

ISSUE DATE:

Dec. 9, 2010



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL100538

PL100539

Bayview Summit Developments Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Markham by specifically expanding the list of permitted uses in the "Major Commercial Area" designation in the Thornhill Secondary Plan in order to permit the redevelopment of the existing Shops on Steeles retail mall on the subject lands located at 2900 Steeles Avenue East into a mixed-use community consisting of 5 residential point towers ranging between 18 storeys and 32 storeys above mid-rise podiums of up to 10 storeys containing 1,787 residential units, as well as office uses, open spaces, community uses, the renovation of the existing 2-storey Sears Canada Outlet to include a new relocated food store and other retail uses in a "lifestyle" retail concept
Town of Markham File No. OP 07 130802

O.M.B. Case No. PL100538

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Bayview Summit Developments Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law No. 2612, as amended, of the Town of Markham, by specifically seeking permission to allow residential uses and to incorporate site specific development standards to the "Community Commercial" zone for the purpose of permitting the redevelopment of the subject lands located at 2900 Steeles Avenue East into a mixed-use community consisting of 5 residential point towers ranging between 18 storeys and 32 storeys above mid-rise podiums of up to 10 storeys containing 1,787 residential units, as well as office uses, open spaces, community uses, the renovation of the existing 2-storey Sears Canada Outlet to include a new relocated food store and other retail uses in a "lifestyle" retail concept

Town of Markham File No. ZA 08 110745

O.M.B. Case No. PL100538

O.M.B. File No. PL100539

APPEARANCES:

Parties

Bayview Summit Developments Limited

Town of Markham

Region of York

City of Toronto

Counsel*/Agent

J. Alati* and J. Davies*

B. Ketchesen*

G. Szobel*

G. Whicher* and student-at-law- L. Pizzale

German Mills Residents Association
(incorporated)

R. James

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER
ON DECEMBER 6, 2010 AND PROCEDURAL ORDER OF THE BOARD**

This is the second Pre-hearing Conference regarding the appeals by Bayview Summit Developments Limited (Applicant) from the refusal of the Council of the Town of Markham (Town) to enact proposed amendments to the Town Official Plan (OP) and Zoning By-law 2612, as amended, (By-law) to permit the mixed use redevelopment (Proposal) on existing commercial lands known as the "Shops on Steeles" located at 2900 Steeles Avenue East (Subject Property).

Without objection, the Board confirms the above listed Parties as the Parties to the hearing.

Without objection, the Board confirms E. Lowcock, representing York Condominium Corporation 348, Howard Shore, Town Ward 2 Councillor, P. Hough, E. Liasi, D. Slotnick, M. Lui, representing the Hillcrest Neighbourhood Association, P. Boller, representing York Condominium Corporation 148, R. Stark, G. Diner, D Shiner, City of Toronto Councillor and B. Chadderton as Participants to the hearing.

Several other area residents attended the first Pre-hearing Conference held August 30, 2010.

The Parties confirmed there being some potential for those residents attending on August 30 not being aware of the need to attend today to confirm Participant status.

Without objection, all persons listed as in attendance and seeking Participant status on August 30, 2010 will maintain the right to confirm their status as Participants to the hearing. Persons intending to do so should inform the Parties and the Board as soon as possible. Those maintaining Participant status will be required to submit a one to two page summary of the evidence (direct observations and experience related to the proposal) they intend to present (Participant Statement) on or before February 4, 2011 in accordance with the attached Procedural Order. Participant Statements may be left

with Counsel for the Town or Counsel for the City of Toronto for distribution to the Parties.

For the benefit of those seeking Participant status, the Board notes that it is not necessary to repeat the evidence of others and encourages Participants to combine their efforts through one or more spokespersons.

All Parties and Participants should attend on the first day of the hearing now scheduled to commence on Monday, March 7, 2011. Appropriate times for the hearing of the evidence of the Participants may be confirmed at that time.

