

June 23, 2023
HPGI File # 15412

SUBMITTED VIA EMAIL: clerkspublic@markham.ca

Development Services Committee

101 Town Centre Blvd.
Markham, ON
L3R 9W3

Attn: City Clerk

**Re: Development Service Committee Meeting
Item 9.1 – Markham Road – Mount Joy Secondary Plan: Final Study
77 Anderson Avenue, City of Markham (the “Subject Site”)**

Humphries Planning Group Inc. (HPGI) is the planning consultant for Meadowpark Investments (BT) Inc., the owner of the property located at 77 Anderson Avenue (the ‘Subject Site’), in the City of Markham. This letter formally requests consideration of the Subject Site to be considered for approval prior to the Markham Road – Mount Joy Secondary Plan being in place. My client is eager to finalize a zoning bylaw and move forward with a site plan to ultimately secure building permits in the MTSA portion of this Secondary Plan and in response to the Province’s urgent need for the delivery of housing.

Property Description

The Subject Site is located on the north side of Bur Oak Avenue, east of Anderson Avenue, and immediately abuts the Metrolinx/CN Rail Line to the east. The Subject Site is approximately 0.45 hectares (1.13 acres) in area, with a frontage of approximately 45 metres along Anderson Avenue and 99 metres along Bur Oak Avenue. The Subject Site is currently occupied by a car wash business. The Subject Site is surrounded by a mix of commercial and employment uses to the north and west. An established residential neighbourhood is located east of the Subject Site, beyond the Metrolinx/CN Rail line, which predominantly consists of low scale residential dwellings. South of the Subject Site is the Mount Joy GO Station and parking areas.

Development Proposal & History

In November 2021, applications for Official Plan Amendment and Zoning By-law Amendment were submitted to permit the development of a 30-storey mixed-use (residential/commercial) development on the Subject Site. A Notice of Complete Application was issued by the City of Markham Staff on December 9, 2021 and a statutory Public Meeting was held on April 19th 2022. Following that meeting, the City of Markham Staff issued technical comments from various internal departments and external agencies representing the 1st circulation of the applications. The development proposal was subsequently amended, and a full resubmission filed with the City on March 27, 2023. The revised application proposes a 45-storey mixed-use (commercial/residential) condominium building with four (4) levels of underground parking. A second Public Meeting took place on May 23, 2023. The application is currently under review and the applicant is awaiting technical review comments.

The Mount Joy Secondary Plan Study

Based on the above, and notwithstanding the ongoing Mount Joy Secondary Plan study, it is our opinion that the applications have sufficiently advanced in a manner that appropriately implements and aligns with the land use vision and direction for the site (as contemplated in the draft Markham Road - Mount Joy Secondary Plan: Final Study and Draft Policy Framework) and are appropriate to be approved independently and in advance of the adoption and final approval of the Secondary Plan. A Site-Specific approval of the Subject Lands would not preclude the ability for the Secondary Plan to continue to advance nor would it result in a land use scenario that does not align with the strategic goals and land use objectives contemplated in the draft Secondary Plan. Further, the nature of the Subject Property, being a corner lot with multiple street frontages along with its immediate adjacency to the Mount Joy GO Station makes it a prime candidate for redevelopment at this time and prioritizes the Provincial mandate for intensification and housing in and around MTSA's. The redevelopment of the Subject Site would not preclude or sterilize redevelopment opportunities on other adjacent and/or adjoining properties. Several background studies, including but not limited to a Functional Servicing and Stormwater Management Report, Traffic Impact Study, Wind Study, Shadow Study, Natural Heritage Impact Study, Arborist Report, and Planning Justification Report have been in support of the application in order to assess the technical aspects and merits of the proposal and demonstrate its appropriateness for the land use being proposed.

Further to the above, infrastructure required to facilitate the delivery of this specific proposal can be undertaken by the applicant. Cost sharing is not warranted in all cases, and given the specific attributes and context of the subject site along with its ongoing land use planning application status, it is our opinion that development of the subject site can advance at this time prior to the approval of the secondary plan or recommended cost sharing as outlined by City staff in its report. Our client will fulfill its parkland dedication requirements pursuant to Section 42 of the *Planning Act* by providing a cash payment in lieu of an off-site parkland dedication as well as their required contribution to development charges.

