



November 26, 2013

Markham Civic Centre  
101 Town Centre Boulevard,  
Markham, Ontario, L3R 9W3

Attn: Mayor and Members of Council

Re: Proposed City of Markham Official Plan Impact on 2801 John Street

## INTRODUCTION

Michael S. Manett Planning Services Ltd. has been retained by The Weisdorf Group Inc. to provide land use planning advice related to the Proposed City of Markham Official Plan and the impacts of the Proposed Official Plan on the current and future uses at 2801 John Street. The subject site is designated *INDUSTRIAL-BUSINESS PARK CORRIDOR* in the current Official Plan. The Proposed Official Plan is proposing to designate the subject site to *GENERAL EMPLOYMENT*.

## SITE DESCRIPTION

The subject site fronts on the south side of John Street, and approximately 150 metres, one property west of Woodbine Avenue,. The site has a frontage of 114.13 metres (374.47) feet and a lot area of 2.3 acres (100,188 square feet) and is currently used as the head office for the Weisdorf Group of Companies, with a 32,656 square foot office/warehouse building located on the property. There is also a Chartered Accountant's office utilizing space within the building. Adjacent lands to the east and south have frontage on Woodbine Avenue and are designated *SERVICE EMPLOYMENT* in the Proposed Official Plan.

## OFFICIAL PLAN REVIEW

After reviewing the Proposed Official Plan Policies (see attached chart) it is clear that the proposed *GENERAL EMPLOYMENT* land use designation will significantly reduce the permitted uses on the subject property from the *INDUSTRIAL-BUSINESS PARK CORRIDOR* land use

designation currently in effect. Based on our review we believe that the following uses will no longer be permitted on the site:

- Offices
- light industrial uses
- banks and financial institutions
- hotels and motels
- trade and convention centres
- ancillary retail uses where internally integrated as part of an office building or hotel
- service uses consistent with the planned function and policies of the category of designation
- accessory and incidental retail uses associated with permitted light industrial uses
- sports, health and fitness recreational centres
- day care centres
- restaurants, where integrated with other uses as a component of a larger building
- research and training centres
- data processing and related facilities
- commercial schools
- other similar uses consistent with the planned function and policies of this category

In addition, the following discretionary uses will not be permitted on the site.

- a mixed use centre combining multiple unit retail development containing individual retail premises of less than 300 square metres gross floor area with other permitted uses, subject to all of the following:
  - o the centre shall generally be a multi-storey building
  - o the centre shall generally be located on a site adjoining an intersection with an arterial or collector road
  - o the total gross floor area devoted to retail uses shall generally not exceed the total gross floor area devoted to other permitted uses.
- entertainment uses
- institutional uses including government services
- private schools
- nightclubs
- banquet halls
- automobile service stations
- car washes
- free standing restaurants
- funeral homes
- places of worship

## IMPLICATIONS OF THE PROPOSED DESIGNATION

The Proposed Official Plan proposes a designation for the subject property of *GENERAL EMPLOYMENT* which will significantly reduce the permitted uses and discretionary permitted uses on the property. The subject site is directly adjacent to the proposed *SERVICE EMPLOYMENT* land use designation to the east and south which would permit more of the currently permitted uses, but still less than the existing land use designation. The location of the site, near Woodbine Avenue and fronting on John Street, is appropriate for a wider range of land uses. The proposed designation will create significant loss of value of the subject property due to the loss of existing and future uses.

## CONCLUSION

Therefore, on behalf of the owners we wish to formally register opposition to the land use designation proposed in the Proposed Official Plan and request the opportunity to meet with City Staff to clarify and/or confirm our interpretation of the new Official Plan policies and discuss our concerns. Please ensure that we are placed on a contact list for all future notices and decisions relating to the subject matter and confirm receipt of this submission.

Yours truly,

MICHAEL S. MANETT PLANNING SERVICES LTD.



Per: Michael S. Manett, MCIP, RPP

encl.

cc. Irving Weisdorf

Margaret Wouters, Senior Manager, Policy & Research

## City of Markham Official Plan Comparison of Land Use Permissions: Re: 2801 John Street

Current Official Plan Designation: INDUSTRIAL-BUSINESS PARK CORRIDOR AREA		Proposed Official Plan (Proposed Designation) GENERAL EMPLOYMENT	Proposed Official Plan (Adjacent Designation) SERVICE EMPLOYMENT
Planned Function	<ul style="list-style-type: none"> <li>Identifies locations for a mix of high quality business activities primarily in corridors along major road frontages, adjacent to industrial areas. Business Corridor Areas are intended for industrial and office uses that require the exposure offered by such locations in order to accommodate the business and service needs of the nearby companies and employees they serve, and to accommodate, at appropriate locations, certain uses that also serve the general public as their primary function. A high level of urban design is required to maintain the positive business image of the industrial area.</li> </ul>	<ul style="list-style-type: none"> <li>provide long term and stable location for manufacturing, processing, and warehousing uses with good access to arterial roads, connections to 400 series highways, roadways suited to trucking and access to public transit</li> <li>Maintain a supply of land suited to development of single and multi-unit building forms on large and small properties accommodating businesses in the industrial sector</li> <li>Restrict the introduction of new sensitive land uses to minimize the impacts on the viability and continued operation of permitted industrial and warehouse uses</li> <li>Accommodate the expansion and modernization of existing buildings to maintain the attractiveness and competitive advantage of the lands for the intended uses; and</li> <li>Restrict accessory uses and ancillary uses to those that directly support the primary industrial uses of this designation</li> </ul>	<ul style="list-style-type: none"> <li>Provide locations, planned and developed for a range of employment uses, including light industrial and warehousing, office, small-scale retail and service uses serving and supportive of other business uses and employees in Markham, and that may also serve the general public</li> <li>Incorporate lands accommodating complementary services, located on arterial and major collector road corridors adjoining and accessible from the established employment areas that they serve, or in evolving older industrial areas accessible to the business community</li> <li>Accommodate a variety of modestly scaled building forms and configurations of the intended range of business activity; and</li> <li>Restrict the introduction of new sensitive lands uses to minimize the impacts on the viability of permitted industrial and warehouse uses located on adjacent "Employment Lands"</li> </ul>
Permitted Uses	<ul style="list-style-type: none"> <li>Offices</li> <li>light industrial uses</li> <li>banks and financial institutions</li> <li>hotels and motels</li> <li>trade and convention centres</li> <li>ancillary retail uses where internally integrated as part of an office building or hotel</li> <li>service uses consistent with the planned function and policies of the category of designation</li> <li>accessory and incidental retail uses associated with permitted light industrial uses</li> <li>sports, health and fitness recreational centres</li> <li>day care centres</li> <li>restaurants, where integrated with other uses as a component of a larger building</li> <li>research and training centres</li> <li>data processing and related facilities</li> <li>commercial schools</li> <li>other similar uses consistent with the planned function and policies of this category</li> </ul>	<ul style="list-style-type: none"> <li>manufacturing, processing and warehousing use, with controlled outdoor storage and in accordance with section 8.13.6</li> <li>retail and/or service use that is accessory to the primary manufacturing, processing or warehousing use, and located in the same premise as the primary use, provided the area devoted to the accessory use does not exceed 500 square metres of gross floor area or a maximum of 15 percent of the total gross floor area devoted to the primary use, whichever is less</li> <li>office use that is accessory to the primary manufacturing, processing or warehousing use, and located in the same premise as the primary use,</li> <li>trade school</li> </ul>	<ul style="list-style-type: none"> <li>service</li> <li>office</li> <li>financial institution</li> <li>manufacturing, processing and warehousing use, with no accessory outdoor display, storage or processing</li> <li>motor vehicle body shop or repair facility with no accessory outdoor display, storage or processing</li> <li>retail use provided <ul style="list-style-type: none"> <li>the retail use is not major retail</li> <li>within a multiple unit building, the combined gross floor area devoted to all retail uses, and to all accessory uses permitted in Section 8.5.4.2 g), is limited to a maximum of 50 percent of the total gross floor area of the building</li> </ul> </li> <li>trade school</li> <li>commercial school</li> <li>commercial parking garage</li> <li>and hotel that does not include dwelling units</li> </ul>
Additional Uses which may be approved on a discretionary basis	<ul style="list-style-type: none"> <li>a mixed use centre combining multiple unit retail development containing individual retail premises of less than 300 square metres gross floor area with other permitted uses, subject to all of the following: <ul style="list-style-type: none"> <li>the centre shall generally be a multi-storey building</li> <li>the centre shall generally be located on a site adjoining an intersection with an arterial or collector road</li> <li>the total gross floor area devoted to retail uses shall generally not exceed the total gross floor area devoted to other permitted uses.</li> </ul> </li> <li>retail uses, subject to section 3.5.6.3c(ju)</li> <li>entertainment uses</li> <li>institutional uses including government services</li> <li>private schools</li> <li>nightclubs</li> <li>banquet halls</li> <li>automobile service stations</li> <li>car washes</li> <li>free standing restaurants</li> <li>funeral homes</li> <li>places of worship, subject to the provisions of section 2.1.7</li> </ul>	<ul style="list-style-type: none"> <li>ancillary use within an industrial building shall be limited to service, and office uses other than, medical offices</li> <li>the combined total gross floor area devoted to ancillary uses and accessory uses described in Section 8.5.2 b), does not exceed 15 percent of the total gross floor area of the building</li> <li>ancillary uses and accessory uses shall only be located on the ground floor of the building</li> <li>an ancillary office use shall only be located in a building on an arterial road and he does not exceed a maximum gross floor area of 300 square metres per premise</li> <li>the gross floor area of an ancillary restaurant or other ancillary service does not exceed a maximum of 100 square metres per premise</li> <li>no outdoor seating shall be provided as part of an ancillary restaurant</li> <li>motor vehicle body shop and repair garage with controlled outdoor storage in accordance with Section 8.13.5</li> </ul>	<ul style="list-style-type: none"> <li>manufacturing, processing and warehousing use, with no accessory controlled outdoor storage or processing in accordance with Section 8.13.6</li> <li>restaurant</li> <li>night club</li> <li>banquet hall</li> <li>private club</li> <li>commercial fitness centre</li> <li>trade and convention centre</li> <li>community college or university</li> <li>day care centre in accordance with section 8.13.2 provided it is located within and office building</li> <li>funeral home in accordance with section 8.13.4</li> <li>commercial storage facility</li> <li>motor vehicle service station in accordance with section 8.13.5</li> <li>car wash</li> <li>private school</li> </ul>
Prohibited uses	<ul style="list-style-type: none"> <li>autobody paint and repair</li> <li>automobile repair uses</li> <li>commercial self-storage warehouses</li> <li>retail and industrial uses involving accessory outdoor storage and/or display of merchandise</li> </ul>	<ul style="list-style-type: none"> <li>community college or university</li> <li>private school</li> <li>private club</li> <li>commercial fitness centre</li> <li>hotel</li> <li>funeral home</li> <li>medical office</li> <li>commercial storage facility</li> <li>motor vehicle service station</li> <li>motor vehicle sales or rental</li> <li>commercial parking garage</li> <li>day care centre</li> <li>place of worship</li> <li>trade and convention centre</li> <li>commercial school</li> <li>banquet hall</li> <li>night club, and</li> <li>adult entertainment</li> </ul>	

November 27, 2013

Clerks Department  
City of Markham  
101 Town Centre Boulevard  
Markham Ontario  
L3R 9W3

PMG  
Planning  
Consultants

227 Bridgeland Avenue  
Toronto, Canada M6A 1Y7  
Tel. (416) 787-4935  
Fax. (416) 787-0004  
E-Mail: pmg@pmgplanning.ca



**Re: Markham Official Plan  
Development Services Committee  
April 23, 2013**

Attn: Ms Kitty Bavington

PMG Planning Consultants has been retained by Dimilta Bros. Investment Group Limited, Rocco Dimilta and Antonio Dimilta, the owners of the lands at 103, 113 and 123 Old Kennedy Road. We had written to the City on April 19, 2013 to express certain concerns with the Proposed Official Plan (attached). We have reviewed the November 19, 2013 staff report, revised Draft Official Plan and appendices and we have the following comments:

We remain concerned with Policies 7.1.3.1, 7.1.3.2, 7.1.3.3, 7.1.3.4, Map 10 and Map 11. These items still presuppose the size, alignment and category of the Midland Road extension, which is more appropriately dealt with through the EA process. We do not believe that it is appropriate to introduce these provisions into the new Official Plan at this time given that the current Official Plan does not identify the Midland Rd extension, nor does York Region OP Map 12.

The addition of the Asterisk on Map 10 identifies this road as a "Special Transportation Study Area (road network improvements to be *confirmed* based on further studies with agencies having jurisdiction)". The role of an EA is not to "confirm" a pre-supposed conclusion, but to explore options and come up with its own conclusion. We request that the word "confirmed" be replaced with "determined" in the legend after the Asterisk on Map 10, that the Asterisk remain, but the green line representing the Midland Road extension be removed. Map 11 should also be adjusted to introduce another symbol (since the Asterisk is already being used) in the same location, and with the same revised definition. A red line should not be introduced on Map 11. In this way, determination of category, size and alignment of a new road, if a collector road is even deemed appropriate, is fully left to the discretion of the EA process.

We would also note that policy 7.1.3.4 refers to right-of-way widths on "Map 12 – Street Network of the Regional Official Plan". The York Region OP Map 12 identifies existing regional streets (or streets that may be transferred to the Region) of all sizes, and proposed street R.O.W.s as narrow as 26 metres. The

Midland extension is not identified on the York Region OP, Map 12, as currently approved.

Our clients lands are located within the Milliken Area Secondary Plan area, but are within a small quadrant north and east of the intersection of Old Kennedy and Steeles. Their lands are generally surrounded by recent development and approvals. We remain concerned that the specific requirements for a *comprehensive block plan* referenced in numerous locations in the Official Plan, including Policy 7.1.3.3, 9.15.3.4, Sections 8.1, 8.2.4, 8.3.3 and 10.1.4, would impose this additional obligation when no public benefit can be obtained. This requirement could tie development of our client's lands to the whims of the owners of other lands within the Block. Similarly, the potential requirement for a Precinct Plan, as set out in Section 10.1.3., could allow the City to unduly delay development of our client's lands.

