



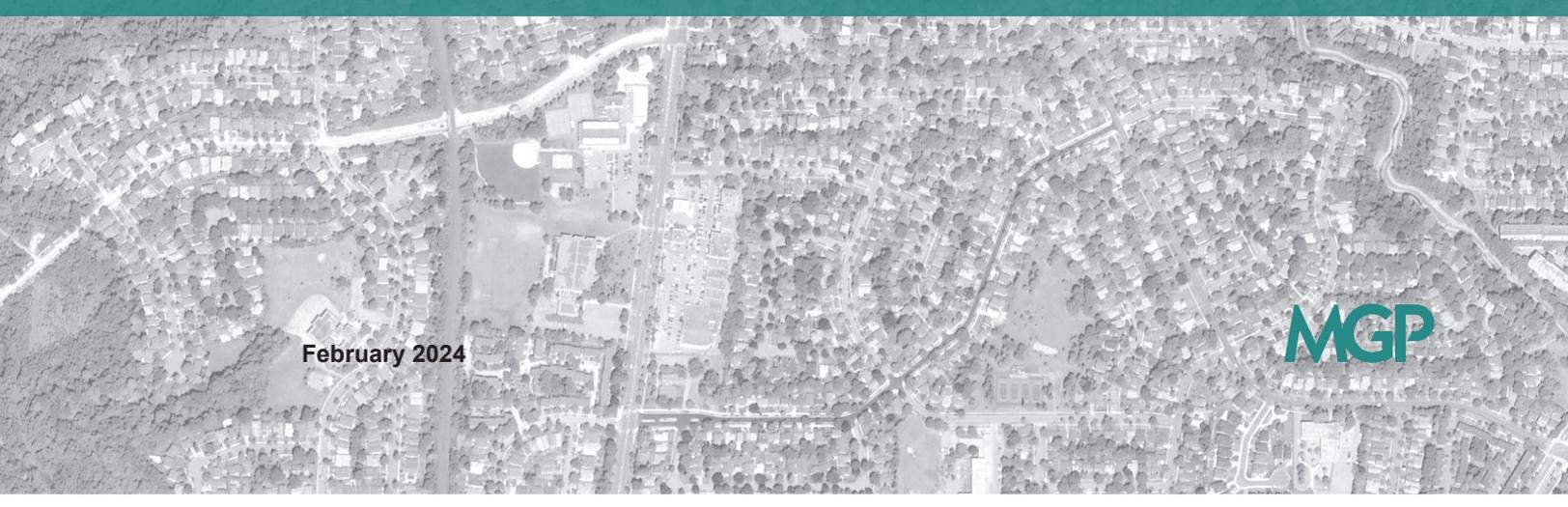
# PLANNING OPINION REPORT

Official Plan Amendment and Zoning By-law Amendment  
7015, 7200 and 7290 Leslie Street  
Markham, ON

Prepared For:  
National Spiritual Assembly of the Bahá'ís of Canada

February 2024

**MGP**



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**Official Plan Amendment & Zoning By-law Amendment**

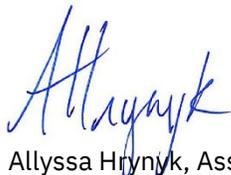
## **Planning Opinion Report**

**7015, 7200 and 7290 Leslie Street  
Markham, ON L3T 6L8**

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Prepared for:

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# Executive Summary

The National Spiritual Assembly of the Bahá'ís of Canada and the Association for Bahá'í Studies (“NSA Bahá'ís”) own three (3) properties on Leslie Street, north of Steeles Avenue and south of John Street, in the City of Markham. Municipally known as 7015, 7200, and 7290 Leslie Street (“Subject Lands”), these properties are the subject of applications for Official Plan and Zoning By-law Amendments within the City of Markham.

The NSA Bahá'ís are proposing to construct a new National Bahá'í Centre of Canada (“BNC”) to replace the existing national centre building at 7200 Leslie Street and have selected their properties in Markham as the location for a national Bahá'í House of Worship, or the Canadian National Temple (“Temple”). 7015 Leslie Street is currently used by the Bahá'í Community for the “Don Valley Education Centre” and provides space for their various programs and events. The applications do not propose any changes to the uses of this property, but rather seek to ensure that the existing uses are properly enshrined in the Zoning By-law.

The Proposed Development involves the redevelopment of the existing BNC with a new BNC to support the institute’s growing functions and the construction of a National Temple on the lands to the north of the existing BNC. Detailed technical studies and design exercises have illustrated that the Subject Lands can accommodate the proposed design without impacts on the adjacent lands and natural heritage network.

**The development of a Canadian National Temple and new BNC for the Bahá'ís of Canada will bring a desirable cultural institution to the City of Markham on lands that are currently used for and permitted to be used for “Places of Worship”.**

The Subject Lands are designated either “Residential Low Rise” or “Greenway” on Map 3 – Land Use of the City of Markham Official Plan 2014 (“MOP”). “Places of Worship” is permitted in all land use designations. The Proposed OPA will refine the extents of the land designated to properly reflect the extent of the key natural heritage features and hazards present on the Subject Lands as confirmed through an Environmental Impact Study. The OPA also proposes new site-specific policy under Section 9.18 to clarify the existing permitted uses and the BNC as the administrative headquarters for the Bahá'ís of Canada. The OPA also provides confirmation of the application of minimum vegetation protection zones, to trails within the Greenway, and restoration commitments.

7200 and 7290 Leslie Street are currently zoned “Special Residential 3 Zone (SR3)” through Zoning By-law 1767, as amended. By-law 1767 permits “churches or religious institutions” uses in the SR3 zone. A Zoning By-law Amendment (“ZBA”) is proposed to bring the zoning into conformity with the MOP (i.e. zone lands as “Greenway” which are identified for environmental protection) and update the “out-of-date” standards to be

generally consistent with current standards of in Zoning By-law 177-96 and the Comprehensive Zoning By-law 2024-19.

The proposal will realize significant environmental and community benefits. The refinements to the Greenway designation propose a net addition of approximately 1.7 hectares to the protected Greenway. The proposed restoration and compensation will achieve an overall net gain in the extent, quality and diversity of the natural heritage features and natural heritage system within the German Mills Creek valley corridor. Moreover, the application proposes significant improvements to Leslie Street to raise a portion of it out of the floodplain and provide safe access to all existing and further uses, as well as provide for a separate multi-use path and dedicated space for on-street parking.

The Proposed OPA and ZBA conforms with the policies in the YROP and MOP which support the refinement and modifications of the natural heritage network when supported by detailed environmental impact studies. The Proposed OPA and ZBA are consistent with the PPS in that the development will not result in negative impacts to the natural heritage network, rather provide a positive net ecological benefit to the natural heritage network through the implementation of an extensive compensation and restoration plan.

The proposed development, as supported by detailed technical studies and enabled through the Proposed OPA and ZBA, represents good planning and should be approved based on the following reasons:

- It refines the Greenway designation on the Subject Lands consistent with the features present and the natural heritage policies of the PPS, Growth Plan, YROP and MOP;
- It includes an extensive compensation and restoration plan that will result in a net benefit to the natural heritage network, including significant amounts of additional land added to the natural heritage network;
- It minimizes the number of trees impacted that are of good health and species and proposes to compensate for tree removals in accordance with the Markham Tree Removal By-law;
- It enables the construction of a desirable cultural that will contribute to complete community and economic vitality objectives of the MOP;
- It is located outside the floodplain and away from hazard lands. A viable option for safe access is proposed by raising Leslie Street where it is impacted by the floodplain. This safe access solution has been thoroughly considered, is technically feasible and generally supported by the TRCA;
- It can be properly serviced within the existing municipal infrastructure and will utilize best practices and the latest measures related to low impact

- development and sustainability, where practical, to support a more resilient community;
- A new multi-use pathway along Leslie Street will contribute to an improved active transportation system;
  - Trails within the Subject Lands will be sensitively designed and located to ensure minimal impact on the natural heritage features and functions through consultation with the City and TRCA;
  - A traffic impact study has confirmed that the existing road network can support the anticipated traffic;
  - The proposed zoning by-law amendment provides for sufficient parking in accordance with a first principles analysis to ensure available parking will meet demand;
  - The proposed buildings will provide for a building form and scale that is compatible with and will enhance the character of surroundings uses. The proposed zoning bylaw amendment maintains the existing height permissions at 7200 Leslie Street and proposes a side yard setback along Waterloo Court above typical standard that can preserve the existing hedgerow in situ and support new plantings; and,
  - The Conceptual Master Plan has been sensitively designed in consideration of the surrounding context and proposes the development of a Temple and BNC that will result in a positive net benefit for the surrounding area and the City of Markham.

# 1.0

## Introduction

### 1.1 Overview

Malone Given Parsons Ltd. is the planning consultant for the National Spiritual Assembly of the Bahá'ís of Canada and the Association for Bahá'í Studies ("NSA Bahá'í") who own a total of 16.7 hectares (41 acres) of land across three (3) separate properties located on the east and west sides of Leslie Street and north of Steeles Avenue East in Markham, Ontario, municipally known as 7015, 7200 and 7290 Leslie Street.

NSA Bahá'ís are proposing to construct a new Bahá'í National Centre ("BNC") to replace their existing building at 7200 Leslie Street. The new BNC will provide for expanded administrative and institutional functions that include administrative offices, meeting rooms, multi-purpose educational and assembly facilities, and lodging rooms.

Furthermore, the NSA Bahá'ís have selected their property 7290 Leslie Street, located just north of the existing BNC, as the location for a national Bahá'í House of Worship, or Canadian National Temple ("Temple"). The Temple will be designed to the highest standard, as reflected in the great Bahá'í Temples constructed around the world.

7015 Leslie Street is currently used by the Bahá'í Community for the Don Valley Education Centre for their programming such as plenary sessions, small group study, educational and service events, and other community outreach programs such as youth day camps, arts and craft activities, outdoor play, and recreation. The property as is provides space for other gatherings and meetings organized by the Bahá'í Community such as holy day celebrations, community and administrative meetings, conferences, and storage of educational books and materials. The applications do not propose to change any of the existing uses of this property, but rather ensure that the existing uses are properly enshrined in the zoning by-law. 7015 Leslie Street is not proposed for redevelopment.

7290 Leslie Street requires an Official Plan Amendment to refine the limits of the natural heritage features and hazard lands in accordance with an Environmental Impact Study which define the actual extent of these features within the property. The proposed Official Plan Amendment ("Proposed OPA") redesignates a portion of 7290 Leslie Street from "Greenway" to "Residential" and a larger portion from "Residential" to "Greenway" and permits the development of the Temple within the southwest corner of the property. Extensive restoration is proposed within 7290 and 7015 Leslie Street as part of the overall compensation plan.

7200 and 7290 Leslie Street are currently zoned “Special Residential 3 Zone (SR3)” under Zoning By-law 1767, as amended. Places of Worship, specifically churches or religious institutions, are currently permitted uses in this zone under By-law 1767. A Zoning By-law Amendment (“ZBA”) is proposed to bring the zoning into conformity with the MOP (zone lands Greenway which have been identified for protection) and update the zone standards. The Proposed ZBA updates the “out-of-date” in force By-laws and standards to be generally consistent with current standards of Zoning By-law 177-96 and the Comprehensive Zoning By-law 2024-19.

The Proposed ZBA rezones the majority of 7015 Leslie Street from an Open Space zone to Greenway zone to be consistent with the land use designations in the Markham Official Plan and confirms the existing uses remain permitted.

This report provides our planning opinion regarding the Proposed OPA and Proposed ZBA required to enable the construction of the new BNC and National Temple. With the support of a well-regarded consultant and design team, extensive site analysis, environmental surveys, tree inventory and assessment, engineering feasibility, planning review, and design exercises have been completed for the applications. The following report provides contextual information, details regarding the requested amendments, summarizes all technical studies, and concludes with a review of planning policies.

## 1.2 Site Location and Characteristics

**7200 Leslie Street** is located on the west side of Leslie Street, north of Steeles Avenue, where the opened portion of Leslie Street terminates. The property is currently home to the existing Bahá'í National Centre (“Existing BNC”), which was opened in 1975. 7200 Leslie Street is generally rectangular in shape and has an area of 1.16 hectares (2.86 acres), with approximately 72m (234 ft) of frontage along Leslie Street and a lot of depth or approximately three (3) times its frontage at 192m (630 ft). The Existing BNC is located on the western third of the lot and is accessed via a private driveway along the northern edge of the property. The driveway is owned by the adjacent Bayview Golf and Country Club and is covered by a right-of-way easement that allows the NSA Bahá'í vehicular and servicing access to the Existing BNC. An existing asphalt parking lot is located west of the existing building.

**7290 Leslie Street** is located immediately to the north of 7200 Leslie Street, adjacent to the west side of the unopened portion of Leslie Street. The access driveway, owned by Bayview Golf and Country Club, divides the two parcels. The 7290 Leslie Street property is slightly deeper than 7200 Leslie St at 215m (708 ft) and extends north for a width of approximately 326m (1,071 ft). It has a total area of 7.3 hectares (18.12 acres). Woodland cover most of 7290 Leslie Street except for an open manicured lawn area in front of an existing single detached house with a detached garage and former landfill area at the north end of the property. The log home is connected to the same private driveway as 7200 Leslie Street via a long driveway.

**7015 Leslie Street** is located on the northeast corner of the Leslie Street and Steeles Avenue East intersection. The Bahá'í Community acquired this property in 2006 with the aspiration of providing additional learning and lodging uses near the Existing BNC. Given the sites natural constraints, the property will not be redeveloped, and rather continue to be used as is for various programming, seminars, events and youth day camps. This property was formerly the Mayfair Tennis Club and more recently leased to the Adventure Valley children's day camp which has now ceased operations. 7015 Leslie Street has a site area of 8.1 hectares (20 acres). German Mills Creek bisects 7015 Leslie Street in a north-south direction, generally along the east side of Leslie Street. The northwest corner of the property is occupied by a large at-grade parking area. There is a pedestrian bridge and vehicular bridge across the creek that provides access to a recreational building and tennis courts that are located on the east side of the creek.

**Figure 1.1** below depicts the site location and surrounding context of the Subject Lands.

*Table 1.1: Legal Description of the Subject Lands*

ID #	Address	Owner	Legal Description	Size
1	7200 Leslie Street	National Spiritual Assembly of the Bahá'ís of Canada	PT LT 2, CON 2, AS IN MA66705 (FOURTHLY), T/W MA59222; MARKHAM	1.16 ha (2.86 ac)
2 + 3	7290 Leslie Street	Association for Bahá'í Studies	PT LT 3, CON 2, PART 1, 2, 3, 64R5132, S/T MA46290; PT LT 3, CON 2, AS IN MA66705 (FIRSTLY); PT LT 2, CON 2, AS IN MA66705 (SECONDLY, THIRDLY), T/W MA66705 ; MARKHAM	7.3 ha (18.12 ac)
4	7015 Leslie Street	Association for Bahá'í Studies	PT LT 1, CON 3, PART 1 TO 11, 64R8051, EXCEPT PT 2, 64R3887; S/T MA77545 MARKHAM; S/T EASE IN GROSS OVER PTS 1, 2, 3 & 4 65R31669 AS IN YR1337504; S/T TEMPORARY EASE IN GROSS OVER PTS 5, 6 & 7 65R31669 AS IN YR1337505	8.1 ha (20 ac)

*Source: Geowarehouse (2022)*

### 1.3 Topography

The Subject Lands include relatively flat to gently sloping tableland on the west that transitions to valley slopes to the east with varying degrees of slope that range from 0.5% to 50%. Per the Geotechnical and Slope Stability Assessment prepared by Terraprobe (details provided in Section 3.7), the valley slope varies from 12 to 31 metres in height and is described as having a relatively gentle overall incline to sections of steeper incline. The surface elevations range from 153.93 metres above sea level ("masl") on the east side of the Subject Lands to 184.37 masl at the northwest corner.

Figure 1.1: Site Location and Context of Subject Lands



## 1.4 Surrounding Area Context

The Subject Lands are situated within a heavily urbanized area dominated by grade-related residential uses and associated community and retail uses. The Subject Lands are southwest of the crossroads of Highway 407 and Highway 404. Highway 404 is located approximately 1.6 km to the east with an interchange at Steeles Avenue. Highway 407 is located approximately 3.2 km north of the site with access from Don Mills Road to the east or Bayview Avenue to the west. Natural areas and valleylands associated with the German Mills Creek, a tributary of the Don River, are located to the east and run along a north-south corridor.

The immediate adjacent land uses are summarized below.

**North:** German Mills Settlers Park / German Mills Natural Habitat and Meadow (owned by the City of Markham), once a former landfill site, now a naturalized meadow and passive park that features walking trails.

**East:** Leslie Street Unopened Right-of-Way (owned by the City of Markham) with Regional sewer infrastructure below grade and gravel trail above; Bercy (Wycliffe) Park (owned by the City of Markham) - a natural, wooded area features paved trails that are accessed from the east side of Leslie Street; and the Region of York Pumping Station.

**South:** Seven (7) single family detached dwellings which are located along the south side of Waterloo Court. The construction date for these homes is estimated to be in the 1980s.

**West:** Bayview Golf and Country Club established in the 1960s. Service and maintenance buildings for golf course operations are located at the northwest corner of the north parcel and are primarily accessed via the driveway between 7200 and 7290 Leslie Street.

# 2.0

## Proposed Development

The Bahá'í Faith teaches the essential worth of all religions and the unity of all people, regardless of religion, race, nationality, creed or class. Bahá'í Houses of Worship or Temples are located around the world for the purposes of facilitating silent observations of the faith. Critically acclaimed continental temples have been constructed across the world and the Bahá'í Community is now advancing the construction of national temples in each country. Early in 2023 it was announced at the International Convention to representatives from the Bahá'í Faith from around the world that Canada was called to raise up a national House of Worship.