It is our expectation that the City will consent to the above request and support our clients' efforts to deliver strategic new housing in a timeline that addresses current needs and in a manner that is not delayed by ongoing planning processes. We request a meeting with the appropriate staff as soon as possible to discuss how best to expedite these applications as quickly as possible. Should you have any questions about the foregoing, please contact the undersigned.

Yours truly,

HUMPHRIES PLANNING GROUP INC.

A handwritten signature in black ink, appearing to be 'Rosemarie L. Humphries', written over a horizontal line.

Rosemarie L. Humphries BA, MCIP, RPP
President

cc. Meadowpark Investments (BT) Inc.



PLANNING AND URBAN DESIGN

25 June 2023

Development Services Commission
City of Markham
101 Town Centre Blvd
Markham, ON L3R 9W3

Attention: **Darryl Lyons, M.Pl, RPP, MCIP**
Manager, Policy

Dear Mr. Lyons,

RE: **Markham Road – Mount Joy Secondary Plan Study**
9331 – 9399 Markham Road
City of Markham
Fouro Towers Builders Ltd. & Sasson Construction Inc.
WND File No.: 16.672

As you are aware, we are the planning consultants to the owners of the site municipally known as 9331 – 9399 Markham Road, which is located on the east side of Markham Road between 16th Avenue and Bur Oak Avenue (“subject site”) in the Markham Road - Mount Joy Secondary Plan. The subject site is generally rectangular in shape and approximately 11,362 square meters in area. The Mount Joy GO Station is located approximately 400 metres north of the subject site, with the southern extent of the station platform being approximately 40 metres from the subject site.

Development Applications

Prior to the initiation of the MRMJSP Study by the City in November 2019, an application to amend the City of Markham Zoning By-law 88-76 was submitted in November 2018 to revitalize the subject site with a mixed use development (City File No. ZA 18 140091). The initial proposal consisted of two 23-storey residential point towers inclusive of a 4-storey mixed use podium.

A revised Zoning By-law amendment application and Site Plan Control application (City File No. 22 114181), which encompasses an expanded subject site with the acquisition of 9331 Markham Road, were submitted in March 2022 to permit a mixed use development consisting of 37 and 42-storey residential towers connected by a 3-storey elevated sky bridge, and two new municipal rights-of-way, which includes an extension of Edward Jeffreys Avenue, east of Markham Road, and a new north-south public road proposed along the east boundary of the subject site (“proposed development”). The proposed development also incorporated a train derailment barrier along the east side of the new north-south public road, to ensure public safety along the new road in the event of a derailment.

Markham Road - Mount Joy Secondary Plan: Final Study and Draft Policy Framework

On behalf of our client, we have followed the progress of the Markham Road – Mount Joy Secondary Plan Study and have prepared this letter to provide our comments on the Report to Development Services Committee (dated 26 June 2023) and the proposed Secondary Plan as released on 16 June 2023. We had previously provided comments pertaining to the Secondary Plan to the City in September 2020 and August 2022. Copies of our earlier comment letters are attached.

The Report to Development Services Committee includes an Executive Summary, the draft Official Plan Amendment (“OPA”) to implement the Markham Road – Mount Joy Secondary Plan (“MRMJSP”), and a recommendation that the Secondary Plan should be considered at a Statutory Public Meeting.

Demonstration Plan

The Executive Summary (June 2023) provides an overview of the vision and planning framework for the MRMJSP, as well as the final Demonstration Plan (Appendix 1), which envisions the ultimate build-out of the MRMJSP area. The final Demonstration Plan identifies the subject site with maximum building heights of 20 to 25-storeys and reflects the building layout proposed in the initial Zoning By-law amendment application, as formally submitted in 2018.

During the presentation of the updated MRMJSP at the 11 July 2022 Development Services Committee meeting, it was mentioned that the submitted development applications within the MRMJSP area were considered in the preparation of the Demonstration Plan. The final Demonstration Plan does not reflect the latest building layout or heights of the revised Zoning By-law amendment and Site Plan Control applications, as formally submitted in March 2022 (prior to the July 2022 and June 2023 editions of the draft Demonstration Plan).

Markham Road – Mount Joy Secondary Plan

The draft OPA contains amendments to the City of Markham Official Plan 2014 and new policies that include amending “Part II – Secondary Plans” by adding Section 12.5, the Markham Road – Mount Joy Secondary Plan.

The goal of the MRMJSP is to create a healthy and resilient community that offers a mix and range of housing types and uses, as well as convenient connections to community facilities and the open space system by focusing density around the Mount Joy GO Station.