On consent and at the request of the Parties, the Board confirms and directs the following:

1. The hearing will now commence on **Monday, March 7, 2011 at 10:00 a.m.** in the **Canada Room, Markham Civic Centre, 101 Town Centre Blvd, Markham, Ontario**. Up to 28 days have been scheduled. The Board will not be sitting on Fridays or the period March 14 to March 18. The Procedural Order, including the final issues for the hearing, is Attachment "1" to this Decision.
2. No further notice is required.
3. This Board Member is not seized.

The Board encourages ongoing communications between the Parties and Participants for the purpose of further focussing and/or settling the issues remaining in dispute. The Board can provide for alternative dispute resolution in the form of mediation at the formal request of the Parties.

The Board so Orders.

"D. R. Granger"

D. R. GRANGER
VICE CHAIR

ATTACHMENT 1

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Bayview Summit Development Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Markham by specifically expanding the list of permitted uses in the "Major Commercial Area" designation in the Thornhill Secondary Plan in order to permit the redevelopment of the existing Shops on Steeles retail mall on the subject lands located at 2900 Steeles Avenue East into a mixed-use community consisting of 5 residential point towers ranging between 18 storeys and 32 storeys above mid-rise podiums of up to 10 storeys containing 1,787 residential units, as well as office uses, open spaces, community uses, the renovation of the existing 2-storey Sears Canada Outlet to include a new relocated food store and other retail uses in a "lifestyle" retail concept

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Bayview Summit Development Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law No. 2612, as amended, of the Town of Markham, by specifically seeking permission to allow residential uses and to incorporate site specific development standards to the "Community Commercial" zone for the purpose of permitting the redevelopment of the subject lands located at 2900 Steeles Avenue East into a mixed-use community consisting of 5 residential point towers ranging between 18 storeys and 32 storeys above mid-rise podiums of up to 10 storeys containing 1,787 residential units, as well as office uses, open spaces, community uses, the renovation of the existing 2-storey Sears Canada Outlet to include a new relocated food store and other retail uses in a "lifestyle" retail concept.

Town of Markham File No. ZA 08 110745

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PROCEDURAL ORDER

1. The Board may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing:

2. The second prehearing will be held on December 6, 2010, commencing at 10 a.m. at the Town of Markham Municipal Offices, Canada Room.

3. The hearing will begin on March 7, 2011 at 10:00 a.m. at the Town of Markham Municipal Building, Canada Room. At this time, the Board will indicate on which date(s) Participants will be invited to make their submissions.

4. The length of the hearing will be approximately (7 weeks) 28 days, ending April 28, 2011. The Board will sit four days per week and during the week of March break (March 14 to March 18) the Board will not sit.

5. The parties and participants identified at the prehearing conference are listed in Attachment 1 to this Order. The order of evidence is set out in Attachment 2 to this Order.

6. The issues for the hearing are set out in Attachment 3 to this Order. There will be no changes to this list unless the Board permits and a party who asks for changes may have costs awarded against it.

7. Any person intending to participate in the hearing should provide a telephone number and address (including facsimile number and email address if any) to the Board as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Board of the representative's name, address and phone number as soon as possible.

Requirements Before the Hearing:

8. A party who intends to call witnesses, whether by summons or not, shall provide to the Board and the other parties a list of the witnesses indicating the proposed order in which the party's witnesses will be called. This list must be delivered on or before January 21, 2011.

9. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert as well as any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 11. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.

10. Meetings of like experts, without counsel present, will take place on or before January 28, 2011. The experts will prepare an agreed statement of facts and identify issues which remain in dispute arising from their meetings, which will be pre-filed with the evidence pre-filing date on February 4, 2011.

11. On or before February 4, 2011, the parties shall provide copies of their expert witness statements and their witness statements of any other witnesses to the other parties, and to the City Clerk for the Town of Markham, [and if the Board requests same, to the Board].

