

Jonathan S. Cheng

Direct: [REDACTED]
[REDACTED]

May 29, 2023

File No.: 146028.1001

By E-mail

clerkspublic@markham.ca

Development Services Committee
Markham Civic Centre
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Attention: Legislative Department

Dear Sirs/Mesdames:

**Re: Agenda Item 8.1 – Milliken Centre Secondary Plan – Draft Policy Framework
Letter of Concern
2659954 Ontario Inc.**

We are counsel to 2659954 Ontario Inc., the owner of the property municipally known as 250 Old Kennedy Road, Markham (the “**Property**”). Our client’s lands are located on the west side of Old Kennedy Road and north of Victory Avenue.

We are writing to express our client’s strong interest in participating in the City’s upcoming consultation regarding the proposed Milliken Centre Secondary Plan (the “**Draft Secondary Plan**”), particularly in view of various matters of concern to our client.

Current Planning Framework

Under the current, in-force Main Street Milliken Secondary Plan, which was adopted by Council in 2005 as Official Plan Amendment No. 144, the Property is designated “Urban Residential – Medium Density”. This designation permits a range of residential built forms, including townhouses, street townhouses, stacked townhouses, garden court apartments, terrace houses, duplexes, triplexes, and other forms of multiple unit housing. Under Schedule ‘AA’ of the Main Street Milliken Secondary Plan, the Property is in proximity to a symbol identifying the conceptual location of an elementary school site, the exact location of which is yet to be determined.

Under the Markham Zoning By-law No. 177-96, as amended by By-law No. 2005-250, the Property is, together with certain other adjoining lands, zoned R3*270(H)*271(H). Under this zoning, a range of uses are permitted on the Property, including multiple dwellings, townhouse dwellings, home occupations, private home daycare, and, as an additional use, a public school. As with the vast majority of lands in the secondary plan area, the Property is subject to a holding symbol, which will not be removed until the satisfaction of certain conditions relating to servicing, road network, open space and community facilities, and the execution of agreements addressing various matters, including the sharing of common costs of development, among other things.

The Draft Secondary Plan

As established through various policies in the Draft Secondary Plan, a fundamental feature of the community plan is the neighbourhood park, with a minimum size of 2.8 hectares, located centrally and adjacent to the school site. The Draft Secondary Plan envisages this central school and neighbourhood park campus as an anchoring element in the neighbourhood structure, with residential blocks framed around these focal elements.

Notwithstanding the need for community facilities and amenities in creating a complete community, it is concerning that the Draft Secondary Plan proposes to re-designate the Property from “Urban Residential – Medium Density” to a split-designation of “Public Park” and “Residential Mid-Rise”, subject to the “Public Elementary School” symbol. The Draft Secondary Plan essentially earmarks the Property as among those lands to be acquired for the elementary school and public park, which, together, function as the cornerstone of the community.

Irrespective of the public benefits associated with the elementary school and neighbourhood park, such a change to the Property’s land use permissions constitutes a down-designation—and, as established through extensive case law, if the City wishes to move forward with such a down-designation, it must be prepared to acquire the lands within a reasonable time.¹

To date, our client has not received any communication from the City or any school board regarding the acquisition of the Property for either a public park or school site. Moreover, the policies of the Draft Secondary Plan contain nothing more than vague references to “general phasing and sequencing for development”, an “area specific parkland agreement” and a “Master Parkland Agreement”, as well as some encouragement for a landowners’ or developers’ group agreement(s).

It is critical that, should the Draft Secondary Plan impose policies and designations on the Property that earmark the lands for public use, essentially restricting its development potential, sufficient policy language and legal mechanisms must be in place, including through a holding (H) symbol applied across the lands in the secondary plan area, to ensure that our client is compensated fairly and in a timely manner. It is not enough for the Draft Secondary Plan to contain policies with vague and inconsistent references to developers’ / landowners’ agreement(s) and certain parkland agreements. Until there is clarity on the content of those agreements—and, fundamentally, the timing and process for compensating our client in exchange for having the Property designated for public benefit—the changes proposed in the Draft Secondary Plan, and any development proposed for the secondary plan area, are simply premature. Through various correspondences to the relevant contacts, our client has expressed a desire to join the landowners’ group for the area, but to date, we have not yet heard back substantively on these matters.

Our client and its consultant team are continuing their review of the Draft Secondary Plan and look forward to engaging with City staff in the course of these consultations.

¹ *Re Nepean (Township) Restricted Area By-law 73-76*, 1978 CarswellOnt 1674 (O.M.B.).

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which this matter will be considered, and we ask to be provided with notice of this Committee's and Council's decision with respect to this and any related item.

Thank you for your attention to this matter.

Yours truly,



Jonathan S. Cheng

JSC/

cc. Lucy Cui, *SvN Architects + Planners*
Client

From: Peter Chee [REDACTED]
Sent: Monday, May 29, 2023 4:44 PM
To: Clerks Public <clerkspublic@markham.ca>
Cc: Da Silva, Liliana <LDaSilva@markham.ca>; [REDACTED]
Subject: FW: Milliken Centre Secondary Plan - DSC Meeting May 30, 2023

By Email Only

To: The Clerk of the City of Markham
Liliana Da Silva, Planner for City for the City Markham

Re: Milliken Centre Secondary Plan
Development Services Committee Meeting, May 30, 2023
Item #8.1

Good morning/afternoon Members of Committee,

My name is Peter Chee. I am the Land Use Planner for the owner and operator of 2Tang Automotive, Raymond Tang, which is located at 210 Old Kennedy Road. On his behalf, I am writing in opposition to the draft Secondary Plan that is before you today. His opposition is based on the following:

1. The Plan designates my client's lands as Residential Neighbourhood Area" and "Residential Midrise" in SP2, with an additional designation as "Public Elementary School".

Currently, my client is operating an automotive garage on the lands. This use is permitted under the under the Milliken Main Street Secondary and is a use to which my client wishes to continue. However, the proposed re-designation will result in his current land use to be in conflict with the proposed Plan. This is something that they do not want.

2. The designation of the Residential Neighbourhood and the School surrounding my client's lands will create a 'compatibility' issue, as provided in MECP's D-Series Guidelines. Based on these guidelines, my client's Land Use is a Class II Industrial. The guidelines required a 70m minimum separation distances between their lands and the "proposed" sensitive land use.

In closing, my client want recognition of the existing use within the Plan and provisions for future sensitive land uses encroaching within its 300m 'potential influence area' as required by the MOEP.

Further, I cite Section 1.3.2.1 and Section 1.2.6.2 of the Provincial Policy Statements.

Peter Chee, RPP, MCIP