Mixed Use High Rise

Map SP1, Community Structure, places the subject site within the ‘Mixed Use Neighbourhood Area’ of the ‘Central Precinct’, which is identified as the *“focus of activity”* in the MRMJSP area.

Policy 3.1.5, Mixed Use Neighbourhood Area, states that:

- “a) Lands within the Mixed Use Neighbourhood Area provide for a mix of residential and nonresidential uses that contribute to the development of a complete community at transit supportive densities around the Mount Joy GO Station.*
 - b) Mixed use blocks are intended to be developed with higher density built forms comprising a mix of residential, employment, retail and service uses that support active transportation and transit use.”*
-

Proposed Policy 6.1.18, Landmarks and Views, and Map SP1, Community Structure, also recognizes the intersection of Markham Road and Edward Jeffreys Avenue as a 'Gateway Landmark', which is located at the southeast portion of the subject site. Policy 6.1.19 states that objective of a 'Gateway Landmark' is:

"To ensure that buildings and public realm features at the intersections identified in Section 6.1.18 make a significant architectural contribution to the character and identity of the Secondary Plan Area, while respecting the immediate context and creating a distinct built form, appearance or landmark feature, in accordance with the City's Gateway Masterplan."

Map SP2, Detailed Land Use, designates the subject site as *Mixed Use High Rise* which permits a full range of employment, retail, restaurant and service uses in a high density mixed use setting that is transit-supportive and pedestrian-oriented.

Mount Joy GO Station Mixed Use Node

In addition to a range of residential and non-residential uses, the 'Central Precinct' is also comprised of the 'Mount Joy GO Station Mixed Use Node', which is *"intended to accommodate the greatest densities, building heights and mix of uses in the Secondary Plan Area, establishing a destination for residents and visitors to access neighbourhood and community uses and services."*

Due to its placement within a Major Transit Station Area ("MTSA") and its close proximity to the Mount Joy GO Station (including the southern platform), the subject site represents a significant opportunity to direct growth and intensification in a manner that maximizes the benefits of being within the vicinity of higher order transit. In our opinion, the boundary of the 'Mount Joy GO Station Mixed Use Node' should be expanded to include the subject site and provide an area of high density, compact, pedestrian oriented developments along the full extent of the Mount Joy GO Station.

Building Height and Density

Policy 8.7.1 states that it is the policy of Council:

"To provide for the following height and density on all land use designations, except the 'Greenway', 'Public Parks', and 'Institutional' designations:

- a) a minimum building height of 3 storeys;*
- b) a maximum building height in accordance with Map SP3A – Height;*
- c) a FSI generally in accordance with Map SP3B – Density;"*

Map SP3B, Density, permits a maximum FSI of 7.0 for the subject site, which is greater than our clients proposed density of 6.6 FSI. Moreover, the proposed density permitted immediately to the west of the Mount Joy GO Station is 7.5.

Notwithstanding the density allowance of 7.0 FSI, Map SP3A, Height, designates the subject site with maximum building heights of 20 to 25-storeys, which is significantly less than the heights of the proposed development (37 and 42-storey), which results in only 6.6 FSI of density. By contrast, the maximum building heights permitted within the vicinity of the Mount Joy GO Station is 30 to 45-storeys, and 30-storeys along the west side of Markham Road and north side of Bur Oak Avenue, which more realistically supports the proposed 7.5 FSI.

In March 2023, a Zoning By-law Amendment application was approved by City Council to permit a mixed use building (consisting of a 26 and 32-storey tower) at 9781 Markham Road, which is located on the

south side of Castlemore Avenue, within the MRMJSP area. At the time of the approval, the draft Secondary Plan Land Use Concept, as presented to the Development Services Committee in July 2022, designated the lands with a maximum building heights of 22-storeys. The current MRMJSP designates the lands with maximum building height of 25-storeys. Although the approved building heights are clearly greater than the maximum height currently proposed in the draft MRMJSP, the Recommendation Report (dated February 28, 2023) concluded that the Zoning By-law Amendment provides for a *“building form and mass consistent with the draft Land Use Concept”* and *“is appropriate and represents good planning”*.

