

October 13, 2023

City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

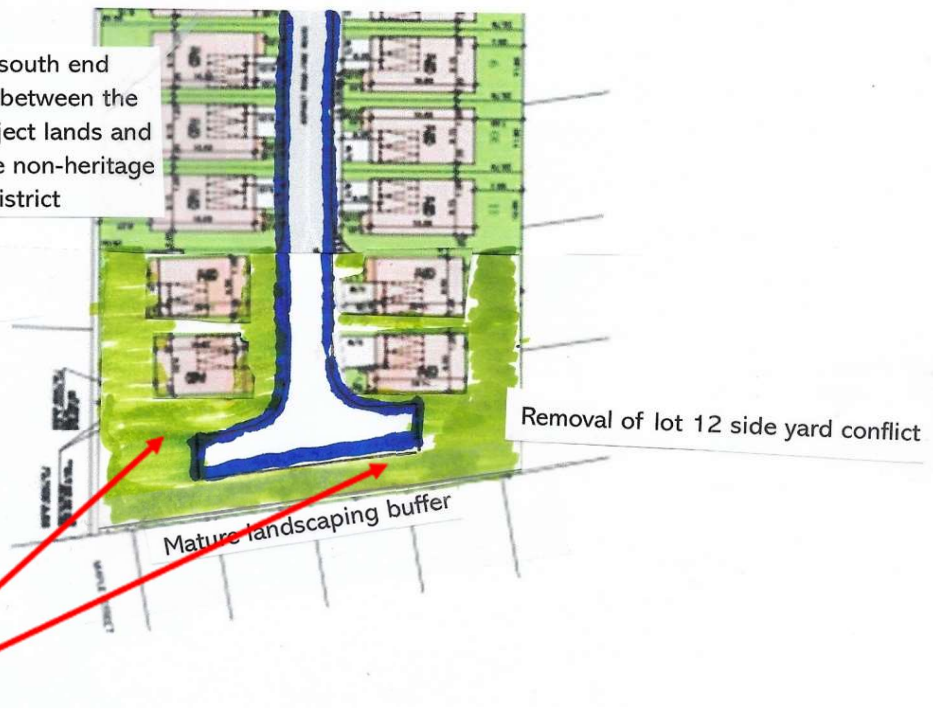
Attention: Mr. Peter Wokral, Senior Heritage Planner
Planning and Urban Design Department
pworkal@markham.ca
-and-
Clerk's office
notifications@markham.ca
-and-
Ms. Kimberley Kitteringham
City Clerk
kkitteringham@markham.ca

Reference: Application number PLAN 23 131107
City Park (Town Crier) Homes Inc (applicant)
7 Town Crier Lane, Markham

Dear Sir and Madam,

We are the owners of 16 Markham Street and we back onto the south end of subject property. It is our position that the City of Markham should not support development application number PLAN 23 131107 or at a minimum the City of Markham should compel the applicant to provide physical separation of the development from heritage compliant lands with a mature landscape buffer.

Removal of one (1) lot at south end allows a landscape buffer between the heritage area and the subject lands and provides "isolation" of the non-heritage development within the District



5m landscape buffer separates the non-heritage development from the Markham Village Heritage Conservation District removing precedent argument.

Heritage District

The Conclusion in the Council Report^[i] contains an ambiguous statement that appears to present an error in fact to Council:

"Given the subject properties location in behind the rear yards of homes that are within the boundaries of the Markham Village Heritage Conservation District fronting Markham Street, there are no anticipated negative impacts to the existing historic character of the District." (underlining added)

This does not clearly state the fact that the subject property itself is within the Markham Village Heritage Conservation District (hereinafter "Heritage District"). As evidence, please see the plan at the bottom of this email with the subject property shown in red.^[ii]

Assimilation within the Heritage District

As homeowners abutting the subject lands, we feel that the proposal:

