



February 22, 2022

By E-mail Only to clerkspublic@markham.ca

City of Markham
Development Service Committee
100 South Town Centre Boulevard
Markham, Ontario, M5H 2N2

Attention: Ms. Kimberley Kitteringham, City Clerk

Dear Members of Development Services Committee:

***Re: Special Development Services Committee Meeting - Item No. 4.1
Markham Centre Secondary Plan – Interim Update
Lifetime 8200 Warden Avenue GP Inc.
Southwest corner of Warden Avenue and Cedarland Drive***

We are the planning consultants to Lifetime 8200 Warden Avenue GP Inc. ("Lifetime") with respect to the property located at the southwest corner of Warden Avenue and Cedarland Drive in the City of Markham (the "subject site"). The subject site is approximately 2.35 hectares in size with frontage on Warden Avenue, Cedarland Drive, the public and privately owned segments of South Town Centre Boulevard and the privately-owned IBM Road.

Our client's Initial development applications were submitted to the City of Markham in support of the proposed development in 2018, more than two years prior to the commencement of the Markham Centre Secondary Plan. Prior to that, our client met with City Staff on multiple occasions over roughly a two-year period to obtain guidance and direction on the development application. Our client has worked with City Staff since the outset of this project on a cooperative basis and has been very patient throughout this lengthy five-year development application process. We have also participated in the Secondary Plan process and have previously voiced our concerns regarding the preliminary concept.

Most recently we have reviewed the Markham Centre Secondary Plan Update Study Interim Presentation in Advance of Delivery of Draft Development Concept, which is subject of the February 22, 2022 Special Development Services Committee Meeting. Our earlier feedback from the initial presentation does not seem to have been considered and factored into the latest presentation. We continue to have concerns with many of the proposed aspects of the Secondary Plan as they relate to the subject site and it is our opinion that the Secondary Plan, especially given the timing of our initial submission,

should not be the determinant policy document for the subject site, particularly with respect to the permitted heights and densities.

For the reasons set out in this letter we are insisting that the Lifetime Applications continue to be processed and considered for approval outside of the Secondary Plan process.

Background

Our client acquired the subject site from IBM in 2016 and immediately thereafter participated in numerous meetings with Planning and Urban Design staff with respect to the redevelopment of the lands including discussion regarding how the staff wanted to see the site redevelop. Specifically, our client was made aware of the imminent closure of Buttonville Airport and the lifting of the height restrictions regarding the airport and the City's desire for tall buildings on the subject site. Our client was also told that the City was not going to require a future public park on the subject site.

Our client participated in a pre-application meeting with City Staff on March 12, 2018 and on July 12, 2018 our Team submitted a Zoning By-law Amendment application. The proposal was to redevelop the subject site with a dynamic, architecturally rich and iconic development across two development blocks which were proposed to be separated by a publicly accessible privately owned road which bisected the subject site and created two development blocks. The initial proposal consisted of five landmark towers ranging in height from 28 to 48 storeys (the "proposed development"). Lifetime has, upon request from City Staff, also submitted Draft Plan of Subdivision and Official Plan Amendment Applications.

Since the submission of the initial application, Lifetime has undertaken numerous formal and informal meetings with Staff, external agencies, City and Regional Councillors, the City's Design Review Panel and the Markham Centre Secondary Plan Consulting Team and has received feedback from the public through a community information session and speakers at the Development Services Committee.

The existing policy framework and locational characteristics of the subject site make it well suited to significant mixed-use intensification in land use policy terms. From a built form perspective, the subject site is an appropriate location for high-rise mixed use towers. In this respect, the subject site exhibits characteristics of a 'strategic growth area' pursuant to the Growth Plan for the Greater Golden Horseshoe (2019) and is located within Markham Centre (an 'urban growth centre') and within the adopted boundary of the Cedarland Bus Rapid Transit Station ("MTSA 31") under the Region of York's Regional Municipal Comprehensive Review.