In our opinion, our client's proposed building heights of 37 and 42-storeys is appropriate and supports the intent of the MRMJSP given the subject site's close proximity to the Mount Joy GO Station (within 40 metres of the southern platform, which is significantly closer than many of the properties designated with greater building heights) and its location as a 'Gateway Landmark'. The height of the proposed development provides an appropriate downward transition from the primary building heights located next to the Mount Joy GO Station (maximum of 45-storeys) towards Markham Road and Edward Jeffreys Avenue. Moreover, the proposed heights will actually facilitate the proposed 7.0 FSI densities in the draft MRMJSP, which would not be achievable with the current heights proposed of 20 to 25-storey.

The proposed building height is also required in order to facilitate the major public benefits our client has agreed to provide, including two new public roads as well as the extension of the 'Open Space' located along the east side of the subject site, as identified on Map SP6, Transportation Network, and Map SP2, Detailed Land Use.

The lower building heights proposed for the subject site are inconsistent with the density proposed as they would not facilitate achieving such densities while also adhering to the urban design policies and objectives of the City, which support slender tower forms as opposed to tall buildings with very large floor plates. The subject site can accommodate a taller built form that meets the City's urban design objectives, which will encourage intensification in an area well-served by infrastructure and public service facilities; implement an appropriate transition to adjacent lower-scale land uses; and signify a sense of arrival with a good street relationship and pedestrian connections between the existing and new neighbourhoods.

Region of York Official Plan (2022)

The proposed development is subject to the policies of the York Region Official Plan, which was adopted by the York Region Council in June 2022 and approved by the Minister of Municipal Affairs and Housing in November 2022 with 80 modifications, including modification no. 17 to Policy 4.4.24 b) which deleted the word “maximum” from the policy pertaining to building heights and density. The approved policy is provided below.

Section 4.1, The Urban System, identifies *“strategic growth areas”* as areas that will attract the majority of development and contain a mix of uses, with the highest densities provided in Regional Centres and major transit station areas.

Appendix 2, York Region MTSAs places the subject site within the 'Mount Joy Protect Major Transit Station Area' ("PMTSA 18"), which is defined as an:

“area including and around selected existing or planned higher order transit stations or stops (bus rapid transit stations, GO stations and subway stations) within a settlement area. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station or stop, representing about a 10 minute walk. A minimum density target and boundary delineation are assigned to all protected major transit station areas.”

Policy 4.2.17 of Section 2.2, Community Areas, states that *“major transit station areas and transit corridors identified on Map 10 shall be the focus for higher densities and intensification.”*

The subject site is located immediately adjacent to a Provincial GO Rail Corridor, as identified on Map 10, Rapid Transit Network, of the York Region Official Plan.

Policy 4.4.24 of Section 4.4, Intensification, states:

“That secondary plans or other equivalent comprehensive planning studies and/or development contemplated within strategic growth areas address the following criteria, as appropriate, to the satisfaction of York Region:

- a. Minimum density requirements and targets established by York Region;*
- b. Minimum height and densities established by local municipalities;”*

The above policy ensures that local municipalities direct the greatest mix of land uses, as well as the highest densities and building heights toward major transit station areas to create high density, mixed use, transit-supportive neighbourhoods that provide access to housing, employment, local amenities, and recreation opportunities.

In comparison, the Ministry of Municipal Affairs and Housing also approved (November 2022) the Region of Peel Official Plan with 44 modifications, including modification no. 10 to Policy 5.6.19.10 e) which deleted the establishment of maximum building heights to support the Province's goal to increase Ontario's housing supply.

Policy 5.6.19.10 e) of the Region of Peel Official Plan now reads as follows:

“5.6.19.10 The local municipalities shall undertake comprehensive planning for Primary and Secondary Major Transit Station Areas to address the following matters to the satisfaction of the Region:

- e) the minimum height for land uses within the Major Transit Station Area, ~~maximum heights may be established at the discretion of the local municipality,~~”*

Following the direction of the Region of York Official Plan and the Ministry of Municipal Affairs and Housing, the policies of the MRMJSP should not place restrictions on building heights and densities within the major transit station areas.

Through amendments to the *Planning Act*, Bill 23, More Homes Built Faster Act, 2022, also requires Municipalities to update zoning to include minimum heights and densities within approved MTSA's and Protected MTSA's within one year of MTSA's being approved.

Conclusion

The MRMJSP is envisioned to evolve from its current context to a more dense, urban mixed use community served by the existing Provincial GO Rail Corridor. In our opinion, this should include permissions for taller building heights (consistent with the proposed development) on the subject site given, as noted above, the site's placement within a protect major transit station area that is served by a higher order transit line, and location within a 'Gateway Landmark'.