12. Witnesses who are under summons but not paid to produce a report do not have to file a witness statement, but the party calling them must provide a detailed outline of their evidence to the other parties, to the Clerk for the Town of Markham [and if the Board requests same, to the Board] on or before February 4, 2011.

13. An identified participant must provide to the Board and the other parties a participant statement on or before February 4, 2011, or the participant may not give oral evidence at the hearing.

14. Parties wanting to provide a written response to any written evidence (expert witness statement, participant statement, witness statement or outline of evidence of an expert witness under summons) shall provide to all other parties and to the Clerk for the Town of Markham [and if the Board requests file with the Board] a written response to any written evidence no later than February 15, 2011.

15. On or before February 25, 2011, and prior to the commencement of the hearing, the parties shall provide each other with an opportunity to view their visual evidence and shall provide each other with electronic copies of such evidence via e-mail. Hard copies shall also be provided on request. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.

16. A person wishing to change written evidence, including witness statements, must make a written motion to the Board.

(see Rules 37 and 38 of the Board's Rules, which require that the moving party provide copies of the motion to all other parties 10 days before the Board hears the motion.)

17. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Board at least ten (10) days before the hearing that the written evidence is not part of their record.

18. Documents may be delivered by personal delivery, facsimile, electronic mail or registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules on this subject. Material delivered by registered or certified mail shall be deemed to have been received five business days after the date of registration or certification.

19. The Board member hearing the matter will determine at the commencement of the hearing whether an evening hearing session will be held during the hearing.

20. Arrangements for site visits will be addressed with the sitting panel.

21. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules apply to such requests.

This Member is not seized of the matter at this time.

So orders the Board.

ATTACHMENT TO PROCEDURAL ORDER

Purpose of the Procedural Order and Meaning of Terms

*The Board recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Board to order following the conference. The Board will hear the parties' comments about the contents of the Order at the conference.*

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800, or from the Board website at www.omb.gov.on.ca.

Meaning of terms used in the Procedural Order:

***Party** is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorization from the party.*

***NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Board to permit this.*

***Participant** is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing this statements. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.*

***Written and Visual Evidence:** **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must where possible have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.*

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and business address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports and documents that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports and documents, if any, which the participant will refer to at the hearing.

Additional Information

Summons: A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

direct examination by the party presenting the witness;
direct examination by any party of similar interest, in the manner determined by the Board;
cross-examination by parties of opposite interest;
re-examination by the party presenting the witness; or
another order of examination mutually agreed among the parties or directed by the Board.

ATTACHMENT 1

PARTIES

1. Bayview Summit Developments

Counsel:
Jeff Davies
Davies Howe Partners
5th Floor, 99 Spadina Avenue
Toronto, ON M5V 3P8
Tel: (416) 977-7088
Email: jeffd@davieshowe.com

John Alati
Davies Howe Partners
5th Floor, 99 Spadina Avenue
Toronto, ON M5V 3P8
Tel: (416) 977-7088
Email: johna@davieshowe.com

2. The Town of Markham

Counsel:
Bruce Ketcheson
Ritchie Ketcheson Hart Biggart LLP
1 Eva Rd, Etobicoke
Etobicoke, ON, M9C 4Z5
Tel: (416) 622-6601
Email: bketcheson@ritchieketcheson.com

3. The City of Toronto

Counsel:
Gord Whicher
City of Toronto
Metro Hall, 26th Floor
Station 1260, 55 John Street
Toronto, Ontario M5V 3C6
Email: gwhiche@city.toronto.on.ca

4. The Region of York

Counsel:
Gabe Szobel
Region of York
17250 Yonge Street, 4th Floor
Newmarket Ontario L3Y 6Z1
Email: Gabe.Szobel@york.ca

5. German Mills Residents Association Inc.

Spokesperson:
Bob James
German Mills Residents Association Inc.
22 Quail Valley Drive
Thornhill, ON L3T 4R2
Email: bobjames@rogers.com