**pmg**

Despite the comments in Appendix C to the staff report, we remain concerned that the requirements for an updated Secondary Plan in Section 9.15 don't preclude development that wishes to move forward under the current Secondary Plan. We are concerned that the policies in Section 10 and 9.15 would delay development to such an extent that development may end up having to wait until the City completes its updated Secondary Plan.

We continue to believe that the requirement to enter into a Developer's Group agreement in Policy 9.15.2 is unnecessary and inappropriate given the extent of the lands within this quadrant that have already been approved or constructed without such a requirement. Being tied to a developers group involving the remainder of lands in the Milliken Area beyond this quadrant would be punitive and unnecessary.

Given the extent of these issues, we would again request that Council refer these matters back to staff, and direct staff to address these matters with ourselves and our client. We are disappointed that we were never contacted after our first round of comments, and we were never given an opportunity to discuss the revisions.

Yours truly,

**PMG Planning Consultants**



Peter Swinton,  
B.Arch, MCIP, RPP  
Manager of Urban Design

April 19, 2013

Clerks Department  
City of Markham  
101 Town Centre Boulevard  
Markham Ontario  
L3R 9W3

PMG  
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Toronto, Canada M6A 1Y7  
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E-Mail: [pmg@pmgplanning.ca](mailto:pmg@pmgplanning.ca)



**Re: Markham Official Plan  
Development Services Committee  
April 23, 2013**

Attn: Ms Judy Carroll

PMG Planning Consultants has recently been retained by Forest Bay Homes Ltd, Rocco Dimilta, Antonio Dimilta, and Dimilta Bros. Investment Group Limited, the owners of the lands at 103, 113 and 123 Old Kennedy Road. We have reviewed the Proposed Official Plan, and we have the following concerns:

We are concerned with Policies 7.1.3.1, 7.1.3.2, 7.1.3.3, 7.1.3.4, Map 10 and Appendix D. These items presuppose the size, alignment and category of the Midland Road extension, which is more appropriately dealt with through the EA process, which we understand is underway, but has yet to come forward with any recommendations. We do not believe that it is appropriate to introduce these provisions into the new Official Plan at this time given that the current Official Plan does not identify the Midland Rd extension, nor does York Region OP Map 12.

Our clients lands are located within the Milliken Area Secondary Plan area, but are within a small quadrant north and east of the intersection of Old Kennedy and Steeles. Their lands are generally surrounded by recent development and approvals. We are concerned that the specific requirements for a *comprehensive block plan* referenced in numerous locations in the Official Plan, including Sections 8.1 and 9.1.3. would impose this additional obligation when no public benefit can be obtained. This requirement could tie development of our client's lands to the whims of the owners of other lands within the Block. Similarly, the potential requirement for a Precinct Plan, as set out in Section 9.1.2., could allow the City to unduly delay development of our client's lands.

We are concerned that the requirements for an updated Secondary Plan in Section 11.15 don't preclude development that wishes to move forward under the current Secondary Plan. It is unclear whether the policies in Section 9 and 11.15 would allow development to proceed under the

currently approved Secondary Plan, or if it would be delayed until the City completes its updated Secondary Plan.

We believe that the requirement to enter into a Developer's Group agreement in Policy 11.15.2 is unnecessary and inappropriate given the extent of the lands within this quadrant that have already been approved or constructed without such a requirement. Being tied to a developers group involving the remainder of lands in the Milliken Area beyond this quadrant would be punitive and unnecessary.

**pmg**

Given the extent of these issues, we would request that Development Services Committee refer these matters back to staff and allow time for staff to address these matters with ourselves and our client.

Yours truly,

**PMG Planning Consultants**

A handwritten signature in black ink, appearing to read 'Peter Swinton', written over a light blue horizontal line.

Peter Swinton,  
B.Arch, MCIP, RPP  
Manager of Urban Design



**ZELINKA PRIAMO LTD**

*A Professional Planning Practice*

November 27, 2013

City of Markham  
Clerk's Department  
Markham Civic Centre  
101 Town Centre Blvd.  
Markham, ON L3R 9W3

Attention: Kitty Bavington

Dear: Ms. Bavington

**Re: Public Meeting – City of Markham Official Plan Review  
November 2013 Draft Official Plan  
Comments on Behalf of Loblaw Properties Limited  
Our File: LPG/LPL/94-01**

We are the planning consultants for Loblaw Properties Limited ("Loblaws"), which is the owner or lease holder of the following lands within the City of Markham:

- Vacant lands at HWY 404/Major Mackenzie;
- Loblaws at 200 Bullock Drive;
- T&T at 9255 Woodbine Avenue;
- No Frills at 7075 Markham Road at Steeles;
- No Frills at 8601 Warden Avenue at HWY 7;
- No Frills at 5762 HWY 7 East, west of Markham Road;
- No Frills at 9301 HWY 48 (Markham and 16<sup>th</sup>); and
- Giant Tiger (former No Frills) at 7200 Markham Road at Denison.

We submitted preliminary comments on November 6, 2012 and April 23, 2013 to the City. We have continued to monitor the Official Plan Review process and have reviewed the City's new Draft Official Plan on behalf of Loblaws.

We appreciate City Staff working towards addressing a number of our concerns regarding existing food stores. However, we still are concerned with a couple of the policies in the Draft Official Plan:

- Policy 6.1.8.7, which states: "It is the policy of Council to organize and locate on-site parking facilities, service and loading areas underground, internal to the building or at the rear of the building". As currently written, this policy does not allow for flexible implementation and interpretation on a site by site basis, and does not consider the specific parking needs of certain uses, such as food stores. We note that Policy 8.3.1.4 g) of the "Mixed Use Mid Rise" designation also addresses parking, but includes greater flexibility by stating that "parking should generally be located at the side or rear of buildings, or below grade, and will be designed to provide convenient access to retail and service uses". We maintain the position that Policy 6.1.8.7 be

revised to include more flexible language (similar to Policy 8.3.1.4), in order to allow for implementation and interpretation on a site by site basis.

- Policy 7.1.3.4 c) which states: "It is the policy of Council to require conveyance through the development approvals process, additional lands needed to achieve lands beyond the right-of-way widths for necessary features, such as intersection widenings, roundabouts, embankments, bicycle facilities, transit shelters, streetscape improvements and improved sightlines at no expense". This policy is too vague and does not provide landowners with enough reassurance that this conveyance policy will be implemented conservatively, or negatively impact on as-of-right development permissions. Any improvements that would result in a conveyance should be clearly outlined in the Official Plan and/or Zoning By-law detailing the extents of the land requirements; or alternatively should be addressed through expropriation.

Should you have any questions, or if you require further information, please do not hesitate to call.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Edward Terry  
Senior Planner

cc. Mr. Steve Thompson, Loblaw Properties Limited  
Mr. Steve Zakem, Aird and Berlis LLP



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE

November 27, 2013

Marg Wouters  
Senior Manager  
Development & Planning  
City of Markham  
101 Town Centre Blvd.  
Markham, ON L3R 9W3

Dear Ms. Wouters;

RE: CITY OF MARKHAM OFFICIAL PLAN REVIEW  
HOME DEPOT HOLDINGS INC.  
3155 HIGHWAY 7  
50 KIRKHAM DRIVE  
1201 CASTLEMORE AVENUE  
MHBC FILE: 9316GJ

We have been retained by Home Depot Holdings Inc., which operates stores located at 3155 Highway 7, 50 Kirkham Drive, and 1201 Castlemore Avenue within the City of Markham, to provide planning services relative to the City of Markham's Official Plan Review program. We had submitted a letter to the City dated November 2, 2012, outlining our concerns with the initial 2012 draft of the Official Plan. We have reviewed the most recent draft of the Official Plan released this month, and we find that there are still some issues of concern relative to Home Depot's existing stores. The following is a summary of these concerns.

### 3155 Highway 7

The site is proposed to be designated as 'Mixed Use Mid Rise' on the majority of the site, and a small 'Greenway Systems' designation at the southwest corner of the site on Map 3 – Land Use (Figure 1). City staff have confirmed that the existing uses and built form will be preserved as legal conforming through Policy 11.1.3.

The Greenway Systems designation applies to natural heritage, hydrologic features, and their vegetation protection zones. They are intended to protect valleylands and stream corridors, sensitive groundwater features, landforms, woodlands, wetlands, and agricultural lands. As such, retail establishments are not permitted within this designation. Based on the updated Official Plan mapping (Figure 1), a corner of the lot and building continue to be located within this designation. The corresponding Hazard Lands designation in the in-effect Official Plan does not overlap with the existing building. In Appendix C to the November 19<sup>th</sup>, 2013 staff report, the staff response indicates that the overlap in the proposed plan has been fixed. Figure 1 confirms that this issue has not been resolved.

Based on the above, it is our interpretation that the existing Home Depot store use will continue to be a permitted use on the subject lands. Adjustment of the Greenway System designation on all maps in the Plan is still required to recognize the existing building envelope and remove it from this designation.

#### 50 Kirkham Drive

The site is designated as 'Mixed Use Mid Rise' in Map 3 – Land Use (Figure 2). There is also a 'Mixed Use Neighbourhood Area' urban structure overlay on Map 1 – Markham Structure Plan.

The same use permissions that apply to 3155 Highway 7 apply to this site. As previously noted, Policy 11.1.3 preserves the existing uses and built form as legal conforming in the new plan.

Based on the above, it is our interpretation that this existing Home Depot store will continue to be permitted on the subject lands. Therefore we have no concerns relative to this store.

#### 1201 Castlemore Avenue

The site continues to be bisected by two different land use designations in Map 1 and Map 3 of the draft Official Plan. The western portion of the site, which includes the Home Depot store, is designated as 'Residential Mid Rise' with a 'Neighbourhood Area' urban structure overlay. The eastern portion of the site, largely comprised of the Home Depot parking lot, is designated as 'Mixed Use High Rise' with a 'Mixed Use Neighbourhood Area' urban structure overlay. Refer to Figure 3.

This store is also subject to site and area specific policy 9.3, which is the area-specific policy for Berczy Village/Wismer Commons/Greensborough/Swan Lake district. The site is more specifically located in the Markham Road Mount Joy Local Corridor, a sub-area of this district. The policies for this area call for a new Secondary Plan to be prepared by the City. Until the new Secondary Plan is approved, the area will function under the currently in-effect Official Plan policies per Policy 9.3.7.3. The Home Depot store is also subject to site-specific Policy 9.3.7.5. Policy 9.3.7.5 mandates that the Secondary Plan incorporate a provision for the existing single storey retail building (Home Depot) with outdoor storage and display of merchandise. It is our interpretation that until such time as the Secondary Plan is prepared, the provisions of the current Official Plan and Secondary Plan will prevail per Policy 9.3.7.5.

Based on the above, the existing store is exempted from the draft new Official Plan through the prevalence of the in-effect Official Plan and Secondary Plan provided by Policy 9.3.7.3. Therefore the store will continue to operate under its current policy framework until the Secondary Plan is developed.

The City's response to our November 2012 letter notes that the preparation of a new Secondary Plan is required to bring the area into conformity with the policies and designations of the Official Plan. The land use designations proposed in the Official Plan will inform the Secondary Plan. The site-specific provision will be incorporated into the Secondary Plan per Policy 9.3.7.5.

The proposed Secondary Plan is of concern. Once it is prepared, it will likely further implement the dual designation as shown in Map 1 and Map 3 of the draft Official Plan. The Secondary Plan will provide site-specific protection for the existing store, but expansions or alterations may require an Official Plan Amendment and/or a Secondary Plan Amendment to comply with the dual designations. Therefore we do not support the dual designation of the property and reiterate our previous request to place the site entirely within the Mixed Use Mid Rise designation.

## Conclusion

It is our interpretation that the draft Official Plan maintains the use permissions currently enjoyed by Home Depot's stores through Policy 11.1.3. This interpretation has been confirmed by City staff through their response in Appendix C of the November 19<sup>th</sup> staff report.

We request that all applicable mapping for the 3155 Highway 7 site be revised to remove the Greenway designation from the building envelope and match the existing Hazard Lands designation of the in-effect Official Plan. This has been contemplated in the staff response in Appendix C of the staff report, but does not appear to have been implemented on the mapping. We request that the change be implemented on all Official Plan mapping.

The dual designation of 1201 Castlemore Avenue is concerning, since the future Secondary Plan will ultimately implement these designations with detailed policies. This creates a significant amount of uncertainty for the existing store. We request that the City redesignate the whole site as Mixed Use Mid Rise so that any implementing Secondary Plan will be consistent with existing development, and Policy 9.3.7.5.

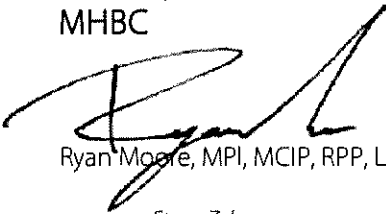
We would appreciate a meeting with City staff to discuss the above matters. Please advise of some dates and times that work for you to meet.

We will continue to monitor the Official Plan Review process and provide further comment as required.

Please feel free to call if you have any questions or concerns.

Thank you,

Yours truly,  
MHBC

A handwritten signature in black ink, appearing to read 'Ryan Moore', is written over the printed name.