Continental and national temples are architectural masterpieces and have garnered much acclaim. Hariri Pontarini Architects (“HPA”), a local Toronto team of architects and the project architect for this application, designed the award-winning and iconic Bahá'í Temple of South America in Santiago, Chile (**Figure 2.1**). Although this temple in Chile and other Continental Temples are much grander and larger in scale, the Canadian National Temple will be smaller in scale but will reflect the same level of architectural care and long term environmental sustainability with a 400-year building and site design life span mandate.

*Figure 2.1: Bahá'í Temple of South America*



*Source: HP Architects, Royal Architectural Institute of Canada and Doublespace Photography (2019)*

## 2.1 Development Program

The Existing BNC building was designed by the modernist architecture firm Fairfield and Dubois in 1973 and currently houses the national administrative offices of the Bahá'ís of Canada. In addition, it provides a small and modest amount of gathering space for the Bahá'í Community. After 45 years, the building requires significant upgrades and no longer meets the growing needs of the NSA Bahá'í and the Bahá'ís of Canada. The NSA Bahá'í has both the opportunity and the desire to replace the BNC and construct a National Temple for the peoples of Canada.

The development program involves a new BNC that will house the NSA Bahá'í national administrative offices including meeting rooms as it currently does plus additional multi-purpose educational and meeting/conference facilities, and a few short-term lodging rooms. The lodging rooms are proposed to be single bed, modest rooms that would accommodate members of the Bahá'í Community from all over Canada. These rooms would not be open to the general public but rather arranged by the NSA Bahá'í for members of the Bahá'í Community that are attending the periodically held seminars, meetings or events. The notion of having lodging rooms is to create an environment that supports the institute and its functions. The new BNC will be designed to garner a “think tank” type of institutional place where members of the Bahá'í Community come together to learn and immerse themselves in the teachings and ways of service of the Bahá'í faith.

The Temple will be a separate structure located on the property to the north of the BNC. Bahá'í Houses of Worship are solely a place of prayer and reflection; built by the Bahá'í Community but open to people of all faiths, religions, and beliefs. The Bahá'í Faith is unique in that there is no set clergy or regularly scheduled weekly sermons, gatherings or pray times. In fact, sermons, presentations, talks, or meetings are not permitted inside temples. All Bahá'í Temples are designed as a dome, are round and have nine sides and nine entrances. The sides are symbolic of the essential unity underpinning the great religions of the world.

The design objective was to prepare a Conceptual Master Plan that would house a new BNC and locate a separate temple that not only achieves the teachings of the Bahá'í faith but establishes a well-regarded cultural destination within the City of Markham. One that is respectful and reflective of the natural environment which surrounds it. The Bahá'í Community has been exemplary stewards of these lands for over 60 years, and it is part of their teachings to respect and appreciate the natural world. It is a mandate of the Bahá'í Community that all new buildings constructed be exemplary projects for site and building sustainability, employing the latest technologies regarding energy efficiency, water conservation, low-impact development, and environmental stewardship.

## 2.2 Conceptual Master Plan

HPA was retained by the NSA Bahá'í to help conceptually design the programming for the BNC and Temple in Markham. The Conceptual Master Plan was thoughtfully designed to mitigate impacts on the adjacent residential uses and natural features and to ensure a net positive benefit to the ecosystem. Multiple iterations of the master plan were reviewed and analysed prior to landing on the Conceptual Master Plan that informs the proposed applications for OPA and ZBA. The Conceptual Master Plan includes the following components (the "Proposed Development") as described in more detail following:

1. Bahá'í National Centre (7200 Leslie Street)
2. Bahá'í Temple of Canada & Visitor's Centre (7290 Leslie Street)
3. Don Valley Education Centre (7015 Leslie Street)
4. Parking and Access
5. Trails and Landscaping
6. Restoration and Compensation

**Figure 2.2** contains the Conceptual Master Plan.

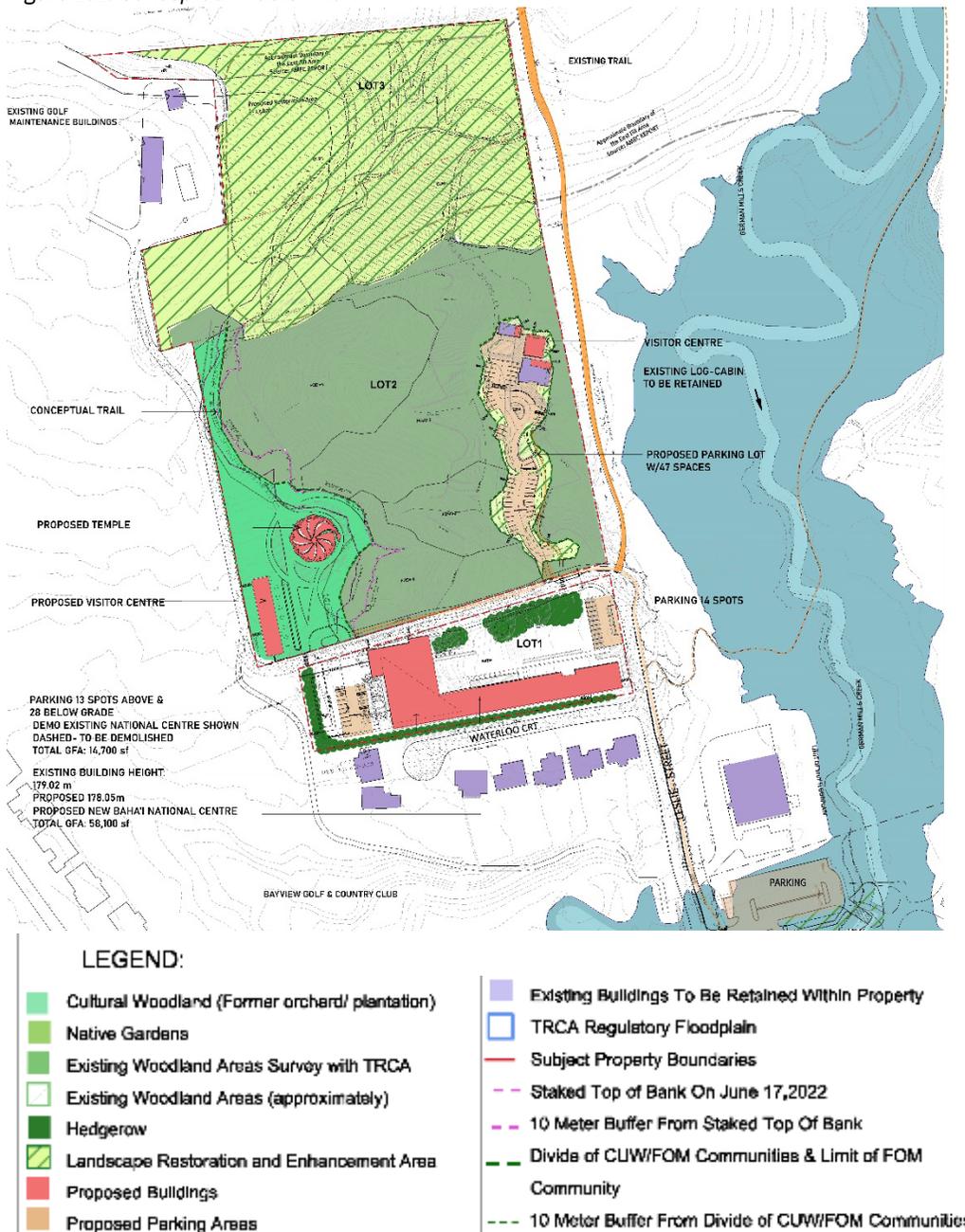
### **Bahá'í National Centre**

A new Bahá'í National Centre is proposed to provide for all the necessary functional components to meet the needs of the growing Bahá'í Community of Canada. The new BNC will provide expanded administrative and institute functions for the NSA Bahá'ís, including office space, meeting rooms, multi-purpose educational / conference facilities, and lodging rooms. The new BNC building will be sensitively designed to "fit" within the existing BNC site. The new building will include underground and surface parking, as well as accessible visitor parking for the Temple. The Conceptual Master Plan proposes the new BNC to sit low in the landscape and step down from west to east, following the site's natural topography, minimizing the building's mass and integrating it harmoniously into the existing setting.

### **Bahá'í National Temple & Visitor's Centre**

The Temple is proposed to be located within the southwest corner of 7290 Leslie Street. This area was identified through environmental study as a former orchard/plantation, defined by invasive species that are "creeping" into the higher quality woodland down the valley slope. The Temple is proposed to be located above the Long-Term Stable Top of Slope plus 10 metre regulatory setback and beyond the surveyed limit of the significant woodland community plus a 10 metre minimum vegetation protection zone. Given that the Temple is proposed for reflection and prayer only, it is a stand only building that contains no ancillary uses. As such, separate welcome centres are proposed to house the uses that are needed to support the Temple, such as reception, restrooms, storage, etc. A welcome centre is proposed proximate to the Temple within the southwest corner of the site, with a second that would involve repurposing the existing home down at the bottom of the slope adjacent to the proposed parking area.

Figure 2.2: Conceptual Master Plan



Source: Hariri Pontarini Architects (February 2024)

*Figure 2.3: Conceptual Rendering of the Temple*



*Source: Hariri Pontarini Architects (October 2022)*

It was a core objective of the Conceptual Master Plan to design a place that created an immersive experience to and around the temple that was integrated with the adjacent natural landscape. The notion was founded on the idea of “a temple in the woods” (specifically a typical Canadian landscape) that would provide visitors a contemplative and reflective experience as part of their visit to the temple.

### **Don Valley Education Centre**

7015 Leslie Street is currently used by the Bahá'í Community for the “Don Valley Education Centre” and provides space for their various programs and events, such as plenary sessions, small group study, educational and service events, and other community outreach programs such as youth day camps, arts and craft activities, outdoor play and recreation. The property also provides space for other gatherings and meetings organized by the Bahá'í Community such as holy day celebrations, community and administrative meetings, conferences, and storage of educational books and materials. The applications do not propose to change any of the existing uses of this property, and rather seek to ensure that the existing uses are properly enshrined in the zoning by-law.

The property is proposed for a significant amount of environmental restoration as part of the overall development proposal. Additionally, it contains a large existing parking lot that will be improved and support the parking needs of all three properties.

Furthermore, the property is an essential part of the safe access solution proposed to raise Leslie Street out of the floodplain and requires property takings to support the additional space needed to raise Leslie Street and provide a separate multi-use pathway from Steeles Avenue to the Lake-to-Lake Trail.

Figure 2.4: Conceptual Site Plan



Source: Hariri Pontarini Architects (January 2024)

### Parking and Access

Access is currently provided along a private driveway between Lot 1 and Lot 2 that connects directly to the terminus of Leslie Street. This driveway is owned by the Bayview Golf and Country Club and there is an existing right-of-use easement on title to the NSA Bahá'ís. The proposal continues use of this driveway in a similar manner that is currently provided.

Approximately 110 parking spaces are proposed within the Conceptual Master Plan between the BNC and Temple site. At the BNC (7200 Leslie Street), approximately 36 parking spaces are proposed below grade, approximately 13 surface parking spaces are proposed west of the BNC, and approximately 14 parking spaces are proposed east of the BNC off Leslie Street for a total of approximately 63 parking spaces.

For the Temple (7290 Leslie Street), an environmentally sensitive or 'green' parking area is proposed to replace the open lawn and residential infrastructure (driveway and septic) in front of the existing log cabin house. The Conceptual Master Plan illustrates a plan for approximately 47 parking spaces while preserving the surveyed limit of the woodland dripline, protecting significant trees, minimizing topographical changes, and employing the latest measures in green parking design. The parking area has been designed to minimize tree removal to the greatest extent possible and incorporate generously sized islands and restoration areas. The landscape and restoration plans for the parking area will create an effective transition to the edge of the existing woodland and will incorporate tree species to optimize shading and expand the extent of canopy cover. In addition, the parking area will be designed to incorporate a range of green measures, such as:

- Low Impact Development techniques, such as bioretention;
- Permeable pavers;
- High albedo paving materials;
- 'Dark sky' compliant lighting standards;
- State of the art lighting control systems;
- Minimizing energy consumption through the installation of high efficiency luminaires; and,
- A snow/ice management plan will be developed that will be aimed at minimizing the use of de-icing salt.

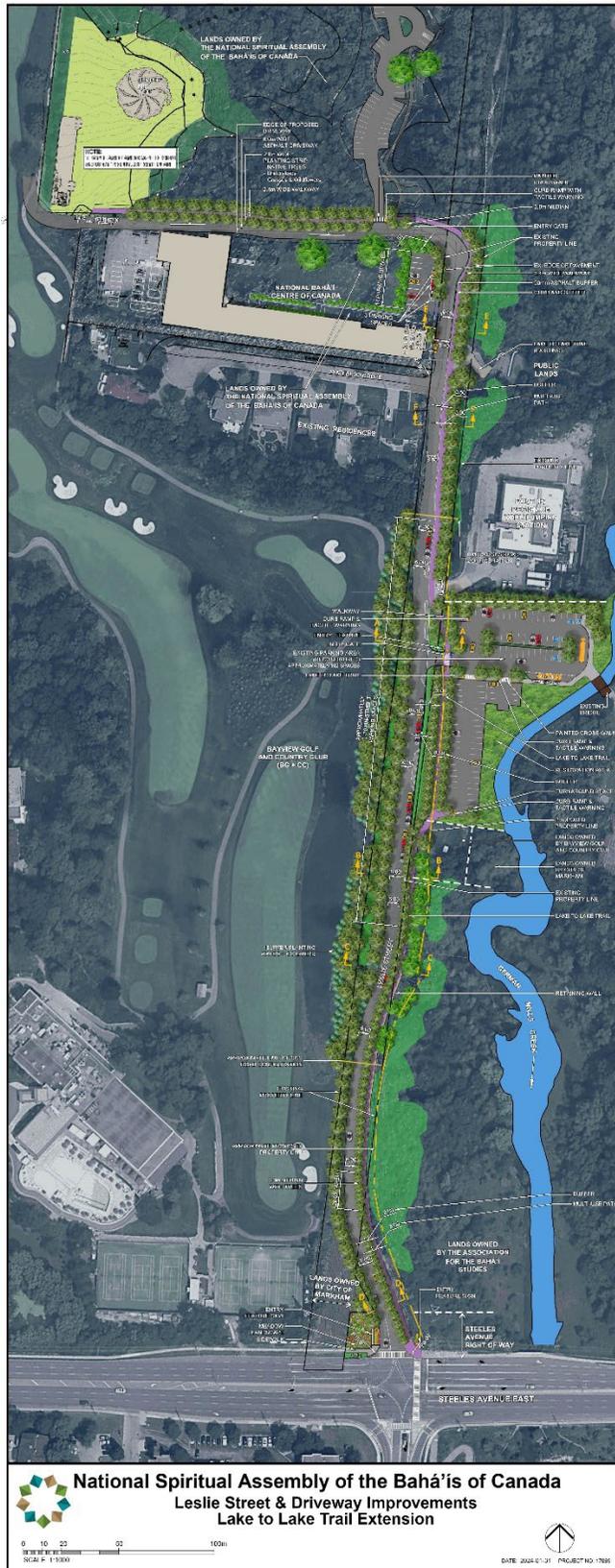
At the Don Valley Education Centre (7015 Leslie Street), the existing parking lot will be improved and provide approximately 100 parking spaces to be shared across the three properties.

### **Safe Access Solution**

To provide safe access to the temple as well as existing BNC, residents along Waterloo Court and the York Region Pumping Facility, improvements to Leslie Street are proposed to raise a portion out of the floodplain. As part of these works, a separated multi-use path and designated on-street parking is proposed along the east side of Leslie Street to improve the safety of active users as well as the overall visual experience along Leslie Street from Steeles Avenue to its terminus at the Subject Property (see **Figure 2.5**).

Additionally, on property trails and landscaping enhancements are proposed as an essential part of the overall Master Plan and are fundamental to the design of any Bahá'í Temple. The trails will be carefully designed to minimize impacts on the natural heritage network and be located through consultation with TRCA and the City of Markham during Site Plan Approval. Around the Temple, the landscape will be designed to integrated with the adjacent natural features.

Figure 2.5: Leslie Street Safe Access Solution and Lake-to-Lake Trail Connections



Source: Schollen & Company (January 2024)

## **Restoration and Enhancement Strategy**

An extensive Landscape Restoration and Enhancement Strategy (“LRES”) has been prepared by Schollen & Company (January 2024) with the goal of offsetting the potential environmental impacts of the proposed master plan (specifically tree removal within the cultural woodland / former plantation) and enhancing the extent, diversity, and sustainability of the natural heritage system. The LRES identifies six (6) restoration areas across 7290 Leslie Street and 7015 Leslie Street). In addition, restoration initiatives are proposed as part of the landscaping plan associated with the area around the BNC, the Temple, and parking lots. **Figure 2.6** identifies the areas proposed for extensive restoration that include the following.

