



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

June 24, 2024

Development Services Committee
c/o City Clerk's Department
City of Markham
101 Town Centre Boulevard
Markham, Ontario, L3R 9W3

Dear Committee Members:

RE: MILLIKEN CENTRE SECONDARY PLAN – RECOMMENDATION REPORT
FILE NO: PR 23 127618 (10.3)
4438/4440 STEELES AVENUE EAST
OUR FILE blank

Further to our submission of November 20th, 2023, please accept this letter as my formal submission to the Development Services Committee on behalf of my client 2607549 Ontario Inc., with respect to Item 4.2 – RECOMMENDATION REPORT, CITY INITIATED AMENDMENT FOR THE MILLIKEN CENTRE SECONDARY PLAN.

As noted previously, we are active members of the Milliken Landowners Group and have been stakeholders in this community for some time. We have worked with City staff to impress upon them the opportunities afforded by the significant MTSA landmark abutting our client's site (being the northern landing of the GO Station pedestrian overpass – the most accessible property to the station).

While the draft policies speak to some flexibility for heights and densities, there needs to be more deliberate recognition of the importance of the lands around the GO Station node (and specifically our client's lands) to attract higher densities. Specifically, restrictions on additional heights being limited to up to 5 storeys without amendment to the Secondary Plan (as outlined in 8.6.3) should be revised to remove the height limitation as it is arbitrary and would require unnecessary planning approvals that will delay the realization of the Secondary Plan.

Since 2022, and most recently a months ago with an updated proposal, we have held pre-consultation for much greater heights and densities than what has currently been presenting, ranging from 28-54 storeys. In our opinion the highest built-form is appropriate on our client's lands to mark where the GO Pedestrian Bridge lands and one of the closest and most convenient in terms of proximity to the MTSA. As we continue to move forward with our own application, we hope that the Milliken Secondary Plan policies that ultimately get endorsed by Council will reflect the same vision we have for this important interface node.

We trust that these comments will result in the appropriate modifications to the Secondary Plan.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'E. Theodore', written over a large, loopy oval shape.

Eldon C. Theodore, BES, MUDS, MLAI, MCIP, RPP
Partner

cc. *2607549 Ontario Inc.*
 ZO1 Architects
 Masongsong Associate Engineers

June 24, 2023

Mayor Scarpitti and Members of Development Services Committee

Re: Milliken Centre Secondary Plan
Comments On Draft Official Plan Amendment
City of Markham

Macaulay Shiomi Howson Ltd. (MSH) is the planning consultant for W Group, who own several properties in the Milliken Centre Secondary Plan Area, noted below and also shown on the air photo below:

- North Parcel – 186 Old Kennedy Road and 51 Victory Avenue;
- Parcel A – 58-82 Old Kennedy Road (inclusive) and 20 Thelma Avenue;
- Parcel B – 35 Thelma Avenue, 19 Turf Avenue and 22 Old Kennedy Road;
- Parcel C – 4550 Steeles Avenue East and (no address) the property between 4500 Steeles Avenue East to the south and 35 Old Kennedy Road to the north;

Figure 1 – Subject Properties



The Milliken Landowners Group (LOG) has been working closely with City Planning Staff on the draft proposed Secondary Plan before Development Services Committee (DSC). W Group are an active member of the LOG and have also met with staff directly to outline our comments on a previous draft of the Secondary Plan.

We would like to commend staff for their collaborative approach and for making meaningful revisions to the draft Secondary Plan, which have been in response to both LOG and W Group comments.

However, it is our view that while some progress has been made, there are significant opportunities being presented in this Major Transit Station Area (MTSA), including the Milliken GO station and pedestrian overpass. While some flexibility related to density and height of buildings has been added to the draft Secondary Plan, more certainty is needed in this regard.

As it stands, were the Secondary Plan to be approved as is, the City will likely need to deal with several applications for increased height and density, including on the W Group lands. W Group is close to filing an application for pre-submission consultation.

It is our view that there needs to be more deliberate recognition of the achievable and appropriate heights and densities in this MTSA and GO Train Station node.

In the current draft of the Secondary Plan, the W Group properties are proposed to be designated, and development allowances, as follows:

North Parcel

Residential Mid-rise, 4-8 storeys, 1.5-2.0 FSI;
Residential High-rise, 25 storeys, 4.5 FSI;
Portion of School Site

Parcels A, B and C

Mixed Use High-Rise
A – 12-20 storeys, 2.0-4.0 FSI;
B – 25 storeys, 6.0 FSI;
C – 25 storeys, 5.0 FSI.

Generally, W Group is satisfied with the proposed designations, heights and densities proposed for the mid-rise and lower densities, as they provide an appropriate mix and transitional built form to the existing community.

It is in the high-density designations, and most notably including lands which are within the MTSA, along Kennedy Road and those very close to the GO Train station and pedestrian overpass that we feel are not being appropriately recognized for the kinds of transit supportive densities and heights that they should.

Areas of intensification like south Milliken are increasingly important in being able to deliver transit supportive densities to meet future housing needs. In this regard, it is our opinion that densities and heights in this area should be reflective of this. Densities in the south area should be minimums (in other words, the densities that are reflected in the draft Secondary Plan should be minimum densities, not maximums).

