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DELIVERED VIA EMAIL (clerkspublic@markham.ca; kkitteringham@markham.ca)

Clerk's Office
City of Markham
101 Town Centre Boulevard
Markham, Ontario, L3R 9W3

Attention: Clerk's Office, Development Services Committee

Dear DSC Chair Jim Jones/Members of Council:

**RE: Markham Centre Secondary Plan Update – Development Concept +
Transportation Assessment
Item 7.1
City of Markham**

We are the solicitors for Kingdom Development Inc., who own the properties at 4077, 4101 and 4121 Highway 7 in the City of Markham (the "Site").

The Site is generally located in the southeast quadrant of Highway 7 and Warden Avenue in the City of Markham. More specifically, it is located on the south side of Highway 7 and east of Birchmount Road (east of the Whole Foods Commercial Plaza). The Site is currently home to Sheridan Nurseries.

The Site is designated 'Community Amenity Area – General' and 'Hazard Land' in the existing Markham Centre Secondary Plan (OPA 21). In 2014, the City of Markham approved a new Official Plan and the Site is designated 'Mixed Use – High Rise', 'Mixed Use – Mid Rise' and 'Greenway' in the new Official Plan. The new Official Plan states that until such time as a new Secondary Plan is approved for Markham Centre, that the policies of OPA 21 shall continue to be in effect.

The Site has historic development approvals (draft plan of subdivision and site-specific zoning by-law amendment) and Kingdom has active development applications filed for the

Site for further Official Plan Amendment and Zoning By-law Amendment approvals, for height and density increases overall, along with site plan control applications for Phase 1, Phase 2 and a sales centre.

Kingdom has an ongoing interest in the Markham Centre Secondary Plan process and previously provided written and verbal comments (through its planning consultant Macaulay Shiomi Howson Ltd.) with regard to the draft development concept in both 2021 and early in 2022.

The previous concepts released by the City depicted two widely ranging views of the potential for development in Markham Centre and the draft preferred concept did not accurately reflect even the existing zoning permissions on the Site.

Through the processing of the development applications, Kingdom has met with City staff on numerous occasions throughout to discuss options and refinements to the proposed development plan. This included a relocated park to the west, which was preferred by staff along with a revised Phase 2 building location. The intent was to create a park space which could be accessed by residents throughout the community, rather than one on the periphery of the lands. The plan discussed with Kingdom included building heights in Phase 3 which exceeded 40 storeys (41 and 37).

However, the Development Concept before Development Services Committee on July 5, 2022, provides for a maximum building height of only 30 storeys, which is inconsistent with the plan discussed and in our opinion is wholly inadequate.

In addition, there is a disconnect between the proposed maximum FSI's and the proposed building heights. That is, the building height of 30 storeys cannot deliver the maximum FSI's proposed by the Preferred Concept without utilizing slab-type building forms which are inconsistent with the City's urban design objectives. In our opinion, this height limit is inconsistent with the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe especially as it relates to the policies for intensification within Urban Growth Centres and Major Transit Station Areas (MTSAs).

In this regard, Kingdom has prepared the attached plans for the subject site, which includes an overall layout of built form that has been discussed at length with staff.

engaged in discussions with numerous stakeholders and were presented a plan for the proposed development that included building heights exceeding 40 storeys, however, throughout the Secondary Plan process, these building heights continue to not be reflected in the materials presented to DSC and City Council.

The intent of the Markham Centre Secondary Plan process was to bring the plan up to date with Provincial Policies (including polices relating to Urban Growth Centres and MTSAs) and new City direction in the Official Plan, along with providing certainty to both the City and development industry with regard to height and density. It was also the hope that this certainty would reduce the number of Ontario Land Tribunal (OLT) appeals in Markham Centre. It is our view that the Preferred Development Concept will not achieve this intent. If DSC and City Council adopts this Preferred Concept Plan without addressing our client's concerns as noted above, our client will be left with no choice but to strongly consider appealing the new Secondary Plan.

We are hopeful and open to continue discussions with City staff to ensure Kingdom's outstanding concerns with the proposed Markham Centre Secondary Plan are addressed. If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at jason.park@devinepark.com.

Yours very truly,
Devine Park LLP


Jason Park
JIP/OMR

cc: Stephen Lue, Senior Development Manager, City of Markham
Kingdom Development Inc.
Nick Pileggi, MSH Ltd.