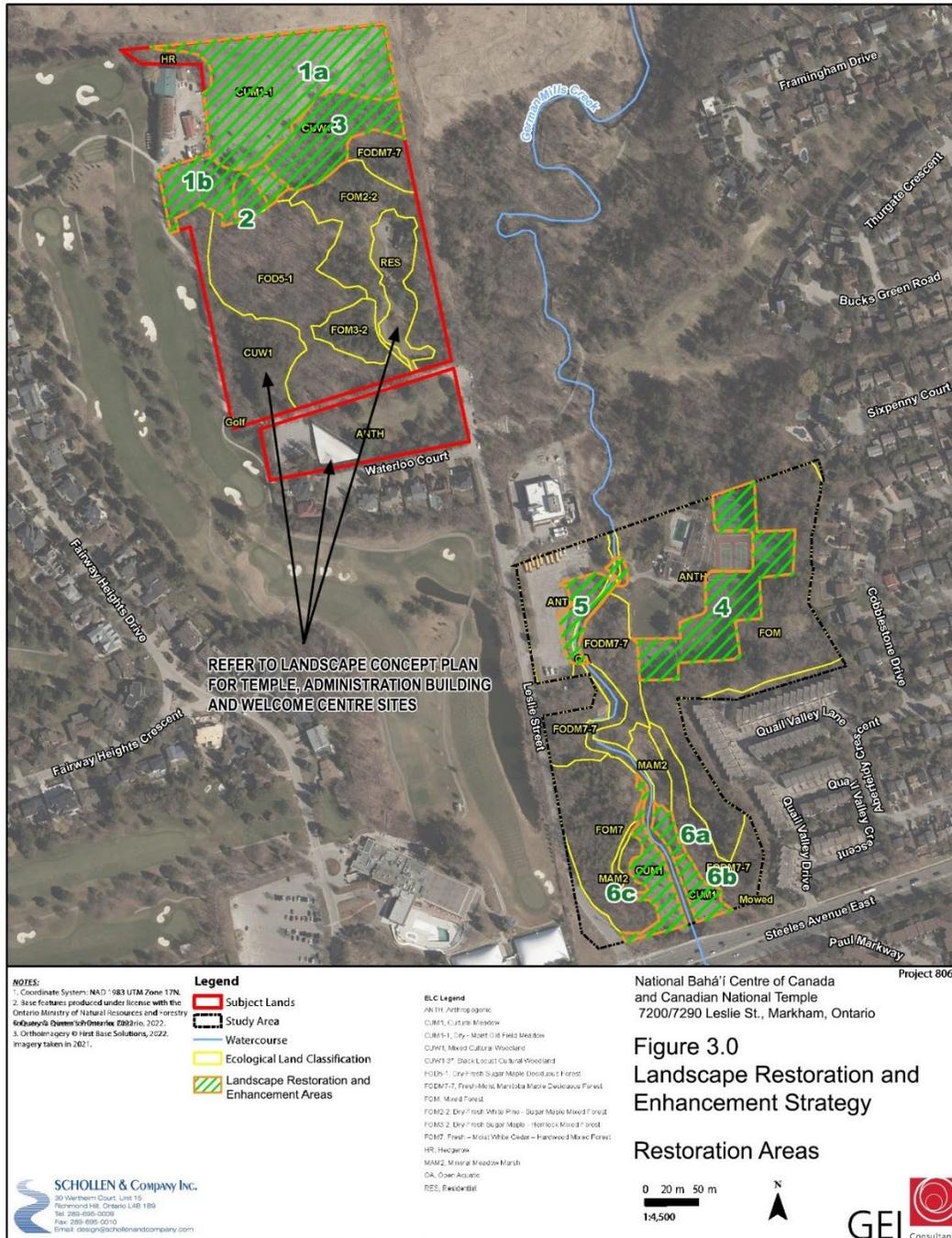
**Conversion of Cultural Communities to Native Vegetation:** The site of the proposed Temple is dominated by non-native and invasive tree, shrub and herbaceous species. The juxtaposition of this cultural community to the high-quality native forest community below the crest of the valley poses concerns related to the colonization and expansion of the invasive plant community into the woodland. The landscape plan for the Temple is proposed to comprise ‘native woodland gardens’ that will replace the existing cultural community with a diverse assemblage of native trees, shrubs, wildflowers and ground covers. Given the complexity and level of effort that is required to effectively eradicate non-native/invasive species, restore soil conditions, and nurture the native plantings into self-sustaining native woodland gardens, the intent is to begin the process well in advance of the construction of the Temple.

**Woodland and Meadowland Creation and Enhancement:** The LRES proposes the meadowland restoration of areas adjacent to the German Mills Meadow and Natural Habitat and reforestation of areas along the German Mills Creek valley corridor, around the proposed parking area and adjacent to the existing native forest community.

**Restoration of the German Mills Creek Corridor:** North of Steeles Ave East, the German Mills Creek exhibits erosion along both the bed and the banks of the watercourse, resulting in the loss of riparian vegetation, bank instability and downstream impacts in terms of sediment load and erosive flows. The LRES proposes the removal of failed gabion structures, the implementation of biotechnical bank stabilization and the planting of native riparian vegetation, with the goal of naturalizing and stabilizing the watercourse while contributing to habitat diversity.

**Removal of Impervious Areas and Built Structures within the Valley:** The former Mayfield Tennis Club complex at 7015 Leslie Street includes a parking lot, tennis courts and other built elements that are located within the valley. The LRES proposes the removal of a portion of the existing parking area and several of the tennis courts which include significant retaining walls, associated fences, light standards, and paved surfaces with the intent of restoring these areas with natural vegetation. This initiative will enhance habitat connectivity along the valley corridor and will result in the conversion of existing hardscape / impervious area to a natural landscaped area. This initiative will result in an increase in native forest cover within the valley over the long term and will yield benefits related to the mitigation of runoff, enhanced infiltration and expanded biodiversity.

Figure 2.6: Landscape Restoration and Enhancement Strategy



Source: Schollen & Company (January 2024)

## **2.3 Proposed Official Plan Amendment**

The Subject Lands are designated either “Residential Low Rise” or “Greenway” under the City of Markham Official Plan 2014 (“MOP”). “Place of Worship” is permitted in all land use designations in the MOP in consideration of the criteria in policy 8.13.7.1 when in a Residential designation.

The Temple is proposed to be located on lands currently designated “Greenway” in the City of Markham Official Plan, 2014 (MOP). The Greenway designation prohibits development and site alternation and is intended to protect natural features and define hazards.

The BNC and parking area in front of the existing residential buildings are located within the “Residential Low Rise” designation. Place of Worship is permitted in all designations subject to design and locational criteria of policy 8.13.7.1 when in a Residential designation.

To enable the Conceptual Master Plan as described, an Official Plan Amendment (“OPA”) to the City of Markham Official Plan 2014 is required. The Proposed OPA will refine the extents of the land designated to properly reflect the extent of the key natural heritage features and hazards on the Subject Lands as confirmed through an Environmental Impact Study. The Proposed OPA also proposes new site-specific policies under Section 9.18 to clarify the permitted uses related to the existing place of worship uses and the BNC as the administrative headquarters for the Bahá'ís of Canada. The OPA also provides confirmation of the application of minimum vegetation protection zones, to trails within the Greenway and restoration commitments.

No OPA is proposed for 7015 Leslie Street. It is currently designated entirely “Greenway” in the MOP.

## **2.4 Proposed Zoning By-law Amendment**

Both 7200 and 7290 Leslie Street are currently zoned “Single Family Detached Dwelling Special Residential Third Density (SR3)” through City of Markham Zoning By-law 1767, as amended. By-law 1767 permits “churches or religious institution” uses in the SR3 zone. Lot 3 is primarily zoned “Rural Residential One (RR1)” and a small portion in the northwest corner is zoned “Open Space 2 (O2)” under Zoning By-law 304-87. 7015 Leslie Street is zoned entirely Open Space 1 (O1) under Zoning By-laws 304-87, as amended, and 2612, as amended.

Although the proposed use is currently permitted, a Zoning By-law Amendment (“ZBA”) is being sought to zone the extent of the natural areas as a “greenway” protection zone and bring the zoning into conformity with the MOP. The proposed Zoning By-law Amendment maps the extent of the environmental protection land on 7015 and 7290 Leslie Street and establishes site-specific zoning regulations that support the proposed building envelopes, parking and other parameters as defined through the Conceptual Master Plan. The proposed ZBA updates the “out-of-date” in force By-laws and

standards to be generally consistent with current standards in Zoning By-law 177-96 and the Comprehensive Zoning By-law 2024-19.

# 3.0

## Supporting Technical Studies

On June 22, 2022, a second pre-consultation meeting was held with staff from the City of Markham, Region of York, and Toronto Region Conservation Authority (“TRCA”) to discuss the proposal and the required submission material in support of applications for OPA and ZBA. A Complete Application Submission Checklist and comments were provided by the City and Region of York on July 15, 2022. Comments from the TRCA were received on August 22, 2022 via email. Additionally, an application for TRCA Conceptual Development Review was submitted to the TRCA in March of 2022 and detailed comments were received from TRCA on May 18, 2022.

Applications for OPA and ZBA were formally submitted to the City of Markham on October 31, 2022, and deemed complete December 20, 2022. Comments were subsequently received mid February 2023 and the Statutory Public Meeting was held in May 2023. In June 2023, 7015 Leslie Street was added to the applications and thus excluded from the City’s Comprehensive Zoning By-law project.

Since the May 2023 Public Meeting, significant modifications have been made to the proposal to address comments received not only from the reviewing agencies at the City and TRCA but also the public. All supporting technical studies have been updated to reflect the current development proposal and address comments.

In addition to this Planning Report, the Design Brief and conceptual plans and drawings, the following submission materials have been submitted in support of the applications and referenced throughout this report:

- 1) Environmental Impact Study by GEI Consultants Ltd. (October 2022, **Updated February 2024**)
- 2) Landscape Restoration and Enhancement Strategy by Schollen & Company (October 13, 2022, **Updated January 2024**)
- 3) Tree Inventory and Assessment Report Preservation Plan (Arborist Report) by Schollen & Company (October 7, 2022, **Updated January 2024**)
- 4) Functional Servicing and Stormwater Management Report (“FSR”) by SCS Consulting Ltd. (October 2022, **Updated January 2024**)
- 5) Urban Transportation Consideration Report (“Transportation Impact Study”) by BA Consulting Ltd. (October 2022, **Updated February 2024**)
- 6) Geotechnical and Slope Stability Assessment by Terraprobe Inc. (October 19, 2022, **Updated February 2024**)

- 7) Hydrogeological Assessment by Terraprobe Inc. (November 2022)
- 8) Phase 1 Environmental Site Assessment (“ESA”) by Terraprobe Inc. (Aug 2022)
- 9) Phase 2 Environmental Site Assessment (“ESA”) by Terraprobe Inc. (Sept 2022)
- 10) Site Survey by IBW (September 9, 2022) and TRCA Acceptance Letter (September 23, 2022)

### **3.1 Design Brief and Conceptual Plans and Drawings**

Extensive design iterations were undertaken prior arriving at the current version of the Conceptual Master Plan in support of the applications. Details on the proposed design plan are provided in the Design Brief by Hariri Pontarini Architects, the Plans and Drawings from Hariri Pontarini Architects and the Landscape Concept Plan by Schollen and Company.

The high-level summary of changes from the previous submission include:

1. Temple height has been reduced to a maximum of 25 metres (from 30 m) to ensure it will be in line with or lower than the height of surrounding trees.
2. Temple size has been reduced to a maximum worship area of 650 metres squared (previously was 1000 m2).
3. Temple has shifted to the west to ensure no construction impacts or encroachments to the minimum vegetation protection zones of the long-term stable top of bank or dripline of the significant woodland community.
4. The area for removal from the Greenway has been reduced to approximately 0.5 hectares and only includes a small portion of land by the parking area and the land around the Temple rather than the previous proposal to remove the entire cultural community.
5. The parking area in front of the existing dwelling has been redesigned to ensure minimal grading impacts and the proposed stairway from the parking area to the temple has been eliminated.
6. The northern extent of 7290 Leslie Street is proposed to be redesignated from “Residential” to “Greenway” and restoration plans now include meadowland adjacent to the German Mills Meadow and Natural Habitat.
7. Further effort has been taken to reduce the number of tree removals around the proposed Temple and ensure a sufficient tree protection zone along the Waterloo Court hedgerow.
8. The minimum side yard setback along Waterloo Court has been increased from 4.0 metres to a minimum of 4.5 metres in the proposed ZBA.
9. The BNC has removed two levels of underground parking and now only proposes one level of underground parking.

10. The proposed emergency access route along the existing trail to John Street has been eliminated and instead safe access is proposed through the raising of Leslie Street.
11. As part of the Leslie Street reconstruction, a separated multi-use pathway and on street layby parking is proposed as well as additional streetscape landscaping and beautification.
12. The proposal now anticipates a direct pedestrian trail all the way from Steeles Avenue to the Temple.

### **3.2 Environment Impact Study**

A Scoped Environmental Impact Study (“EIS”) was prepared by GEI Consultants dated October 2022 and subsequently updated in February 2024 to assess the potential impacts of the development proposal on the natural heritage features and associated functions on the Subject Lands and surrounding lands. The EIS identified 15 ELC community types within the Study Area that include a mixture of anthropogenic, cultural, and forested vegetation community types. No provincially rare vegetation communities were present in the Subject Lands. No direct removal of Significant Wildlife Habitat (SWH) is proposed within the Conceptual Master Plan. **Figure 3.1** illustrates the extent of the ELC Communities and Greenway designation.

The three woodland communities were identified as meeting municipal significance for woodlands. The dripline edge of these communities was surveyed with TRCA in June 2022 and their entirety are proposed to be protected within the refined “Greenway” Designation of the proposed OPA and the “Greenway” zone of the proposed ZBA. A small encroachment into the buffer is anticipated for the vehicular circular drive to support the Temple and the walkway up to the Temple along the existing driveway. These encroachments are considered in the restoration and compensation plan.

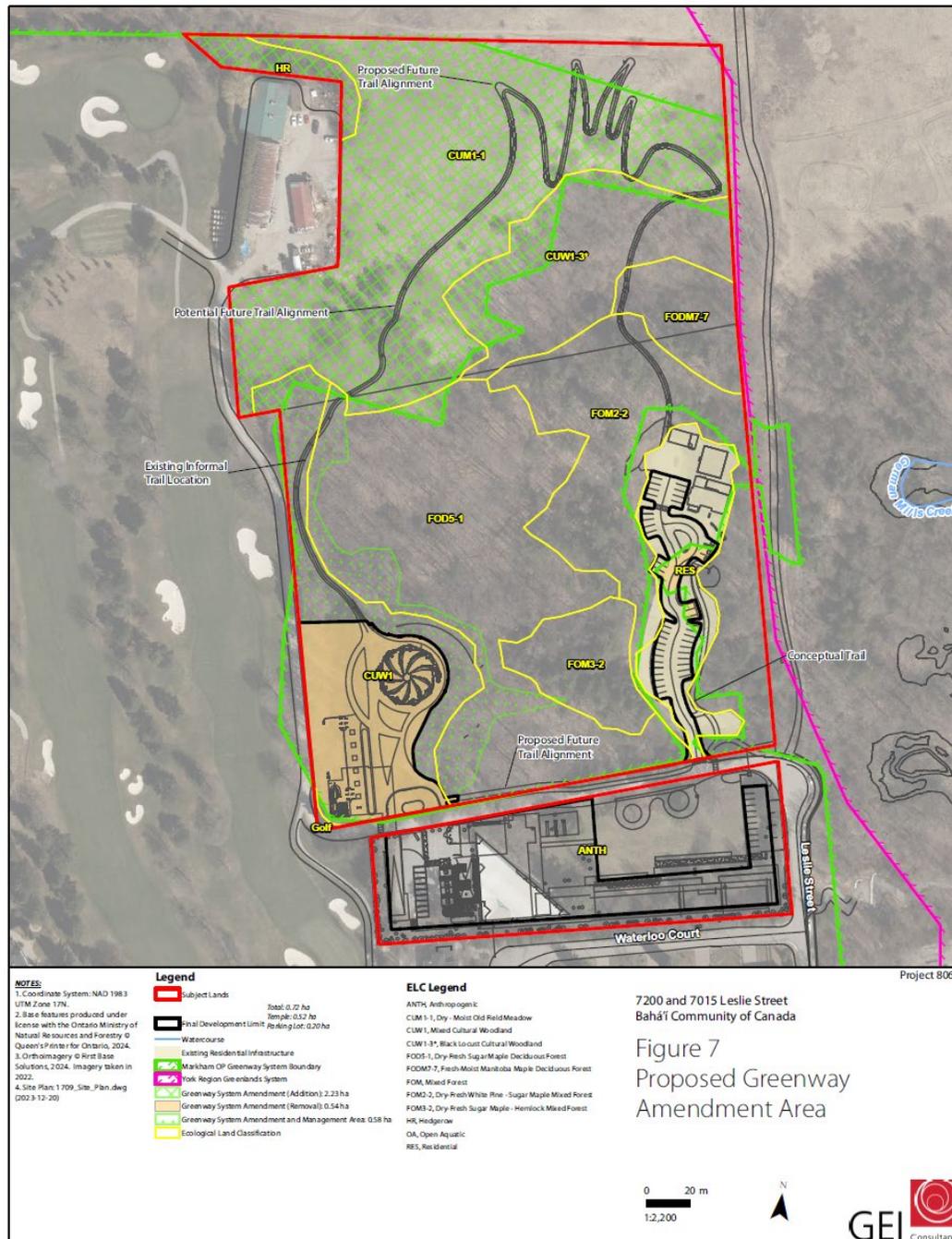
The Temple is proposed within a cultural woodland community (CUW1) which does not meet minimum stem density requirements to be considered a woodland under the Forestry Act, or the Regional or City official plans. Removal of a portion of this community is consistent with provincial, regional, and local policy and supported by the detailed compensation plan as outlined in the LRES by Schollen & Company.

The parking area is proposed within the area currently occupied by the residential home and lawn and does not encroach into the dripline of the woodland edge as surveyed with TRCA. Given that this area was already disturbed by anthropogenic uses, it presented as an opportune location to accommodate a portion of the parking needed to supply the Temple and surrounding trails. The Geotechnical Assessment by Terraprobe has confirmed that the parking area is not located within an erosion hazard.

Encroachments into environmental features and their buffers has been significantly reduced through this second submission. A total of 0.53 ha of cultural community woodland removal is proposed to support the temple plus 0.22 ha of valleyland encroachment to support the parking area and trails. Over 4.5 hectares of restoration is proposed to offset these limited impacts at a ratio of 5:1 area.

The EIS concludes that although the proposal involves the removal of a portion of the cultural woodland and development in the valleyland, the removal involves significant management of invasive species that are threatening the significant woodland and the development of a green parking lot that will help to maintain an open bat forging habitat, restore the woodland edge and support a minor recreational use. No negative impacts are anticipated provided the mitigative and restorative measures are implemented.