Ryan Moore, MPI, MCIP, RPP, LEED® AP

















cc: *Steve Zakem*  
*Brian Cannard*  
*John Tascione*



Data Source: City of Markham Draft Official Plan - Map 3 - Land Use - Nov. 2013

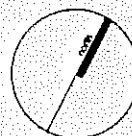
**Figure 1**  
**CITY OF**  
**MARKHAM DRAFT**  
**OFFICIAL PLAN -**  
**LAND USE**

**LEGEND:**

 Subject Lands	 Intensification Area	 Transportation and Utility and Parkway Belt West
 Building Envelope	 Business Park	 Residential Low Rise
 Mixed Use Mid Rise	 Office Priority	 Residential Mid Rise
 Commercial	 General Employment	 Mixed Use Office Priority
 Greenway	 Business Park	 Mixed Use High Rise
	 Service Employment	

DATE: Nov 22, 2013

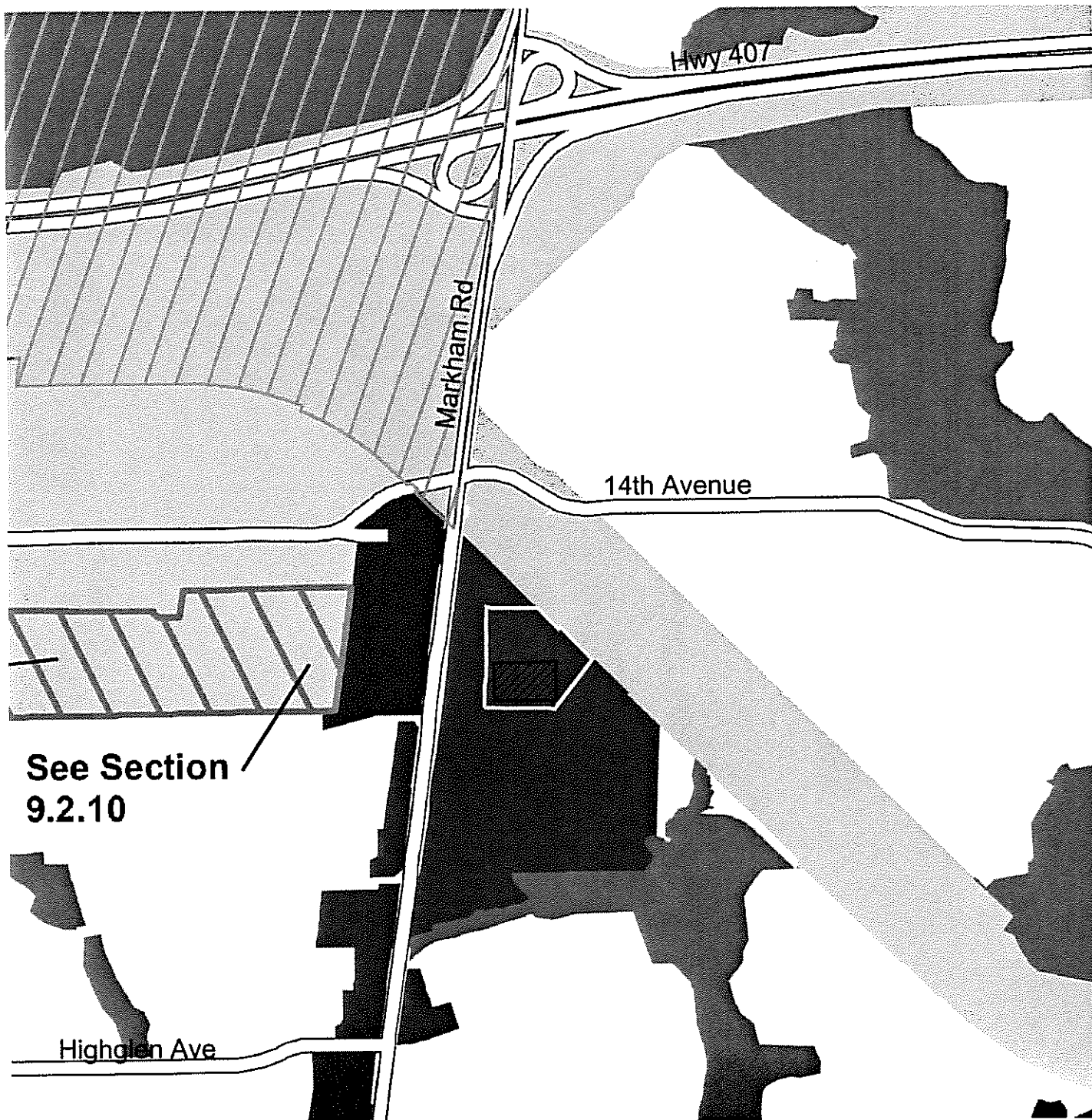
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**Woodbine Ave. & Hwy. 7**  
**Home Depot**  
City of Markham  
Region of York

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9316V - Report Figures - Sep 26-12

**MHBC** PLANNING  
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& LANDSCAPE  
ARCHITECTURE  
230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 8G7  
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




Data Source: City of Markham Draft Official Plan - Map 3 - Land Use - Nov. 2013

**Figure 2**  
**CITY OF**  
**MARKHAM DRAFT**  
**OFFICIAL PLAN -**  
**LAND USE**

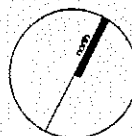
**Markham Rd & 14th Ave.**  
**Home Depot**  
City of Markham  
Region of York

**LEGEND**

 Subject Lands	 Greenway	 Transportation and Utility
 Building Envelope	 General Employment	 Parkway Belt West
 Mixed Use Mid Rise	 Residential Low Rise	
 Commercial	 Residential Mid Rise	

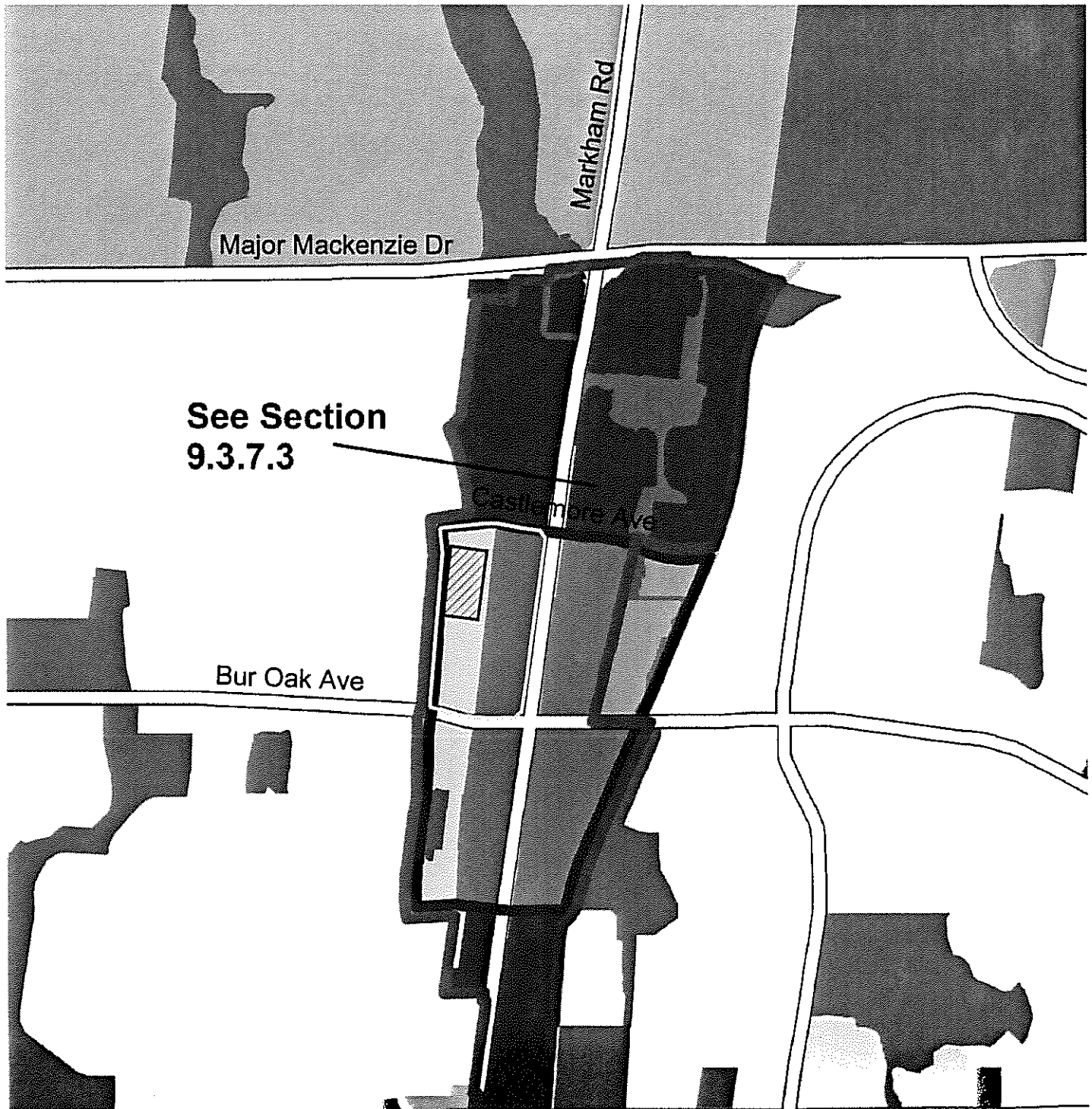
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Data Source: City of Markham Draft Official Plan - Map 3 - Land Use - Nov. 2013

Figure 3  
CITY OF  
MARKHAM DRAFT  
OFFICIAL PLAN -  
LAND USE

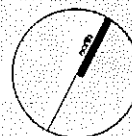
Markham Rd & Major Mackenzie Dr.  
Home Depot  
City of Markham  
Region of York

#### LEGEND

Subject Lands	Greenway	Mixed Use High Rise
Building Envelope	Intensification Area	Mixed Use Low Rise
Mixed Use Mid Rise	Residential Low Rise	Countryside
Service Employment	Residential Mid Rise	

DATE: Nov 22, 2013

SCALE 1 : 12,500



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9316V - Report Figures - Sep 25-12

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November 28, 2013

Murray Boyce  
Senior Project Coordinator, Policy & Special Projects  
Markham Planning and Urban Design  
City of Markham  
101 Town Centre Boulevard  
Markham, Ontario  
L3R 9W3

Dear Murray,

**Re: New Draft Markham Official Plan and Highway 7/Village Parkway Corridor Area and Site Specific Policy  
4038 Highway No. 7 East – Lands Owned by Scardred Company Limited**

We have reviewed the draft Revised Official Plan (November 2013) that was presented at Development Services Committee on November 19, 2013. Further to our follow up email and telephone discussions with you and Scott Heaslip between November 19, 2013 and November 22, 2013, we respectfully request that the area and site specific policy as it pertains to 4038 Highway No. 7 East be revised to reflect the proposed land use, heights and densities outlined in the attached schedule. Map 3 – Land Use Schedule and Figure 9.19.9 in the Highway 7/Village Parkway Corridor area specific policies should be coordinated as per the attached schedule and reflect each other.

We believe that a mixed use designation allowing commercial and/or residential uses with buildings at a maximum height of 8 storeys along the front portion of the subject property is appropriate from both planning and urban design perspectives and will achieve the City's goals of intensification along transit corridors. At the rear portion of the site, townhouses will provide an appropriate transition to adjacent areas. Also, the proposed land uses, densities and heights will complement the OMB approved development to the immediate west of the subject site (Lands Owned by Times Group Corporation).

Please contact the undersigned if you have any questions. We look forward to hearing from you.

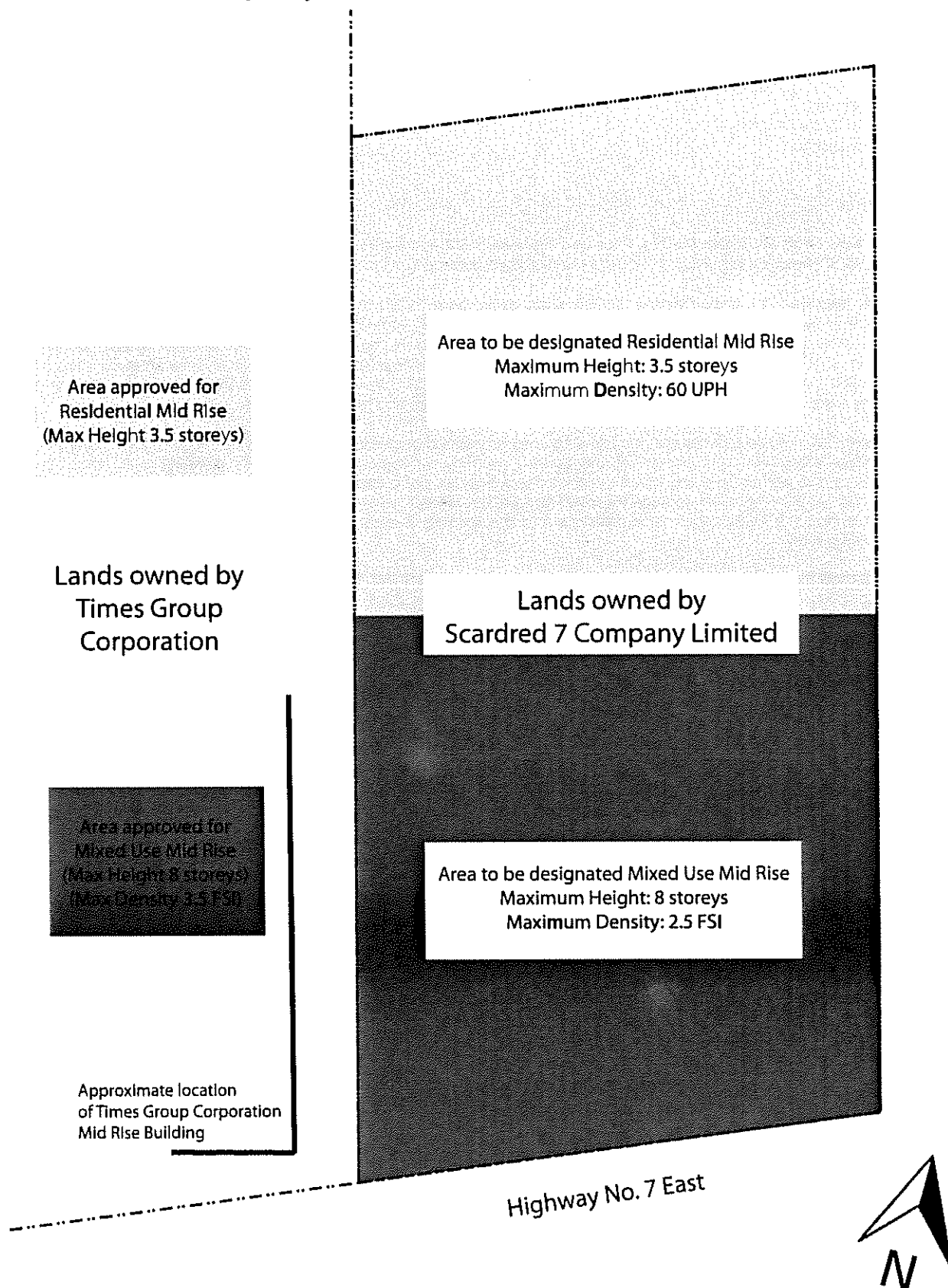
Yours truly,

A handwritten signature in black ink, appearing to read "Moiz Behar", is located below the "Yours truly," text.