The subject site is identified as falling within the Urban Area and a Regional Centre pursuant to Map 1 – Regional Structure of the York Region Official Plan ("YROP"). With

respect to the City of Markham Official Plan (1987), the subject site is designated Commercial on Schedule 'A' – Land Use and is further identified as Community Amenity Area on Schedule 'H' – Commercial/Industrial Categories. Under the Markham Centre Secondary Plan (adopted as Official Plan Amendment 21 to the Markham Official Plan (1987)), the subject site forms part of the Warden West District and is designated as Community Amenity Area – Major Urban Place pursuant to Schedule 'AA'. Under the City of Markham Official Plan (2014), the subject site is designated Mixed Use High Rise on Map 3 – Land Use.

A revised iteration of the proposal was submitted in August 2020 and a further revised iteration was submitted in November 2021 in order to respond to comments from City Staff and external agencies and feedback received from the public. The proposed development as revised contemplates the redevelopment of the subject site with two mixed-use buildings separated by a new public street ("Courtyard Lane extension"). The revised proposal contemplates a total of four towers ranging in height from 34 to 45 storeys which would contain at-grade retail and 1,926 apartment and integrated townhouse units. A total gross floor area of 210,170 square metres is proposed resulting in a density (based on gross floor area) of 9.94 FSI (excluding the portion of the property that will be conveyed to the City as a future public road).

A detailed description of the applicable policy framework, the operable policy documents, the procedure by which the Lifetime Applications are advancing, feedback received, and the evolution of the proposal is described in detail in our Planning and Urban Design Rationale Report dated July 2018, and addendum letters dated September 4, 2020 and November 11, 2021.

It is our opinion that the initial direction for the subject site illustrated in the Preliminary Concept, in particular the height, density and urban structure provisions as recommended, would undermine our client's opportunity to redevelop the subject site in a manner that implements the in-force Official Plan and Secondary Plan designations, and the policies contained the Provincial Policy Statement ("PPS") 2020 and the Growth Plan from the Greater Golden Horseshoe ("Growth Plan") 2019, as amended.

It is our further opinion that elements of the Secondary Plan Concept included in the February 22, 2022 Presentation are not supportive of the policy direction contained within the PPS and the Growth Plan and to that end, the following outlines our primary concerns:

1. Existing Applications

As a general comment, the heights and densities reflected within the Secondary Plan Concept's development model fail to recognize the existing development applications that were submitted in July 2018 and it is our opinion that the applications for the subject site should be processed alongside the MCSP Update and the Update should have regard for

the proposed development. As presented, the Preliminary Concept's development model envisions a significantly lower level of development intensity on the subject site and the proposed conceptual height ranges and conceptual block densities (discussed below) would not permit the proposed development.

The proposed development as contemplated has culminated from over five years of discussions and consultations with Staff, Councillors, and the community.

2. Built Form Intensity

The MCSP Update sets out an urban structure for Markham Centre and identifies a "Preliminary Transit Node", two "Secondary Nodes" and two "Local Nodes" within Markham Centre. The subject site is located within a Secondary Node focused just south of the intersection of Warden Avenue and Highway 7.

As a general comment, it is unclear as to what principles were used to identify the hierarchy of nodes. It is our opinion that the hierarchical categorization of nodes presented would create an urban structure which is not in keeping with the existing pattern of development within Markham Centre and may limit the development potential of sites between different nodes and on sites which are not identified within any nodes.

While the identification of nodes and the creation of a general urban structure may have merit, the use of a hierarchy may prevent the optimization of land and infrastructure in a manner which requires future development in nodes that place 'lower' on the hierarchy to remain subordinate to development in nodes that place 'higher' on the hierarchy, notwithstanding whether a more intense development were appropriate in a site-specific context and represented good planning.

The entirety of Markham Centre is classified as an 'urban growth centre' and significant portions of the Centre are located within the adopted boundaries of various 'major transit station areas'. To ensure the optimization of land and infrastructure, the intensity of built form should be the product of the site-specific and locational characteristics and good planning and urban design principles, as opposed to which node a particular site is located within.