Figure 3.1: ELC Communities and Proposed Greenway Amendments



Source: GEI Consultants (February 2024)

### **3.3 Landscape Restoration and Enhancement Strategy**

A Landscape Restoration and Enhancement Strategy (“LRES”) was prepared by Schollen & Company (“Schollen”) in consultation with GEI Consultants (“GEI”) dated October 13, 2022, updated January 2024. The LRES was prepared with the goal of offsetting the potential environmental impacts of the proposed master plan (including tree removal) and enhancing the extent, diversity, and sustainability of the natural heritage system within the properties at 7015, 7200 and 7290 Leslie Street. The LRES satisfies the requirement for a Woodland Compensation Plan and provides conceptual direction related to the Woodland Management Plan which will be provided at Site Plan Approval.

The LRES was designed to achieve the following objectives:

- Increasing the area of native woodland within the German Mills Creek Valley corridor.
- Protecting and enhancing the existing German Mills Meadow and Natural Habitat (GMMNH) and creating new meadow habitat within Lot 3.
- Restoring areas that are prone to erosion along German Mills Creek.
- Enhancing connectivity by infilling voids in the forest communities and linking existing woodlands.
- Converting existing hard surfaces and maintained landscapes to naturalized landscapes that are targeted to become native woodlands.
- Removing/managing non-native/invasive plant communities with the intent of expanding/sustaining native vegetation.
- Enhancing vegetation protection zones adjacent to existing forest communities.
- Enhancing species diversity throughout the NSA Bahá'ís land holdings.

In addition to these broad objectives, the LRES will also compensate for the removal of trees in accordance with the City of Markham requirements.

The LRES identifies six (6) areas for landscape restoration and enhancement areas within the Subject Lands. The implementation of the LRES will result in:

- 4.5 ha of restored vegetation (woodland and meadow);
- 110 m of watercourse rehabilitation, including mitigation of erosion and enhanced stability;
- 0.82 ha of hard surface/impervious area removed from Valley corridor; and,
- 2.33 ha of conversion of cultural communities to native vegetation.

The implementation of the LRES will afford significant benefits to the NHS. The outcomes will include an increase in the extent and diversity of natural cover, improved habitat connectivity and enhanced long-term sustainability of both the existing woodlands and the new woodland areas that will be created as a product of the implementation of the LRES. The implementation of the LRES will achieve a substantial net gain in the size, quality and ecological function of the Greenway System.

### **3.4 Tree Inventory and Preservation Plan**

A Tree Inventory and Assessment Report (“Arborist Report”) has been prepared by Jeremy Dilks (ISA Certified Arborist) of Schollen & Company Inc. dated October 7, 2022 and updated by Anson Tam (ISA Certified Arborist) of Schollen & Company Inc., January 2024. The Arborist Report inventoried all trees with a DBH of 7cm or larger within or adjacent to the three study areas associated with the areas of development as identified in the Conceptual Master Plan for the Subject Lands. Trees surveyed were inventoried and assessed on an individual basis by species, size and condition. Trees between 20 & 40cm DBH proposed for removal will require the compensation planting of 2 trees. Trees proposed for removal that are greater than 40cm DBH will require financial compensation. Dead trees were assessed as a component of this inventory. The dead trees will not require compensation for removal.

A total of 1,135 trees were inventoried.

- 524 trees are to be retained.
- 152 trees will be removed due to conflicts with proposed development and grading and are 20 cm or greater DBH. These trees are considered permit eligible and will require compensation under Markham’s Tree Preservation Bylaw.
- 76 trees will be removed due to conflicts with proposed development and grading and are under 20cm DBH. These trees are not considered permit eligible and will require compensation under Markham’s Tree Preservation Bylaw.
- 27 trees were identified as invasive species over 20cm DBH and will require compensation under Markham’s Tree Preservation Bylaw.
- 195 trees were identified as invasive species under 20cm DBH and will not require compensation under Markham’s Tree Preservation Bylaw.
- 46 trees were dead or in poor condition and recommended for removal.
- 56 trees are to be retained with injury where proposed grading allows.
- 10 trees are dead but to remain, and
- 43 trees were removed from since the tree assessment began.

The City of Markham requires that trees that are proposed to be removed are compensated for in accordance with the City’s Tree Protection guidelines. The total number of trees required to be planted for compensation is 258 trees with a collective value of \$283,500.00. The LRES includes the compensation requirements for the removal of trees in accordance with the City of Markham requirements.

### **3.5 Functional Servicing and Stormwater Management Report**

A Functional Servicing and Stormwater Management Report (“FSR”) was prepared by SCS Consulting Group Ltd. dated October 25, 2022 and subsequently updated January 2024. The FSR demonstrates that the proposed development can be serviced by full municipal services (storm, water and sanitary) and establishes servicing, grading and stormwater management expectations for the future site plan application in accordance with the City of Markham, the Region, TRCA, the Ontario Building Code, and the Ministry of Environment, Conservation and Parks (MECP) design criteria.

#### **Servicing**

Sanitary servicing is proposed to connect to the existing 200 mm diameter PVC sanitary sewer on Waterloo Court via a new manhole at the intersection of Waterloo Court and Leslie Street. Water servicing will be provided from the existing 300 mm diameter watermain on Leslie Street.

#### **Stormwater Management**

The Subject Lands are located within the German Mills Creek Subwatershed of the Don River Watershed. Stormwater runoff from the Subject Lands drains easterly via overland flow into the German Mills Creek. The FSR reviews various stormwater management best practices to manage the runoff including increased topsoil depth, passive landscaping, and rainwater harvesting for at-source controls. Grassed swales and pervious pipe system were considered as conveyance system controls, and underground stormwater detention system and manufactured treatment device for end-of-pipe controls.

The FSR was updated to provide more details with regards to the proposed stormwater management design at the request of TRCA to provide confidence that the proposal, particularly the parking area could achieve levels for quality, erosion and water balance.

#### **Preliminary Grading**

A preliminary grading plan was included in the FSR which will be refined at the site plan application stage with more in-depth analysis to attempt to balance the cut and fill volumes and minimize slopes and retaining walls.

#### **Leslie Street Modifications for Safe Access**

The FSR addresses the need for an emergency access route to provide safe access given that the floodplain encompasses a portion of Leslie Street south of the Subject Lands during a Regional Storm event. This unsafe access condition currently exists for the existing residential dwellings along Waterloo Court and the Regional Pumping Station.

The FSR previously provided details with regards to the proposed emergency access route along the unopened ROW of Leslie Street to John Street to the north and atop the Regional Twin Forcemain Easement. As the Region’s infrastructure is within the erosion hazard and in accordance with the German Mills Creek Environmental Assessment

(TRCA2019b), it will be protected by the proposed realignment of a portion of the German Mills Creek it was found to be a reasonable and feasible proposal for an emergency access route outside flood and erosion hazards.

However, given the significant concerns expressed by the public, additional investigation into alternatives was completed such as a route further west through the golf course lands and elimination of the floodplain over Leslie Street by raising the road out of the hazard.

Although raising Leslie Street out of the floodplain is significantly more costly, it was concluded that it provided a larger community benefit as well as the opportunity to address the existing issues with safety and traffic intermingling along Leslie Street. The FSR includes a detailed analysis of the technical requirements to raise the road out of the flood hazard.

### **3.6 Urban Transportation Considerations Report**

BA Group prepared a report titled “Urban Transportation Considerations” (October 2022, updated February 2024) that fulfills the requirements of a Transportation Impact Study and includes a parking analysis and recommendations regarding transportation demand management.

#### **Traffic Impact**

The day-to-day activity of the Proposed Development will consist of administrative office functions with an estimated daily occupancy around 10-25 persons, like the usage today, as well as daily visitors to the Temple. In addition, the BNC hosts occasional events and programs throughout the year with variable occupancies with the largest being the 3-day National Convention of 200 delegates from across Canada.

The existing building generates approximately 20 two-way trips during the weekday morning peak hours and 15 two-way trips during the weekday evening peak hours.

BA Group undertook an analysis to derive a representative 85th percentile weekday peak hour trip generation estimated to represent a moderately conservative scenario where the BNC is operating under busy conditions associated with the various larger events during the year. The 85th percentile trip generation was modelled to generate 130 and 165 net new two-way vehicular trips during the weekday morning and afternoon peak hour, respectively.

BA concluded that the anticipated new traffic volumes can be appropriately accommodated at the signalized intersection at Steeles Avenue and Leslie Street; the intersection has sufficient capacity to accommodate the traffic and no modifications to the signal timing are required.

#### **Multi-modal Assessment**

The TIS concludes the Subject Lands are well serviced by public transit with TTC bus routes 51 and 53 within walkable proximity to the Subject Lands. The Proposed

Development is forecasted to generate negligible primary pedestrian and cycling trips and in the order of 50 transit-based pedestrian trips during the 85th percentile design hour. It was concluded that the existing transit services in the area can accommodate the anticipated transit trips generated by the Proposed Development.

### **Parking Study**

The TIS investigated the parking requirements for the Proposed Development based on the in-force Parking Standards By-law 28-97 and the new requirements in the Comprehensive Zoning By-law 2024-19. The TIS concludes that the parking requirements of both By-laws overstate the demand for parking and are not reflective of the unique nature in which the BNC and Temple will be used and visited and are not reflective of an appropriate transit-supportive and TDM based approach. Instead, the TIS completed a parking demand analysis based on “first principles” to estimate the combined parking demand/need for the Proposed Development.

Based on the typical demand the analysis concluded the Temple requires parking for 10 vehicles during the typical day-to-day weekday and 35 on a typical weekend. The estimated peak parking demand for the temple was modelled at 100 vehicles for a rare busy holiday.

Based on the typical demand the analysis concluded the BNC would require parking for approximately 25 vehicles during the typical day-to-day weekday and 0 on a typical weekend. The estimated peak parking demand for the BNC was modelled at 105 vehicles during the 3-day, once a year National Convention.

Furthermore, it concluded that the peak parking demand for each could be up to 100 spaces, the general peak events are unlikely to overlap or occur at the same time and thus both uses can share the available parking. The proposed parking supply of 110 spaces was deemed to be sufficient to meet the estimated parking demand. Furthermore, it noted that 100 additional spaces would be available at 7015 Leslie Street if there was ever a rare occasion where demand surpassed the supply.

The TIS concludes that the proposed parking rates in the proposed ZBA aligns closely with the City of Markham’s policy direction, which seeks to shift travel behaviour from auto-oriented transportation to more environmentally sustainable travel choices.

### **Transportation Demand Management**

BA includes a Transportation Demand Management Plan in their study to guide the provision of viable alternative transportation options beyond single-occupant automobile. The recommended TDM measures include:

1. Pedestrian and Cycling Connections
2. Bicycle Parking
3. Bike-Share Program
4. Electric Vehicle Charging Stations
5. Priority Carpool Parking Spaces
6. Travel Mode Information Packages

7. Communication Strategy
8. Partnering with SmartCommute

### **3.7 Geotechnical Investigation and Slope Stability Assessments**

Terraprobe Inc. completed a Geotechnical Investigation and Slope Stability Assessment (October 25, 2022, updated February 2024) to determine the prevailing subsurface soil and groundwater conditions, and provides recommendations for the building and design parameters.

The analysis also assessed slope stability and streambank erosion risks. Cross sections were derived from the topographic information and included along and across the proposed emergency access route. The analysis concluded that the existing slope is stable in the long-term with respect to potential slope slides, and stability and erosion setbacks are not required. Terraprobe concluded that the existing slope crest as staked by TRCA on June 17, 2022, can be taken as the Long-term Stable Slope Crest (LTSSC). Furthermore, Terraprobe concluded there was no evidence of toe erosion, and the Subject Lands are not subject to erosion risk. The report confirms that a toe of erosion setback is not required. Similarly, the emergency access route was deemed to be along stable slopes and because it was about 40 metres or more from the creek, creek bank erosion is not expected to affect it.

### **3.8 Phase One and Two Environmental Site Assessments**

A Phase One Environmental Site Assessment (“Phase 1 ESA”) was prepared by Terraprobe Inc. to preliminary assess the environmental conditions of the Subject Lands and determine if a Phase 2 ESA is required. Along the northwestern portion of the Study Area, PCAs, such as waste disposal and waste management, gasoline and associated products storage in fixed tanks, as well as waste generator activities were identified to have previously occurred. On the western portion, pesticides, manufacturing, processing and bulk storage operations were found to have previously occurred. Along the southern portion, gasoline and associated products in storage in fixed tanks were identified as PCAs. Importation of fill material of unknown quantity to the eastern, southern and northwestern portions of the Study Area was also identified. The presence of PCAs within the Subject Property may result in an adverse impact to the environmental condition of the property and a Phase 2 ESA is required to further investigate the APECs.

The Phase Two Environmental Site Assessment (“Phase 2 ESA”) was prepared by Terraprobe Inc. A total of twenty-six (26) boreholes were installed on the Subject Lands to a depth of 2.0 to 17.2 meters below ground surface (mbgs). Applicable site condition standards were met for all soils except for Mercury being present in the soils. Applicable site condition standards were met for ground water. The soil impacts identified are considered to be localized to fill material in the northwestern portion of the Property. Additional investigation is required to delineate the extent of the soil impact. Removal of the impacted soil and confirmatory soil sampling would be needed to meet the applicable MECP Table 2 RPI CT Standards prior to the submission of a Record of Site Condition (RSC), if required.

# 4.0

## Policy Review

The Subject Lands are governed by planning policies at the Provincial, Regional and Local level, to which the following section reviews in the context of policies relevant to the Proposed Development.

### 4.1 Provincial Policy Statement

The Provincial Policy Statement 2020 (PPS), issued under Section 3 of the Planning Act, came into effect May 1, 2020. The PPS outlines policy for Ontario's long-term prosperity, economic health, and social well-being. These directives mandate the efficient use of land and development patterns that support strong, sustainable, and resilient communities that protect the environment, public health and safety, and facilitate economic growth. One of the key considerations of the PPS is that planning decisions "shall be consistent with" the Policy Statement. The PPS contains three main sections, including 1) Building Strong Healthy Communities, 2) Wise Use and Management of Resources, and 3) Protecting Public Health and Safety.

#### Building Strong Healthy Communities

Section 1 of the PPS is focused on managing change wisely and promoting efficient land use and resilient development patterns that support sustainability, protect the environment and public health, and facilitate economic growth. The PPS (section 1.1) states that healthy, livable, and safe communities are sustained by integrating land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns and avoid development and land use patterns which may cause environmental or public health and safety concerns.

The Subject Lands are located within a Settlement Area, which are areas intended to be the focus of growth and development (Policy 1.1.3.1). The Proposed Development supports the Settlement Area policies that focus on the wise use of land and resources, promote efficient development patterns, protect resources, promote green spaces, and ensure effective use of infrastructure and public service facilities to minimize unnecessary public expenditures (Policy 1.1.3.2).

Policy 1.2 promotes a coordinated, integrated, and comprehensive approach to planning matters that consider all aspects of planning such as growth integrated with infrastructure planning; economic strategies; management of natural resources; infrastructure, multimodal transportation, public service facilities and waste

management; natural and human-made hazards; and ecosystems. As illustrated in this report, a comprehensive approach has been undertaken in support of the Proposed Development that considers the coordination and integration of the natural environment, natural hazards, economics, public services, infrastructure, transportation, and growth.

Policy 1.5 requires infrastructure to be provided in an efficient manner that prepares for the impacts of climate change while accommodating projected needs. Green infrastructure is to be promoted and stormwater management is to be integrated with the planning of sewage and water services. The Proposed Development will use existing infrastructure resources and where possible, employ green infrastructure technologies.

Policy 1.7 promotes long-term economic prosperity supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, promoting sustainable tourism development; and promoting energy conservation and minimizing the impacts of climate change. The proposed BNC and Temple has been conceptually designed with great care and creativity that will support the sense of place for the area and local tourism. The NSA Bahá'í is committed to constructing buildings based on the latest sustainable and green building technologies.

### **Wise Use and Management of Resources**

The natural heritage policies of the PPS (Section 2.1) require the protection of natural features and areas for the long term. The PPS restricts development and site alteration in significant wetlands, significant coastal wetlands, significant woodlands, significant valleyland, significant wildlife habitat, and significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The EIS by GEI identified what natural features and functions are present on the Subject Lands and what level of protection is required to sustain them. Consistent with the PPS, the EIS concluded that no negative impacts are expected to result from the Proposed Development, subject to the implementation of recommended plan and mitigation measures.

### **Protecting Public Health and Safety**

Section 3 of the PPS is concerned with reducing the potential risk of natural or human-made hazards. Development is not permitted in areas subject to natural hazards such as flooding, erosion and unstable soils or bedrock or human made hazards such as mining operations, oil, gas and salt hazards, resource extraction, and contaminated land or water. The Proposed Development has considered all hazards and hazardous lands and does not propose development within areas that may be affected by hazards.

Policy 3.1.2 of the PPS states that “*development and site alternation shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding and erosion hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard*”.

The Subject Lands as well as the residential dwellings along Waterloo Court and the York Region Pumping Station are all currently accessed by Leslie Street north of Steeles Avenue East. In a flood event (Regional Storm), a portion of Leslie Street is within the flood zone. The original submission included a proposal to provide safe access via the unassumed extent of Leslie Street north to John Street. This route is currently used as an informal trail, major Regional sewer infrastructure follows this route as does over head hydro lines. Minor upgrades were proposed to this route to accommodate emergency access during a rare storm event; however, the public expressed concern over impacts this might have on the German Mills Settlers Park and Natural Habitat. Although this route is not located within the flood plain and would be protected from erosion hazard given the regional infrastructure underground, the TRCA expressed concern that this route might be located within an erosion hazard from the German Mills Creek.

As an alternative option, raising the portion of Leslie Street just north of Steeles Avenue that is within the flood plain out of the flood limit has been proposed and identified as the preferred means to which safe access should be provided to the Subject Lands and other uses at the north end of Leslie Street.

Therefore, it is concluded that the Proposed Development is consistent with the PPS.

## **4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”) provides policy guidance to managing growth and development in the Greater Golden Horseshoe which includes the City of Markham. The Growth Plan guides decisions on a range of issues including land use planning, urban form, protection of natural heritage, and efficient use of infrastructure. Development must conform with the policies of the Growth Plan.