Moiz Behar

Copy: Marg Wouters, Senior Manager, Policy & Research, City of Markham  
Richard Kendall, Manager, Central District, City of Markham  
Scott Heaslip, Senior Project Coordinator, City of Markham  
Jeffrey Streisfield, Solicitor  
Alex Shaw, Peak Garden Developments  
Kimberley Kitteringham, City Clerk, City of Markham

4038 Highway No. 7 East  
City of Markham Official Plan Review  
Proposed Land Use Schedule  
Scardred 7 Company Limited

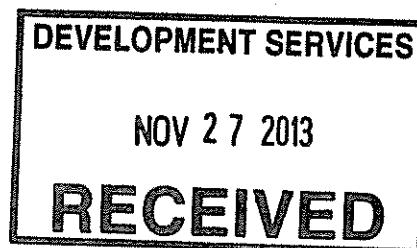


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MMM Group Limited  
100 Commerce Valley Drive West  
Thornhill, ON Canada L3T 0A1  
t: 905.882.1100 | f: 905.882.0055

www.mmm.ca



November 25, 2013

*Project No.* 14-10225-001- P01

Ms. Marg Wouters  
Senior Manager, Policy and Research  
City of Markham  
101 Town Centre Boulevard  
Markham, Ontario L3R 9W3

Dear Ms. Wouters,

**Subject: Markham Official Plan Recommended for Council Adoption (November 2013)  
The Mandarin Golf and Country Club and AV Investments II Inc.  
South of 19<sup>th</sup> Avenue between McCowan Rd. & Kennedy Rd., Markham**

On behalf of our clients, the Mandarin Golf and Country Club ("Mandarin") and AV Investments II Inc. ("AV"), MMM Group Limited ("MMM") is pleased to submit the following comments. As you are aware, our clients have been actively involved in the Official Plan Review process since 2008.

We have reviewed the draft proposed City of Markham Official Plan Recommended for Council Adoption (per staff report dated November 19, 2013) and we note that Site Specific Policy 9.8.3.i. permits a golf course within the Countryside designation on Mandarin's property at 11207 Kennedy Road and the lands leased from Duffers Development Limited (11181 Kennedy Road).

Notwithstanding this, we are resubmitting our comment letter dated December 12, 2012. We are continuing to request that the Markham Official Plan recognize and permit the existing practice range on the AV lands (11142 McCowan Road). We also maintain our request that the human-made golf course pond (an integral component of the golf course irrigation system) and island containing a golf course green not be included as part of the Greenway designation, as it is not a natural feature and contains limited ecological function, and is directly associated with the golf course facility.

We are continuing to request deletion of the proposed Greenway Designation on these properties based on the findings of the enclosed report prepared by Beacon Environmental (November 23, 2009). Furthermore, we are continuing to request that the requirement for the Vegetation Protection Zone for "permanent and intermittent streams outside of the urban area" be measured from the watercourse and not from the floodplain. We note that standard conservation authority guidelines should apply (TRCA 10 metre development setback from the Regulatory Floodline (Regional Storm)). Please reference the enclosed Floodplain Analysis prepared by MMM Group Limited (October 12, 2011).

We were advised by City staff on September 18, 2013 that the City will require the owner to submit the Beacon Environmental Report and MMM Floodplain Analysis for review and confirmation of findings by the Toronto and Region Conservation Authority (TRCA), prior to the City accepting our proposed changes to the Greenway Designation. We are currently initiating discussions with the TRCA regarding the process and timing regarding the submission of these reports for their review.

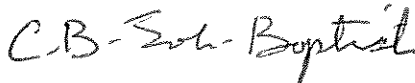
We understand that the proposed Markham Official Plan will be brought forward to Development Services Committee on December 3, 2013, with a recommendation for Council adoption shortly thereafter. As such, we are requesting that our proposed changes to the Greenway Designation be considered by the Development Services Committee at this meeting.

We look forward to working with City and Regional staff regarding this matter. Please contact us should you have any questions or comments.

Please ensure that notice is given to us of future meetings dealing with this matter, the adoption of a new Official Plan, or otherwise.

Yours truly,

**MMM GROUP LIMITED**



Chad B. John-Baptiste, MCIP, RPP  
Senior Planner/Senior Project Manager  
Associate

Encl.: MMM Comment Letter dated December 12, 2012  
Beacon Environmental Report dated November 23, 2009  
MMM Floodplain Analysis dated October 12, 2011

Cc: Kitty Bavington, City of Markham  
Henry Hung, Mandarin Golf and Country Club  
Rick Arblaster, Barrister & Solicitor  
Jo-Anne Lane, Beacon Environmental

MMM Group Limited  
100 Commerce Valley Drive West  
Thornhill, ON Canada L3T 0A1  
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[www.mmm.ca](http://www.mmm.ca)

December 12, 2012

File No. 14.10225.001.P01

Mr. Richard R. Arblaster  
Barrister & Solicitor  
7100 Woodbine Avenue, Suite 200  
Markham, Ontario  
L3R 5J2

Dear Mr. Arblaster,

**Subject: City of Markham Official Plan Part I (Draft September 2012)  
The Mandarin Golf and Country Club and AV Investments II Inc.  
South of 19<sup>th</sup> Avenue between McCowan Rd. & Kennedy Rd., Markham**

On behalf of our clients, the Mandarin Golf and Country Club ("Mandarin") and AV Investments II Inc. ("AV"), we are submitting comments in relation to the City of Markham Official Plan Part 1 (Draft September 2012). Our clients have been proactively involved in the Official Plan Review processes undertaken by the City of Markham and the Region of York, and have provided a number of written submissions to ensure that the current use of the property and business, and future land use interests are recognized.

Mandarin owns approximately 55 hectares of land on the east side of Kennedy Road, south of 19th Avenue, and leases an additional 6 hectares of land from an adjacent landowner (Duffers Development Limited "Duffers"), which lands have been used as an 18-hole championship golf course and related facilities for over 20 years. AV owns approximately 20 hectares of land that adjoin the Mandarin landholding to the east. The Mandarin and AV properties are referenced in this letter together as the "subject lands". The westerly portion of AV's landholding has been used for more than two decades as the golf course's practice range and the balance of lands are working agricultural fields. The golf course and practice range lands were previously landscaped for these current land uses in and about 1990.

## **1.0 Current Markham Official Plan (Office Consolidation 2009)**

The current Markham Official Plan (Office Consolidation 2009) Schedule A – Land Use designates the majority of the Mandarin lands, and all of the abutting lands on Kennedy Road owned by Duffers (and leased to Mandarin), as "Open Space" permitting golf course uses and the majority of

the "AV" lands as "Agriculture 1" permitting agricultural and related uses. A tributary to the Little Rouge Creek (Tributary A) traverses both landholdings from west to east and associated lands have been appropriately designated as "Hazard Lands" and associated policies note that Hazard Lands are subject to the requirements of the Toronto and Region Conservation Authority (TRCA) (Section 3.10.1). Another tributary of the Little Rouge Creek (Tributary B) flows through the AV lands from the north and merges with Tributary A. The remainder of lands are designated as "Agriculture A1".

## **2.0 Zoning**

The Mandarin and AV lands are zoned as "Agricultural One Zone" in Zoning By-law 304-87, which permit agricultural uses and related uses.

Minister's Zoning Order (O. Reg. 104/72) restricts land uses in parts of North Markham to protect surrounding lands for a potential Federal Airport in Pickering. Section 33 permits golf course and accessory buildings and structures, including a club house, a tennis court, shop and pump house, subject to development standards on the subject lands.

## **3.0 Proposed Markham Official Plan (September 2000)**

The City of Markham Draft Official Plan proposes to significantly alter the existing land use permissions on the subject lands and will have major negative implications for the future land use and development prospects for these lands. The Draft Official Plan proposes to designate a significant portion of the Mandarin lands and virtually all of the AV lands as "Greenway", broadly following Tributary A and Tributary B (Map 1 – Markham Structure), with the remainder of the lands to be designated as "Countryside".

The "Greenway" designation also covers lands currently used as a golf course pond and island containing a golf course green, which was designed, built, and landscaped by the Mandarin Golf and Country Club and contains limited ecological function. In fact, the pond is sustained through an artificial pumping system and is used for golf course irrigation.

Golf course uses are not included as permitted uses within the proposed "Countryside" designation (Section 8.8) or within the proposed "Greenway" designation (Section 3.1). These proposed designations do not recognize the existing use of these lands and are not consistent with our understanding of the environmental features on the lands. The "Greenway" designation should be deleted in favour of being identified as a "Flood Vulnerable Area" (Appendix A – Toronto and Region Conservation Authority Regulatory Framework), as discussed below, and the limits of development should correspond precisely with the regulatory floodplain.

Tributary A and Tributary B are proposed to be designated as "permanent and intermittent streams outside of the urban area" (Section 3.1.2.24, Table on page 3-12). A vegetation protection zone of 30 metres is identified, which is measured from the limit of the floodplain for drainage areas of 30 hectares or greater. These setback requirements will essentially render the majority of the Mandarin and AV lands unusable. A requirement for a 30-metre vegetation protection zone

adjacent to a floodplain is inappropriate in the circumstance where the floodplain is under agricultural production and the flood line is the limit of development. In this instance, standard conservation authority guidelines should apply (TRCA 10-metre development setback).

We note that the "Flood Vulnerable Area" associated with Tributary A and Tributary B is classified under "Natural Environmental Hazards" (Section 3.4.1). While we have no issue with this classification, an inequity arises from a related proposed policy:

*To require conveyance of hazardous lands and hazardous sites within the "Greenway" designation at no cost to a public authority (Section 3.4.1.5).*

It is important to note that the landowners of the Mandarin Golf and Country Club and AV Investments II Inc. do not intend to convey any portions of their landholdings to a public authority while the existing businesses and uses continue. Such conveyance would significantly impact the existing golf course uses and limit the existing business operation. We request that the City recognize the existing use of the property and business. We would suggest that the above policy be revised to clarify that conveyance is required at the time of, and in accordance with, urban development approvals and conditions.

#### **4.0 Environmental Review Does Not Support a Proposed Greenway on the Subject Lands**

Beacon Environmental prepared a review of Markham's Environmental Policy Review and Consolidation Study (April 2009) and verified features associated with the AV lands through field investigations (see attached report dated November 23, 2009). Notes related to the Mandarin lands were also provided. Following is a summary of key findings and conclusions related to these properties from Beacon's review of that report:

1. Tributary A and Tributary B are realigned, channelized watercourses. Tributary A functions as an agricultural drain requiring cleaning out every few years;
2. One record of Redside Dace, a Provincially Endangered fish species, has been identified for a location upstream of the Mandarin Golf Course. This capture occurred in 1972 and the presence of numerous barriers through the Mandarin Golf Club and the channelization of the main tributary removes any potential for this species to inhabit the subject properties;
3. The Draft Greenway mapping extends far beyond mapping for the approved and designed Provincial Greenbelt and Regionally Significant Forest, and is not reflective of the actual ecological constraints on these properties. It is stated that the Estimated Floodplain mapping, in particular, deviates considerably from the "Existing Floodplain" and is the primary basis for ascribing "Greenway" to extensive areas of active agricultural fields on the subject lands. The study recommends further floodplain analysis.
4. The proposed Enhancement Area/ Enhancement Corridor (now called Core Linkage Enhancements overlay) is oriented in a southwest to northeast direction and builds on disturbed remnant features of Tributary A and Tributary B. These features are surrounded

entirely by working agricultural fields and make a rather long linkage over a main road and through agricultural fields;

5. Tributary A is degraded, disconnected, and devoid of natural cover providing only limited ecological value (i.e., no presence of a species corridor, valleylands, woodlands, etc.). The current proposed linkage builds on the degraded Tributary A in an attempt to link to Little Rouge Creek to the east even though a 1.4 kilometre stretch of intervening lands is almost entirely under active agricultural use. It is noted in Markham's Environmental Policy Review & Consolidation: Background and Policy Framework (October 2008) that enhancement areas are intended to be located at "the point of least separation between the tributary corridors and where existing important features...can serve as ecological nodes at key points along connecting corridors". Beacon concludes that inclusion of Tributary A in the Core Linkage Enhancements overlay is inconsistent with this scientific objective; and
6. The City's Greenway has been mapped by incorporating mapping/data layers obtained from a variety of sources (the TRCA, the City, York Region, and the Province of Ontario) with variable levels of accuracy. All of these data layers should be verified at the site-specific level.

Based on the above, in our opinion, the City's proposed Greenway is not reflective of the actual ecological constraints on the subject lands and the delineation of the Greenway on the subject lands is not consistent with site-specific conditions. The Greenway incorporates various mapping layers and imprecisely uses the floodplain as a basis for applying the Greenway to working agricultural fields. Moreover, Tributary A is degraded, disconnected, and devoid of natural cover providing only limited ecological values, and it is unlikely that any species at risk (i.e., red side dace) exist within the tributaries. As such, there is no ecological basis, in our opinion, for establishing a Greenway on these lands and we would request that the "Greenway" designation on these lands be removed.

## **5.0 Floodplain Analysis Delineates the Actual Floodplain Limits**

MMM Group Limited (MMM) completed a floodplain analysis in relation to the Mandarin and AV lands (See attached report dated October 12, 2011 and attached Figure 1). We note that the floodplain area in this analysis has been appropriately established to the Regional Flood Line and a 10 metre setback has been applied, in accordance with TRCA's requirements. The Regional Flood Line represents the greatest level of protection, which in this case, exceeds the 100-year flood event. Further protection is unnecessary. It is important to note that the regulatory floodplain is not a "natural feature" requiring buffering; rather, the flood line relates to a natural occurrence that is highly unusual and infrequent (Hurricane Hazel).

The floodplain limits on the subject properties are particularly wide – especially in relation to the AV lands, which are quite flat. As noted above, Section 3.1.2.24 suggests the need for a 30-metre wide Vegetation Protection Zone from the watercourse measured from the limit of the floodplain. In our view, the application of a 30 metre wide VPZ is inappropriate in the circumstance where the limits of the floodplain extend beyond any other environmental constraint. This is certainly the case

with the AV lands, where the floodplain is so broad, the lands between the watercourse and the floodplain limits are in agricultural production, and any other constraints associated with the watercourse, including buffers, would be contained within the floodplain.