PARTICIPANTS

David Shiner
City of Toronto
City Hall
100 Queen Street West, Suite B39
Toronto, Ontario
M5H 2N2
Tel: (416) 395-6413
Email: councillor_shiner@toronto.ca

Darryl S. Walsh
88 Song Meadoway
Toronto, Ontario
M2H 2T7
Tel: (416) 258-9165
Email: d.swarsh@gmail.com

Leon Brumer
9 Roman Road
Thornhill, Ontario
L3T 4J8
Tel: (905) 889-7447
Email: leonbrumer@sympatico.ca

Crystal Peters
57 Threadneedle Circle
Toronto, Ontario
M2W 1Z7
Tel: (647) 728-5543
Email: crystalpeters@hotmail.com

Michael Lui
12 Artisan Place
Toronto, Ontario
M2H 3P6
Tel: (416) 275-7778
Email: mikesplui@hotmail.com

**Y.C.C. 148
c/o Peter Boller
20 Low Meadoway
Toronto, Ontario
M2H 2V7
Tel: (416) 491-7922
Email: pcboller@look.ca**

**Donna and Brian Chadderton
3 Framingham Drive
Thornhill, Ontario
L3T 4H2
Tel: (905) 889-1312
Email: brian.chadderton@sympatico.ca**

**Reba and Jim Ormos
20 Holsworthy Crescent
Thornhill, Ontario
L3T 4C6
Tel: (905) 889-6159
Email: rebaormos@aol.com**

**Allan Tweyman
60 Aspenwood Drive
Toronto, Ontario
M2H 2E9
Tel: (416) 493-4719
Email: atweyman46@hotmail.com**

**Arthur Green
21 Cliffwood Road
Toronto, Ontario
M2H 3G5
Tel: (416) 756-7800
Email: arthuregreen@rogers.com**

**Steven Held
7 Cobblestone Drive
Thornhill, Ontario
L3T 4E3
Email: steven.held@rogers.com**

Mady Viray
4005 Don Mills Road, Suite 209
Toronto, Ontario
M2H 3J9

Dorothy Wai
4005 Don Mills Road, Suite 357
Toronto, Ontario
M2H 3J9

Sidney M. Cohen
21 Windsor Court Road
Thornhill, Ontario
L3T 4Y4
Tel: (905) 886-3808
Email: sidneycohen01@rogers.com

Brahm Satov
25 Sixpenny Court
Thornhill, Ontario
L3T 4E5
Tel: (905) 881-4760
Email: votas@rogers.com

Ellen Lowcock
YCC 348
17 Thimble Berryway
Toronto, Ontario
M2H 3K6
Tel: (416) 496-5076
Email: elowock@rogers.com

Sheila Cherrie
13 Thimble Berryway
Toronto, Ontario
M2H 3K6
Tel: (416) 498-8356

Marie-Andree Baril
4 Shodberry Drive
Toronto, Ontario
M2H 3C8
Tel: (416) 494-8731
Email: marbaril2@gmail.com

Marsha Winton
27 Chumleigh Crescent
Thornhill, Ontario
L3T 4G5
Tel: (905) 886-0231
Email: marshawinton@rogers.com

Alan Myers
19 German Mills Road
Thornhill, Ontario
L3T 4G5
Tel: (905) 731-7393
Email: myers@ican.net

Mary Cook
92 Windsor Court Road
Thornhill, Ontario
L3T 4Y6
Email: metcook@rogers.com

Jeff and Lori Valiquette
90 Windsor Court Road
Thornhill, Ontario
L3T 4Y6
Tel: (647) 723-8789
Email: jvaliquette@knightsbridge.ca

Barbara Held
7 Cobblestone Drive
Thornhill, Ontario
L3T 4E3
Tel: (905) 886-1979
Email: held@rogers.com

Antonia Stark
30 Dersingham Crescent
Thornhill, Ontario
L3T 4E8
Email: starkr16@hotmail.com