In this respect, and as articulated in our Planning and Urban Design Rationale and addendum letters thereto, the subject site is a contextually appropriate location for building heights of up to 45 storeys. Limiting heights on the subject site to remain subordinate to the Primary Transit Node would be contrary to Growth Plan and PPS policies which seek to optimize the use of land and infrastructure. We suggest that nodes be renamed based on their functional or geographic characteristics (i.e., "Gateway Node", "Transit Node", "Uptown Node" etc.) in order to remove this hierarchy.

Were a hierarchical system to remain in place, we would recommend that the node focused around the intersection of Highway 7 and Warden Avenue be elevated to a “Primary Node” in recognition of its position as the traditional heart of Markham Centre and its approved and emerging built form context, which lends itself to Primary Transit Node building heights.

3. Conceptual Block Densities and Conceptual Height Range

As a general comment, it is our opinion that the conceptual block densities and conceptual height ranges shown in the Preliminary Concept are too conservative and prevent the optimization of land and infrastructure in large portions of Markham Centre.

It is unclear what planning principles were used to develop the conceptual height ranges and conceptual block densities (i.e., limiting built form impacts, angular planes, transit access, lot characteristics etc.), and as presented, the distribution of height and density appears to be random. Moreover, as presented, the conceptual height ranges and block densities do not appear to properly recognize the role of major arterials and major intersections in the height structure or the presence of major transit stations along the VIVA Rapidway BRT, and in this regard do not appear to give effect to nodal intensification principles around major transit stations.

Further, the distribution of height and density appears to be uncoordinated with the approved and emerging distribution of height and density across Markham Centre. For example, although approved heights in the southeast quadrant of the intersection of Highway 7 and Warden Avenue range up to 46 storeys in height, the conceptual height range illustrates maximum heights of 30 storeys at the other 2 corners of the intersection (the existing City Hall is excepted). We are concerned that the conceptual heights vary so significantly between existing approvals and envisioned future developments when similar in-force policy and locational characteristics exist between sites.

We are also concerned that the Preliminary Concept’s conceptual block densities and conceptual height ranges fail to recognize numerous existing proposals in Markham Centre which have already been submitted, including the proposed development for the subject site. As presented, there is a significant disconnect between submitted proposals and the Preliminary Concept, and while proposals submitted prior to the adoption of the Secondary Plan are technically not subject to its policies, we recommend that future work on the plan be better coordinated with the emerging context to avoid major disconnects between the built form outcomes of applications submitted before versus after the adoption of the future Secondary Plan.

With respect to the subject site, the Preliminary Concept illustrates a conceptual block density of 5 FSI (net) on the both the east block and west block of the property. The densities as presented would not permit the proposed development. Our client requests

these conceptual block densities be updated to reflect the proposed development. The Preliminary Concept illustrates a conceptual height range of 6-25 storeys on the west block of the subject site and 6-30 storeys on the east block of the subject site. The proposed development contemplates heights up to 34 storeys on the west block and 45 storeys on the east block. The heights as presented would not permit the proposed development and our client requests they be updated to reflect the proposed development.

It is unclear how the Secondary Plan determined the height and density shown on the subject site; in our opinion the subject site is a contextually appropriate location for heights and densities greater than those illustrated from a built form and policy perspective. The optimization of the subject site is paramount given that the Cedarland Bus Rapid Transit Station is located immediately adjacent to the subject site, given the subject site's proximity to the intersection of Warden Avenue and Highway 7, and given the site's gateway visibility from Highway 407 and spatial separation from existing lower density residential areas.

Conclusion

It remains our opinion that the Secondary Plan should not be the determinant policy document with respect to the permitted heights and densities on the subject site. Our client has been working diligently with City Staff even prior to acquiring the subject site and throughout this development approvals process which has been ongoing for over five years with the initial applications filed with the City in 2018. Our development applications are well advanced, and we are insisting that the Lifetime Applications continue to be processed and considered for approval outside of the Secondary Plan process.

Should you have any questions, please do not hesitate to contact the undersigned or Simran Bhatti of this office.

Yours truly,
Bousfields Inc.