It is important to note that the floodplain analysis concluded that improvements to the culverts at McCowan Road and opening a constricted area along Tributary A will reduce the size of the regulated floodplain area. We note that floodplain areas are identified as "Flood Vulnerable Areas" and are outlined on Appendix A (TRCA Framework). With regards to Floodplain Vulnerable Areas, the Draft Official Plan states that it is the policy of Council:

*that the management of floodplain lands as generally shown in Appendix A – Toronto and Region Conservation Authority Regulatory Framework be based on the regulatory flood standard in accordance with Provincial standards and mapping produced by the Toronto and Region Conservation Authority (Section 3.4.1.6).*

We assume that this policy provides for flexibility in delineation of the floodplain should improvements to the watercourse be implemented. Please confirm that this is correct.

We note that the Province does not require municipalities to apply a buffer from floodplain areas. We would request that the City does not apply the "Greenway" designation to the subject lands to unnecessarily buffer the floodplain areas associated with Tributary A and Tributary B.

## **6.0 Conclusion**

In summary, we would suggest the following modifications to Markham's Draft Official Plan:

### **i) Recognition of Existing Uses**

The Mandarin Golf and Country Club has been operating on their lands and the adjacent AV and Duffers lands for over 20 years. The Draft Official Plan does not identify the golf course as a permitted use within the proposed "Countryside" or "Agricultural" designations, and this is a change from the existing Official Plan. There should be recognition in the Official Plan of the Mandarin Golf and Country Club, including the practice range on the AV lands and the lands leased from Duffers Development Limited.

### **ii) Deletion of the Greenway Designation**

The proposed Greenway is inappropriate as it is based on a degraded, disconnected watercourse that is devoid of natural cover and provides only limited ecological value, and consequently will not provide the intended environmental linkage function. The Greenway incorporates various mapping layers and imprecisely uses the floodplain as a basis for expanding the Greenway onto working agricultural fields. The watercourse tributaries can be adequately protected through the Natural Environmental Hazards policies of Section 3.4.1 of the Draft Official Plan. Furthermore, Section 3.4.1.6 appears to provide for flexibility should improvements to the watercourse occur to reduce the size of the Flood Vulnerable Area.

Should removal of the proposed Greenway designation on the subject lands not be supported, we suggest that the City more accurately delineate the proposed Greenway to reflect the regulatory floodline and 10 metre development setback, as shown in the Figure 1. The Greenway should not include the ornamental/irrigation pond that was constructed by Mandarin as an essential element of golf course play and operation.

**iii) Modification to Section 3.4.1.5**

Section 3.4.1.5 of the Draft Official Plan requires the conveyance of hazardous lands, which would include lands associated with a floodplain, to a public authority. This section should be modified to require the conveyance at the time of urban development approvals, so that there is no misunderstanding that these lands are to be conveyed while functioning as a golf course or agricultural use.

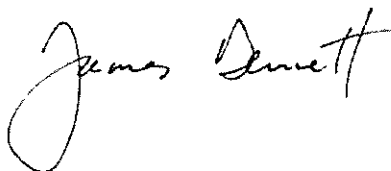
**iv) Revision to Section 3.1.2.24 as Relating to VPZ From a Floodplain**

The table contained in Section 3.1.2.24 identifies expectations for vegetation protection zones from different natural features. In the case of "permanent and intermittent streams outside of the urban area", a VPZ of 30 metres, measured from the limit of the floodplain, is identified. This is excessive and unnecessary, as there is no basis for a buffer from a floodplain, which is not a natural feature or function, but rather a rare occurrence, and there is no basis for a vegetated protection buffer where the lands within the floodplain are farmlands or a golf course. We would suggest that the requirement for a VPZ for a stream be measured from the watercourse and not the floodplain. Provincial policy and the guidelines of the TRCA already provide adequate protection for hazard lands.

Please contact us should you have any questions or comments.

Yours truly,

**MMM GROUP LIMITED**



Jamie Bennett, MCIP, RPP  
Senior Planning Manager  
Planning and Environmental Design

Encl.    - Figure 1 – Proposed Greenway System on Subject Lands  
          - Review of Town's Draft Environmental Policies, prepared by Beacon dated November 23, 2009  
          - Report for Assessment of Floodline Mapping, prepared by MMM Group Limited dated October 12, 2011

Cc: Henry Hung, Shiu Pong Group of Companies

/NB

M:\Jobs\2010\14.10225.001.P01 - Mandarin Golf Course\Correspondance\Comment Letter - Markham Draft OP (Sept. 2012) - FINAL (Dec. 4, 2012).docx



**Legend**

- Landholdings
- Regulatory Floodline (Regional Storm)
- 10m Offset - Regulatory Floodline (Regional Storm)
- City of Markham Proposed  
Greenway Designation (September 2012)

**Client:** Mandarin Golf and Country Club Inc.  
and AV Investments II Inc.

**Title:** Proposed Greenway System on Subject Lands

**Prepared by:** **MMM GROUP**

14_10225_001_P01	Scale as Shown
Date: December 2012	Review: NB

**Figure: 1**

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November 23, 2009

BEL 209104

Mr. Don Miller  
11270 McCowan Road  
Markham, ON L3P 3J3

Messrs. Harry & Murray Lewis  
10982 McCowan Road  
Markham, ON L3R 3J3

Mr. Trevor Watson  
64 Stuart Street  
Stouffville, ON L44A 4S4

AV Investments II Inc.  
c/o Richard Arblaster  
Barrister and Solicitor  
7100 Woodbine Avenue, #200  
Markham, ON L3R 5J2

The Mandarin Golf & Country Club  
11207 Kennedy Road  
Markham, ON  
L6C 1P2

APPENDIX A  
MANDARIN/AV  
LETTER  
DECEMBER 2, 2009

**Re: Town of Markham Environmental Policy Review (EPR) Letter  
for McCowan Road Landowners**

---

Dear Sirs:

As per the work plan submitted to SCS Consulting Group on June 11, 2009, Beacon Environmental has completed a review of the Town's Draft Environmental Policies and field verified environmental features associated with the subject properties. The properties affected include: Miller, AV Investments II Inc., Watson and Lewis. The Mandarin Golf Club property was included at a later date and will be discussed but field investigations were not conducted on this property. **Figure 1** presents the location of each property.

This letter report summarizes the findings of our review and provides our professional opinion on the relevance of the proposed Ecological Corridor across the subject lands. Our assessment is outlined in the following sections.

## **Background Review**

The following documents and sources were reviewed for information relevant to the subject lands:

- Official Plan of the Markham Planning Area Amendment No. 140 (OPA 140) Oct. 2005
- Environmental Policy Review & Consolidation Study: Policy Directions and Framework, 17 April 2009, DRAFT for discussion, Town of Markham
- Environmental Policy Review & Consolidation: Background and Policy Framework, 28 Oct 2008, DRAFT (Schollen et al., Oct. 2008)
- Toronto and Region Conservation Authority (TRCA) Terrestrial Natural Heritage System Strategy 2007 and related Appendices E (Evaluating and Designing Terrestrial Natural Heritage Systems) and J (Glossary)
- TRCA Valley and Stream Corridor Management Program 1994
- York Region Significant Woodlands Study (NSE 2005)
- Region of York Official Plan Consolidation, June 1, 2008
- The Region of York's interactive on-line mapping for environmental designations and significant forest (accessed at <http://maps.york.ca/yorkexplorer/default.jsp?GoTo=3> on August 12, 2009)
- Rouge River State of the Watershed Report, TRCA, 2008

The subject lands are situated in the northern part of the Town of Markham. All the lands are outside the Town's current built boundary in the Rouge North Management Area but overlap with both the Middle Reaches and the Little Rouge Creek Policy Areas (as per Schedule J of the Rouge North Management Plan Area in OPA 140, March 2005).

## **Natural Features**

A site visit was conducted on the subject lands on August 11<sup>th</sup>, 2009 by Ken Ursic (terrestrial ecologist) and Jo-Anne Lane (aquatic biologist) of Beacon Environmental. The purpose of the visit was to verify natural features and general site conditions.

### **Terrestrial Features**

A total of five wetland units and one forest unit were identified on the subject properties. Two watercourses also flow through the properties: Tributary A traverses the AV Investments II Inc. property and Mandarin Golf and Country Club from west to east. Tributary B flows from north to south through the Miller and AV Investments II properties and converges with Tributary A. A map illustrating the various natural features observed on the subject lands is provided in Figure 1. Key observations are summarized according to individual properties in **Tables 1 and 2**.

**Table 1. Summary of Natural Features in the McCowan Road Study Area**

Property	Map Unit(s)	Feature
Lewis	1	Unit 1 represents a complex of wetland types consisting of Poplar Mineral Deciduous Swamp (SWD 7-1), Dogwood Organic Thicket Swamp (SWT 3-2), and Cattail Organic Shallow Marsh (MAS 3-1). The unit is mid-aged and supports a high diversity of native vegetation species.
Lewis	2,3	These two units represent remnant wetland features situated within an agricultural matrix. Units 2 and 3 are best characterized as Dogwood Organic Thicket Swamp (SWT 3-2) and Cattail Organic Shallow Marsh (MAS 3-1) respectively.
Watson	4	Unit 4 is a Fresh to Moist Ash Lowland Deciduous Forest (FOD7-2) that contains mature to old growth elements and wetland pockets. There is one Endangered plant species (Butternut – <i>Juglans cinerea</i> ) and one regionally rare (L3) plant species (Michigan Lily - <i>Lilium michiganense</i> ) present.
A.V. Investments II Inc.	5	Unit 5 corresponds with a narrow band of riparian wetland along Tributary A and a short section of Tributary B. Vegetation is best characterized as Reed-canary Grass Mineral Meadow Marsh (MAM 2-2) and Cattail Mineral Shallow Marsh (MAS 2-1).
Miller	6	Unit 6 is part of a larger forested unit that extends north to 19 <sup>th</sup> Ave. The feature is characterized as a Green Ash Mineral Deciduous Swamp Wetland (SWD2-2). The swamp is mid-aged to mature and supports a number of higher quality native species. Tributary B also flows through this unit and there is evidence of localized groundwater discharge.

In addition to the features listed in Table 1, several hedgerow features are associated with the property boundaries of the properties. A detailed summary of the biophysical attributes of the vegetation units is provided in Appendix 1. A checklist of vascular plant species observed and their TRCA status is provided in Appendix 2. Of the 132 plant species observed, one species (*Juglans cinerea* (Butternut)) is ranked as nationally and provincially Endangered. A single Butternut specimen was observed in Unit 4.

With the exception of the natural features described in Tables 1 and 2, the majority of the properties are comprised of agricultural fields presently cropped in corn, soya, wheat, oats and alfalfa, and also farm buildings.

### Aquatic Features

Tributary A and B were observed to be flowing at the time of the survey. Tributary A traverses the Mandarin Golf Club and AV Investments II Inc. properties and Tributary B traverses the Miller and AV Investments II Inc. properties. These two watercourses are tributaries of Little Rouge Creek and are considered part of the headwaters of that system according to the Rouge River State of the Watershed Report (TRCA 2008). Table 2 below summarizes the watercourse features.

**Table 2. Descriptions of Watercourses in the McCowan Road Study Area**

Property	Tributary	Comments
A.V. Investments II Inc.	A	Channelized watercourse that traverses the property from west to east. Bankfull width approximately 3 metres, average depth 0.5 metres. Bankfull flow observed. Historical record of Endangered Redside Dace upstream.
A.V. Investments II Inc.	B Reach 1	Channelized watercourse that enters property at north end and converges with Tributary A. Channel width approximately 0.8 metres, depth ranged from dry (no flow) to 5 cm.
Miller	B Reach 2	Channelized drainage feature that enters property at north end. Poorly defined channel with width of approximately 1.0 metres, no flow or isolated pools. May provide seasonal fish habitat during high flow and contributes to downstream fish habitat.
	B Reach 3	Flows through Unit 6, meandering, braided channel approximately 0.5-1 metre wide, depth 5-10 cm. Contributes to downstream fish habitat.

The watercourses described in Table 2 represent a significant environmental constraint because of their associated fish habitat functions although both have clearly been realigned in the past. Also, Tributary A functions as an agricultural drain and requires cleaning out every few years. Typically such features are protected by prescribing setbacks to the greater of the floodline, meander belt or valley landform. These watercourses are considered part of the headwaters of the Little Rouge Creek according to the Rouge River State of the Watershed Report (TRCA 2008). A warm water designation has been applied to these watercourses supported by sampling records (Rouge River SOW Report 2008). In addition, one record of the provincially Endangered fish species Redside Dace, has been identified for a location upstream of the Mandarin Golf Course. This capture occurred in 1972 however typically MNR will not release the precise location of the record. The presence of numerous barriers through the Mandarin Golf Club and the channelization of the main tributary removes any potential for this species to inhabit the subject properties.

The presence of a Trans Canada gas pipeline was also identified during the site visit. The pipeline is aligned with the north side of Tributary A running east-west across the AV Investments II Inc. property.

### **Relevant Policy and Regulations**

Certain regulations and policies apply to the natural features identified on the subject properties. Although the implications of each of these policies and regulations would need to be determined in consultation with the relevant authority, these features all represent likely constraints to development.

The following regulations and policies are relevant to the features on these properties:

- Ontario's Greenbelt Plan (2005) requires a 30 m buffer to all Key Natural Heritage Features. Significant Woodlands are considered Key Natural Heritage Features. The

wetland (swamp / marsh) feature (Unit 1) on the Lewis property is contained within the Greenbelt and has also been identified as Regionally Significant Forest, therefore under the Greenbelt Plan no development is permitted within 30 m of this feature.

- Official Plan Amendment (OPA) 140 for the Town of Markham uses the Rouge North Management Plan for guidance in identifying areas for protection in this part of the Town. The lands are considered part of the Middle Reaches Policy Area. The lands subject to the Middle Reaches Study Area includes all lands within 130 metres of the stable top of bank or 130 metres from the centreline of the watercourse where there is no defined top of bank. However, it is our understanding that the lands must be secured in public ownership before these policies can be implemented.
- Habitat for species that are listed as Threatened or Endangered in the Province of Ontario by the Committee on the Status of Species at Risk in Ontario is protected under the Province's *Species at Risk in Ontario Act*. The forest feature (Unit 4) on the Watson property contains Butternut, an Endangered tree species. The precise limits of the required habitat would need to be confirmed with OMNR.
- Habitat for Redside Dace would also be subject to the Province's *Species at Risk in Ontario Act*, however habitat on site is not present therefore the *ESA* would not likely apply. This would need to be confirmed with MNR.
- The swamp feature (Unit 6) on the Miller property is identified as Regionally Significant Forest and must be protected under the Region of York's Official Plan policies.
- Ontario Regulation 166/06 – Regulation of Development, Interference to Wetlands and Alterations to Shorelines and Watercourses. The Toronto and Region Conservation Authority (TRCA) regulates hazard lands, including creeks, valleylands, shorelines, and wetlands (TRCA 2006).