Catherine Bates
5 Woolsthorpe Crescent
Thornhill, Ontario
L3T 4E1
Email: egfilart53@rogers.com

Daniel Aufgang
10 Dersingham Crescent
Thornhill, Ontario
L3T 4E7
Email: aufgang@rogers.com

David Yung
32 Cobblestone Drive
Thornhill, Ontario
L3T 4E4
Email: dyung1093@rogers.com

David and Marsha Serkin
63 Nottinghill Road
Thornhill, Ontario
L3T 4Y3
Email: dserkin@rogers.com

Dennis C. Patchett
270 Simonston Blvd.
Thornhill, Ontario
L3T 4T5
Email: dcpatchett@hotmail.com

Elaine Fusciardi
66 Aberfeldy Crescent
Thornhill, Ontario
L3T 4C4
Email: Elaine.fusciardi@gmail.com

Fook Wai Lo
67 Nottinghill Road
Thornhill, Ontario
L3T 4Y3
Email: fwjoblo@hotmail.com

Frances Halperin
324 Simonston Blvd.
Thornhill, Ontario
L3T 4T5
Email: frances@teambonders.com

Joseph Roboz
85 Simonston Blvd.
Thornhill, Ontario
L3T 4L5
Email: jroboz@rogers.com

Menka Trimbee
87 Aberfeldy Crescent
Thornhill, Ontario
L3T 4C3
Email: menkatrimbee@rogers.com

Yim Fun Sin
67 Nottinghil Road
Thornhill, Ontario
L3T 4Y3
Email: fwjoblo@hotmail.com

Hillcrest Neighbourhood Association
c/o Al Noor
5915 Leslie Street, Suite 206
Toronto, Ontario
M2H 1J8
Tel: (416) 498-0334
Email: hillcrest_neighbor@yahoo.com
alnoorlawyer@rogers.com

Shulamita Levin
9 Granada Court
Thornhill, Ontario
L3T 4V3
Tel: (905) 886-6672
Email: wilflevin@rogers.com

Robert Stark
30 Dersingham Crescent
Thornhill, Ontario
L3T 4E8
Tel: (416) 529-9181 or (905) 889-9181
Email: Robert.stark@bell.net

Edward Choy
26 Farmingham Drive
Thornhill, Ontario
L3T 4H3
Email: mariawhchoy@hotmail.com

Brian Compson
299 Hollyberry Trail
Toronto, Ontario
M2H 2P3
Email: brian.compson@gmail.com

Brian R. Leve LLB
91 Simonston Blvd.
Thornhill, Ontario
L3T 4L5
Email: bleve@grantthorton.ca

June Levine
22 Holsworthy Crescent
Thornhill, Ontario
L3T 4C6
Tel: (905) 889-8994
Email: junelevine@hotmail.com

Manuel Fernandez-de-Henestrosa
57 Aberfeldy Crescent
Thornhill, Ontario
L3T 4C3
Tel: (905) 7314565
Email: dehene.ma@sympatico.ca

Rosario Fernadez-de-Henestrosa
57 Aberfeldy Crescent
Thornhill, Ontario
L3T 4C3
Tel: (905) 731-4565

Mary Martoglio
17 Cobblestone Drive
Thornhill, Ontario
L3T 4E3
Tel: (905) 889-4445
Email: anding@rogers.com

Willowdale N.E. Neighbourhood Association
c/o David Slotnick, President
34 Song Meadoway
Toronto, Ontario
M2H 2T7
Tel: (416) 726-6722
Email: dslotnick@rogers.com

Gerald Diner
34 German Mills Road
Thornhill, Ontario
L3T 4H5
Tel: (905) 886-0600
Email: geralddiner@rogers.com

Pat Hough
29 Hollyberry Trial
Toronto, Ontario
M2H 2N9
Tel: (416) 497-8153
Email: pihough@rogers.com

Florence Krakauer
16 Holsworthy Crescent
Thornhill, Ontario
L3T 4C6
Email: florkrak@hotmail.com