1. Is not a heritage-spirit development and should be separated from heritage lands,

2. Is an overdevelopment of the subject lands,
3. Does not appear to make provision for any public space, parkland, or community green space,
4. Does not appear to provide any recognition of, or assimilation into, the heritage district that the subject property is located within,
5. Does not appear to provide any variation in lot sizes or lot coverages and as such is not reflective of the heritage district that the subject property is entirely located within,
6. At this preliminary stage, the proposal appears to be so condensed, and cookie-cutter that it may be incapable of providing any possibility for variance in built form other than perhaps repetitive minor tokenism of heritage residential design, and may thereby fail to be reflective or representative of the heritage district that subject property is located within,
7. Does not appear to be compatible with the established pattern of development that surrounds the subject property,
8. Does not appear to provide any adequate areas for mature landscaping due to the proposed reduction in lot area, the proposed reduction in side-yard setback and the proposed increase in lot coverage and maximum permitted gross floor area,
9. Appears to increase the need for vehicular traffic,
10. Does not appear to have any provision for basement-apartment tenant parking (if any),
11. Appears to overload a sub-standard road width / right-of-way and neglects to provide adequate street frontages for snow storage likely necessitating excessive snow piles at the private road ends.

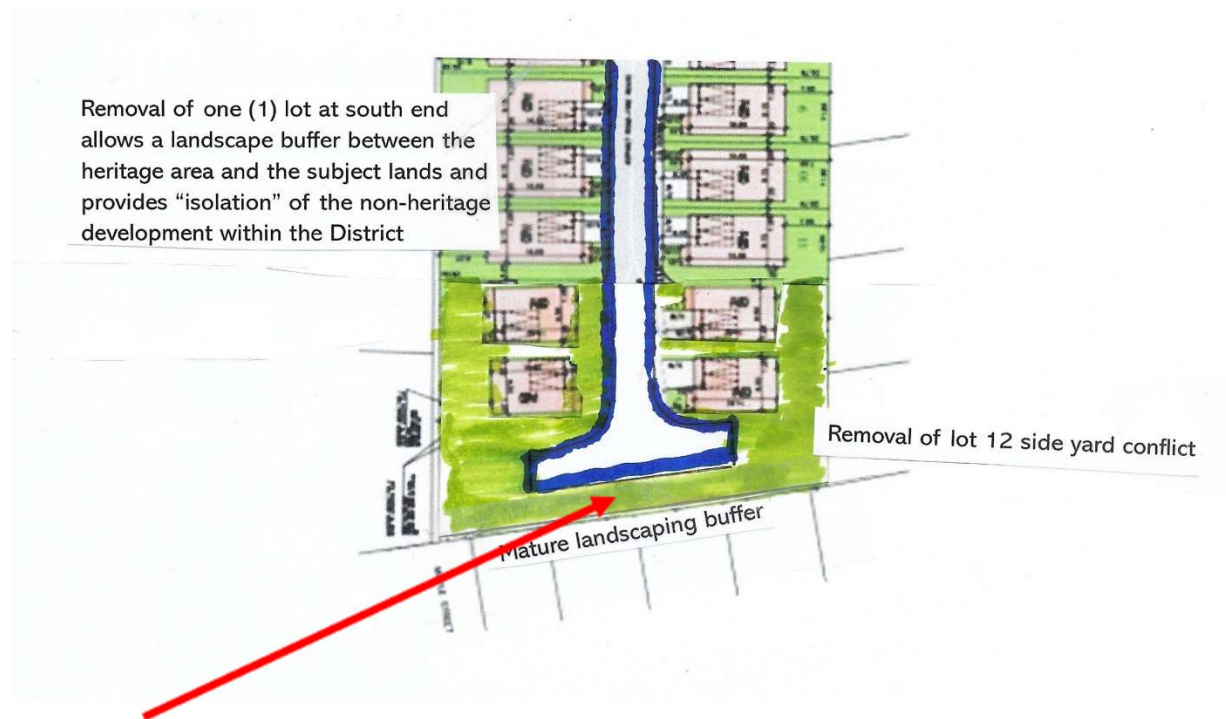
Isolation

The staff report relies upon the isolation of the subject lands to support approval stating,

“a single vehicular access from Parkway Avenue distinguishes the Proposed Development from the network of streets found in the Heritage District to the south.”^[iii]

If staff's position is to be supported by Council, and isolationism is to be relied upon as a basis for approval, then we would ask for a redesign of the south end of the subject property to create a distinct buffer zone between the existing Heritage District and the Proposed Development. This

sketch shows a 5m mature landscaping strip between the subject lands and those lands that staff believe to be the Heritage District to the south. A 5m mature landscaping strip would create the isolation and distinguishment from the Heritage District that staff support in their report to Council.