Section 2 deals with particulars relating to where and how to grow, whereas Section 3 provides policies regarding the construction of infrastructure to support growth. Section 4 focuses on protecting what is valuable such as water resources, natural heritage, public open space, agricultural systems, cultural heritage resources and conservation.

Like the PPS, the Proposed Development is within the Settlement Area and will support the achievement of growth targets and the establishment of complete communities in accordance with Policy 2.2.

In accordance with the policies of Section 3.2, infrastructure requirements have been integrated with the planning and design of the site, active transportation and transportation demand measures have been prioritized.

In accordance with Section 4.2, the EIS by GEI identifies what natural features and functions are present on the Subject Lands and what level of protection is required to sustain them and ensure no negative impacts because of the Proposed Development.

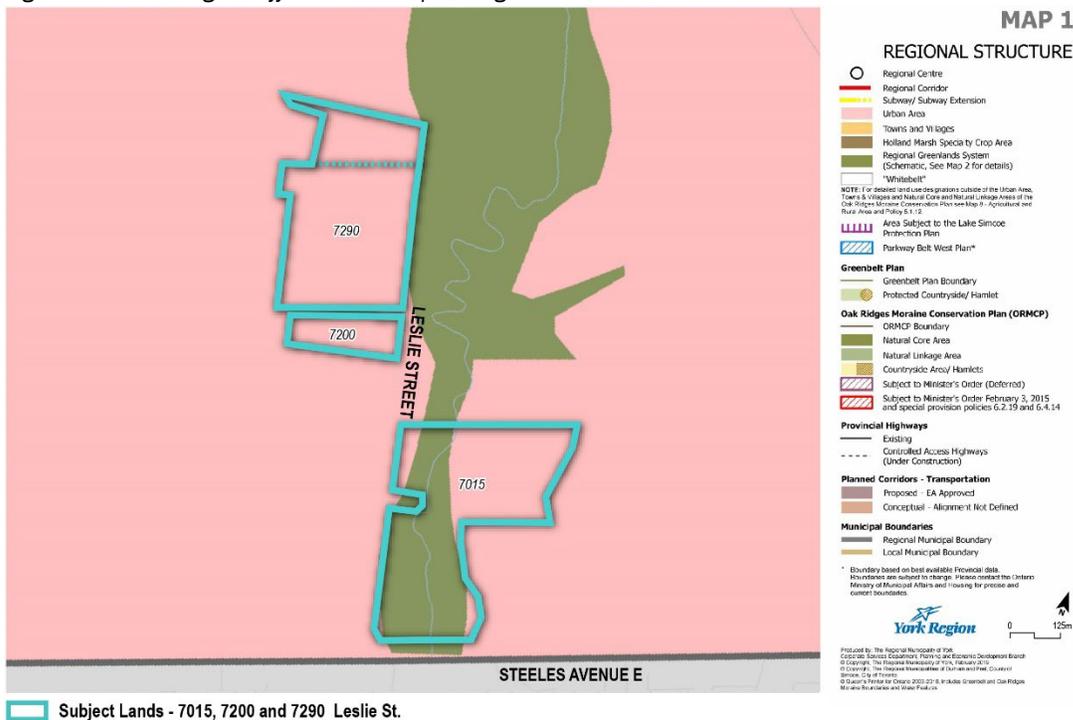
Therefore, it is concluded that the Proposed Development conforms to the policies of the Growth Plan.

### 4.3 York Region Official Plan, 2010

The York Region Official Plan, 2010 (“YROP”) was adopted by Regional Council in 2009, approved by the Minister of Municipal Affairs and Housing on September 7, 2010, and most recently consolidated in January 2019. The YROP provides the requisite framework for guiding economic, environmental and community building decisions to manage growth within York Region. Development within the Region must conform with the policies of the YROP.

Map 1: Regional Structure of the YROP designates the Subject Lands (7200 and 7290 Leslie Street) as ‘Urban Area’, whereas a portion of 7015 Leslie Street is designated ‘Regional Greenlands System’. Furthermore, Map 5: Woodlands of the YROP identifies the presence of “Woodlands” within the Subject Lands.

Figure 4.1: York Region Official Plan Map 1: Regional Structure



Source: York Region Official Plan, 2010

**Chapter 2: Sustainable Natural Environment** provides policies regarding the protection and enhancement of the natural environment. Policy 2.1.4 directs local official plans to include policies and mapping to establish and protect the greenland system from development and site alteration. Furthermore, Policy 2.1.5 states that in the Urban Areas, the Regional Greenlands System shall be more specifically identified in local official plans. Policy 2.1.9 prohibits development and site alteration within the Regional Greenlands System and requires development or site alteration applications

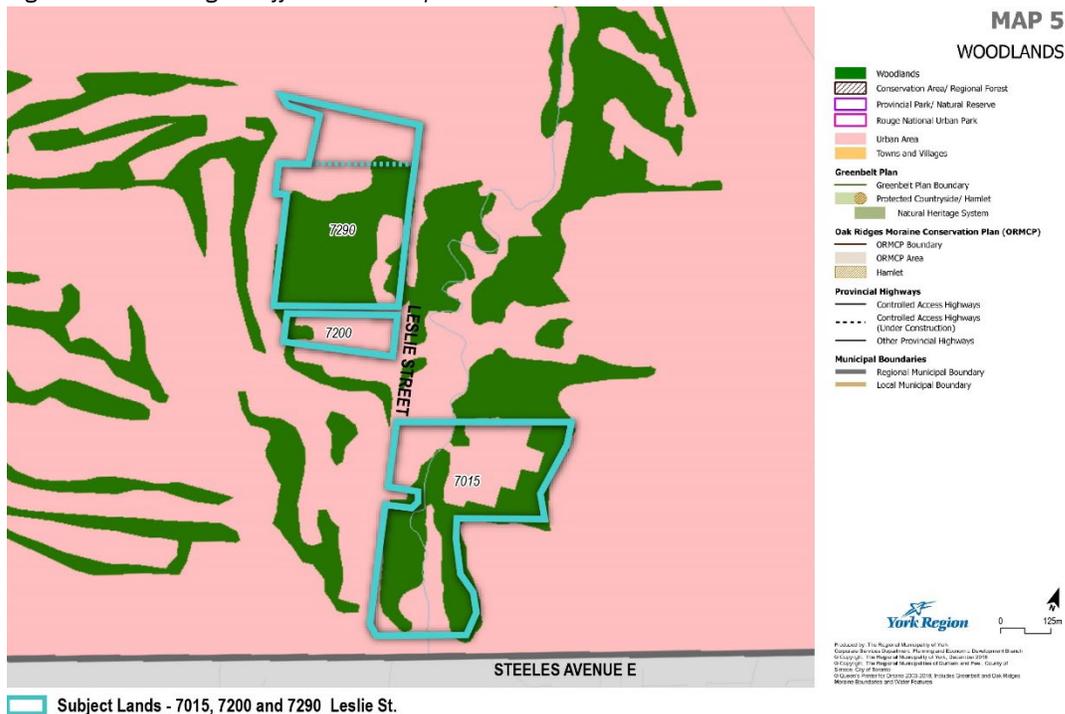
within 120 metres of the Regional Greenlands System to provide an Environmental Impact Study to which the EIS by GEI meets this requirement.

Policy 2.1.10 states that notwithstanding Policy 2.1.9, uses may be permitted within the Regional Greenlands System subject to meeting the requirements of the applicable Provincial Plans. These uses include stormwater management and passive recreational uses such as trails and gardens. This is further reiterated in Policy 2.2.6 which permits passive recreational uses, such as trails, in key natural heritage features or key hydrologic features and their associated vegetation protection zones subject to the policies of 2.2.4.

Policy 2.2.4 prohibits development and site alteration within key natural heritage features, key hydrologic features, and adjacent lands unless it is demonstrated through an EIS that development will not result in a negative impact on the natural feature or its functions. The EIS by GEI has demonstrated that no negative impacts are expected as a result of the Proposed Development and that the implementation of the LSER will result in a net benefit to the system.

Policy 2.2.30 prohibits development and site alternation within significant habitat of endangered or threatened species. The EIS by GEI has confirmed that the CUW1 community, where the development of the Temple is proposed, is not significant habitat of endangered or threatened species.

Figure 4.2: York Region Official Plan Map 5: Woodlands



Source: York Region Official Plan, 2010

Policy 2.2.43 states it is a policy of Council to increase the woodland cover in the Region. The implementation of the proposed LSER will increase the woodland cover in the Region.

Policy 2.2.44 states that “...development and site alteration is prohibited within significant woodlands and their associated vegetation protection zone except as provided for elsewhere within this Plan.” Policy 2.2.45 requires that significant woodlands be verified on a site-by-site basis based on the set criteria. The EIS by GEI confirms the location of significant woodlands on the site that meet the specified criteria.

Furthermore, Policy 2.2.46 states that the woodlands identified on Map 5 are based on best available information and data and the determination of woodland significance will rely on site-specific studies.

Notwithstanding Policy 2.2.45, Policy 2.2.48 states that “within the Urban Area or within the existing settlement areas as defined in the Lake Simcoe Protection Plan, and outside of the Oak Ridges Moraine Conservation Plan and Greenbelt Plan areas, a woodland, **or portions thereof**, which would be defined as significant woodland in accordance with policy 2.2.45 of this Plan, is not considered significant if all of the following are met:

- a) the woodland is located outside of the Regional Greenlands System as shown on Map 2 of this Plan;
- b) the woodland is located in an area strategic to the achievement of the community objectives of Section 5.2 and 5.6 of this Plan or is identified within an intensification area detailed in a local municipal intensification strategy, and is evaluated through an official plan amendment process, or other appropriate study;
- c) the woodland does not meet the criteria in policy 2.2.45.a of this Plan; and,
- d) the woodland is cultural and regenerating to the satisfaction of York Region and the conservation authority.

In accordance with Policy 2.2.48, the cultural woodland community (CUW1) within the Subject Lands could be considered NOT significant because it is:

- a) located outside of the Regional Greenlands System as shown on Map 2 of the YROP;
- b) located within an area strategic to the achievement of community objectives;
- c) less than 0.5 hectares in size and does not directly support globally or provincially rare plants, animals or communities as assigned by the Natural Heritage Information Centre, does not directly support threatened or endangered species, with the exception of specimens deemed not requiring protection by the Province (e.g. as is sometimes the case with Butternut); and,
- d) meets the definition of a cultural and regenerating woodland in accordance with York Region’s definition.

Furthermore, policy 2.2.49 states that “should policy 2.2.48 apply, development and site alteration may be permitted **within all or part of the woodland** if the development or site alteration does not affect the ability of the retained portion of the woodland to remain significant in accordance with the criteria in policy 2.2.45 of this Plan. A woodland

*compensation plan shall be required for removed woodland deemed not significant, that would otherwise have been significant in accordance with policy 2.2.45 of this Plan. The woodland compensation plan shall be prepared to the satisfaction of York Region in consultation with the conservation authority and the local municipality and shall demonstrate a net gain in woodland area”.*

This policy states that if a “portion thereof” a woodland is considered not significant in accordance with 2.2.48, development and site alteration may be permitted if it does not affect the ability of the retained portion of the woodland to remain significant in accordance with 2.2.45 and a woodland compensation plan is prepared for the removed woodland deemed not significant. The EIS by GEI confirms that Policy 2.2.48 of the YROP applies and therefore, the CUW1 community proposed to house the Temple is considered not significant and development is permitted subject to the implementation of a compensation plan. The LRES by Schollen & Company illustrates a compensation strategy that will result in a net positive benefit to the greenlands system.

Policy 2.3.22 directs development and site alteration away from hazardous lands and hazardous sites. Natural hazards include floodplains, erosion, unstable soils and slope failures. The Proposed Development is not located within the floodplain for the German Mills Creek. The Geotechnical Assessment and Slope Stability Analysis by Terraprobe confirmed the soils and slopes are stable and there are no erosion risks on the Subject Lands or along the proposed Emergency Access Route.

**Chapter 3: Healthy Communities** provides policies to improve the health and well-being of residents and workers in the Region by planning and developing sustainable active communities. It includes policies that promote high-quality design, walkable places, active transportation, and resilient and sustainable design measures. Furthermore, it encourages cultural facilities and the conservation of cultural heritage. The Proposed Development is consistent with the policy directions of Chapter 3.

**Chapter 4: Economic Vitality** is focused on policies to create a competitive and flexible economic environment that encourages investments and a diversity of employment opportunities. Policy 4.1.1 supports the investment in infrastructure to support job creation, strengthen the Regional economy and ensure an equal integration between economic vitality, the natural environment and healthy communities. Furthermore, Policy 4.1.3 promotes the creation of vibrant and healthy communities to attract and retain youth, a highly skilled labour force and quality employers. The new BNC and Temple will add to the competitive employment environmental and regional tourism for the area consistent with the policies of this Chapter.

**Chapter 5: An Urbanizing Region** provides policies with the goal of enhancing the Region’s urban structure through city building, intensification, and compact and complete communities. The intent of the ‘Urban Area’ designation is to strategically focus a mix of development and services to these areas to conserve resources and to create sustainable and complete communities. The “Regional Greenlands System” is to identify, protect, and enhance natural heritage features linked throughout York Region.

The YROP aims to enhance the Region's structure through city building, intensification, and compact and complete communities. Complete communities are directed to include a variety of services to create healthy, liveable places. The Proposed Development implements the policies of Chapter 5 by redeveloping a property in the urban area and providing a valuable institutional / place of worship (service and cultural use) that will contribute to Region's complete community goals.

**Chapter 6** is focused on Agricultural and Rural Areas and does not apply to the Subject Lands. **Chapter 7** is focused on the coordination and provision of services including transportation systems, water and wastewater systems, waste management and energy. The Proposed Development can be serviced within the existing municipal infrastructure and transportation system in accordance with the FSR and TIS and generally conforms to the policy directions in Chapter 7. The final chapter provides policies with regards to implementation (Chapter 8).

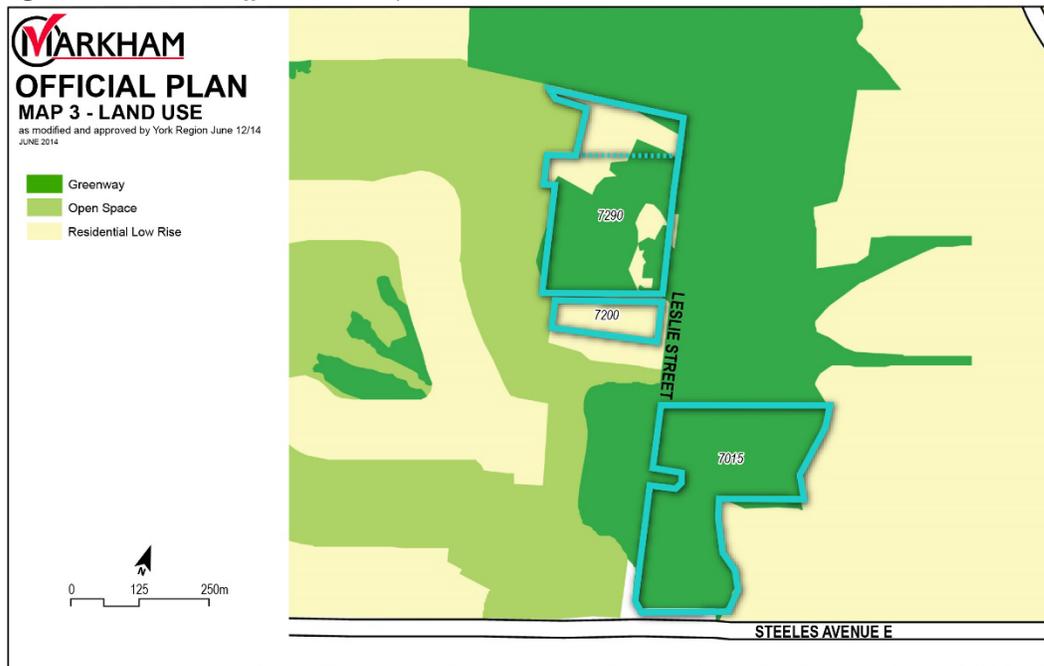
Therefore, it is concluded that the Proposed Development is consistent with the YROP.

#### **4.4 City of Markham Official Plan, 2014**

The City of Markham Official Plan ("MOP") was adopted by Council on December 10, 2013 and approved by the Region on June 12, 2014. Subsequently, the MOP was appealed to the Ontario Municipal Board, with the latest Partial Approval Order made on April 9, 2018. All development within Markham is to conform to those policies of the MOP that been approved by the Ontario Municipal Board and/or Local Planning Appeal Tribunal. Where a decision remains outstanding on an appeal, the Markham Official Plan Revised 1987 remains in force.

The Subject Lands are identified as "Greenway System" and "Neighbourhood Area" on Map 1 – Markham Structure and designated "Greenway" and "Residential Low Rise" on Map 3 of the MOP (See **Figure 4.3**). The Subject Lands are within the "Intensification Areas" illustrated on Map 2 – Centres and Corridors and Transit Network. Steeles Avenue and Don Mills Road are identified as Regional Rapid Transit Corridors and Bayview Avenue is identified as Regional Transit Priority on Map 2. Maps 4, 5 and 6 identified the presence of natural heritage features, specifically woodlands on the Subject Lands. The Subject Lands are also identified on Map 15 – Area and Site-Specific Policies as within the Thornhill District Area – Area 9.18.

Figure 4.3: Markham Official Plan Map 3: Land Use



Subject Lands - 7015, 7200 and 7290 Leslie St.

Source: City of Markham Official Plan, 2014

### Residential Low-Rise

All of 7200 Leslie Street (Lot 1) and a part of 7290 Leslie Street (Lot 2/3) are designated 'Residential Low-Rise'. The 'Residential Low-Rise' designation applies to the existing residential neighbourhoods in the City and is categorized by lower-scale buildings such as detached, semi-detached, duplexes, and townhouse dwelling types that will experience minimal physical changes in the future (Section 8.2.3).