Eileen Liasi
9 Aberfeldy Crescent
Thornhill, Ontario
L3T 4C1
Tel: (905) 731-4306
Email: eileenliasi@hotmail.com

Gary Kay, Q.C.
86 Aberfeldy Crescent
Thornhill, Ontario
L3T 4C4
Tel: (905) 889-4755
Email: garykay@rogers.com

Councillor Howard Shore (Ward 2)
101 Town Centre Blvd, Anthony Roman Centre
Markham, Ontario
L3R 9W3
Email: hshore@markham.ca

Noah Ng
203 - 7368 Yonge Street
Thornhill, Ontario
L4J 8H9
Email: peter.shurmanco@pc.ola.org
(*FOR NOTICE PURPOSES ONLY***)**

ATTACHMENT 2
ORDER OF EVIDENCE

In support of the amendments to the Official Plan and Zoning By-law:

- 1. Bayview Summit Developments**
- 2. Any other parties in support**

Opposed to the amendments to the Official Plan and Zoning By-law:

- 3. The Town of Markham**
- 4. The Region of York**
- 5. The City of Toronto**
- 6. German Mills Residents Association Inc.**

Reply, if any:

- 7. Bayview Summit Developments**

ATTACHMENT 3

ISSUES LISTS

i) Markham and Toronto - Consolidated Issues List

No.	Issue	Party/Parties
1.	Would approval of the official plan amendment and zoning applications be consistent with the Provincial Policy Statement, 2005?	Toronto / Markham
2.	Would approval of the official plan amendment and zoning applications conform to the Growth Plan for the Greater Golden Horseshoe?	Toronto / Markham
3.	Would approval of the official plan amendment and zoning applications conform to the Regional Official Plan?	Toronto / Markham
4.	Would approval of the proposed development on the subject lands conform to the existing Town of Markham Official Plan policies?	Toronto / Markham
5.	Would approval of the proposed development be appropriate having regard to the policy direction emerging from the Town of Markham's ongoing Official Plan review, which is intended to implement Provincial and Regional policies related to, but not limited to, future growth and the provision of municipal services?	Toronto / Markham
6.	What is the appropriate density for residential and non-residential uses on the property, within the context of the surrounding neighbourhoods, <u>including those within the City of Toronto</u> . Is the proposed density appropriate, having regard to issues such as the current capacity of the existing transportation infrastructure and Town of Markham, City of Toronto and Regional sewer, water and storm services; and the Town's Growth Management Strategy?	<u>Toronto / Markham</u>
7.	What is the appropriate phasing of residential and non-residential uses on the property so that development phases are linked with the delivery of rapid transit infrastructure and Town and Regional sewer, water and storm services?	Toronto / Markham

No.	Issue	Party/Parties
8.	What are the transportation impacts from the proposed development? Can the adjacent road network accommodate the proposed development? If not, what transportation infrastructure improvements are required to support the proposed development, <u>including transportation improvements required within the City of Toronto?</u>	<u>Toronto / Markham</u>
9.	What are the impacts on the <u>City of Toronto</u> , Town of Markham and/or Region of York sewer, water and stormwater servicing systems from the proposed development? Can existing infrastructure accommodate the proposed development? <u>If not, what infrastructure improvements are needed to support the proposed development, including infrastructure improvements required within the City of Toronto taking into account concerns such as the potential for flooding in the area?</u>	<u>Toronto / Markham</u>
10.	What is the appropriate parkland dedication and cash-in-lieu of parkland dedication for the proposed development?	Toronto / Markham
11.	Is the location, size and configuration of the proposed municipal park appropriate?	Toronto / Markham
12.	Are the existing schools and community facilities adequate to accommodate the proposed development?	Markham
13.	To what extent should the proposed development contribute to the enhancement of existing community facilities serving the surrounding neighbourhoods, <u>including the enhancement of Steeles Avenue for streetscape improvements and maximizing landscaping opportunities on the existing median in return for the height and density provided in the proposed development?</u>	<u>Toronto / Markham</u>
14.	To what extent should community facilities be incorporated into the proposed development?	Markham
15.	To what extent should affordable and special needs housing be incorporated into the proposed development?	Markham
16.	Are the proposed building heights, site density and overall site design appropriate and do they represent good planning in the context of both the local neighbourhood, the Town of Markham as a whole <u>and the City of Toronto?</u>	<u>Toronto / Markham</u>