Kate Cooper, MCIP, RPP

cc. *Brian Brown/Jeff Greene/Nigel Terpstra, Lifetime 8200 Warden GP Inc.*
Sidonia Tomasella, Aird and Berlis LLP



BOUSFIELDS INC.

Project No. 2012

February 22, 2022

By E-mail Only to clerkspublic@markham.ca

City of Markham
Development Service Committee
100 South Town Centre Boulevard
Markham, Ontario, M5H 2N2

Attention: Ms. Kimberley Kitteringham, City Clerk

Dear Members of Development Services Committee:

***Re: Special Development Services Committee Meeting - Item No. 4.1
Markham Centre Secondary Plan – Interim Update
Unionville Shopping Centres Ltd.
Northeast corner of Warden Avenue and Highway 7***

We are the planning consultants to Unionville Shopping Centres Ltd. with respect to a 1.87 hectare site located in the northeast quadrant of Highway 7 and Warden Avenue, municipally known as 8505 to 8601 Warden Avenue and 3760 to 3828 Highway 7 (the “subject lands”). The subject lands are approximately 6.44 hectares and currently occupied by the Markham Town Square shopping centre.

We have reviewed the Markham Centre Secondary Plan Update Study Interim Presentation in Advance of Delivery of Draft Development Concept, which is subject of the February 22, 2022 Special Development Services Committee Meeting. We continue to have concerns with many of the proposed aspects of the Secondary Plan as they relate to the subject site, which are outlined further in this letter.

Our client has participated in the Secondary Plan process, attending meetings with the Markham Centre Secondary Plan Consulting Team as well as City Staff. With respect to the proposed development our client has also attended formal and informal meetings with City Staff, City and Regional Councillors.

In September 2021 our client submitted development applications to the City of Markham in support of the redevelopment of the subject lands with a multi-phased, multi-building mixed-use development that provides for a landmark, transit and pedestrian oriented, architecturally rich community with an internal road network, a large public park and a number of privately owned public spaces. The proposed development will also improve the public realm through the inclusion of at-grade and street-facing retail uses and other landscape and streetscape elements.

The existing policy framework and locational characteristics of the subject site make it well suited to significant mixed-use intensification in land use policy terms. From a built form perspective, the subject site is an appropriate location for a mix of building forms including high-rise mixed use towers. In this respect, the subject site exhibits characteristics of a 'strategic growth area' pursuant to the Growth Plan for the Greater Golden Horseshoe (2019) and is located within Markham Centre (an 'urban growth centre').

The subject site is located within the Urban Area and a Regional Centre pursuant to Map 1 – Regional Structure of the York Region Official Plan ("YROP"). With respect to the City of Markham Official Plan (2014), the subject site is designated Mixed Use Mid Rise and Mixed Use High Rise on Map 3 – Land Use.

It is our opinion that the initial direction for the subject site illustrated in the preliminary Secondary Plan, in particular the height, density provisions as recommended, would undermine our client's opportunity to redevelop the subject site in a manner that implements the policies contained the Provincial Policy Statement ("PPS") 2020 and the Growth Plan from the Greater Golden Horseshoe ("Growth Plan") 2019, as amended.

It is our further opinion that elements of the Secondary Plan Concept included in the February 22, 2022 Presentation are not supportive of the policy direction contained within the PPS and the Growth Plan and to that end, the following outlines our primary concerns:

Built Form Intensity

The MCSP Update sets out an urban structure for Markham Centre and identifies a "Preliminary Transit Node", two "Secondary Nodes" and two "Local Nodes" within Markham Centre. The subject site is located within a Secondary Node focused at and just south of the intersection of Warden Avenue and Highway 7.

As a general comment, it is unclear as to what principles were used to identify the hierarchy of nodes. It is our opinion that the hierarchical categorization of nodes presented would create an urban structure which is not in keeping with the existing pattern of development within Markham Centre and may limit the development potential of sites between different nodes and on sites which are not identified within any nodes.

While the identification of nodes and the creation of a general urban structure may have merit, the use of a hierarchy may prevent the optimization of land and infrastructure in a manner which requires future development in nodes that place 'lower' on the hierarchy to remain subordinate to development in nodes that place 'higher' on the hierarchy, notwithstanding whether a more intense development were appropriate in a site-specific context and represented good planning.