Places of Worship is a permitted use in all designations (Policy 8.1.3) including residential designations subject to the policies of Section 8.13.7 (Policy 8.2.1.2). These permissions are supported by Section 8.2.3.3.c) which lists Places of Worship as a building type permitted within the 'Residential Low-Rise' designation. The 'Residential Low Rise' designation provides for a maximum building height of 3 storeys (Section 8.2.3.4). The Residential Low Rise designation is intended to accommodate lower-scale buildings such as detached and semi-detached dwellings, duplexes, and townhomes, and aims to ensure infill development respects and reflects the existing pattern and character of adjacent development by adhering to policies set out in section 8.2.3.5.

### Greenway Designation

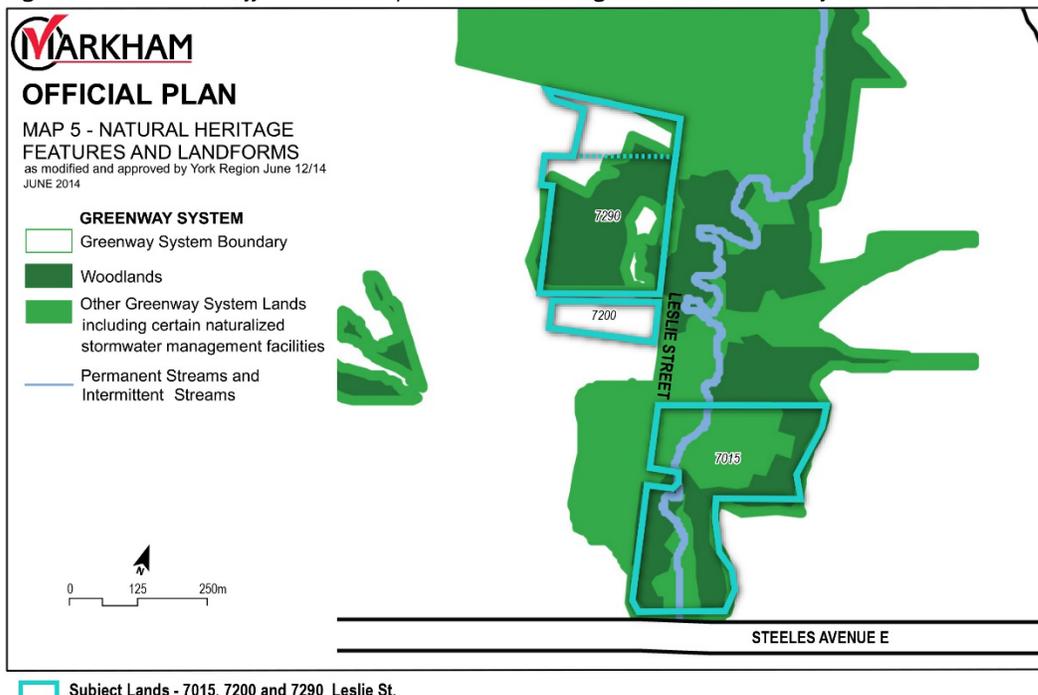
The 'Greenway' designation applies to a portion of 7290 Leslie Street (Lot 2) and all of 7015 Leslie Street. Map 5 - Natural Heritage Features and Landforms further identifies the presence of a 'Woodlands' and 'Other Greenway System Lands' (See **Figure 4.4**). The Greenway System designation is intended to protect natural heritage and hydrologic

features, such as valleylands, stream corridors, sensitive groundwater features, woodlands, wetlands, and agricultural lands. The Natural Heritage Network includes natural heritage and hydrologic features; vegetation protection zones (VPZs); and hazardous lands and sites.

Policy 3.1.1.3 states that “the boundaries of the Greenway System and Natural Heritage Network, including the delineation of natural heritage and hydrologic features ...are to be confirmed and may be refined or modified as follows:

- a) confirmation of the boundaries will be undertaken in the field, in consultation with appropriate agencies, and any corresponding changes to the mapping shall be undertaken without amendment to this Plan;
- b) refinements to the boundaries may be considered as part of an application pursuant to the Planning Act, without an amendment to this Plan, where supported by a subwatershed study, master environmental servicing plan, environmental impact study or equivalent study; and
- c) modifications to the boundaries, other than refinements, including the delineation of the boundaries of the Natural Heritage Network Enhancement Lands in accordance with Section 3.1.3.2, may be considered through an amendment to this Plan, where supported by a subwatershed study, master environmental servicing plan, environmental impact study or equivalent study.”

Figure 4.4: Markham Official Plan Map 5: Natural Heritage Features and Landforms



Source: City of Markham Official Plan, 2014

Policy 3.1.1.4 states where compensation for the removal of natural heritage and hydrologic features is determined to be appropriate, Council shall work with the

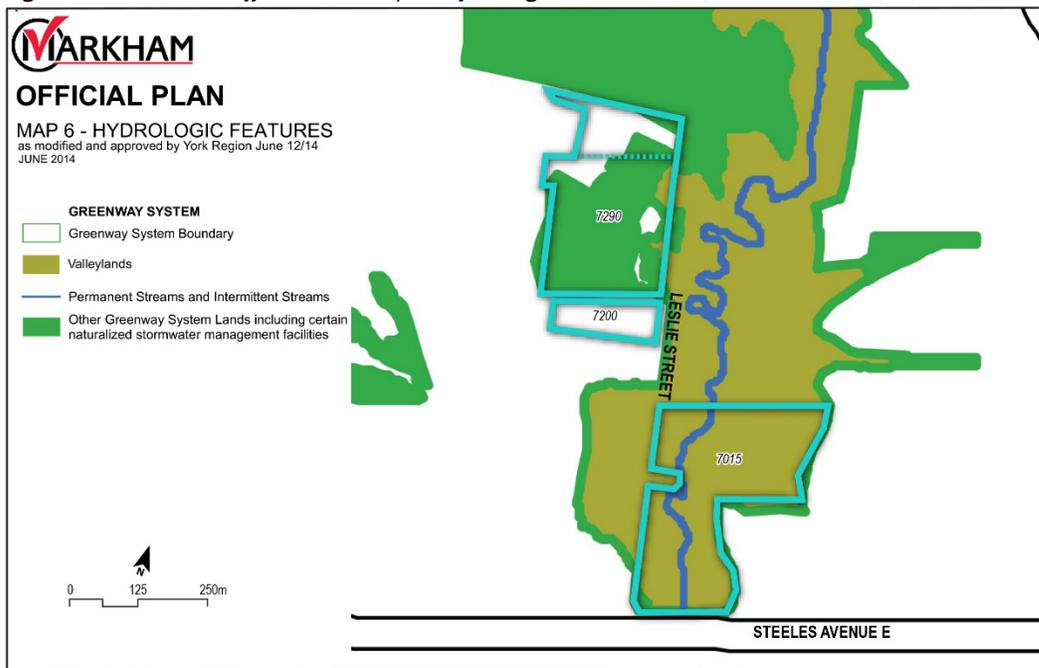
Province, York Region, and TRCA to seek compensation and encourage all compensation be in Markham in accordance with Section 3.2.1 c).

Policy 3.1.2.12 states that key natural heritage features and key hydrologic features shall be precisely delineated on a site-by-site basis using procedures established by the Region, TRCA and the Province, where applicable, and through the approval of Planning Act applications as supported by the appropriate study. The refined boundaries of features may be identified without an amendment to this Plan with the approval of Council. Key natural heritage features are defined in the MOP to include 'Significant Woodlands'. Significant woodlands are defined in accordance with the YROP definition.

Furthermore, Policy 3.1.2.17 states that *“development, redevelopment or site alternation may be considered in woodlands, that are not significant woodlands, where all the requirement listed below have been addressed through an environmental impact study as described in Section 3.5 to the satisfaction of the City in consultation with agencies as appropriate:*

- a) *habitat of endangered or threatened species has been addressed in accordance with provincial and federal requirements;*
- b) *they have minimal function and are not functionally connected to other natural heritage and hydrologic features in the Greenway System;*
- c) *they are difficult to restore and/or manage in an urban setting; and*
- d) *they have been in existence for generally less than 25 years.”*

Figure 4.5: Markham Official Plan Map 6: Hydrologic Features



Source: City of Markham Official Plan, 2014

Policies 3.1.2.13-15 contain polices regarding valleylands. Only 7015 Leslie Street is identified within the extent of the valleylands shown on Map 6 – Hydrologic Features.

Policy 3.1.2.22 requires minimum vegetation protection zones adjacent to natural heritage and hydrologic features. VPZs are proposed in accordance with the policies of the MOP and addressed in the EIS by GEI.

The EIS by GEI provides details with regards to the natural features and functions within the Subject Lands and concludes that subject to the implementation of the LRES, the Proposed Development will result in a positive benefit to the natural heritage network and is consistent with policy directions in the MOP.

### **Place of Worship**

Place of Worships are addressed under Section 8.13 Specific Use Policies. Policy 8.13.7 requires that when considering applications for amendments to the zoning by-law to permit a new or an addition to a place of worship, Council shall be satisfied that the following requirements are fulfilled:

- (a) The Site meets the size and location criteria for appropriate land use designation as provided in the table;
- (b) A Transportation Impact Assessment and other requirements shall be submitted to demonstrate the place of worship will not result in significant impacts;
- (c) Provisions for adequate and appropriate access for vehicles, accessibility for pedestrians, and existing or future availability of public transit within a short walking distance; and
- (d) The design and layout will provide for a building form and scale that is compatible with or enhances the character of surroundings uses; provides for appropriate on-site open spaces and landscaping that enhance the place of worship and surrounding uses; provide for appropriate buffering in the form of visual screening planting, and / or fencing from adjacent residential uses, where required; manage and mitigate the potential impacts of noise, light, traffic and parking on the surrounding community; and provide sufficient on-site parking; provide a plan for off-site parking for special events, where require; and any other requirements as approved by Council.

In regard to reviewing this policy, it is important to reiterate that the Place of Worship use is an existing permitted use under Zoning By-law 1767 and although a zoning amendment is being sought, that zoning amendment does not seek to add or expand the existing place of worship use. No zoning amendment is necessary to use (or continue to use) 7200 or 7290 Leslie Street for a place of worship (or church or religious institution as permitted in By-law 1767). Furthermore, there are no zoning provisions that would limit the overall size of the place of worship. Accordingly, this policy is not directly applicable to the application under review.

Nonetheless, it provides some guidance regarding the appropriate size and location of places of worship within the City of Markham. However, this criterion should be reviewed in the context of the intent. The locational criteria to locate at the intersection of an arterial or collector road is intended is to limit vehicular conflicts with adjacent residential uses and ensure sufficient road and intersection capacity to support a traditional place of worship use that has peak usage hours once or twice a week during

weekly mass or sermons. Again, this is in consideration of a new permission or expanded permission (to which this application does not seek). Although Leslie Street is categorized as a local road, it does not function as or have the typical characteristics of a local road in residential areas. Furthermore, it is directly connected to Steeles Avenue and there are no existing residential uses along Leslie Street. There are 7 existing residential uses along Waterloo Court which is connected to Leslie Street. However, the proposed development does not take access from Waterloo Court, only directly to Leslie Street. In accordance with Policy 8.13.1 b) the Transportation Report by BA Group has demonstrated that the development proposal will not result in significant impacts on the adjacent road network. Furthermore, in accordance with provisions outlined in c) provides adequate and appropriate access vehicles, pedestrians, cyclists, and transit uses. Lastly the proposed design and site layout is compatible with and will enhance the character of the surrounding area; provides appropriate open space and landscaping; provides an appropriate buffer and visual screen to adjacent residential uses; can mitigate and manage noise, light, traffic, and parking on the surrounding community; and will provide sufficient parking as well as has a plan for overflow parking during special events.

The Proposed Development therefore satisfies all the above-noted requirements. Given the above review, it is concluded that the proposed OPA and ZBA conform to the policies of the MOP.

## **4.5 City of Markham Zoning By-law**

### **Zoning By-law 1767**

7200 and 7290 Leslie Street (except for the north end) are zoned “Residential (Single Family Detached Dwelling) Third Density Special Residential (SR3)” under Zoning By-law 1767, as amended. Permitted uses include “churches and religious institutions” subject to yard and parking requirements. The parking requirements have since been amended by the City of Markham Parking Standards By-law 28-97.

The remaining requirements related to churches and religious institutions include:

- The combined width of the side yards shall not be less than 15% of the width of the lot, but such side yards need not exceed the height of the building.
- That the front and rear yards be a minimum of 25 feet.

Furthermore, the following SR3 regulations would apply to the Subject Lands:

- Minimum lot area: 15,000 square feet (1.4 ha)
- Minimum lot frontage: 100 feet (30.5 metres)
- Maximum lot coverage: 25%
- Maximum height of building: 25 feet (7.6 metres)

### **Zoning By-law 2612 and 304-87**

Lot 3 of 7290 Leslie Street is zoned under By-law 304-87, as amended as “Rural Residential 1 (RR1)” with a small portion in the northwest corner zoned open space. 7015 Leslie Street (Lot 4) is zoned Open Space (O1) and Open Space (Holding) (HO1) under Zoning By-law 2612, as amended and Open Space One (O1) under Zoning By-law 304-87, as amended. The O1 zone permits the following uses: Golf Course, Public or Private Park, and Athletic Field.

### **Parking Standards By-law 28-97**

The parking requirements for Place of Worship are prescribed in the City of Markham Parking Standards By-law 28-97, as amended. The number of parking spaces required for place of worship and other uses on the same lot as a place of worship are to be calculated by adding together the requirements of a) plus b) below:

- a) Parking for place of worship, including any accessory use area except residential uses, shall be the greater of:
  - 1 space per 4 persons of worship area capacity; or
  - 1 space per 9 square metres of net floor area of the worship area(s) and any accessory use areas, excluding any residential uses.
- b) Parking for all other uses shall be provided in accordance with the provisions of parking standards in Table A and Table B of By-law 28-97

Where a portion of a Building is shared/used by two or more uses, the greatest number of parking spaces required by a) or b) for that area shall be used to calculate the total number of required parking spaces for the lot. Section 4.0 (Shared Parking) and 8.3 of Bylaw 28-97 shall not apply.

### **Comprehensive Zoning By-law 2024-19**

Council approved Comprehensive Zoning By-law 2024-19 on January 31, 2024. The new Comprehensive ZBL consolidates the 42 different Zoning By-laws that currently govern the City of Markham in one comprehensive By-law that conforms to the MOP. The Comprehensive ZBL proposes new zone categories including ‘Community Facilities - Place of Worship’ and ‘Open Space – Greenway’. In addition, it consolidates definitions and implementation requirements and provides general provisions, new parking and loading requirements, and zone-specific development requirements.

The Comprehensive ZBL includes a new Place of Worship zone with the following standards:

- Minimum Lot Frontage: 19.2 metres
- Minimum Lot Area: 2.5 ha
- Minimum Front Yard: 3 metres
- Minimum Rear Yard: 7.5 metres or 15 metres if yard abuts a Residential or Mixed Use Zone Boundary

- Minimum Exterior Side Yard: 2.4 Metres
- Minimum Interior Side Yard: 3.0 Metres or 15 metres if yard abuts a Residential or Mixed Use Zone Boundary
- Minimum Landscaped Open Space: 25%
- Minimum Width of Landscaped Open Space: 6.0 metres adjacent to front and exterior lots lines; 3.0 metres adjacent to interior or rear lot lines
- Maximum Height: 20 metres

The original application proposed a ZBA for the Subject Lands that would bring it into the CZBL. However, since the CZBL is currently subject to appeal, a revised ZBA is proposed that would amend By-law 177-96 by expanding it to include the Subject Lands.

### **Zoning By-law 177-96**

Zoning By-law 177-96 came into force in 1996 and governs many of the new communities such as Cornel, Berczy, Angus Glen, Box Grove, and Cathedral Town.

The ZBA applications proposes to incorporate the Subject Lands into Zoning By-law 177-96 and rezone to the following zones:

- Greenway (G)
- Open Space Two (OS2)
- Residential One (R1)

The “Greenway” zone is intended to apply to lands within the Natural Heritage Network shown on Map 4 of the Official Plan. Only Public Parks including facilities for controlling flooding and erosion, playgrounds, walkways, pedestrian bridges, boardwalks, docks, bike paths, and related accessory buildings and structures are permitted in the Greenway zone. The Open Space Two zone permits:

- Art Galleries
- Day Nurseries
- Libraries
- Museums
- Community Centres
- Public Parks
- Public Schools

Residential One is the zone within Zoning By-law 177-96 closest to the Subject Land's existing residential zoning and permits: a single detached dwelling plus home occupations and home child care. Current use standards for the R1 zone are listed in Table B1 as provided in Figure 4.6 below.

Figure 4.6: Table B1 – Residential One (R1) Zone from Zoning By-law 177-96, as amended

ZONE PROVISIONS		Single Detached Dwellings(5)
A	Minimum <i>lot frontage</i>	(1)
B	Minimum <i>lot area</i>	Is the product of the minimum <i>lot frontage</i> multiplied by 30
C	Minimum required <i>front yard</i>	
	• on a <i>lot</i> accessed by a <i>lane</i>	3.0 m
	• on a <i>lot</i> not accessed by a <i>lane</i>	4.5 m (2)
D	Maximum <i>garage</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	50% of <i>lot frontage</i>
E	Minimum required <i>exterior side yard</i>	2.4 m (2)
F	Minimum required <i>interior side yard</i>	
	• on a <i>lot</i> with a <i>lot frontage</i> of less than 12.0 metres	1.2 m and 0.3 m (3)(4)
	• on a <i>lot</i> with a <i>lot frontage</i> of 12.0 metres or greater	1.2 m and 0.6 m (3)(4)
G	Minimum required <i>rear yard</i>	
	• on a <i>lot</i> accessed by a <i>lane</i>	14.8 m
	• on a <i>lot</i> not accessed by a <i>lane</i>	7.5 m
H	Maximum <i>height</i>	11.0 m

SPECIAL PROVISIONS FOR THE R1 ZONE	
1	The minimum <i>lot frontage</i> required in the R1 Zone is denoted by a number in metres following the letter 'F' on the schedules to the By-law.
2	The wall of an attached <i>private garage</i> that contains the opening for <i>motor vehicle</i> access shall be set back a minimum of 5.8 metres from the <i>lot line</i> that the <i>driveway</i> crosses to access the <i>private garage</i> . If the <i>driveway</i> does not cross a <i>sidewalk</i> , the minimum setback is reduced to 4.5 metres.
3	The required <i>interior side yard</i> on one side is 3.5 metres if a detached <i>private garage</i> is located in the <i>rear yard</i> and is accessed by a <i>driveway</i> that crosses the <i>front lot line</i> .
4	(2016-123) Notwithstanding any other provision in this bylaw, an opening for a door that provides access to the interior of a single detached, semi detached or street townhouse dwelling is not permitted in any portion of a wall facing the interior side <i>lot line</i> that is located less than 1.2 metres from the interior side <i>lot line</i> .
5	A <i>private garage</i> is not permitted to be within or attached to the <i>main building</i> , if the <i>lot</i> is accessed by a <i>lane</i> .