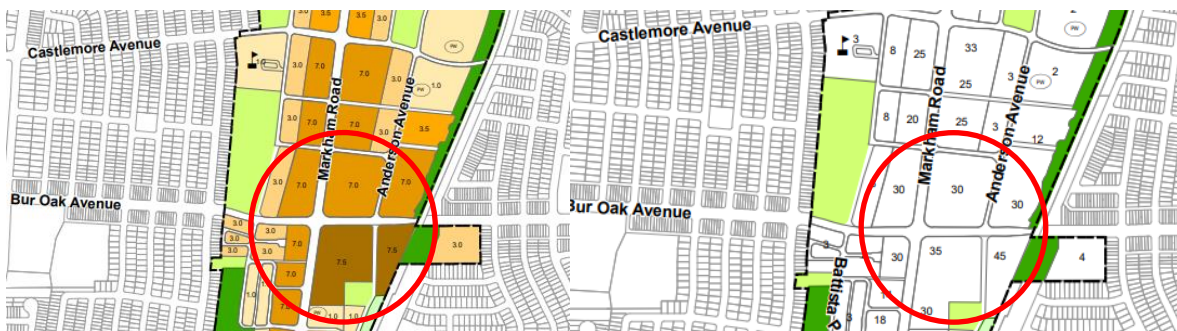
Consistent with Provincial and Regional policies on focused growth, maximum densities should not be prescribed in MTSA nodes, and especially one at the interface with the City of Toronto. The maximum density of a site should be the density that can be achieved based on the height of the buildings (to be discussed further below), the urban design objectives being met (maximum tower floorplate, tower spacing and maximum podium heights), and subject to the technical support of serviceability. If these objectives can be met, then the densities that come from this would be allowed (ie. no maximum/cap).

If Committee were to determine that maximum densities are to be included (as proposed they are in an Appendix), we would recommend maximum densities of 7.5-8.0 closest to Steeles Avenue, and gradual density decreased going north. The flexibility in the proposed policies regarding density/FSI should remain.

The proposed heights also are not consistent with the heights of similar intensification areas; in fact, they are lower than areas with lower levels of transit than are available at the Milliken GO Train Station. We would recommend heights of 45 storeys closest to Steeles Avenue, and gradual height decreases going north. The flexibility in the proposed policies regarding additional building height should remain.

In support of these recommendations, we have reviewed several other Markham specific areas, with varying levels of transit, to outline to DSC why we believe that the proposed additional density and height is appropriate for this area:

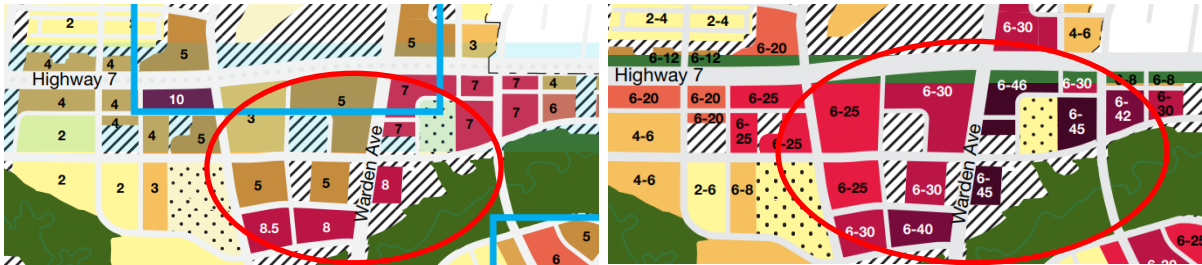
- 1) Mount Joy Secondary Plan – June 12, 2024
GO Train Transit Area
Proposed density closest to Markham Road/Bur Oak Avenue - 7.0. and 7.5 FSI
Proposed building heights (similar area) – 30-45 storeys



- 2) Markham Centre Recommended Development Concept
Viva Transit-way (note, no higher order transit at immediate corner of Highway 7 and Warden Avenue)

Proposed density closest to Highway 7 and Warden Avenue - 5.0. to 8.5 FSI

Proposed building heights (similar area) – 30-46 storeys



In addition to these examples, Council recently approved the application at 31-51 Old Kennedy Road which included building heights of up to 30 storeys and density of 8.5 FSI. While we believe that these are appropriate heights and densities, the remainder of the block within which this development would be located would now (under the proposed Secondary Plan) only permit building heights of 25 storeys and density of 5.0.

There is an obvious inconsistency between the heights and densities proposed in the draft Secondary Plan and these other examples within the City of Markham. We believe that these inconsistencies should be corrected, rather than pushing ahead with a Secondary Plan, which, if approved, would already require amendment. This does not represent the best way to plan our communities.

W Group are supportive of concluding the Milliken Secondary Plan process, however, we cannot endorse the Secondary Plan in its current state, as we believe that it does not properly address the importance of this GO Train Station MTSA node at the interface between Markham and Toronto. It is our view that the proposed heights and densities fall short of those in similar areas of intensification.

We would therefore respectfully request that this draft be deferred and we ask that staff be directed to make revisions to the height and densities prior to a final draft coming back for presentation to DSC.

W Group would like to continue to engage in meaningful discussions with the City in this regard. Should you have any questions regarding the information contained herein, please contact me directly, thank you.

Sincerely,
MACAULAY SHIOMI HOWSON LTD.