Generally, development within the flood limit of a watercourse is not allowed. However, subject to conformity with the OP and completion of appropriate studies and Conservation Authority permits, some development *may* be permitted within the fill constraint area. The TRCA generally requires that all watercourses stay in their natural state with respect to development proposals. The definition of a watercourse generally captures any feature that is an identifiable depression in the ground in which a flow of water regularly or continuously occurs, regardless of the drainage area. (TRCA 2006).

The TRCA generally requires that all watercourses be protected from adjacent development by a vegetative buffer. The buffer will be up to 15 metres measured from the distance outside the edge of the maximum extent of the floodplain under the applicable flood event standard or the distance from the predicted meander belt of a watercourse under the applicable flood event standard or stable top of bank.

The remainder of the lands are situated within what is referred to as "Whitebelt lands". Whitebelt lands are currently outside the Greenbelt and also outside the Town of Markham urban boundary.

The Whitebelt lands are considered to have development potential although any development would require an extension of the urban boundary.

### **Environmental Policy Review and Consolidation Study**

The Town has released two reports (both still in draft form) related to their environmental policy development: (1) *Environmental Policy Review & Consolidation: Background and Policy Framework* by Schollen *et al.* Oct. 2008 and (2) *Environmental Policy Review & Consolidation Study: Policy Directions and Framework* by the Town of Markham April 2009. The first report provides the ecological context and rationale for the policy direction, while the second provides the specific draft policies that are being recommended for the Town based on the background report, as well as some refinements based on input received on the original report.

The mapping referred to in this report will be what is presented in Maps 2 and 3 of the more recent Draft Environmental Policy Review and Consolidation Study (April 2009). This report presents a Natural Heritage Network (NHN) for the Town with the following components:

- A Greenway system (based on the various data sources shown in the Natural Heritage and Hydrological Features and Policy Areas Map 3)
- Enhancement Areas
- An Ecological Corridor

How the overlays for these different components affect the subject properties is shown in Figure 1.

On the subject properties, the Town's Draft Greenway mapping extends well beyond the actual physical limits of the natural heritage features described above and illustrated in Figure 1. This is because the Greenway has been mapped by incorporating mapping/data layers obtained from a variety of sources (i.e., the TRCA, the Town, York Region and the Province of Ontario) with variable levels of accuracy. All of these data layers should be field verified at the site specific level.

For example, in addition to the natural features on these properties mapped in Figure 1, the Draft Greenway captures agricultural lands on nearly all of the AV Investments II Inc. property and substantial portions of the Watson and Miller properties. This appears to be because these areas include "Estimated Floodplain" (mapped by the TRCA) (shown in Figure 1) and "Future Rouge Park" (mapped by the Town) associated with the watercourses on site. The criteria and measures used for this mapping are not clear.

The Draft Greenway (NHN) mapping also includes a broad east-west Enhancement Area and a conceptual Ecological Corridor that extends over the Watson, AV Investments II Inc. and Miller properties. These two components encompass the actual natural heritage features described in Tables 1 and 2, but also include the "Estimated Floodplain" and "Future Rouge Park" mapping, as well as additional lands (particularly on the Watson Property) that are under active agricultural cultivation.

The rationale cited for the Enhancement Area and Ecological Corridor is to create a 200 m wide terrestrial corridor between Berczy Creek and the headwaters Little Rouge Creek. However, the

ecological rationale for such a corridor in this location appears to be weak, as discussed in the following section, and should be reviewed with the Town.

### **Discussion and Opinion**

Based on the field investigations and background review, the subject properties support a number of environmental features that meet ecological criteria warranting their inclusion in the Town's Natural Heritage Network / Greenway mapping. However, the Greenway mapping and related Enhancement Areas / Ecological Corridor also include a number of areas beyond these features, in our opinion, without ecological justification.

All the features listed in Tables 1 and 2 and identified in Figure 1 will require some level of protection, or mitigation, to be consistent with existing local, regional and provincial environmental planning policies, as described in the section on relevant policies and legislation above. While the features on the Lewis property falling under the Greenbelt Plan will require a minimum buffer of 30 m, buffers to the other features (if they are to be protected) will need to be determined through an Environmental Impact Study and in consultation with the TRCA, Region and the Town.

Areas identified in addition to the areas listed above on the Town of Markham's Draft Greenway mapping (from the Town's April 2009 report) extend far beyond mapping for the approved and designated Provincial Greenbelt and Regionally Significant Forest, and are not reflective of the actual ecological constraints on these properties. The key issues related to these additional lands that have been included in the Draft Natural Heritage Network are: (1) the Estimated Floodplain mapping, (2) the Future Rouge Park mapping; and (3) the east-west Enhancement Area / Ecological Corridor mapping across the subject lands. These are each discussed in further detail below.

#### **Estimated Floodplain (TRCA)**

The "Estimated Floodplain" mapping deviates considerably from the "Existing Floodplain" and is the primary basis for ascribing "Greenway" to extensive areas of active agricultural fields on the subject lands. It is our understanding that SCS Consulting is undertaking an update of the floodline mapping, and so we will defer to their analysis on this matter.

#### **Future Rouge Park Mapping (Town)**

Future Rouge Park areas were originally mapped conceptually based on primarily desktop analysis (Rouge North Park Management Plan 2001). However, as stated in the report, the actual boundaries of these lands are meant to be established through the application and interpretation of the boundary delineation criteria<sup>1</sup> screened against field verified existing conditions. Field assessments conducted in August on the subject lands do not support the inclusion of the large section of agricultural field south of the forested wetland and between two tributaries in the western end of the Miller property and the east end of the Mandarin Golf Club on the basis of ecological function.

<sup>1</sup> The Rouge North Management Plan (RNMP) Implementation Criteria are: 1. Watercourses / Existing Regulatory Floodline (i.e., 100 yr); 2. Meander Belt; 3. Valley & Stream Corridor Features; 4. Natural and Riparian Vegetation Communities and Interior Forest, Conditions; 5. Wetlands, Evaluated Wetlands, ESAs, ANSIs & LSAs; 6. Habitats for VTE species (now T - Threatened, E - Endangered and SC - Special Concern); 7. Terrestrial Corridor Habitat Function; 8. Seepage Areas & Groundwater Discharge; 9. Vegetation Community Maintenance Area; 10. Woodland Restoration Requirements; 11. Archaeological & Cultural Heritage Resources

While OPA 140 for the Town of Markham supports using the Rouge North Management Plan for guidance in identifying lands for potential inclusion in the Rouge North Park, it does not automatically consider inclusion of all small streams within the Rouge North Park Area. However, the draft Greenways mapping appears to incorporate all small streams and build them into the Greenways system without determining their ecological value at the site level. Although it is understood that site-specific data cannot usually be obtained for a Town-wide study and that watercourses are typically constrained features that require preservation, these features should at least be assessed on a site-specific basis.

#### Enhancement Area / Ecological Corridor (Town)

In addition to the areas described above, a 200 m wide Enhancement Area and conceptual east-west Ecological Corridor has been proposed across significant portions of the subject lands. In the Town's recent draft policy direction (April 2009), these areas have been identified to support a 200 m east-west ecological corridor from Little Rouge Creek to Berczy Creek. From an ecological perspective, the location and orientation of this proposed corridor is not justified.

In general, ecological corridors are intended to facilitate the movement of plants and wildlife in the landscape. Typically such corridors are comprised of remnant natural and semi-natural features in the landscape such as hedgerows and successional habitats that can readily be restored to a natural condition to create a continuous linkage. Ecological corridors were described in the original draft policy report (Schollen *et al.* 2008) as additional lands "*required and supported by scientific principles*" to create a sustainable Natural Heritage Network (NHN), and as "*ecological nodes and enhancement areas*" and intended to "*support and enhance*" and "*connect*" the Natural Heritage Network.

However, an evaluation of the historical and present distribution of natural features on the subject properties and adjacent lands confirms that natural features are concentrated centrally on this concession block and form a north-south ecological linkage or corridor extending from Elgin Mills Rd. E at the south to 19<sup>th</sup> Ave at the north. This established linkage provides the greatest and most logical opportunity for an enhanced ecological corridor across this concession block.

The proposed Enhancement Area / Ecological Corridor is oriented in a southwest to northeast direction and builds on disturbed remnant features (i.e., channelized Tributaries A and B). Furthermore these features are surrounded entirely by active agricultural fields to make a rather long linkage over a main road and through agricultural fields, while overlooking the immediate and more ecologically sound terrestrial linkage potential between wooded units 1, 4 and 6 at the back of the subject properties. The current proposed linkage builds on the degraded Tributary A in an attempt to link Unit 4 to the Little Rouge Creek to the east even though the 1.4 km of intervening lands is almost entirely under active agricultural use. This linkage is disconnected, devoid of natural cover and would provide only limited ecological value.

Furthermore, according to the 2008 report, enhancement areas are intended to be located at "*the point of least separation between the tributary corridors and where existing important features ...can serve as ecological nodes at key points along the connecting corridors*". Based on an analysis of natural features utilization of Tributary A to link the natural features on this site to other natural features to the east would actually represent the greatest point of separation between the tributary corridors which is inconsistent with this scientific objective.

Finally, the Enhancement Areas, which form part of the newly identified Ecological Corridor were originally *"identified only symbolically, their location, size and configuration are not precise, but will be refined through further planning studies"* (p. 45). However, on the draft Greenway mapping these areas are well defined (in dark blue).

The rationale for establishing the east-west Enhancement Area / Ecological Corridor in this location does not adequately consider existing conditions, or respect the Town's own guidelines for identifying linkages. We recognize the value of linkages within the NHN; however they should be situated in areas that provide the greatest ecological value. There are other areas close to the subject lands where natural features already exist and provide better opportunities for establishing connectivity to Little Rouge Creek. These alternate locations should be evaluated.

In summary, key issues that should be reviewed with the Town and TRCA are the appropriateness of:

1. the Estimated Floodplain mapping;
2. the Future Rouge Park mapping; and
3. the 200 m wide east-west Enhancement Area / Ecological Corridor across the subject lands.

Please contact the undersigned at ext. 228 if you have questions or require additional information.

Yours truly,  
**Beacon Environmental**



Jo-Anne Lane, M.Sc.  
Principal

# **Appendix 1**

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**Summary of Vegetation Communities  
observed on the Subject Properties on  
August 11, 2009.**

Appendix 1: Summary of Vegetation Communities observed on the Subject Properties on Aug 11, 2009

Unit Number	1	2	3	4	5	6
Vegetation Type	Poplar Mineral Deciduous Swamp (SWD 7-1) Dogwood Organic Thicket Swamp (SWT 3-2) Cattail Organic Shallow Marsh (MAS 3-1)	Dogwood Organic Swamp (SWT 3-2)	Cattail Organic Shallow Marsh (MAS 3-1)	Fresh to Moist Ash Lowland Deciduous Forest (FOD7-2)	Riparian Marsh (MAM 2-2)/MAS 2-1	Green Ash Mineral Deciduous Swamp (SWD2-2)
Overstorey Composition	Trembling Aspen (D) Green Ash White Elm Cedar			Bur Oak (A) 30-60 Sugar Maple Basswood Green Ash Aspen Black Ash Norway Spruce American Beech Butternut*	Crack Willow Manitoba Maple	Green Ash (A) Basswood White Elm Black Ash Black Walnut Yellow Birch Bur Oak
Understorey Composition	Common Buckthorn Red-Osier Dogwood Pussy Willow Bebb's Willow Red Raspberry Thicket Creeper	Red-Osier Dogwood Common Buckthorn	Red Raspberry Red-Osier Dogwood	Common Buckthorn Chokecherry Ironwood Muscle Beech Thicket Creeper Running Strawberry Bush	Missouri Willow Red Raspberry Red-Osier Dogwood	Common Buckthorn Ironwood Black Ash White Elm Thicket Creeper White Cedar Red-Osier Dogwood Wild Hazel
Groundcover Composition	Cattails Reed Canary Grass Green Bulrush Softstem Bulrush Joe Pyeweed Tussock Sedge Bebb's Sedge Slipcase Sedge Fox Sedge Nettles Dudley's Rush	Cattails Reed Canary Grass Green Bulrush Softstem Bulrush Jewelweed Nettles Dudley's Rush Aster puniceus Canada Anemone Muhly Grass Redtop, Sensitive Fern	Cattails Reed Canary Grass Epilobium hirsutum Redtop Bebb's Sedge	Mayapple Trillium Meadow Rue Starry Solomon's Seal False Solomon's Seal Michigan Lily Wild Ginger Red Baneberry Ostrich Fern Sensitive Fern	Cattails Reed Canary Grass Fringed Loosestrife Redtop Bebb's Sedge Field Horsetail Pondweeds P. crispus E. canadensis	False Nettle Jewelweed Meadow Rue Starry Solomon's Seal False Solomon's Seal Bulb Fern Wood Fern Ostrich Fern Sensitive Fern Hog Peanut
Diameter Range	10-20	n/a	n/a			20-30-80
Structural Complexity	2	1-2	1	n/a	20-30-50	3
Canopy Closure	1-2	1	1	1	2	3
Relative Age	1	1	1	0	3	3
Soil Texture	Om ~ 30-40 cm	Om ~ 20-40 cm	Om ~ 20	1	3	Clay
Drainage Class	3	3	3	Clay	Clay/Om	2
Slope Class	1	1	1	3	3	1
Topographic Complexity	1	2	1	1-2	1	2
Condition	2	2	2	2(3)	1	2(3)