No.	Issue	Party/Parties
17.	Does the transition and design of the proposed built form minimize impacts on neighbouring streets and properties including shadowing, sky views, overlook and uncomfortable wind conditions?	Toronto / Markham
18.	Does the proposed development appropriately provide for an enhanced public realm?	Toronto / Markham
19.	What is the appropriate distribution of residential uses and of non-residential uses across the site, <u>taking into account issues which include the location of existing and planned transit services, and how the resulting built form should appropriately address Steeles Avenue and Don Mills Road?</u>	<u>Toronto / Markham</u>
20.	What mix of uses, including residential and at-grade retail and commercial, are needed along the Steeles Avenue frontage and along the south and north sides of the internal east/west driveway to promote an active, pedestrian-oriented environment throughout the site?	Toronto / Markham
21.	If the official plan amendment and zoning applications are to be approved what are the appropriate form and content of the implementing planning instruments?	Toronto / Markham
22.	Should the proposed development be approved in the event that satisfactory arrangements do not exist in order to provide the transit, servicing and other infrastructure improvements described in this issues list?	Toronto
23.	Should the proposed development be approved if this necessitates reliance on the provision of municipal services, infrastructure improvements or facilities by or within the City of Toronto and satisfactory arrangements do not exist in order to meet those requirements?	Toronto

No.	Issue	Party/Parties
24.	<p>Does the proposed development represent good planning in the context of its adjacency to lands within the City of Toronto and the policies of the City of Toronto Official Plan, including issues with respect to the appropriate land use, density and built form relationship, having regard to the existing and planned context, including:</p> <ul style="list-style-type: none"> (i) Fit, transition, heights, massing, scale and physical context compatibility, and (ii) Limiting adverse impact on the surrounding existing and planned context. 	Toronto
25.	Should the proposed development be approved if it will have inappropriate impact upon the current and future planned land use and policy context in terms of prevailing building type and physical character of nearby lands within the City of Toronto?	Toronto
26.	What are the fiscal impacts on the Town from the infrastructure improvements needed to support the proposed development?	Markham
27.	Does the proposed development provide for environmental sustainability including enhancement by the use of sustainable materials, innovative energy and material conservation strategies, achievement of minimum LEED Silver certification and implementation of bird-friendly design principles?	Markham

ii) German Mills Residents Association Inc. - Issues List

No.	Issue	Party/Parties
28.	Is the proposed density, height and built form of the development in keeping with the established surrounding community?	GMRA
29.	Are the resulting shadow impacts on adjoining residential properties acceptable or not?	GMRA
30.	Are the resulting traffic impacts on surrounding roads and intersections acceptable or not?	GMRA

No.	Issue	Party/Parties
31.	Is there adequate provision in the traffic plans for entrance and exit from the site?	GMRA
32.	Does the applicant improperly rely on proposed transit facilities?	GMRA
33.	Is the parking adequate to accommodate the proposed development?	GMRA
34.	Does the retail and professional building space meet the needs of the community?	GMRA
35.	Is the infrastructure, specifically the storm, sanitary sewers, water supply, electrical supply, schools, and hospitals, adequate to accommodate the proposed development?	GMRA
36.	Is the development consistent with Provincial Policy, the York Region Official Plan, the Markham Official Plan, the Thornhill Secondary Plan and Zoning By-laws?	GMRA