Nick Pileggi

Nick Pileggi, MCIP, RPP
Principal

Jonathan S. Cheng

Direct: [REDACTED]
[REDACTED]

June 24, 2024

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 4.2 – Recommendation Report, City Initiated Amendment for the
Milliken Centre Secondary Plan (Ward 8)
File No. PR 23 127618
Letter of Concern – 2659954 Ontario Inc.
250 Old Kennedy Road, Markham**

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.

On May 29 and November 17, 2023, we made written submissions on behalf of our client to the Development Services Committee at its meetings held respectively on May 31 and November 21, 2023 regarding the proposed Milliken Centre Secondary Plan. Copies of these submissions are enclosed for reference. We understand that City staff are presenting an updated version of the draft Milliken Centre Secondary Plan (the “**Draft Secondary Plan**”) to Committee at the upcoming meeting on June 25, 2024.

We have reviewed the Draft Secondary Plan, and continue to have serious concerns, particularly as it relates to the Property.

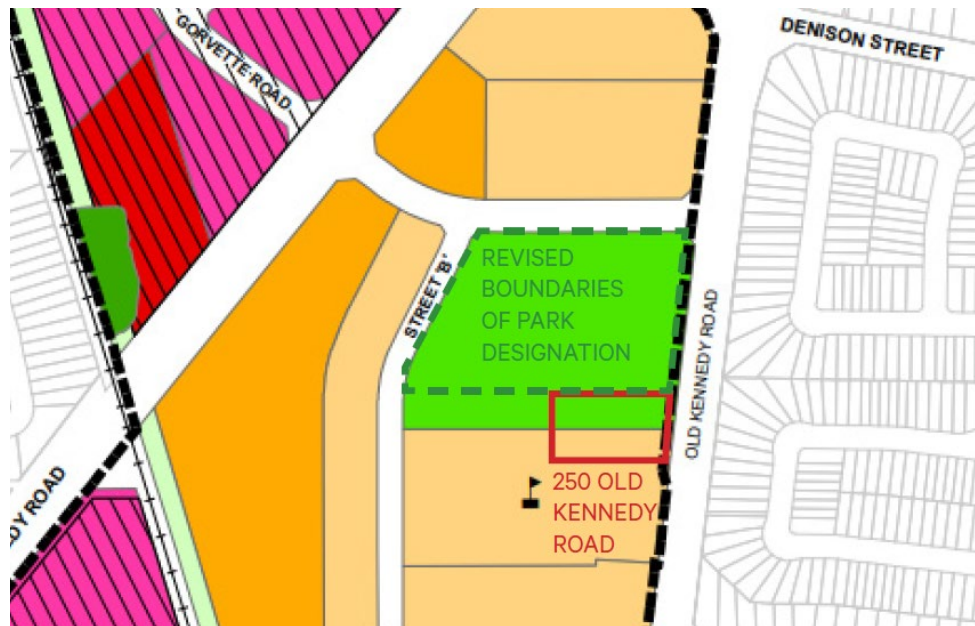
By this letter, we request that the Committee adopt the following resolutions:

- 1. Direct City staff to revise the southern boundary of the “Public Park” designation to be located north of the Property.**

Under the Draft Secondary Plan, the Property is proposed to be split-designated, with the southern portion of the Property designated “Residential Mid-Rise” in proximity to a “Public Elementary School” symbol (Map SP2 – Land Use), and with the northern portion of the Property designated “Public Park”.

Rather than split-designating the Property, Map SP2 – Land Use should be revised to show the southern boundary of the “Public Park” designation beginning at the northern limit of the Property. Similar changes should be made to Maps SP1, SP3, SP4, and Appendices 1 and 2.

To illustrate, the annotated image below shows the general boundaries of the Property in solid red lines, together with the proposed revised “Public Park” boundary shown in dashed green lines.



The Draft Secondary Plan’s proposal to re-designate the northern portion of the Property to “Public Park” constitutes a down-designation, effectively sterilizing that portion of the Property from any meaningful land use or development potential.

As articulated through well-established case law, under the “Nepean principle”, 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, despite inquiries from our client, the City has given no indication that it intends to acquire any portion of the Property for a public park within any foreseeable timeframe, whether through expropriation or through consensual purchase and sale.

To the contrary, Policy 5.3.4 of the Draft Secondary Plan establishes the City’s intention to “acquire public parkland in the form of City Parks within the Secondary Plan through the *development approval* process”. Such an acquisition policy is inapplicable to the Property. Put simply, there will be no planning application submitted for the Property in the foreseeable future, given that the proposed down-designation to “Public Park” leaves the remaining southern portion of the parcel too small to support any meaningful development.

Our client has been actively engaged in discussions with the landowners’ group, and it is recognized that the proposed split-designation of the Property creates unnecessary challenges and complications in securing the relevant portions of the Property for community use lands. For this reason, both we and the landowners’ group are supportive of this request to revise the southern boundary of the “Public Park” designation to begin at the northern limit of the Property.

We are advised by the landowners’ group that, based on its calculations, the Draft Secondary Plan contains approximately 1.3 hectares of excess parkland, beyond what is required pursuant

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

to the *Planning Act*. Realigning the southerly limit of the park, as proposed herein, will remove some of the excess parkland from the Secondary Plan while maintaining the integrity of a central school/park campus located in the heart of the Secondary Plan area.