Zoning By-law 1767 was originally approved in 1960 and is over 60 years old. A Zoning By-law Amendment is proposed to update the zoning on the Subject Lands so that it conforms with the MOP by delineating the extents of the natural heritage features on the Subject Lands and set development and parking standards to support the Proposed Development that are generally consistent with those contained in the new CZBL for Place of Worship.

## 4.6 TRCA Ontario Regulation 166/06

Ontario Regulation 166/06 (O Reg 166/06) is a regulation under the Conservation Authorities Act that provides the authority to the TRCA to regulate development, interference with wetlands and alternation to Shorelines and Watercourses.

O Reg 166/06 states that “*Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that area,*

*(b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:*

*(i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,*

*(ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,*

*(iii) where the river or stream valley is not apparent, the valley extends the greater of,*

*(A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and*

*(B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;*

*(c) hazardous lands (means lands that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches, or unstable soil or bedrock. Conservation Authorities Act, Section 28 (25).*

Furthermore, O Reg 166/06 s. 3(1) states that the TRCA may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

It should be noted that Bill 23 made changes to the Conservation Authority Act (CAA) that introduced a series of legislative and proposed regulatory changes to affecting conservation authorities. Through Bill 23, each of these regulations will be revoked, and an authority will no longer be able to make its own regulations applicable to its jurisdiction area. Instead, the Province intends to prescribe a single, new regulation to

govern all 36 authorities. Notably, this change effectively re-enacts the section 28 permitting process introduced by Bill 139 –Building Better Communities and Conserving Watersheds Act, 2017, which never came into force.

Previously, when conservation authorities evaluated applications and made permitting decisions, the CAA prescribed certain factors that they must consider, which included any effects the development project was likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land. Bill 23 replaced the consideration of the effects on the “control of pollution” and on the “conservation of land”, with the effects on the “control of unstable soil or bedrock”. The other criteria remain the same.

Nonetheless, the TRCA’s policies are reviewed below regarding their applicability to the proposed Temple and associated parking area.

### **Living City Policies for Planning Development in the Watersheds of the TRCA, 2014**

The TRCA “Living City Policies for Planning Development in the Watersheds of the TRCA, 2014” (“LCP”) was prepared by the TRCA to assist with the administration of the TRCA’s legislated and delegated roles and responsibilities in the planning and development approval process. The LCP contains principles, goals, objectives and policies approved by the TRCA Board and was issued under the authority of Section 20 of the Conservation Authorities Act on November 28, 2014.

LCP 8.4.4 states that the “development, interference, and alteration within a regulated area will not be permitted that proposes to modify watercourses, wetlands, hazardous lands, including such lands within valley and stream corridors and along the Lake Ontario shoreline, and natural features, areas and systems contributing to the conservation of land to create additional area to accommodate or facilitate new development or intensification.”

The proposal does not contemplate to modify a watercourse, wetland or hazardous lands. It does include the reuse of an existing residential dwelling and area zoned and designated for residential uses within a valley for parking purposes.

Furthermore, LCP 8.4.5 goes on to state that “development, interference or alteration within a regulated area may be permitted where it can be demonstrated to the satisfaction of TRCA, through appropriate technical reports, assessments, site plans and/ or other documents as required by TRCA” the following conditions, which have been assessed in the Updated EIS and confirmed all conditions are met.

- a) the control of flooding, erosion, dynamic beaches, ~~pollution or the conservation of land~~ will not be affected;*
- b) the risk to public safety is not increased;*
- c) susceptibility to natural hazards is not increased and no new hazards are created;*
- d) there are no adverse hydraulic or fluvial impacts on rivers, creeks, streams, or watercourses;*

- e) there are no adverse impacts on the natural coastal processes of the Lake Ontario shoreline;*
- f) negative or adverse hydrological or ecological impacts on natural features and functions, including wetlands, are avoided or mitigated;*
- g) intrusions on natural features, areas and systems contributing to the conservation of land, including areas providing ecological functions and hydrologic functions, are avoided or mitigated;*
- h) groundwater discharge which supports natural features and areas or hydrologic or ecological functions on-site and other sites hydrologically connected to the site are maintained;*
- i) groundwater recharge which supports natural features and areas or hydrologic or ecological functions on-site and other sites hydrologically connected to the site will be maintained;*
- j) access for emergency works and maintenance of flood or erosion control works is available;*
- k) TRCA's stormwater management criteria (water quantity, water quality, erosion control and water balance for groundwater and natural features) have been met, where applicable, based on the scale and scope of the project;*
- l) pollution, sedimentation and erosion during construction and post construction is minimized using best management practices including site, landscape, infrastructure and/or facility design (whichever is applicable based on the scale and scope of the project), construction controls, and appropriate remedial measures;*
- m) appropriate restoration works of sufficient scale and scope in accordance with TRCA standards will be implemented; and*
- n) works are constructed, repaired and/ or maintained according to accepted engineering principles and approved engineering standards or to the satisfaction of TRCA, whichever is applicable based on the scale and scope of the project in accordance with TRCA standards.*

Furthermore, LCP 8.5.1.1 states that development will not be permitted within the flood hazard (One Zone Concept) or erosion hazard of valley and stream corridors except in accordance with the policies in Section 8, in particular Section 8.4 (General Regulation Policies) and Section 8.5.1. Additions to Existing Buildings or Structures.

LCP 8.5.1.2 states that additions to existing buildings or structures within the erosion hazard will not be permitted. It has been confirmed that the parking area and associated structures are not located within an erosion hazard.

LCP 8.5.1.3 states that “*additions to existing buildings and structures may be permitted within the flood hazard, provided that the addition, its construction and any new associated private servicing requirements comply with the following and demonstrate to the satisfaction of TRCA that a) in the event that there is no feasible alternative site, the addition is located in an area of least (and acceptable) risk; b) the addition is not located*

*within the hydraulic floodway; c) no new hazards are created, flooding on adjacent or other properties is not aggravated and there are no negative upstream and downstream hydraulic impacts; d) the addition does not include a basement, regardless if the existing building or structure has a basement; e) the addition is floodproofed to the Regulatory flood elevation, plus a freeboard determined by TRCA. If Regulatory flood protection is not technically feasible, TRCA may permit a lower level of flood protection but not less than the 350-year flood level (a 25 percent risk of flooding over an assumed life of 100 years). All effort must be made to achieve the highest level of flood protection; f) the addition is structurally designed to withstand the depths and velocities of the Regulatory flood; g) the addition does not increase the number of dwelling units in the existing building or structure; h) the proposed development will not prevent access for emergency works, maintenance, and evacuation; i) the potential for surficial erosion has been addressed through the submission of proper drainage, stormwater management, erosion and sediment control and site stabilization/ restoration plans; j) natural features, areas and systems contributing to the conservation of land, including areas providing hydrologic functions and ecological functions are avoided or mitigated, pollution is prevented and erosion hazards have been adequately addressed.”*

The proposed parking area and associated structures are not located within a flood hazard.

Lastly, it's important to point out the policies and conditions in which recreational uses are permitted in Regulated Areas, as the nature and characteristics of the proposed parking area are like a parking area that would support a conservation park or trail system. In that regard, LCP 8.10.1 states that “development, interference and alterations associated with recreational uses will not be permitted within a Regulated Area except in accordance with the policies in Section 8 and in particular Section 8.4 (General Regulation Policies) and Section 8.10 (Recreational Use).”

LCP 8.10.2 states that “development, interference and alterations associated with new major recreational uses will not be permitted within hazardous lands, watercourses, wetlands or natural features, areas and systems contributing to the conservation of land”. The proposed development has demonstrated it is NOT located within hazardous lands susceptible to flooding or erosion.

LCP 8.10.3 states conditions in which development, interference and alterations associated with minor modifications, environmentally compatible changes of use or configuration, and minor expansions to existing major recreational uses may be permitted within a regulated area. The policies require a comprehensive environmental study or equivalent technical reports to the satisfaction of TRCA that demonstrates the following:

- a) wetlands, watercourses and dynamic beach hazards are avoided;*
- b) the existing topography is maintained to the extent feasible to protect landform and function;*
- c) there is no increase in risk associated with flood hazards and erosion hazards to adjacent, upstream or downstream properties;*

- d) the proposed works are designed in a manner that considers coastal processes such that no new hazards are created and existing hazards are not aggravated on adjacent properties within the Lake Ontario shoreline reach;*
- e) the area of construction disturbance is minimized to the extent feasible;*
- f) all primary buildings or structures are located outside the flood hazard and erosion hazard associated with the Lake Ontario shoreline and valley and stream corridors;*
- g) the number of watercourse crossings is minimized and designed in accordance with TRCA standards and the policies in Section 8.9.4;*
- h) where unavoidable, intrusions into natural features, areas and systems contributing to the conservation of land, including areas providing ecological functions and hydrologic functions are minimized to the extent feasible and best management practices including site design and appropriate remedial measures will adequately restore and enhance features and functions;*
- i) where pervious surface is being converted to impervious, that TRCA's stormwater management criteria, (water quantity, water quality, erosion control and water balance for groundwater and natural features), are met in accordance with TRCA's Stormwater Management Criteria Document; and*
- j) the development, interference and alteration is consistent with current TRCA standards, checklists and guidelines for design, construction methods, construction access routes, restoration plans, trail design, and maintenance management plans for recreational use projects; and the interference is acceptable and/ or it has been demonstrated that, in the opinion of TRCA, the control of flooding, erosion, dynamic beach, pollution, or the conservation of land will not be affected.*

The Updated EIS and FSR including the addition of a Conceptual SWM Design approach demonstrates that all these conditions could be met.

The proposal is arguably a “minor recreational use” rather than a “major recreational use”. TRCA LCP defines a “Major Recreational Uses” as recreational facilities that require large scale modification of terrain, vegetation or both, and usually also require large scale buildings or structures and extensive parking areas. Examples include but are not limited to: golf courses, serviced sports/playing fields, serviced campgrounds and ski hills. Extensive planning, environmental studies, mitigation measures, restoration efforts and ongoing best management practices will be required to minimize impacts to the ecological and hydrological integrity and functions of the Natural System.

Whereas “Minor Recreational Uses” are defined as recreational facilities that require very little modification of terrain or vegetation and few if any, buildings, structures and limited parking. They are generally of low intensity and a non-intrusive nature. Examples include but are not limited to: non-motorized trails for walking or cycling, boardwalks, small scale picnic facilities, natural heritage appreciation. Proper site planning scoped environmental studies and the incorporation of best management practices for site construction and future maintenance can generally minimize impacts to negligible levels.

As such, LCP policy 8.10.4 states that “development, interference and alterations associated with minor recreational uses may be permitted within a regulated area where it has been demonstrated through appropriate technical reports to the satisfaction of TRCA that the criteria in Section 8.10.3 a) to j) have been addressed”. Similarly, LCP 8.10.6 permits at-grade parking facilities for existing or approved recreational uses subject to meeting the criteria in Section 8.10.5.

Lastly, LCP policy 8.10.5 provides the criteria in which trails may be permitted within a regulated area. LCP 8.10.5 regards appropriate technical reports that demonstrate to the satisfaction of TRCA that: a) the relevant criteria in Section 8.10.3 a) to j) have been addressed; b) generally, the trails be made of pervious surface material; c) the riparian zone of watercourses is avoided; d) the risk to public safety from natural hazards is not increased by avoiding active erosion zones, such as outside meander bends and valley walls where banks are eroding; e) watercourse crossings have their approaches at grade and allow for conveyance of high flows; and f) the risk to public safety is not increased.

Given the above review and the extensive amount of technical work provided through the Updated EIS and FSR, it has been demonstrated that the proposal, particularly the proposed temple parking area is consistent with the TRCA’s Living City Policies (which have yet to be updated to reflect the recent authoritative changes).

# 5.0

## Official Plan Amendment

The purpose of this application is to amend the City of Markham Official Plan 2014 to modify the extent of the lands designated “Greenway” to better reflect the key natural heritage features on the Subject Lands as delineated through the EIS (see **Figure 5.1**). The Official Plan Amendment also includes a site-specific policy under Section 9.18 to clarify the permitted uses related to the BNC as the Place of Worship administrative headquarters, the application of minimum vegetation zones, and enable trails within the Greenway based on design principles to minimize the impacts on the ecological integrity of the Greenway System.

The proposed OPA includes mapping amendments to refine the extent of the “Greenway” designation on Map 1 – Markham Structure, Map 3 – Land Use, Map 4 – Greenway System, Map 5 – Natural Heritage Features and Landforms, and Map 6 – Hydrologic Features.

In addition, the following three site specific policies are proposed for 7200 and 7290 Leslie Street:

- 9.18.XX.1 *Notwithstanding Policy 8.13.7.1.a), “Place of Worship” including accessory uses such as separate welcome and reception buildings and facilities shall be permitted at 7290 Leslie Street and “Place of Worship, Place of Worship Administrative Offices, and accessory uses including classrooms, conference facilities, and lodging rooms” shall be permitted at 7200 Leslie Street.*
- 9.18.XX.2 *Notwithstanding Policy 9.1.1.10 and 9.3.2.22, the required minimum vegetation protection zone from a significant woodland has been achieved within the portion of land designated as “Greenway” as shown on Schedule “A” to Official Plan Amendment No. XX.*
- 9.18.XX.3 *Notwithstanding Policy 3.1.1.9, trails are permitted within the Greenway System provided that design satisfies geotechnical engineering requirements to the satisfaction of Toronto and Region Conservation Authority and minimizes the impacts on the ecological integrity of the Greenway System to the satisfaction of the City of Markham.*
- 9.18.XX.4 *Notwithstanding Policy 3.1.1.9, low impact development measures and infrastructure are permitted within the minimum vegetation protection zone provided that design satisfies geotechnical engineering requirements to the*

*satisfaction of Toronto and Region Conservation Authority and supports the ecological integrity of the Greenway System to the satisfaction of the City of Markham.*

9.18.XX.5 *A woodland compensation plan (Landscape Restoration and Enhancement Strategy) is required to be prepared and implemented to the satisfaction of the City of Markham as a condition of Site Plan Approval.*

## **5.1 Basis for Proposed Official Plan Amendment**

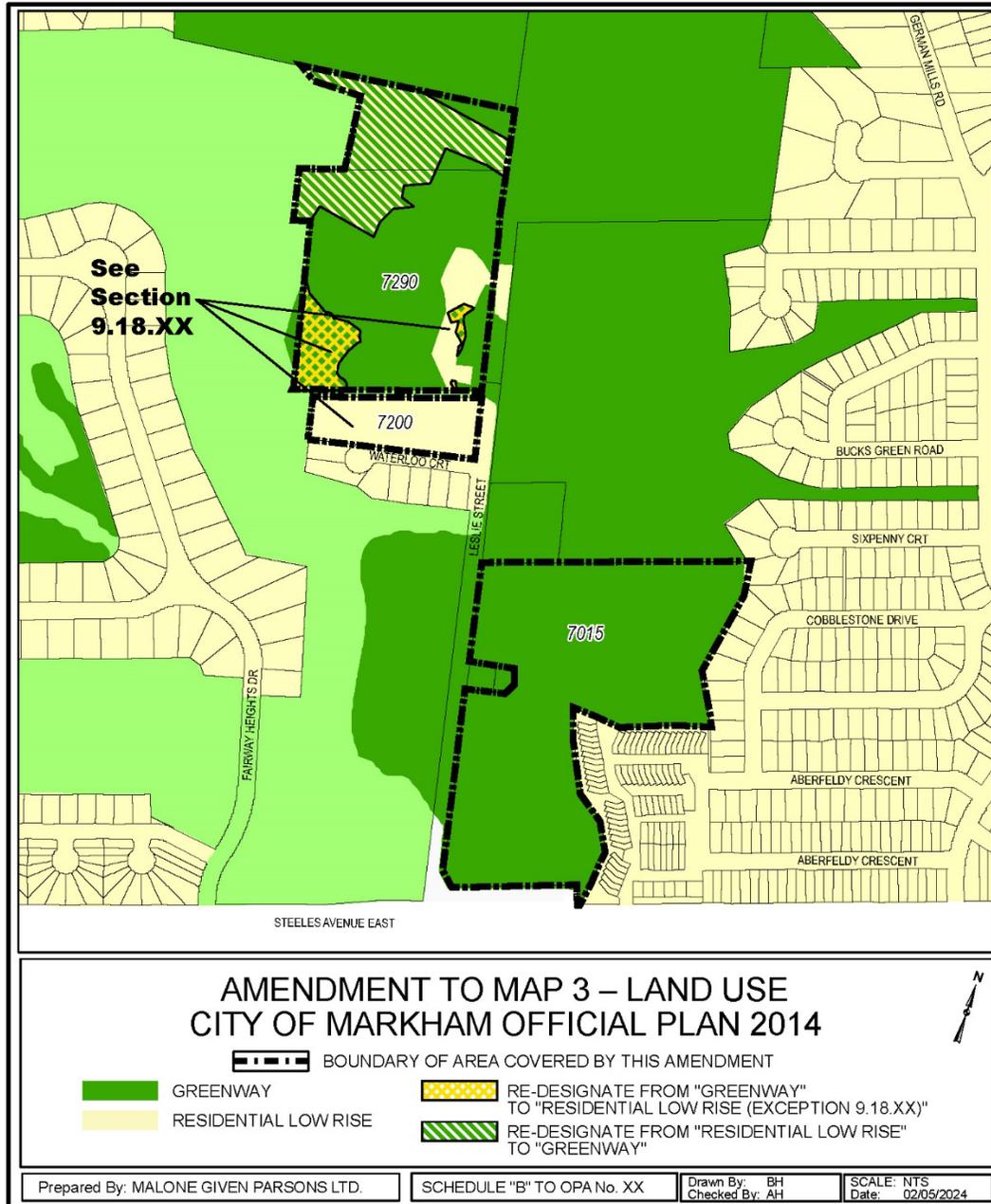
The Proposed OPA conforms with the policies in the YROP and MOP which support the refinement and modifications of the natural heritage network when supported by detailed environmental impact studies. The Proposed OPA is consistent with the PPS and will not result in negative impacts to the natural heritage network.