iii) Region of York - Issues List

No.	Issue	Party/Parties
37.	Does the proposed Official Plan Amendment include phasing/staging policies for development approvals to ensure that infrastructure, including road infrastructure, water and sewer servicing capacity and transit infrastructure is adequate to support planned levels of development?	Region
38.	Does the proposed Official Plan Amendment provide policies for the inclusion of Holding symbols in the applicable zoning by-law(s), to be removed upon the delivery of required infrastructure?	Region
39.	Should the proposed development be subject to a master site plan agreement for the entire site, subject to the approval of the Town of Markham and the Regional Municipality of York, prior to any development on the site?	Region
40.	Does the Traffic Impact Study submitted by the applicant (the "TIS") appropriately address the transportation infrastructure needs of the proposed development?	Region

No.	Issue	Party/Parties
41.	Does the TIS appropriately include transit and transportation improvements in the area, as outlined in the municipal and provincial agency transportation plans?	Region

No.	Issue	Party/Parties
42.	<p>Does the TIS employ appropriate methodologies with regard to, but not limited to, the following:</p> <ul style="list-style-type: none">(a) Is the proposed full moves access and traffic signal at the north limit of the property on Don Mills Road appropriate, including, the physical feasibility of accommodating the traffic signal?(b) Should the proposed traffic signal at the north limit of the property on Don Mills Road meet the Region's guidelines for minimum signal spacing requirements and for road access management?(c) Should the TIS provide a scenario with the access limited to a right-in, right-out or other satisfactory arrangement in recognition of the potential rapid transit line on Don Mills Road?(d) Is the transportation modelling approach/method used in the TIS to estimate future traffic forecasts reasonable?(e) Is the pass-by trip component reasonable and appropriately reflected in the analysis?(f) Are "internal capture trips" double counted in the TIS's trip generation analysis and, if so, should the TIS's trip calculations be revised so that such trips are not double counted?(g) Is the transit modal split used in the TIS reasonable and is the supporting technical background information provided for the modal split assumption acceptable?(h) Are the TIS's assumptions regarding future infrastructure in the study area reasonable?(i) Should the TIS include existing queuing information in the TIS' study area for calibration and validation of the queuing analysis?(j) Should the TIS use the latest Transportation Tomorrow survey information, dated 2006, for trip distribution?(k) Should the intersection capacity analysis in the TIS reflect the potential for future increased pedestrian volumes and activities in this area?	Region

No.	Issue	Party/Parties
43.	Is the analysis in the TIS consistent with York Region's Transportation Impact Study Guidelines, dated August, 2007, for the horizon year requirements? If not, is it acceptable?	Region
44.	Are the transit improvements recommended in the TIS consistent with York Region's Transportation Master Plan and the 2009 Transportation Master Plan Up-date?	Region
45.	Are the left and right turn lane storage provisions appropriate to accommodate future and background development traffic without impacting Steeles Avenue and Don Mills Road?	Region
46.	Does the TIS identify and define sufficient Travel Demand Management programs and trip reduction measures for implementation potential that is consistent with a reasonable modal split assumption?	Region
47.	Should the proposed Official Plan amendment contain policies requiring the protection of Regional property requirements along Don Mills Road, related to proposed rapid transit, including, but not limited to, median light rail transit in accordance with the Region's Transportation Master Plan and 2009 Transportation Master Plan Up-date?	Region
48.	Should the proposed Official Plan amendment contain policies regarding land dedications along Don Mills Road, to be identified, at the Master Site Plan Stage, related to proposed rapid transit as described in issue 47?	Region
49.	Should the proposed zoning by-law amendment contain set-back requirements in accordance with the Region's property requirements along Don Mills Road related to proposed rapid transit, as described in issue 47?	Region
50.	Should the approval of the proposed development, contemplated by the proposed official plan amendment, be subject to the approval of a phasing plan by the Region of York and the Town of Markham?	Region
51.	Does the proposed development, contemplated by the proposed official plan amendment, sufficiently accommodate transit vehicle movement into and out of the subject lands?	Region