This 5m mature landscape buffer and the hammerhead road design proposed at the south end of the subject property does supports staff’s opinion that, “There is a different character within this development from what exists on Parkway Avenue and on Markham and Elm Streets.”^[iv] The buffer enacts and strengthens the staff position. By defining the different development areas with a landscape buffer, staff will achieve alignment with Markham’s strategic priorities. Specifically, isolation by landscaping and road design meets Markham’s priority to show respect for the built environment.

Further, the hammerhead road design proposed at the south end of the subject property supports staff position of the elimination of the emergency fire access to Maple Street and solves the staff’s concern of Lot 12’s minimal side year setback. The herein proposed road design also provides additional areas for snow storage with the reduction of one (1) lot.

Precedents

Staff have stated, “there are no anticipated negative impacts to the existing historic character of the District.”^[v] If these lands (that are within the Heritage District) and are to be developed as per the current application, we believe following negative impacts / precedents will be set within the District area for use by future developments within the same Heritage District:

1. The allowance of homes not being reflective of the existing built form found on neighbouring streets.
2. The allowance of homes that do not reflect policies and guidelines of the Markham Heritage Conservation District Plan in terms of massing, density, and height.
3. Reduced required lot frontages, minimum lot areas and setbacks.
4. Increased allowable heights (possibly including three-storey homes).
5. Increased maximum lot coverages.

We believe these negative impacts / precedents within the Heritage District will be detrimental to the spirit of the heritage area and the willingness of heritage property owners to maintain and/or provide heritage elements.

Proposed 11m Building Height

The proposed development standards state a “Max Building Height of 11m (36.1 feet)” and “Currently Proposed Home Elevations.”^[vi] The currently proposed elevations are subject to change and could be changed to three-storey homes with tokenistic nods to heritage. By enacting the by-law prior to agreeing upon building design, the applicant could change the design of the homes under the 11m height restriction. This could mean three-storey homes. This is another reason to support the staff position that this subject property should be isolated and distinguished from the Heritage District. The 5m mature landscape buffer and the hammerhead road design proposed at the south end of the subject property achieve this isolation and support staff’s opinion of the subject property.

Bill 23, Bill 109

We understand the frustration Markham is undergoing in the handcuffing of staff with Bills 109 and Bill 23, and we appreciate the City’s continuing efforts to maintain control despite these Bills. The Decision Summary for Bill 23 made the following statement:

“The Act amends the Ontario Heritage Act (OHA) and its regulations to reduce red tape and remove barriers that are slowing down housing construction and other priority projects while continuing to conserve heritage properties that matter most to local communities.”^[vii]

In its ruling on or before October 22, 2023, we ask that Markham declare on the record that the subject property is wholly within the Heritage District and is important to the preservation of heritage properties. If the applicant pursues an MZO, at the minimum MPP Calandra can be made aware that the development application could be considered non-heritage in spirit while being within a Heritage District of importance to Markham.

Conclusion

The application currently before the Council may be the result of the changes in the local real estate market and may be an effort to use recent Provincial legislation to impede Markham’s abilities within the Markham Heritage Conservation District.

We request that Markham continue in its efforts to conserve heritage properties that matter most to local communities by compelling the applicant to provide physical separation of the development from heritage compliant lands to the south with a 5m mature landscape buffer.

Sincerely

Grant and Jill McBain

16 Markham Street, Markham

^[i] Council Report^[i] template prepared for the October 17, 2023, meeting page 7.
Report to Development Services Committee. Recommendation Report

^[ii] Plan was taken from The Markham Village Heritage Conservation District Design Guidelines Volume 3 and 4, revised September 1991

^[iii] Council Report template prepared for the October 17, 2023, meeting page 6.
Report to Development Services Committee. Recommendation Report

^[iv] Council Report template prepared for the October 17, 2023, meeting page 6.
Report to Development Services Committee. Recommendation Report

^[v] Council Report template prepared for the October 17, 2023, meeting page 7.
Report to Development Services Committee. Recommendation Report

^[vi] Council Report template prepared for the October 17, 2023, meeting page 4 and 13.
Report to Development Services Committee. Recommendation Report

^[vii] <https://ero.ontario.ca/notice/019-6196> Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 20