2. Direct City staff to make the following revisions to Policy 8.5.3(a):

8.5.3 To identify the approximate location of the following public parks on lands designated 'Public Park' as shown on Map SP2 – Land Use:

- a) A centrally located 'active' neighbourhood park, with a minimum size of **approximately 2.7 2-8** hectares, alongside a school block, as a key feature of the open space system, providing a natural focus for the community and opportunities for shared uses; [...]

The modification identified above is consistent with the request to realign the southern boundary of the "Public Park" designation along the northern limit of the Property. This revised policy language will provide the flexibility needed to remove some of the excess parkland from the Secondary Plan while preserving the integrity of the central school/park campus, all in a manner that facilitates the conveyance of community use lands, in conjunction with the landowners' group, in a practical and feasible way.

3. Direct City staff to make the following revisions to Policy 5.2.10:

5.2.10 That *public school* sites may be zoned to permit appropriate alternate uses with a 'Hold' provision, in addition to a *public school* and *accessory uses* in the event the site is not required by a School Board or other educational institutions, and Council has not considered any alternative use in accordance with Section 4.2.3.2 of the Official Plan. Appropriate alternate uses may be identified through **plans of subdivision the implementing zoning by-law for the Secondary Plan, in conformity with the underlying land use designation as shown on Map SP2 – Land Use.**

Removal of the 'Hold' provision for the alternate uses on the site shall be addressed **either in the a site-specific Zoning By-law Amendment or an application to remove the 'Hold' provision under section 36 of the *Planning Act*.**

As noted above, the Draft Secondary Plan proposes to designate the southern portion of the Property as "Residential Mid-Rise" in proximity to a "Public Elementary School" symbol (Map SP2 – Land Use).

The "Public Elementary School" symbol indicates the conceptual location of a potential elementary school, which will have a size, configuration, and design to be confirmed by the school board. Policy 5.2.8 recognizes that the school site may be relocated in consultation with the school board, and in such case, Policy 5.2.9 provides that "the lands may be developed based on the underlying land use designation", which entails development in accordance with the Property's underlying "Residential Mid-Rise" designation.

The requested modifications to Policy 5.2.10 clarify that the implementing zoning by-law may establish underlying land use permissions consistent with the underlying land use designation (in the case of the Property, "Residential Mid-Rise"), but subject to a 'Hold' provision that may be lifted pursuant to section 36 of the *Planning Act*, following the satisfaction of certain conditions (e.g., the school board confirming that the Property is no longer needed for a school site).

The requested modifications are necessary because, at present, the draft policy contemplates underlying land uses being defined through a future plan of subdivision. However, as noted above, it is highly unlikely that the Property will be subject to any application for plan of subdivision given its unique size and location, and furthermore, a plan of subdivision is not the appropriate planning instrument for defining permitted land uses. Rather, permitted land uses are defined through the Secondary Plan (e.g., the uses associated with the “Residential Mid-Rise” designation) and implemented through the zoning by-law. Policy 5.2.10 must also be modified to recognize the typical means of removing a ‘Hold’ provision through section 36 of the *Planning Act*, and not only through a site-specific Zoning By-law Amendment, which is atypical.

4. Direct City staff to make the following revisions to Policy 5.3.7:

- 5.3.7 That public park sites identified on Map SP2 – Community Structure may be relocated or modified without an amendment to the Secondary Plan, provided the alternate site is **generally** consistent with the minimum park sizes identified in Policy 8.5.2 8.5.3 of the Secondary Plan and the community structure objectives of this Plan. **For clarification, a modification may include an increase or decrease in the size of a park and/or alterations to its shape or orientation.** In the event a park site is relocated, the uses in the abutting land use designation shall be permitted, subject to a zoning by-law amendment. Unless otherwise specified, removal of identified public park sites shall require an amendment to the Secondary Plan.

These modifications to Policy 5.3.7 will provide flexibility for the precise size and configuration of park sites to be adjusted as needed, particularly as discussions continue among individual owners, the landowners’ group, the school board, and the City. It is important to ensure that the Secondary Plan can function dynamically even as the more granular aspects of site size, design, and configuration are finalized in due course.

5. Direct City staff to make the following revisions to Policies 10.1.2 and 10.4.3:

- 10.1.2 That a holding provision **may** be placed on lands **within the Secondary Plan area, where appropriate,** to identify conditions that must be met before the ultimate use of land is permitted in accordance with Section 36 of the Planning Act and Section 10.2.3 of the Official Plan, **including conditions to ensure that development does not proceed until the lands needed for the public school site and the public park sites have been secured.**

[...]

- 10.4.3 That as a condition of *development approval* of any lands within the Secondary Plan, **the lands for the public school site and the public park sites, as shown on Map SP2 – Land Use, have been secured, and** the landowner shall provide confirmation from the landowners’ group(s) that the landowners have satisfied all of their parkland obligations with respect to the Master Parkland Agreement(s).

As established through various policies in the Draft Secondary Plan, a fundamental feature of the community plan is the neighbourhood park, 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.

The Draft Secondary Plan imposes policies and designations that earmark the Property entirely for public use, either for a public park, a school site, or both. If the Property’s development

potential is to be restricted in this manner, sufficient policy language and legal mechanisms must be in place to ensure that the affected landowner is compensated fairly and in a timely manner, and importantly, that development in the area does not proceed in advance of having these lands secured for community use.