We respectfully request that the MRMJSP be revised to reflect our client's proposed building heights of 37 and 42-storeys, and that the revised MRMJSP (with the modified building heights) be considered at a statutory public meeting as recommended in the staff report, dated 26 June 2023.

Please accept this letter as our formal request for notice of any further reporting, meetings or decision made by the City with respect to this matter.

If you have any questions, please do not hesitate to contact the undersigned or Shannon Sigouin, Senior Associate, Urban Design (ssigouin@wndplan.com).

Yours very truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read 'Andrew Ferancik'.

Andrew Ferancik, MCIP, RPP
Principal

cc: G. DiMartino and J. Baldassarra, Fouro Towers Builders Ltd. & Sasson Construction Inc.
I. Kagan, KSDWP LLP

June 23, 2023
HPGI File # 15412

SUBMITTED VIA EMAIL: clerkspublic@markham.ca

Development Services Committee

101 Town Centre Blvd.
Markham, ON
L3R 9W3

Attn: City Clerk

**Re: Development Service Committee Meeting
Item 9.1 – Markham Road – Mount Joy Secondary Plan: Final Study
9833 & 9829 Markham Road, City of Markham (the “Subject Lands”)**

Humphries Planning Group Inc (HPGI) is the planning consultant for Krashnik Investments Limited, the registered owners of the lands municipally addressed as 9833 and 9829 Markham Road, in the City of Markham (the ‘Subject Lands’). HPGI has submitted correspondence, on behalf of our clients, outlining a number of concerns in relation to the Mount Joy Secondary Plan Study on several occasions as well as participated in and attended several DSC meetings held by the City on this matter in addition to individual meetings with Planning Staff. Based on our review of the Mount Joy Secondary Plan Study: Final Report (June 2023), it appears that our comments and objections as previously expressed relating to the proposed distribution of land uses have yet to be fully addressed and we continue to have concerns with many aspects of the City’s secondary plan including proposed land use and policies.

The staff report states that the purpose is to present the findings of the study and obtain authorization to hold a statutory public meeting to seek feedback on the draft secondary plan policies. The staff report further indicates that three documents (The Final Study Report, the Transportation Study Report and the Municipal Servicing Study Report) associated with the study and secondary plan documents are not available at this time for review by the public as

they are not complete. HPGIs met most recently in June with City staff managing this project at which time they undertook to provide background study work on various items and comments provided by the school boards. We have yet to receive such. It is now our understanding that the intent is to release them later this summer.

Until such time as these reports are released it is difficult for the public to understand how the City has arrived at its draft secondary plan that it is now issuing for public comment. Any comment on the draft Secondary Plan must be informed by the contents of these studies, and thus it is premature to seek comments until such time as the reports are released and the public has an opportunity to digest their contents.

There are a number of concerns that we would like to highlight at this time.

Firstly, we have a concern in the utilization in the plan and reports of the words “recommend” and “encourage” regarding matters related to formation of cost sharing agreements for parkland, school sites and other matters typically addressed through agreements entered into by landowner cost sharing groups as a precondition to development. It appears that there is no requirement for such to be undertaken as part of a development approval process and therefore no guarantee that a landowner who is potentially saddled with a greater number of public/institutional uses will derive appropriate compensation for such.

We are concerned that the proposed policy does not implement the City’s intention for school sites. We understand and note that the staff report encourages mixed use development and higher building heights on school sites, a recommendation with which we agree, but the planning document does not.

We will be providing more comprehensive comments through additional correspondence once we have had an opportunity to more thoroughly review the materials and outstanding background reports when they are made available. As such, we respectfully ask that the materials presented by staff at today’s meeting be considered as work in progress.

We ask that the outstanding study work in addition to the detailed information staff undertook to provide be circulated as soon as possible such that we may complete our review of the documents associated with Item 9.1 of Monday’s meeting. Our client remains available to meet with Staff to discuss their concerns respecting the draft policy document in greater detail. If you have any questions or comments, please do not hesitate to contact the undersigned.

Yours truly,

HUMPHRIES PLANNING GROUP INC.



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Rosemarie Humphries BA, MCIP, RPP
President

cc. Krashnik Investments Limited
Ms. Susan Rosenthal, Davies Howe