Diameter Range (1=<15 cm d.b.h.; 2=15-30 cm d.b.h.; 3=>30 cm d.b.h.) | Structural Complexity (1=low, 2=moderate, 3=high) | Canopy Closure (1=<25%, 2=25-60%, 3=>60%) | Relative Age (1=early, 2=mid, 3=late; 4=old growth) | Soil Texture (sand/silt/clay/loam) | Drainage (1=rapid, 2=slow, 3=imperfect, 4=poor) | Slope (1=0-8%, 2=9-30%, 3=>30%) | Topographic Complexity (1=even, 2=uneven, 3=complex) | Condition (1 = disturbed, exotics; 2 = low diversity; 3 = high diversity (50 spp. present) Abbreviations: ( ) represent localized condition; D=Dominant (60-100%); A=Abundant (25-60%); F=Frequent (10-25%); O=Occasional (0-10%);

Existing Conditions  
and Draft Policy  
Overlay

Figure 1

McCowan Avenue Landowners

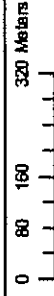
Legend

-  Property Boundaries
-  Watercourses
-  Greenway System
-  Enhancement Area
-  Swamp and Marsh
-  Thicket Swamp
-  Marsh
-  Forest
-  Riparian Marsh
-  Swamp
-  Ecological Corridor

York Region Orthophoto 2009



UTM Zone 17 N, NAD 83



1:7,406

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ENVIRONMENTAL

Project 2010/04  
October 2009

**DRAFT**



## **Appendix 2**

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**Summary of Plant Species observed  
on the Subject Properties on  
August 11, 2009**

## Appendix 2: Summary of Plant Species observed on the Subject Properties on Aug 11, 2009

Scientific Name	Common Name	TRCA RANK*
<i>Acer negundo</i>	Manitoba Maple	L+?
<i>Acer platanoides</i>	Norway Maple	L+
<i>Acer saccharinum</i>	Silver Maple	L4
<i>Actaea rubra</i>	Red Baneberry	L5
<i>Agrostis gigantea</i>	Redtop	L+
<i>Amaranthus sp</i>	Amaranth Species	
<i>Ambrosia artemisiifolia</i>	Annual Ragweed	L5
<i>Amphicarpaea bracteata</i>	Hog-peanut	L5
<i>Anemone canadensis</i>	Canada Anemone	L5
<i>Anemone virginiana var. virginiana</i>	Virginia Anemone	L5
<i>Apocynum androsaemifolium ssp. androsaemifolium</i>	Spreading Dogbane	L4
<i>Arctium minus</i>	Lesser Burdock	L+
<i>Arisaema triphyllum ssp. triphyllum</i>	Jack-in-the-pulpit	L5
<i>Asarum canadense</i>	Wild Ginger	L4
<i>Asclepias incarnata ssp. incarnata</i>	Swamp Milkweed	L4
<i>Asclepias syriaca</i>	Common Milkweed	L5
<i>Aster lanceolatus ssp. lanceolatus</i>	Panicked Aster	L5
<i>Aster lateriflorus var. lateriflorus</i>	Calico Aster	L5
<i>Aster puniceus var. puniceus</i>	Purple-stemmed Aster	L5
<i>Avena sativa</i>	Cultivated Oat	L+
<i>Betula alleghaniensis</i>	Yellow Birch	L4
<i>Bidens cernua</i>	Nodding Beggar's Ticks	L5
<i>Bidens vulgata</i>	Tall Beggar's Ticks	L4
<i>Boehmeria cylindrica</i>	False Nettle	L4
<i>Bromus inermis ssp. inermis</i>	Smooth Brome	L+
<i>Calamagrostis canadensis</i>	Blue-joint Reedgrass	L4
<i>Carex bebbii</i>	Bebb's Sedge	L5
<i>Carex blanda</i>	Woodland Sedge	L5
<i>Carex cristatella</i>	Crested Sedge	L5
<i>Carex gracillima</i>	Graceful Sedge	L4
<i>Carex granularis</i>	Meadow Sedge	L5
<i>Carex intumescens</i>	Bladder Sedge	L4
<i>Carex lupulina</i>	Hop Sedge	L3
<i>Carex radiata</i>	Stellate Sedge	L5
<i>Carex spicata</i>	Spiked Sedge	L+
<i>Carex stipata</i>	Stalk-grain Sedge	L5
<i>Carex stricta</i>	Tussock Sedge	L4
<i>Carex tenera</i>	Slender Sedge	L4
<i>Carex vulpinoidea</i>	Fox Sedge	L5
<i>Carpinus caroliniana ssp. virginiana</i>	American Hornbeam	L4
<i>Centaurea nigra</i>	Black Knapweed	L+
<i>Chenopodium sp</i>	Goosefoot Species	
<i>Cicuta maculata</i>	Spotted Water-hemlock	L5

Scientific Name	Common Name	TRCA RANK*
<i>Cirsium arvense</i>	Creeping Thistle	L+
<i>Clinopodium vulgare</i>	Field Basil	L5
<i>Conyza canadensis</i>	Fleabane	L5
<i>Cornus sericea</i> ssp. <i>sericea</i>	Red-osier Dogwood	L5
<i>Crataegus</i> sp	Hawthorn Species	
<i>Cystopteris bulbifera</i>	Bulblet Fern	L4
<i>Dactylis glomerata</i>	Orchard Grass	L+
<i>Daucus carota</i>	Queen Anne's Lace	L+
<i>Dryopteris carthusiana</i>	Spinulose Wood Fern	L5
<i>Elodea canadensis</i>	Broad Waterweed	L4
<i>Epilobium ciliatum</i> ssp. <i>ciliatum</i>	Hairy Willow-herb	L5
<i>Equisetum arvense</i>	Field Horsetail	L5
<i>Euonymus obovata</i>	Running Strawberry-bush	L3
<i>Eupatorium maculatum</i> var. <i>maculatum</i>	Spotted Joe-pye Weed	L5
<i>Euthamia graminifolia</i>	Grass-leaved Goldenrod	L5
<i>Fagus grandifolia</i>	American Beech	L4
<i>Fragaria vesca</i> ssp. <i>americana</i>	Woodland Strawberry	L5
<i>Fraxinus americana</i>	White Ash	L5
<i>Fraxinus nigra</i>	Black Ash	L4
<i>Fraxinus pennsylvanica</i>	Green Ash	L5
<i>Galium mollugo</i>	White Bedstraw	L+
<i>Galium triflorum</i>	Sweet-scent Bedstraw	L5
<i>Geranium robertianum</i>	Herb-robert	L+?
<i>Glyceria striata</i>	Fowl Manna Grass	L5
<i>Hamamelis virginiana</i>	American Witch-hazel	L3
<i>Impatiens capensis</i>	Spotted Jewel-weed	L5
<i>Inula helenium</i>	Elecampane	L+
<i>Juglans cinerea</i> **	Butternut**	L3
<i>Juglans nigra</i>	Black Walnut	L5
<i>Juncus articulatus</i>	Jointed Rush	L5
<i>Juncus dudleyi</i>	Dudley's Rush	L5
<i>Juncus effusus</i> ssp. <i>solutus</i>	Soft Rush	L4
<i>Juncus tenuis</i>	Slender Rush	L5
<i>Lactuca serriola</i>	Prickly Lettuce	L+
<i>Leonurus cardiaca</i> ssp. <i>cardiaca</i>	Common Motherwort	L+
<i>Lepidium</i> sp	Pepper-grass Species	
<i>Lilium michiganense</i> ***	Michigan Lily***	L3
<i>Lonicera tatarica</i>	Tartarian Honeysuckle	L+
<i>Lotus corniculatus</i>	Bird's-foot Trefoil	L+
<i>Lycopus uniflorus</i>	Northern Bugleweed	L4
<i>Lysimachia ciliata</i>	Fringed Loosestrife	L5
<i>Maianthemum racemosum</i> ssp. <i>racemosum</i>	False Solomon's Seal	L5
<i>Maianthemum stellatum</i>	Starflower False Solomon's Seal	L5
<i>Malus pumila</i>	Common Apple	L+
<i>Matteuccia struthiopteris</i> var. <i>pennsylvanica</i>	Ostrich Fern	L5

Scientific Name	Common Name	TRCA RANK*
<i>Medicago lupulina</i>	Black Medic	L+
<i>Medicago sativa ssp. sativa</i>	Alfalfa	L+
<i>Melilotus alba</i>	White Sweet Clover	L+
<i>Melilotus officinalis</i>	Yellow Sweet Clover	L+
<i>Monarda fistulosa</i>	Wild Bergamot	L4
<i>Muhlenbergia mexicana</i>	Mexican Satin Grass	L5
<i>Nepeta cataria</i>	Catnip	L+
<i>Oenothera biennis</i>	Common Evening-primrose	L5
<i>Onoclea sensibilis</i>	Sensitive Fern	L5
<i>Ostrya virginiana</i>	Eastern Hop-hornbeam	L5
<i>Parthenocissus vitacea</i>	Thicket Creeper	L5
<i>Phalaris arundinacea</i>	Reed Canary Grass	L+?
<i>Picea abies</i>	Norway Spruce	L+
<i>Plantago lanceolata</i>	English Plantain	L+
<i>Plantago major</i>	Nipple-seed Plantain	L+
<i>Poa compressa</i>	Canada Bluegrass	L+
<i>Poa pratensis ssp. pratensis</i>	Kentucky Bluegrass	L+
<i>Podophyllum peltatum</i>	May Apple	L5
<i>Polygonum persicaria</i>	Lady's Thumb	L+
<i>Populus balsamifera ssp. balsamifera</i>	Balsam Poplar	L5
<i>Populus tremuloides</i>	Quaking Aspen	L5
<i>Potamogeton crispus</i>	Curly Pondweed	L+
<i>Potentilla recta</i>	Sulphur Cinquefoil	L+
<i>Prunella vulgaris ssp. vulgaris</i>	Common Heal-all	L+
<i>Prunus serotina</i>	Wild Black Cherry	L5
<i>Prunus virginiana var. virginiana</i>	Choke Cherry	L5
<i>Quercus macrocarpa</i>	Bur Oak	L4
<i>Rhamnus cathartica</i>	Buckthorn	L+
<i>Rubus idaeus ssp. idaeus</i>	Red Raspberry	
<i>Salix bebbiana</i>	Bebb's Willow	L4
<i>Salix discolor</i>	Pussy Willow	L4
<i>Salix eriocephala</i>	Heart-leaved Willow	L5
<i>Salix fragilis</i>	Crack Willow	L+
<i>Schoenoplectus tabernaemontani</i>	Soft-stemmed Bulrush	L4
<i>Scirpus atrovirens</i>	Woolgrass Bulrush	L5
<i>Solidago canadensis</i>	Canada Goldenrod	L5
<i>Solidago canadensis var. scabra</i>	Tall Goldenrod	L5
<i>Thalictrum dioicum</i>	Early Meadowrue	L5
<i>Thuja occidentalis</i>	Northern White Cedar	L4
<i>Tilia americana</i>	American Basswood	L5
<i>Trillium grandiflorum</i>	White Trillium	L4
<i>Typha latifolia</i>	Broad-leaf Cattail	L4
<i>Ulmus americana</i>	American Elm	L5
<i>Urtica dioica ssp. dioica</i>	Stinging Nettle	L+

**\*Legend**

RANK	CONSERVATION CONCERN LEVEL IN TRCA JURISDICTION
L1	Unable to withstand disturbance; many criteria are limiting factors; generally occur in high-quality natural areas in natural matrix; almost certainly rare in the TRCA jurisdiction; of concern regionally.
L2	Unable to withstand disturbance; some criteria are very limiting factors; generally occur in high-quality natural areas, in natural matrix; probably rare in the TRCA jurisdiction; of concern regionally.
L3	Able to withstand minor disturbance; generally secure in natural matrix; considered to be of regional concern.
L4	Able to withstand some disturbance; generally secure in rural matrix; of concern in urban matrix.
L5	Able to withstand high levels of disturbance; generally secure throughout the jurisdiction, including the urban matrix. May be of very localized concern in highly degraded areas.

\*\* Federally and provincially Endangered Species-at-Risk.

\*\*\* Rare plant in the Region of York.

MMM Group Limited  
100 Commerce Valley Drive West  
Thornhill, ON Canada L3T 0A1  
t. 905.882.1100 | f. 905.882.0055

www.mmm.ca

October 12, 2011

File: 14-10225-001-P02

Mr. Henry Hung  
131 Baldwin Street  
Toronto, ON M5T 1L7

Dear Mr. Hung

**Subject: Report for Assessment of Floodline Mapping for  
Mandarin Golf and Country Club, Miller Property, AV Investments II Inc., and  
Watson Property in the Town of Markham, Ontario**

---

In November 2009, hydrologic and hydraulic analyses were carried out by SCS Consulting Group Ltd. to establish the regulatory floodlines along the watercourse that flows through the lands of Mandarin Golf and Country Club, Miller Property, AV Investments II Inc., and Watson Property. As requested, the MMM Group Limited has carried out an assessment of floodplain mapping in order to determine any opportunities to reduce the regulatory flood levels and thereby reduce development constraints on the subject property lands. This work has been completed and we are writing to present the results and conclusions of the analysis.

### **Assessment of Existing Floodline Mapping**

All background documents, including the existing floodplain map with its associated HEC-RAS hydraulic model, topographic map with 0.5 m contour intervals and site orthophotography, were obtained from SCS Consulting Group Ltd. and carefully reviewed. A reconnaissance of the site was also conducted on September 20, 2011 in order to be familiar with the local conditions. Figure 1 shows the existing regulatory water surface profiles (directly from HEC-RAS model provided by SCS) for the creek from upstream of Kennedy Road to the creek outlet at Little Rouge River (downstream of McCowan Road). As shown in Figure 1, it is apparent that:

- (1) Due to the insufficient capacity of the culvert at McCowan Road, there are significant increases of the regulatory flood levels for the creek section up to approximately 1 km upstream of the culvert.
- (2) The stream valley is constricted near downstream property limit of the Mandarin Golf and Country Club, which results in the increases of the flood levels upstream.

Consequently, two remedial options to reduce flood levels were investigated:

Option (1): Enlargement of culverts at McCowan Road.

Option (2): Widening of the stream valley at the downstream property limit of Mandarin Golf and Country Club, which presently act as a flow constriction.

The locations of the proposed remedial works for each option are shown in Figure 2.

### **Methodology**

For Option (1), instead of the single 3.85 m (span) by 2.35 m (rise) ellipse shaped existing culvert, two additional culverts of the same type (three in total) were proposed. This is modelled in the HEC-RAS model by revising the bridge-culvert data at McCowan Road location, as shown in Figure 3.