Under the current zoning, the vast majority of lands within the Secondary Plan area are presently subject to holding provisions that ensure sufficient community services (including parks and schools) are in place before development is permitted to proceed.

The proposed modifications to Policies 10.1.2 and 10.4.3 provide clear direction for the continued use of holding provisions, in conjunction with conditions of development approval, to ensure that development does not proceed in advance of securing the necessary community infrastructure and services to support development.

Thank you for your attention to this matter. We would be pleased to meet with City staff to discuss these matters with the aim of resolving our client's concerns.

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.

Yours truly,



Jonathan S. Cheng

JSC/

Enclosures

cc. Lina Al-Dajani & Lucy Cui, *SvN Architects + Planners*
Client

Jonathan S. Cheng

Direct: [REDACTED]
[REDACTED]

November 17, 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 4.1 – Draft Official Plan Amendment for the Milliken Centre
Secondary Plan
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.

On May 29, 2023, we made written submissions on behalf of our client to the Development Services Committee at its meeting held on May 31, 2023 with respect to the proposed Milliken Centre Secondary Plan (the “**Draft Secondary Plan**”), a copy of which is enclosed for reference. We understand that City staff are presenting the Draft Secondary Plan to Committee at the upcoming meeting on November 21, 2023, and that there are no substantive revisions proposed to the Draft Secondary Plan.

The concerns that we raised in our previous submission remain unaddressed, and by this letter, we hereby reiterate our client’s serious concerns regarding the Draft Secondary Plan, which are summarized in greater detail below.

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 (Map SP2 – Land Use). The Draft Secondary Plan essentially earmarks the Property as among those lands to be acquired in its entirety 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 expressing any intention to acquire 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 for an indefinite period of time, sufficient policy language and legal mechanisms must be in place, including express policy direction for a holding (H) symbol to be applied across the lands in the secondary plan area, to ensure not only that our client is compensated fairly and in a timely manner, but also that development in the area does not proceed in the absence of having secured these lands for community use.

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.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which

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

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,

A handwritten signature in black ink, appearing to read 'Jonathan S. Cheng', with a stylized flourish at the end.

Jonathan S. Cheng

JSC/

Enclosure

cc. Lina Al-Dajani & Lucy Cui, *SvN Architects + Planners*
Client

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

memo

From: Wai Ying DiGiorgio and Brandon Simon
To: Duran Wedderburn, City of Markham
Date: June 24, 2024
Subject: Milliken Centre Secondary Plan
Comments from Milliken Landowners Group

The Planning Partnership ("TPP") acts as the Group Planner for the Milliken Landowners Group. On behalf of the Landowners Group, TPP submitted comments on the Draft Milliken Centre Secondary Plan to the City on August 31, 2023 and November 20, 2023.

The Landowners Group has reviewed the updated version of the Milliken Centre Secondary Plan that will be considered by the City's Development Services Committee ("DSC") at its June 25th Special Meeting. Overall, the Group generally supports the updated Secondary Plan and is encouraged by the revisions that were made by City staff in response to comments that were previously submitted by the Group and other stakeholders.

For the consideration of City staff and the DSC, we respectfully submit the following minor comments for the City's consideration, that could be implemented into the final version of the Secondary Plan that will be considered for adoption at a future City Council meeting. In addition, individual group member may also submit comments for the City's consideration, specific to their respective lands and/or building upon some of the comments provided in this memo.

Housing Impact Statement

The Landowners Group has previously submitted to the City that the requirement for a Housing Impact Assessment (now Housing Impact Statement) should be removed for a number of reasons, including that the information required to be included in a Housing Impact Statement would not provide any useful or accurate insight in the early planning application process and that such a study would not provide any added value to the planning application process. However, the updated version of the Secondary Plan continues to require a Housing Impact Statement for all planning applications, as per policy 5.1.9.

If the City insists upon maintaining the requirement for a Housing Impact Statement, then we recommend that the requirement be further clarified as follows:

- Section 4.1 of the parent Official Plan only requires a Housing Impact Statement for development projects with 500 or more dwelling units or two or more apartment buildings. This same qualification should be applied within the Secondary Plan.
- Section 4.1 of the parent Official Plan also explicitly clarifies that a Housing Impact Statement "will not be used to evaluate whether a development application is approved or not". This same statement should also be added to the Secondary Plan, to clarify the intent of a Housing Impact Statement.



- The Group maintains that the requirement to provide information regarding estimated rents and/or initial sales prices is not feasible or useful during the planning application process, as such financial information is generally determined following planning approvals, based on up to date market information. As such, the Group suggests that the requirement to provide this information be removed.
- The City should commit to sharing the information that it gathers from submitted Housing Impact Statements to the development industry and general public by way of an annual report.

Density/Height Increase Policy

The Group is pleased to see that a number of revisions have been made to the Secondary Plan to provide additional flexibility for height and/or density increases throughout much of the Secondary Plan area. These revisions include the addition of policies 8.6.1 d) and 8.6.3.

The Group continues to submit that policy 8.6.3 should not establish a defined limit on any potential height increase, and should instead be combined with policy 8.6.2, which does not establish a defined limit on any potential density increase. This would create beneficial design flexibility to respond to the unique contexts of different development projects and sites, including instances where additional height (in addition to additional density) may be beneficial in order to maintain a more slender tall building form and/or allow additional site area to be made available for landscaping and open space by increasing building height.

