, dated July 1971, prepared by Marshall Macklin Monaghan;
- Grading and Site Services, dated October 1977, prepared by Marshall Macklin Monaghan;
- Site Servicing Plan Dwg. 10-02620, dated March 2003, prepared by Marshall Macklin Monaghan.

# A. REVISIONS AND ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN, STUDIES AND DRAWINGS

The owner is required to amend and/or provide reports and/or Studies and/or Drawings to address the following comments and resubmit for the review and acceptance by the Executive Director of Technical Services prior to the enactment of Zoning By-law Amendment.

- 1.1 Transportation Services
  - a) Previous comments dated November 26, 2008 indicated that the City of Toronto has serious concerns with the proposed size of the development, and the ability of the adjacent road network to accommodate the traffic generated and subsequent impacts. We have provided additional comments on relevant portions of the submitted materials (i.e. the direct impacts to the adjacent City of Toronto roadways, intersections and residential community) but not issues which are under the Town of Markham's purview.

#### b) Traffic Impact Study

A traffic impact study had been submitted by MMM Group detailing this development proposal.

It appears that the TIS has incorporated some of the previous requirements from us in this latest revision including:

- Circulating the study to the MTO for comment;
- Expanding the study area (and study intersections);
- An assessment of traffic infiltration (of development site traffic) to the residential community to the south;
- A queuing assessment;
- Provided details with respect to traffic generation/distribution/assignment and



• Provided the traffic count survey dates

However, several of our previous comments have not been met as follows:

- Northbound Queue length information on Townsend Road is absent from the analysis (Appendix H). It is also suggested to summarize queue lengths in a table form for clarity;
- Provide functional plans detailing the proposed intersection improvements/modifications for review (City of Toronto intersections);
- Detail any proposed signal timing modifications in table form;
- Provide Transportation Demand Measures to reduce auto dependence; and
- Provide information related to relevant background developments/large scale transportation studies

#### c) Proposed Area Improvements

The TIS has proposed several area improvements in order to mitigate the development, which include:

- Westbound advance left turn phase at the Steeles Ave. E,/Townsend Rd/Site access driveway
- Signal timing modifications at most signalized intersections
- Roadway improvements on Don Mills Road north of Steeles Ave. E. (addition of lanes)

Any proposed area road improvements are to be borne by the applicant. Transportation Services requires additional information (as indicated) with respect to the proposed area improvements. Given that The City of Toronto has jurisdiction of Steeles Avenue East, any proposed changes to the signal timings, driveway modifications or modifications to lane geometry at intersections are subject to review/approval by the City of Toronto.

#### d) Conclusions

The applicant is advised that city staff are exploring the necessity and feasibility of parking and turning restrictions/modifications, notwithstanding that the traffic explicitly identified impact study has not these improvements/changes. Should such modifications be necessary and feasible, their introduction will be the financial responsibility of the applicant.

An issue of concern was the potential for traffic infiltration into the surrounding residential community to the south. The TIS has examined this potential infiltration. Based on our review, it



is not expected that traffic from the proposed development will use local residential roads as the site accesses are directly onto major arterial roads, In addition the vehicle travel time savings (by traveling through the residential community to the south) are marginal.

Based upon the foregoing, the City of Toronto has concerns with this application and is unable to give support without the above information submitted for our review. We note that Transportation Planning (City Planning) is currently undertaking a further review of this submission and at this time their comments are forthcoming under a separate memorandum. We reserve the right to modify and submit additional comments at our discretion through further review.

- 1.2 Technical Services
  - a) Reconstruction of the existing sidewalk along the entire frontage of this development will have to be secured and inspected by the Town of Markham as agreed by the City of Toronto and York Region for sidewalk works to be completed by municipalities north of Toronto within the north Steeles Avenue municipal boulevard.
  - b) The consultant engineer indicates on page 16 of the report that stormwater management for this development is to adhere to Town of Markham or MTO, whichever is most stringent will be used to establish criteria. However, the report fails to acknowledge that the two existing storm service connections on Steeles Avenue are currently connected to the existing City of Toronto storm sewer. The consultant engineer is to note that currently any land developments connected to existing or proposed City of Toronto storm sewers are to adhere to the City's Wet Weather Flow Management Guidelines and City Standards. The report is to be revised accordingly.
  - c) The Functional Servicing Report discusses requirements for the minor storm system, without addressing or discussing requirements for a major storm system. The consultant engineer is to note that the allowable release rate to the municipal storm sewer system (minor system) from the development site during a 2 year design storm event must not exceed the peak runoff rate from the site under pre-development conditions during the same storm event, or existing capacity of the receiving storm sewer, whichever is less. When the % imperviousness of a development site under pre-development condition is higher than 50% (regardless of what the post-development condition is), the maximum value of C (Runoff Coefficient) used in calculating the pre-development peak runoff rate is limited to 0.5. In preparing the report, the consultant engineer needs to calculate the actual pre-development run



coefficient for this site and select the more stringent condition mentioned above. In addition, the consultant engineer is to clarify in this section of the report that the report is to adhere to the City's Wet Weather Flow Management Guidelines, by providing the 100yr protection and the necessary on site storage for storm rain events in excess of 2 year pre development up to 100 year post development as outlined in the City's Wet Weather Flow Management Guidelines. Alternatively, a comprehensive hydraulic analysis would have to be included in this report to confirm the existence of an overland route and its adequacy by considering all lands contributing to this existing overland up to the existing watercourse.

- d) The consultant engineer also indicates that the Town of Markham has requested for quality control measures to be implements for this redevelopment. The consultant engineer is to note that quality requirements are to be met for any storm flows directed to the City of Toronto storm sewer with an 80% TSS removal. In addition, for OGS devices, operating alone at their original design capacities, the City of Toronto recognizes these devices capable of providing 50% TSS removal as per City's Wet Weather Flow Management Guidelines. The consultant engineer is to discuss and proposed other water quality techniques in addition to the proposed stormceptor device, to achieve the 80% TSS removal. The proposed stormceptor device is to be selected from the device list approved by the City of Toronto.
- e) Figure 4.3 of the report depicts the removal of the two existing storm service connections on Steeles Avenue, and the installation of two new storm connections to the City of Toronto storm sewer. The consultant engineer is to note that City staff does not have the authority to approve the installation of new service connections to accommodate development outside the limits of the City of Toronto. As a result of the trilateral agreement among the City of Toronto, York Region/the municipality north of the City of Toronto, a formal request needs to be submitted by the Town of Markham to City of Toronto Council for consideration of any new service connections from the municipality to the north to the Toronto existing storm sewer.
- f) Figure 4.3 of the report also depicts approximately 65 percent of this entire development to be discharged to the existing City of Toronto storm sewer with the remaining storm flow to be handled by the MTO storm sewer to the east. The original drainge area includes approximate 33 percent of this development. The consultant engineer is to note that the permitted drainage area to be considered is to adhere to the original drainage plans prepared in the early 1970s. The City has identified this area as a problematic



area subject to flooding and will not any permit any additional discharge to existing storm as one of the measure to attenuate the existing problem.

g) Lastly, the report mentions that an erosion and sediment plan will be reviewed and approved by the Town of Markham and MTO. If any construction entrances are proposed along Steeles Avenue, these plans will have to be reviewed and accepted by the City of Toronto.

Frank Clarizio, P. Eng. Manager, Development Engineering North York District

RF/

#### Copy to: M. Currie, Director, Transportation Services, North York District

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