



June 24, 2014

Markham City Council
Markham Civic Centre
101 Town Centre Boulevard
Markham L3R 9W3

Delivered By Email

Dear Mayor Scarpitti and Members of Council:

Re: Proposed Approvals, Item 6(B), Report No. 27
10340 - 10370 Woodbine Avenue (the "Subject Lands")
King David Inc. ("King David")
City of Markham (the "City")

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We represent the Cathedral Town Community Ratepayers Association (the "**Association**").

At its meeting tonight, Council will be considering the 16 June 2014 Staff Recommendation Report (the "**Report**"), as amended by the Development Services Committee (the "**Committee**"), to approve a number of applications (the "**Applications**") for the Subject Lands, including Official Plan, Secondary Plan and Zoning By-law Amendments and Draft Plan of Subdivision ("**Draft Plan**") and Site Plan Application approvals.

The purpose of this letter is to request that, for the reasons set out below, Council not approve the Applications until and unless staff make changes to the conditions of approval in accordance with the below requirements.

A. Background

King David is seeking to develop the lands north of Donald Buttress Boulevard and Pope John Paul II Square, west of Woodbine Avenue as a large mixed use 3-phase development with densities higher than permitted under the City's Official and Secondary Plans (the "**Development**"). While the Applications have been amended to address certain concerns identified by both staff and the public, and staff recommend securing a number of matters prior to the approval or registration of Phase 2, our clients remain concerned that the Report does not adequately modify the development and/or secure the conditions necessary to fully address their concerns.

B. Required Changes

1. Zoning

King David has agreed to a number of revisions in the zoning standards for the Development. These standards, which must be secured in section 1.3 of the draft form of zoning by-law for Phase 1, are as follows:

- (a) a height limit of 4-storeys;
- (b) a density of 1.85 fsi;
- (c) a maximum of 206 residential units;
- (d) a maximum of 24 commercial units; and
- (e) a minimum 1.5 parking spaces per residential unit (one of the Committee recommendations is that the zoning by-law establish this minimum parking space ratio);
- (f) an “H” be imposed on the Development, to be lifted once the below requirements are met.

2. Approval of Piazza:

As the Piazza and Market Square is a focal point for the Community, it is crucial for the complete development of the Community that the design of the Piazza be secured as soon as possible.

Association Requirement: prior to the issuance of a building permit for any construction for Phase 1 of the Development, require the provision and approval of the plans for the Piazza and Market Square in consultation with the public.

3. Proposed Cathedral Parking Strategy

As a result of recent minor variance approvals, land formerly belonging to the Cathedral and used for parking purposes has been transferred to King David, with the result that there will be a parking deficiency for Cathedral worshippers. King David proposes to address this by providing underground parking in the second phase of the development. In the view of our client, this is not a sufficient guarantee that the issue will be satisfactorily addressed and it is not clear who will be responsible for the ownership and maintenance of the parking garage.

Association Requirement: prior to final approvals for Phase 2 of the Development, require the provision and approval of plans for the parking garage, along with an executed site plan agreement between the City and King David setting out the ownership and maintenance obligations for the parking garage.

4. *Proposed Traffic Strategy*

There are a number of references in the Report and the proposed conditions of Draft Plan Approval (the “**Conditions**”) set out in Appendix “C” to the Report regarding the submission and review of a Traffic Impact Study and an Internal Functional Traffic Design Study (the “**Traffic Studies**”). The Studies are required as part of Draft Plan approval for all phases of the Development.

This requirement is too vague to merit approval of the Conditions at this point.

Association Requirement: prior to the issuance of a building permit for any construction for Phase 1 of the Development, require the provision and approval of the Studies in consultation with the public.

5. *404 Overpass*

There is no mention in the report about one of the most pressing issues of traffic function, namely the construction of the 404 overpass and the 404 off-ramp. Our client has raised this issue repeatedly as part of this approvals process, and is concerned about the traffic impacts of the Development without the future construction of the Overpass.

Association Requirement: have City staff report back to Council as soon as possible on the re-activation of the 404 overpass and the 404 off-ramp to Markland Street.

6. *Lake Design and Construction*

Association members have long been promised the construction of the proposed lake (the “**Lake**”) as a focal point of development in Cathedral Town. As Council will be aware, the Lake currently exists only as stormwater management pond (the “**Pond**”). To bring it to the status of a Lake, significant changes will have to occur to the Pond and agency approvals will have to be obtained for those changes.