If, despite the Group's opinion, the City insists upon maintaining a defined height limit increase within policy 8.6.3, then the Group provides the following comments for minor refinements to the Secondary Plan to further assist with the potential future implementation of appropriate height and/or density increases:

- We recommend that policy 8.6.3 allow for consideration of height and/or density increases for both the mixed-use high-rise and residential high-rise designations, as these are the locations that the City has already determined are suitable for higher density development.
- We recommend that policy 8.6.3 be revised to state that potential height increases up to 5 storeys may be considered subject to other planning applications, rather than strictly Zoning By-law Amendment applications. The City may determine that it may be appropriate to consider a minor height increase through a Minor Variance application rather than a Zoning By-law Amendment application, particularly considering the City's intention to prepare an update Zoning By-law for the Secondary Plan area. This revision would allow the City's consideration for the most appropriate application approach on a case-by-case basis.
- We appreciate the inclusion of the note on Height Map SP3, referring to Sections 8.0 and 9.0 of the Secondary Plan, which contain policies that allow consideration of potential height and/or density increases. We suggest that this note also be added to Density Appendix 2.

Parkland

While some of the Group's previous comments have not been fully implemented, the Group is generally supportive of the parkland policy framework provided within the Secondary Plan. The Group is also happy to continue working collaboratively with the City to implement a Master Parkland Agreement, to ensure the successful, comprehensive delivery of the proposed parkland network.

In order to further assist with the collaborative implementation of the parkland network, the Group suggests the following further revisions to the parkland policy and mapping framework:

- We recommend that policy 5.3.7 be revised as follows to clarify the different types of "modifications" that may occur to the parks identified in the Secondary Plan maps:

That public park sites identified on Map SP2 – Community Structure may be relocated or modified without an amendment to the Secondary Plan, provided the alternate site is generally consistent with the minimum park sizes identified in Policy 8.5.23 of the Secondary Plan and the community structure objectives of this Plan. For clarification, a modification may include an increase or decrease to the size of a park and/or alterations to its shape or orientation. In the event a park site is relocated, the uses in the abutting land use designation shall be permitted, subject to a zoning by-law amendment. Unless otherwise specified, removal of identified public park sites shall require an amendment to the Secondary Plan.

- We recommend that policy 8.5.3 be revised as follows to provide a reasonable degree of flexibility for potential park modifications (including potential reductions in park area), recognizing the current exceedance in terms of the the scale of proposed parkland compared to the parkland obligation of the Group under current *Planning Act* requirements, and to recognize the size of the centrally located park at approximately 2.75 hectares.

To identify the approximate location of the following public parks on lands designated 'Public Park' as shown on Map SP2 – Land Use:

a) A centrally located 'active' neighbourhood park, with a minimum size of approximately 2.87 hectares, alongside a school block, as a key feature of the open space system, providing a natural focus for the community and opportunities for shared uses;

b) A 'parkette', with a minimum size of approximately 0.75 hectares, located between Midland Avenue and Celadine Drive, on the east side of Old Kennedy Road, providing an open space focus for the existing and future residents of this area; and

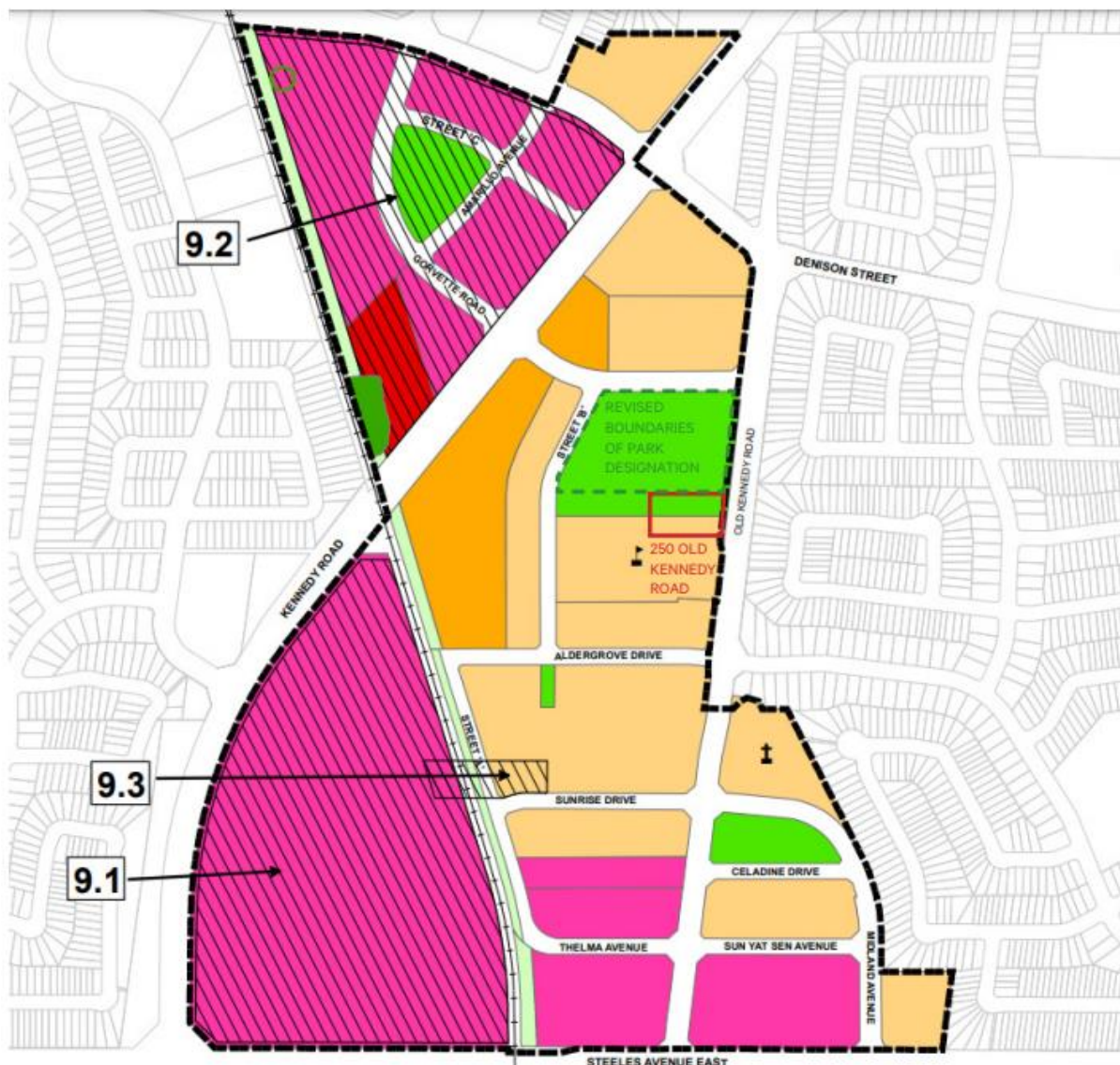
c) A 'parkette' with a minimum size of approximately 1 hectare, bounded by Street 'C' to the north, Amarillo Avenue to the east, and Gorvette Road to the south.