The entirety of Markham Centre is classified as an ‘urban growth centre’ and significant portions of the Centre are located within the adopted boundaries of various ‘major transit station areas’. To ensure the optimization of land and infrastructure, the intensity of built form should be the product of the site-specific and locational characteristics and good planning and urban design principles, as opposed to which node a particular site is located within.

In this respect, the subject site is a contextually appropriate location for tall buildings and limiting heights on the subject site to remain subordinate to the Primary Transit Node would be contrary to Growth Plan and PPS policies which seek to optimize the use of land and infrastructure. We suggest that nodes be renamed based on their functional or geographic characteristics (i.e., “Gateway Node”, “Transit Node”, “Uptown Node” etc.) in order to remove this hierarchy.

Were a hierarchical system to remain in place, we would recommend that the node focused around the intersection of Highway 7 and Warden Avenue be elevated to a “Primary Node” in recognition of its position as the traditional heart of Markham Centre and its approved and emerging built form context, which lends itself to Primary Transit Node building heights.

Conceptual Block Densities and Conceptual Height Range

As a general comment, it is our opinion that the conceptual block densities and conceptual height ranges shown in the Preliminary Concept are too conservative and prevent the optimization of land and infrastructure in large portions of Markham Centre.

It is unclear what planning principles are used to develop the conceptual height ranges and conceptual block densities (i.e., limiting built form impacts, angular planes, transit access, lot characteristics etc.), and as presented, the distribution of height and density appears to be random. Moreover, as presented, the conceptual height ranges and block densities do not appear to properly recognize the role of major arterials and major intersections in the height structure.

Further, the distribution of height and density appears to be uncoordinated with the approved and emerging distribution of height and density across Markham Centre. For example, although approved heights in the southeast quadrant of the intersection of Highway 7 and Warden Avenue range up to 46 storeys in height, the conceptual height range illustrates maximum heights of 30 storeys at the other 2 corners of the intersection (the existing City Hall is excepted). We are concerned that the conceptual heights vary so significantly between existing approvals and envisioned future developments when similar in-force policy and locational characteristics exist between sites.

With respect to the subject site, the Preliminary Concept illustrates a conceptual block density of 5 FSI (net) at the immediate corner of the intersection, 3 FSI (net) to the east and 2 FSI (net) to the north. It is our opinion that there should be a consistent density on the subject site given its landownership as a REIT and the opportunity for the site to redevelopment comprehensively through a masterplan. The densities as presented would not permit the proposed development and our client requests these conceptual block densities be updated to reflect the proposed development. The Preliminary Concept illustrates a conceptual height range of 6-30 storeys at the immediate corner of the intersection, 4-6 storeys to the east and 2-6 storeys to the north. The proposed development contemplates heights that range from 4 to 46 storeys. The heights as presented would not permit the proposed development and our client requests they be updated to reflect the proposed development.

Conclusion

The subject site is not a vacant site and the landowner, as a REIT, will be a long-term landowner and has a vested interest in a redevelopment that provides for a new master-planned mixed-use, high-density and transit-oriented community, complete with a new internal road network and a wide mix of residential and non-residential uses in varying forms. The subject site's current use as an active shopping centre means that there are existing occupancies and lease agreements with numerous existing retail tenants. In order to achieve a future mixed use community on the subject site, a redevelopment needs to achieve a certain density to balance the relocation of the existing land uses and their integration into a new development in the fullness of time.

It is our opinion that the preliminary Secondary Plan does not consider the unique intricacies on the subject site and as such we respectfully request that the Secondary Plan take into consideration the heights and densities of the proposed development as contemplated.

Should you have any questions, please do not hesitate to contact the undersigned or Claire Ricker of this office.

Yours truly,
Bousfields Inc.



Kate Cooper, MCIP, RPP

cc. *Christopher Caverson/James Daniel, Unionville Shopping Centres Ltd.
Jason Park, Devine Park LLP*