The Conditions as proposed by staff do not reference the Lake and King David, as it has agreed, must construct the Lake if the appropriate agencies approve it. Our client is heartened that the Committee amendments on this issue make this reference clear. However, the requirement to construct the Lake, or the alternative requirement to provide an enhanced landscaping design for the Pond should such construction not be feasible, is currently tied to the registration of Phase 2 of the plan of subdivision under that recommendation. This leaves resolution of this urgent issue too far away.

Association Requirement: prior to the issuance of a building permit for any construction for Phase 1 of the Development, require the provision and approval of the plans for the construction of the Lake with the fountain feature, or, in the alternative, the enhanced landscaping design for the Pond. Prior to the final approval for Phase 2 of the Development, require the complete construction of the Lake or the enhanced pond as applicable.

Further, the construction of the Lake/enhancement of the Pond must include the following features:

- Complete and beautify the Lake at the South West corner of Betty Roman Blvd and Woodbine Ave, including planting, water features, waterfall, fountains
- Complete and beautify the Belvedere at the West side of the Lake
- Complete and beautify the Belvedere, the Junior Activity Area, and the Senior Activity Area at the North East corner of the Lake
- Complete and beautify the Belvedere at the South side of the Lake
- Complete and beautify the Formal Garden with North Promenade and South Promenade located between the Lake and the Prince Regent Street St
- Complete and beautify the Walkway/Trail surrounding the Lake
- Complete and beautify the two Entry Arches leading to the Belvedere at the North East corner of the Lake/SWM.
- Beautify the Creek and the Green Space/Open Space along the Betty Roman Blvd and along the section of Woodbine Bypass North of Betty Roman Blvd
- Beautify the two Grand Bridges of the Creek

Moreover, input and approval must be sought from the Community and the City on the above design features.

7. *Deficiency List*

The Report references the Deficiency List and the staff comments on same in the form of Appendix “F” to the Report. While staff state therein that the Development will “complete the development of the Cathedral Community”, our clients are of the view that there is much to be rectified prior to any additional development approvals.

Association Requirement: prior to the issuance of a building permit for any construction for Phase 1 of the Development, require that the existing Community deficiencies be rectified/delivered/resolved in order that the Development can properly build on the existing Community infrastructure and vision.

8. *Letter of Credit*

The cost to King David to provide the promised infrastructure, parks and other improvements, and most particularly the Lake, will be significant. As a result, and given the history of unfulfilled developer promises to the Community, it is appropriate and necessary that the City secure letters of credit from King David Inc to secure these Community enhancements.

Our clients support the amended recommendation that the City obtain a Letter of Credit (“LC”) for the construction of the Lake and amenities. The amount of the LC should be specified so that the Community is satisfied the construction will proceed.

Association Requirement: prior to the issuance of a building permit for any construction for Phase 1 of the Development, King David post an LC with the City in the amount of \$x, which amount is sufficient to construct the Lake/enhance the Pond and the related features listed above, and secure the other requirements for the Development. The LC must attach to the approvals and can only be released when City staff have confirmed compliance/completion, including with respect to all warranties.

9. Parks and Open Spaces

Our client is concerned that there is not enough parkland already built for the size of the Cathedral Community. The time lines for the provision of parks and open spaces is overly generous to the developer.

Association Requirement: prior to the final approvals for Phase 1 of the Development, require the conveyance of Block 12 for public park purposes. Further, confirm that the City will not accept cash in lieu for additional required park and open space.

10. Lapse of Approvals

The Community has waited many years for the Applications to come forward. To increase certainty around the Development, the Association requires that any approvals granted will lapse within two years if the construction of the previous Phase has not been commenced.

C. Conclusion and Request

The Association has had a long involvement with respect to the Applications. The objective of this involvement is to secure a comprehensive future development for Cathedral Town as opposed to a piece meal approach to development. The Development must be of an appropriate scale and that respects the original vision for this unique Community.

The requirements set out above are necessary to realise the Community vision, including by addressing existing deficiencies. Only then can the Community be made complete.

The Association submits that the Applications are premature without the changes required above, and requests that Council not approve the Applications unless and until all the above requirements are met. Thus, on behalf of our client, we respectfully request that Council not approve the Report recommendations, as amended, until the changes from the Association have been made.

Thank you in advance of for your consideration of this request. Representatives of our client will be in attendance at the Council meeting tonight to set out the above concerns in further detail.

Yours very truly,

Blaney McMurtry LLP

A handwritten signature in black ink, appearing to read 'MK', followed by a horizontal line.

Marc Kemerer
MPK/mk

c. Client