The southwest portion of 7290 Leslie Street was determined to contain a cultural woodland that is not significant nor were any other *key natural heritage features* or functions present. Furthermore, the LRES proposes compensation and restoration that will result in a net positive benefit to the natural heritage network. Therefore, in accordance with MOP policies 3.1.1.3 and 3.1.1.4, refinements and modifications to the Greenway System are permitted. Similarly, the YROP contains policies that support the refinement and modification of woodlands and the natural heritage network when supported by an environmental impact study.

Place of Worship is permitted in residential designations in the MOP to the satisfaction of Council that the criteria outlined in Policy 8.13.7.1 of the MOP have been fulfilled. The Subject Lands currently contain the BNC; the proposal is only to expand the building to support the institute's growing functions and to construct the associated Temple. Detailed technical studies and design exercises have illustrated that the Subject Lands can accommodate the proposed design without impacts on the adjacent lands and natural heritage network and meets the criteria of Policy 8.13.7.1.

Figure 5.1: Proposed OPA No. XX Schedule "B" Amendments to Map 3 – Land Use

**Schedule "B"**  
**Official Plan Amendment No. XX**  
**Proposed Amendments to the City of Markham Official Plan 2014**  
**Map "3" Land Use**



Source: City of Markham Official Plan, 2014 Map 1 Markham Structure as modified by MGP

# 6.0

## Zoning By-law Amendment

Place of Worship (churches or religious institutions) is a permitted use on the Subject Lands in accordance with Zoning By-law 1767. A Zoning By-law Amendment (“ZBA”) is proposed to update and modernize the applicable zoning and bring it into conformity with the MOP by rezoning lands that are designated for Greenway as “Greenway (G)” zone within Zoning By-law 177-96. The ZBA proposes to update the zone boundaries, use permissions, and development standards to support the development proposal. Furthermore, the Proposed ZBA clarifies the uses permitted on the Subject Lands related to the Place of Worship, including the administrative offices function of the BNC and proposed ancillary uses.

The ZBA proposes to delete the Subject Lands for the applicable by-laws and add them to Zoning By-law 177-96. The Subject Lands are proposed to be rezoned:

- Greenway (G)
- Open Space Two (OS2) with exceptions
- Residential One (R1) with exceptions

Figure 6.1 is the proposed zoning schedule for the ZBA which is consistent with the proposed OPA and extent of natural features identified on the Subject Lands.

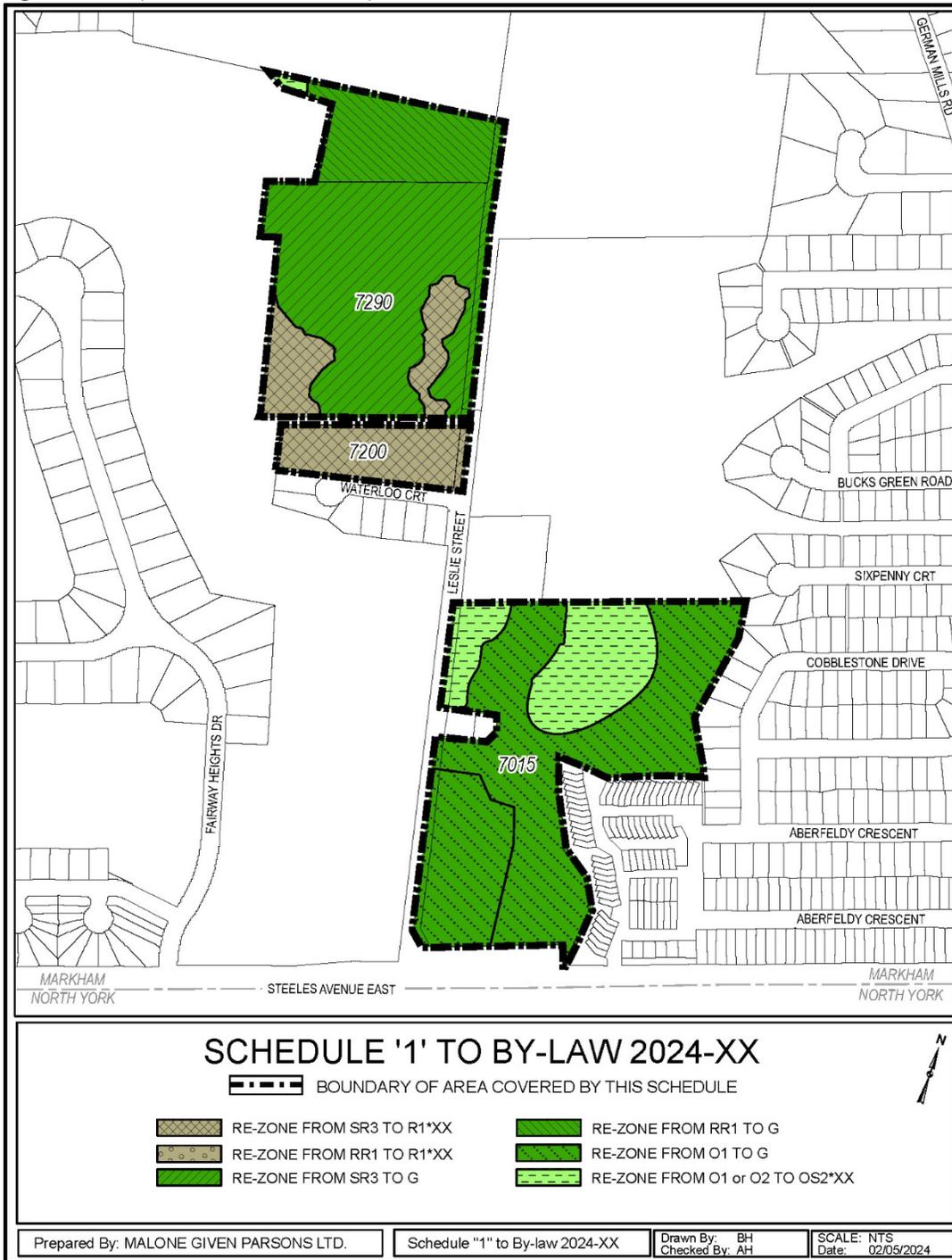
The Proposed ZBA Exception for R1\*XX would permit the following additional uses:

- (a) *Place of Worship (1)*
- (b) *Place of Worship Administrative Centre (1)*
- (c) *Day Camp (2)*

### Special Use Provisions

- (1) *Accessory uses may include uses that are subordinate and incidental to the practice of religious rites such as classrooms for the instruction of religious rites or teachings, assembly areas with kitchen facilities, offices, meeting rooms, a residence for the faith group leader(s), lodging rooms, and conference facilities subordinate and incidental to the principal place of worship;*
- (2) *Only permitted as an accessory use to a Place of Worship and Place of Worship Administrative Offices.*

Figure 6.1: Proposed Schedule 1 to Proposed ZBA



Source: Malone Given Parsons Ltd. 2024

The Proposed ZBA Exception for OS2\*XX would permit the following additional uses: *Place of Worship (1)*, Private Club, Private Park, Day Camp, Community Centre, Conservation Uses, and Buildings and Structures that were legally existing on the date this By-law was enacted by Council. Special Use Provisions (1) states Accessory uses may include uses that are subordinate and incidental to the practice of religious rites

such as classrooms for the instruction of religious rites or teachings, assembly areas with kitchen facilities, offices, and meeting rooms, subordinate and incidental to the principal place of worship.

The following table compares requirements for By-law 1767 to the Draft ZBL and to the proposed zoning standards.

Table 6.1: Zoning Comparison Table

	Zoning By-law 1767: SR3 / Place of Worship	Comprehensive Bylaw 2024-19 (CF-PW)	Proposed ZBA
Minimum Lot Frontage	100 ft (30.5 m)	19.2 m	19.0 m
Minimum Lot Area:	15,000 sqft (1.4 ha)	2.5 ha	1.1 ha
Minimum Front Yard:	25 feet (7.6 m)	3.0 m	3.0 m
Minimum Rear Yard:	25 feet (7.6 m)	7.5 metres or 15 metres if yard abuts a Residential or Mixed Use Zone Boundary	6.0 m
Minimum Side Yards:	combined width of the side yards shall not be less than 15% of the width of the lot, but such side yards need not exceed the height of the building.	-	-
Minimum Exterior Side Yard:	-	2.4 m	2.4 m
Minimum Interior Side Yard:	-	3.0 metres or 15 metres if yard abuts a Residential or Mixed Use Zone Boundary	1.2 m 4.5 m (Waterloo Crt. lot line) 0.0 m (north lot line)
Max Lot Coverage:	25%	-	-
Minimum Landscaped Open Space:	-	25%	-
Minimum Width of Landscape Open Space:	-	6.0 metres adjacent to front and exterior lots lines; 3.0 metres adjacent to interior or rear lot lines	4.0 metres adjacent to Waterloo Court and Bayview Golf and Country Club
Maximum Height:	25 feet (7.6 metres)	20.0 m	7.6 m (7200 Leslie St) 25m (7290 Leslie St)

Table 6.2: Vehicular Parking Requirements Comparison Table

	Zoning By-law 28-97	Comprehensive Zoning Bylaw 2024-19	Proposed ZBA
Place of Worship	a) Parking for place of worship, including any accessory use area except residential uses, shall be the greater of: 1 space per 4 persons of worship area capacity; or 1 space per 9 square metres of net floor area of the worship area(s) and any accessory use areas, excluding any residential uses. and b) Parking for all other uses shall be providing in accordance with the provisions of parking standards in Table A and Table B of By-law 28-97	The greater of 1 parking space for every 30 m2 of Gross Floor Area (GFA) or 1 space per 4 persons of the designed occupant load of the unit under the Building Code.	1 parking space for every 6 m2 of worship floor area
Office	1 space per 30 square metres of NFA	1 space per every 35m2 NFA	
Meeting / Conference Rooms or Any place of assembly not listed	1 parking space per 25 square metres of NFA	The greater of 1 parking space for every 30 m2 of Gross Floor Area (GFA) or 1 space per 4 persons of the designed occupant load of the unit under the Building Code.	Place of Worship Administrative Centre: 1 space per 50m2 GFA
Lodging Rooms (Dormitory)	-	0.5 parking spaces for each bed	

## 6.1 Basis for Proposed ZBA

The Proposed ZBA will bring the zoning for the Subject Lands into conformity with the MOP and facilitate the development of a new BNC and Temple. The Proposed ZBA will appropriately zone lands for environmental protection as “Greenway” consistent with the natural heritage features and hazards as well as areas proposed for restoration on the Subject Lands.

The ZBA will permit the existing uses of 7015 Leslie Street within an open space zone as it currently is zoned and define lands that are appropriate to be zoned for environmental protection as “Greenway (G)”.

The Proposed ZBA updates the dated in force standards of Zoning By-laws to be generally consistent with the zones, parking requirements and associated standards of the By-law 177-96 and the Comprehensive ZBL with a few appropriate exceptions.

The proposed minimum lot size is consistent with the existing lot size of 7200 Leslie Street in which the existing BNC currently resides and as such the amendment will bring the legally existing lot and use into Bylaw 177-96.

The existing maximum building height of 7.6 metres for 7200 Leslie Street is proposed to be maintained in the Proposed ZBA. The Conceptual Master Plan illustrates a building that is approximately 5.5 to 6 metres in total height. The requested side yards are sufficient and appropriate in the context of the surrounding uses. A minimum side yard of 4.5 metres is proposed along Waterloo Court which will permit the maintenance of the existing hedgerow of trees and provide for sufficient landscaped open space to plant new trees. Furthermore, the homes on Waterloo Court are on the south side of a public street with a right-of-way width of 18 metres. Including a minimum front yard setback of 6.0 metres for those homes the proposed BNC will be approximately 28.5 metres away from the existing residential homes which provides a more than reasonable amount of separation between the two uses.

The existing maximum coverage of 25% is proposed to be revised to a maximum FSI of 1.0. In combination with the minimum landscaped open space of 25% from the Draft ZBL and maximum height, the coverage maximum is not relevant and built form intensity is more appropriate control with FSI.

The maximum Temple height has been reduced from 30 metres to 25 metres to ensure the temple is no taller than the height of existing trees. The maximum height for the Temple is appropriate in the context of the surrounding uses which are open spaces, natural areas and golf course and will permit the development of a special cultural building that will be a source of pride for the City and not result in impacts related to shadowing or overlook. Overlook is not an issue as the temple structure is proposed to be an open internal volume with only one storey with an internal mezzanine.

The proposed parking rates have been prepared based on a first principles approach as detailed and analyzed in the Transportation Report by BA Group. Using anticipated programming for the BNC and visitor rates from comparable temples, the report confirms that on a day-to-day regular basis the temple will see approximately 35 weekday visitors and 145 weekend visitors (on average). These visitors will be spread out over the course of the day and therefore the peak average parking demand on a typical weekday is estimated at 10 spaces and 35 spaces on the weekend. Further, it is estimated that a few times a year the peak demand will occur during public holidays (vs. Baha'i Holy Days) when visitors are out enjoying the adjacent trails and good weather. These rare peak days are estimated to see 400 persons/day (the capacity of the temple) and thus approximately 100 parking spaces at the peak time.

Similarly, the day-to-day users or visitors to the BNC is anticipated to remain at a similar level as it operates today with around 25 employees. The analysis assumes those 25 employees all drive during the weekday and are not present on the weekends. Furthermore, the analysis looks at the occasional or infrequent events that may occur at the BNC, such as the National Convention or Seminars. The largest of these events would be the once a year, 3 day National Convention attended by approximately 200 delegates from across Canada. It is estimated based on current rates of attendance of

this event that over 70% of attendees are not local and thus do not require parking. It is assumed that approximately 40% of attendees will require parking or approximately 80 spaces. This means on a few peak occasions up to 105 parking spaces could be required.

The proposed parking rates would require a total of approximately 100 parking spaces to be shared between the Temple and the BNC. As confirmed through the Transportation Study, the proposed parking supply is sufficient to meet the daily demand and on occasion the infrequent peak events at the Temple or the BNC. On the rare occasion, additional parking is also available at 7015 Leslie Street. Furthermore, events at the BNC that anticipate higher user rates will be managed through TDM offerings such as shuttles, carpooling and transit passes.

# 7.0

## Conclusion

This report has provided a comprehensive review of the existing context and background studies that support the Proposed Development and proposed OPA and ZBA. The report has reviewed all relevant provincial, regional, and local policies and concluded that the proposed OPA and ZBA are consistent with the PPS and conform with the Growth Plan, York Region OP and Markham OP.

The Conceptual Master Plan for the new BNC and Temple proposes the development of a desirable cultural institution for the City of Markham. Place of Worship is a permitted use in all designations and currently permitted within the SR3 zone of By-law 1767 that governs the lands proposed to house the Place of Worship. The Proposed OPA is necessary to modify the extent of the Greenway designated lands consistent with environmental policies. The Proposed ZBA will update a 60-year-old zoning by-law and bring it into conformity with the MOP. It will zone natural heritage lands for environmental protection and modernize standards related to Place of Worship.

The Conceptual Master Plan for the BNC and Temple, as supported by detailed technical studies and enabled through the Proposed OPA and ZBA, represents good planning and should be approved based on the following reasons:

- It refines the Greenway designation on the Subject Lands consistent with the features present and the natural heritage policies of the PPS, Growth Plan, YROP and MOP;
- It includes an extensive compensation and restoration plan that will result in a net benefit to the natural heritage network, including significant amounts of additional land added to the natural heritage network;
- It minimizes the number of trees impacted that are of good health and species and proposes to compensate for tree removals in accordance with the Markham Tree Removal By-law;
- It enables the construction of a desirable cultural institution that will contribute to complete community and economic vitality objectives of the MOP;
- It is located outside the floodplain and away from hazard lands. A viable option for safe access is proposed by raising Leslie Street where it is impacted by the floodplain. This safe access solution has been thoroughly considered, is technically feasible and generally supported by the TRCA;

- It can be properly serviced within the existing municipal infrastructure and will utilize best practices and the latest measures related to low impact development and sustainability, where practical, to support a more resilient community;
- A new multi-use pathway along Leslie Street will contribute to an improved active transportation system;
- Trails within the Subject Lands will be sensitively designed and located to ensure minimal impact on the natural heritage features and functions through consultation with the City and TRCA;
- A traffic impact study has confirmed that the existing road network can support the anticipated traffic;
- The proposed zoning by-law amendment provides for sufficient parking in accordance with a first principles analysis to ensure available parking will meet demand;
- The proposed buildings will provide for a building form and scale that is compatible with and will enhance the character of surroundings uses. The proposed zoning by-law amendment maintains the existing height permissions at 7200 Leslie Street and proposes a side yard setback along Waterloo Court above typical standard that can preserve the existing hedgerow in-situ and support new plantings; and,
- The Conceptual Master Plan has been sensitively designed in consideration of the surrounding context and proposes the development of a Temple and BNC that will result in a positive net benefit for the surrounding area and the City of Markham.



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