- As previously discussed with City staff, in order to streamline implementation of parkland delivery, we recommend that the Secondary Plan maps be revised to slightly reduce the area of the central park, and increase the corresponding area of the adjacent school block. As currently proposed, the

property municipally addressed as 250 Old Kennedy Road is entirely planned as part of the centrally located park and adjacent school block, with no development land.

The lack of development land will make it particularly difficult for the City or Group to deliver this property to the City as parkland in the short-term. To address this, the proposed adjustment would slightly reduce the parkland area, and correspondingly increase the school block area, so that this entire property is planned as part of the school block. This will allow the Owner to negotiate the potential sale of the lands directly to the School Board in the short-term. The proposed mapping adjustment is illustrated below.

Proposed Mapping Adjustment





Conclusion

The Landowners Group has greatly appreciated the collaborative efforts that City staff have employed to prepare and update the new Secondary Plan. We feel that this collaborative effort has resulted in a continually improved plan that will support the City in implementing its vision for the Milliken Centre area, and in achieving the delivery of new and expanded housing opportunities, in accordance with the City's housing pledge to the Province.

The above comments provide some additional recommendations for the City's consideration, to further support implementation of this vision and new housing opportunities. We appreciate the City's consideration of these final comments and are more than happy to meet with City staff if they have any questions or would like to discuss any of these comments in more detail.

As noted above, individual group member may also submit comments for the City's consideration, specific to their respective lands and/or building upon some of the comments provided in this memo.

Planning and Development Services
City of Markham
101 Town Centre Boulevard
Markham, ON
L3R 9W3

June 24, 2024
File 7581-2

Attn: Mayor and Members of Council

**RE: Comments on Milliken Centre Secondary Plan
Special Development Services Committee Agenda Item 4.2
Recommendation Report, City Initiated Amendment for The Milliken Centre Secondary Plan
(Ward 8), File No: Pr 23 127618 (10.3)**

Weston Consulting is the planning consultant for W Garden Corporation, the registered owner of the lands located at 186 Old Kennedy Road, 31 and 51 Victory Avenue in the City of Markham (the “subject lands”). The subject lands are approximate 3.9 hectares in size and located on the west side of Old Kennedy Road between Aldergrove Drive and Victory Avenue. Applications for Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Approval to permit the development of 94 3-storey townhouse units are currently under review by City Staff (Municipal File No. SU/ZA 18 149630) and conform to the current draft of the Milliken Centre Secondary Plan.

The Official Plan Amendment for the Milliken Centre Secondary Plan is being considered on the Special Development Services Committee Agenda on June 25, 2024 for approval. The purpose of this letter is to provide comments on the City Initiated Amendment for the Milliken Centre Secondary Plan. We previously submitted correspondence on November 21, 2023, to provide comments on the Milliken Centre Secondary Plan – Draft Policy Framework.



Figure 1: Aerial Photo

1. Proposed Land Use Designation

The subject lands are located within the *Residential Neighbourhood Area* according to draft Map SP1 (Community Structure) and split designated *Residential Mid-Rise* and *Residential High-Rise* according to draft Map SP2 (Land Use). We continue to support the proposed land use designation for the subject lands and the permitted building types within each designation.

2. Heights and Densities

Our previous correspondence recommended that Draft Maps SP3 (Heights) and SP4 (Densities) be deleted from the draft Secondary Plan on the basis that they are too prescriptive and do not allow flexibility to meet market demands. It was recognized that Draft Policy 8.6.2 would permit increased densities without an amendment to the Secondary Plan subject to specific technical studies being prepared. However, these studies would likely be required to support formal development applications.

Map SP3 (Heights) continues to prescribe a maximum building height of 25 storeys for the portion of the subject lands designated *Residential High-Rise* and a maximum building height of eight and four storeys for the portion of the subject lands designated *Residential Mid-Rise*. While we acknowledge that Draft Map SP4 has been moved to the appendix, Draft Appendix 2 (Densities) continues to permit a Floor Space Index (FSI) of 4.5 for the *Residential High-Rise* portion of the subject lands and an FSI of 1.5 to 2.0 for the *Residential Mid Rise* portion of the subject lands. We acknowledge the permitted density for a portion of the subject lands has increased from 1.0 to 1.5, however, it remains our opinion that the height and densities outlined on Maps SP3 and Appendix 2 are too prescriptive. We recommend that Maps SP3 and Appendix 2 be deleted from the draft Secondary Plan. Alternatively, we recommend increased heights be permitted along Old Kennedy given its classification as a major collector road and proposed mid-block right-of-way width.



Figure 2: Map SP3 (Heights)

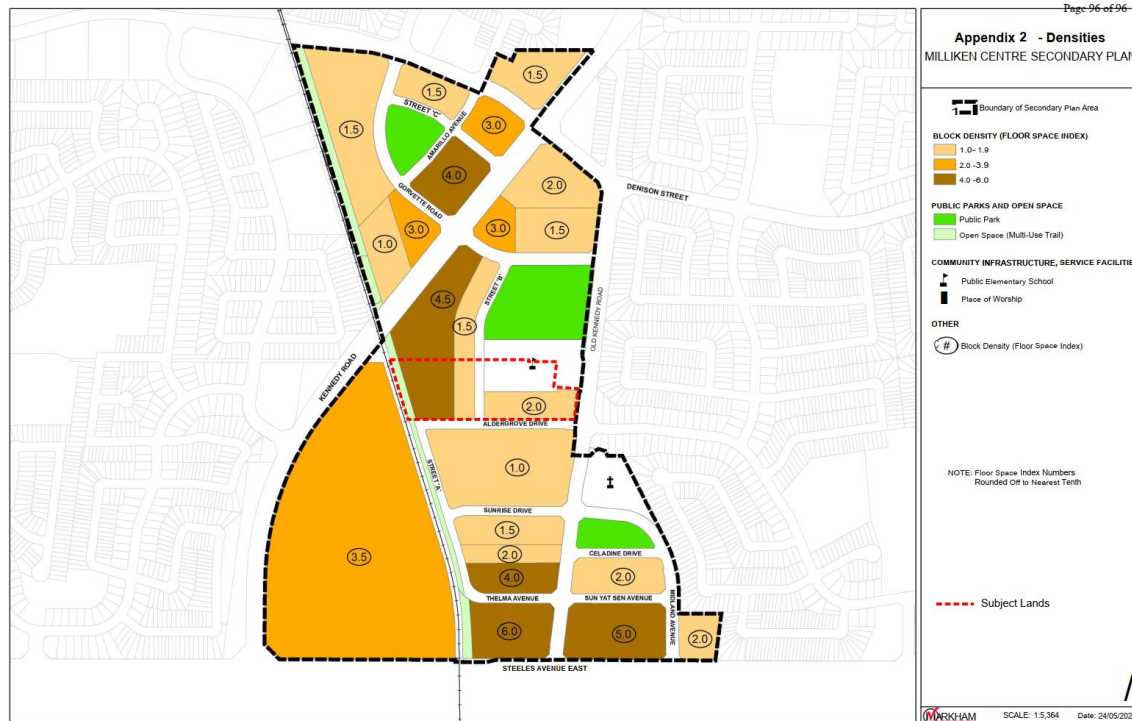


Figure 3: Appendix 2 (Densities)

3. Public School

The proposed mapping in the draft Secondary Plan identifies a public school located within the subject lands. The proposed Draft Plan of Subdivision that is currently under review provides a 0.852 hectare School Block in accordance with the draft Secondary Plan. We continue to be supportive of Policy 5.2.9, which permits these lands to be redeveloped based on underlying land use designation without an amendment should the public school site not be required.

4. Landowner Group Requirements

Policy 8.1.6 states,

That the locations of park sites, open spaces, public school sites and sites for other community facilities and infrastructure shown on Map SP2 - Land Use have been identified to support complete communities and ensure all residents have access to park spaces for active and passive recreation. Development proponents are encouraged to enter into one or more Developers' Group Agreement(s), where appropriate, within the Secondary Plan, to ensure the equitable distribution of costs of these community and infrastructure facilities in accordance with Section 9.1 of the Secondary Plan.

The owner of the subject lands is an active and participating member in the Milliken Landowners Group and has been working with the sub-consultants and Staff in order to achieve the current vision for the draft Milliken Centre Secondary Plan.

Thank you for the opportunity to provide comments on the Town's draft Official Plan. We reserve the right to provide additional comments in the future. We also reserve the right to provide comments on a future Secondary Plan process. Please do not hesitate to contact the undersigned should you have any questions.

Yours truly,
Weston Consulting
Per:



Darrin Cohen, MCIP, RPP
Senior Planner

Cc: W Garden Corporation
Ryan Guetter, Weston Consulting