For Option (2), as shown in Figure 2, there are four (4) cross sections # 1884, # 1815, # 1702 and # 1670 which were revised to reflect the proposed valley enlargement. This is simulated in the hydraulic HEC-RAS model by modifying the cross section at these locations as shown in Figures 4a through 4d respectively to reflect the proposed valley widening.

### **Summary of Modelling Results**

The modified HEC-RAS model was used to simulate the effects of the proposed remedial works for the Regional Storm event (the regulatory flood). A comparison of the modeling results of the regulatory flood elevations for the original and revised conditions at relevant cross sections is summarized in Tables 1 and 2 which can be found in the Appendix. Figure 5 shows a comparison of the resulting regulatory water surface profiles for the study creek from upstream of Kennedy Road to the creek outlet at Little Rouge River (downstream of McCowan Road).

In summary, by adding two additional culverts at McCowan Road (Option 1), the regional flood levels within AV Investments II Inc., Miller Property and Watson Property would be significantly reduced (by a maximum depth of 1.1m). Option 2 to widen the stream valley at the downstream property limit of the Mandarin Golf and Country Club would result in the reduction of the regulatory flood levels on Mandarin Golf and Country Club land by a maximum depth of 0.5m. Based on the revised flood elevations, regulatory floodlines were updated as shown in Figure 2. TRCA policy requires a 10-m development set back from the regulatory floodline. This 10-m setback is shown in Figure 2. Detailed HEC-RAS modelling outputs are included in the Appendix. The digital model is available upon request.

## **Conclusion**

Based on our analysis of the flood plain for the Mandarin Golf and Country Club previously carried out by the SCS Consulting Group, it was found that insufficient capacity in the culvert at McCowan Road and a constriction in the stream valley result in elevated flood levels at the site (see Figure 1).

The effect of:

- 1) Increasing the culvert capacity at McCowan Road; and
  - 2) Widening the stream valley cross-section where at presently constrict the flow,
- were investigated.

It was determined that:

- 1) Adding 2 additional culverts (of similar size to the existing 3.85 m x 2.35 m ellipse culvert) would reduce regulatory flood level by up to 1.1 m, and reduce the extent of the regulatory flood zone by 8.20 ha as shown in Figure 2.
- 2) Widening the valley cross-section where it presently constricts flood flows would reduce upstream flood levels by up to 0.5 m, and reduce the extent of the regulatory flood zone by 1.74 ha as shown in Figure 2.

The cost/benefit of these options should be examined in order to decide whether they merit further consideration. We would be happy to provide a proposal to undertake the work at your request.

Yours truly

**MMM GROUP LIMITED**



Albert Z. Zhuge, M.A.Sc., P.Eng.  
Senior Project Engineer  
Water Resources

# **Appendix**

## **(Figures, Tables and Model Output)**

Figure 1. Existing Regulatory Water Surface Profiles

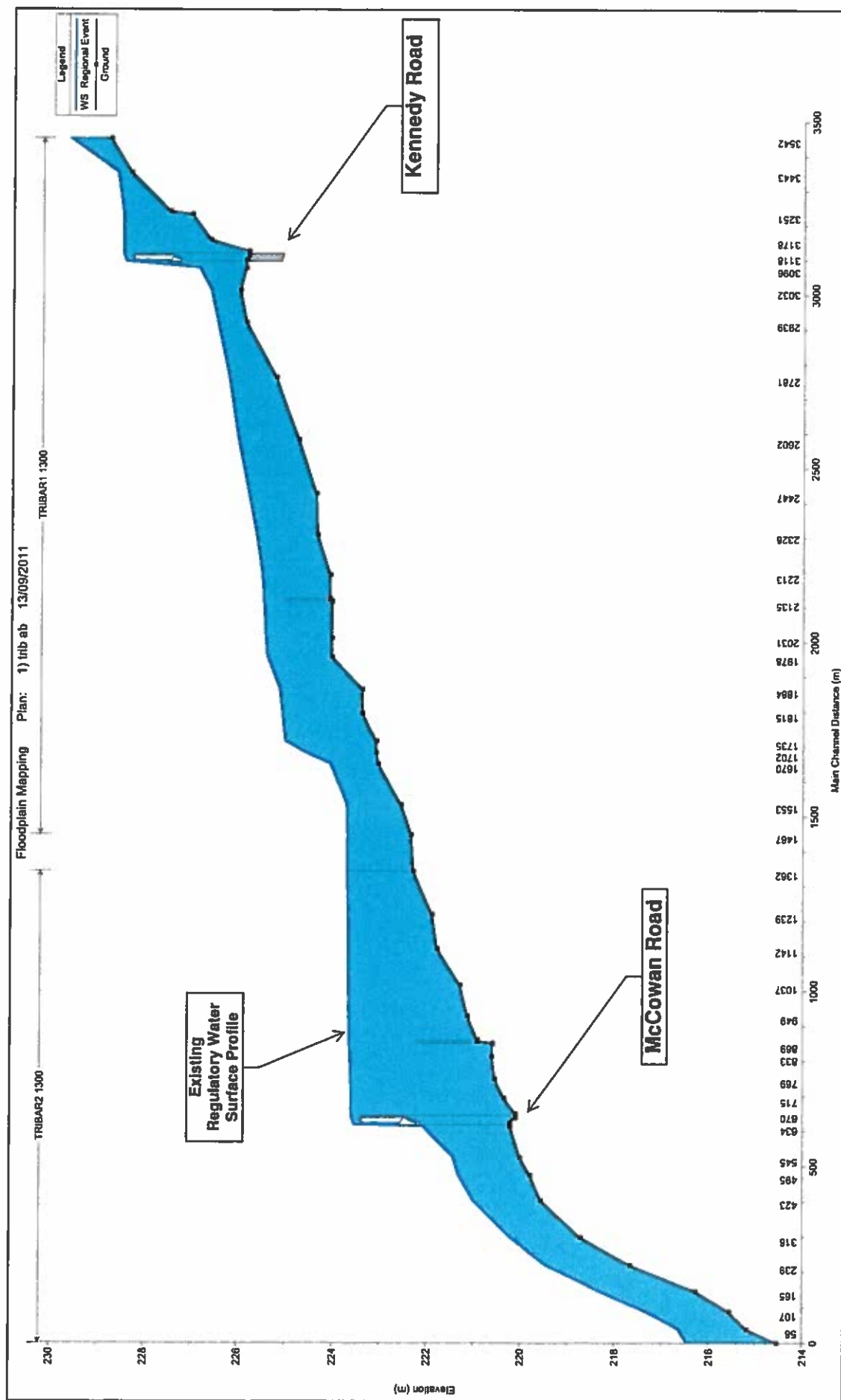
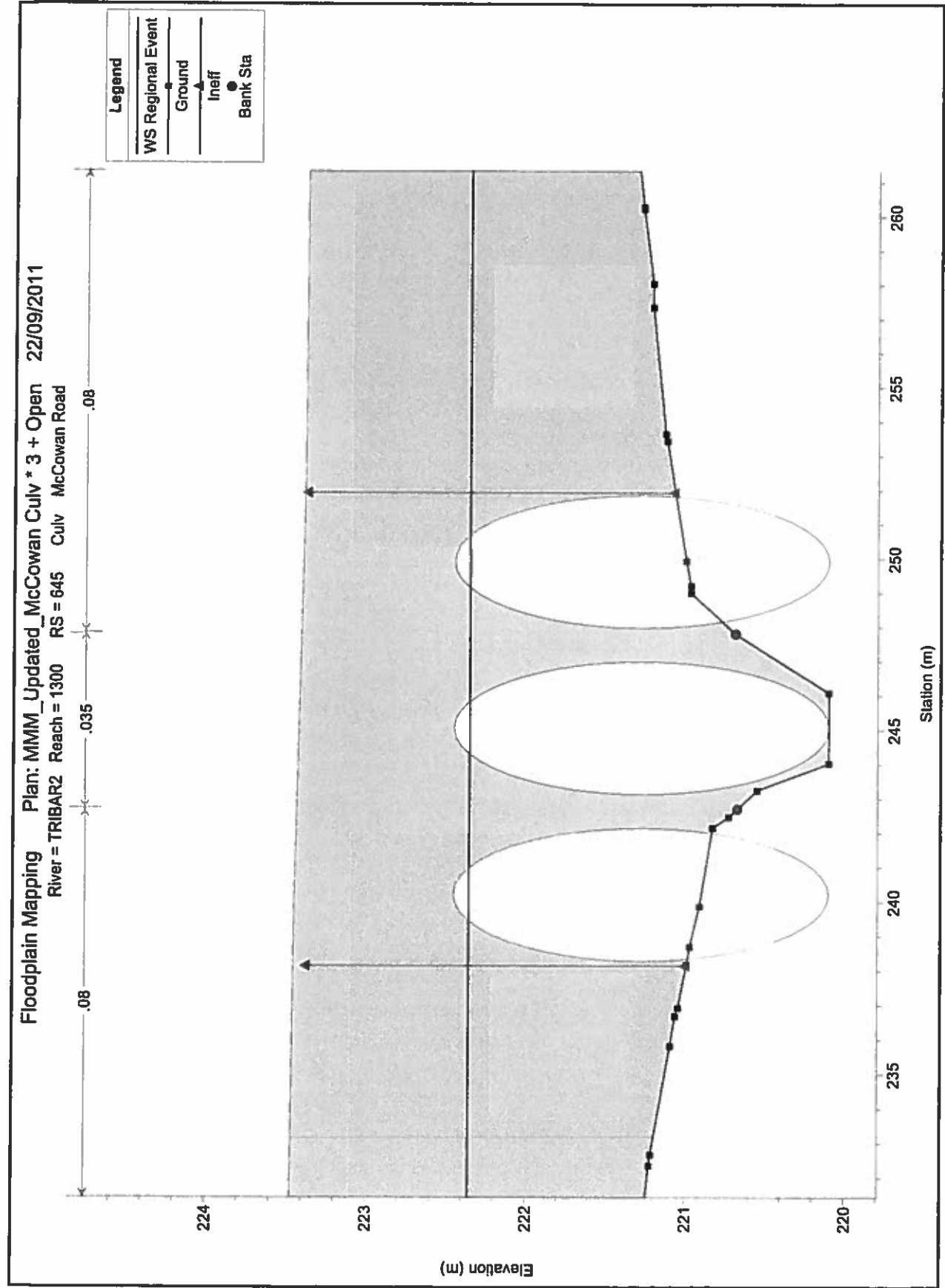
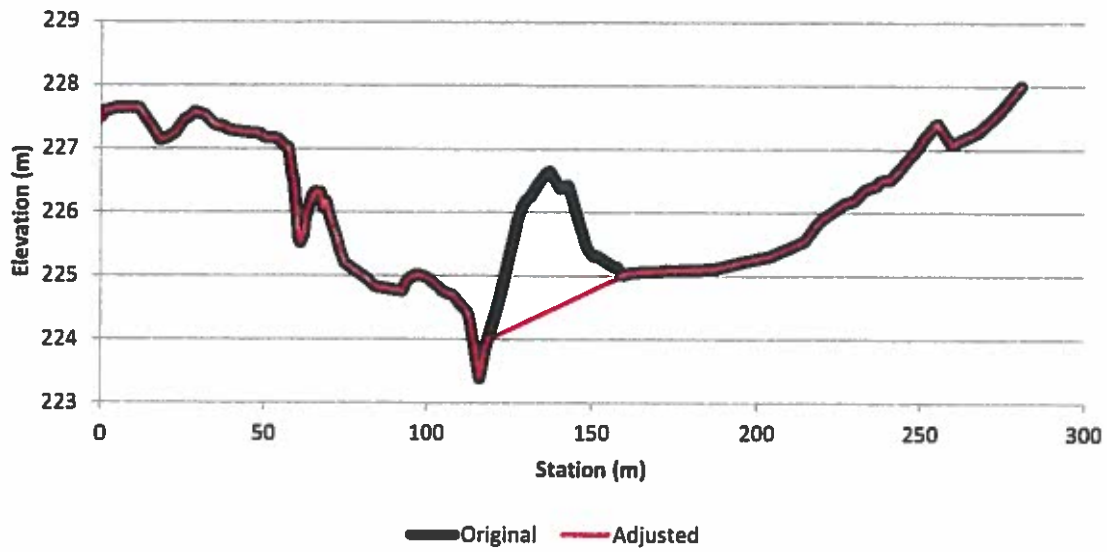




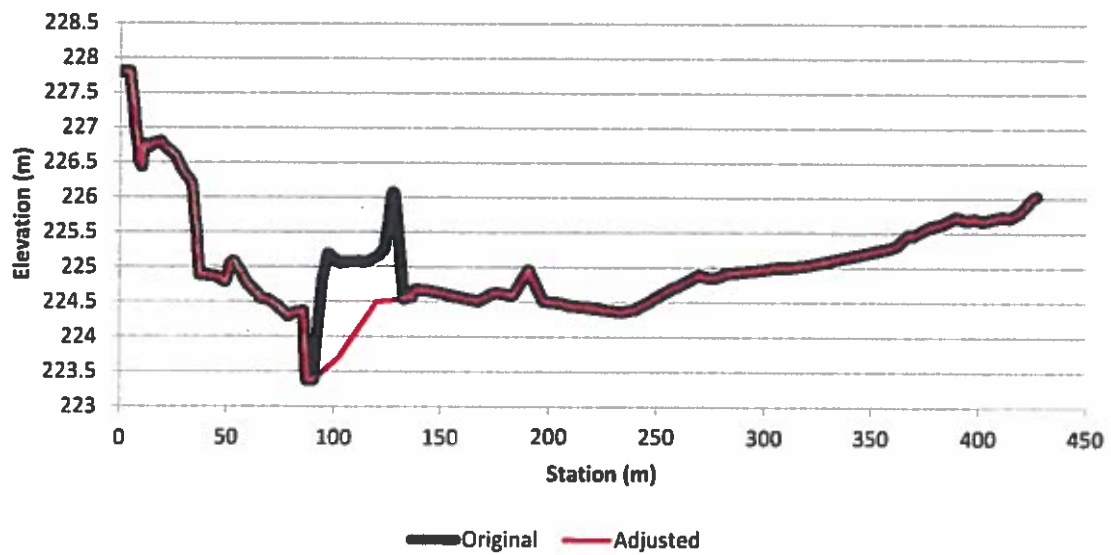
Figure 3. Proposed Culverts at McCowan Road



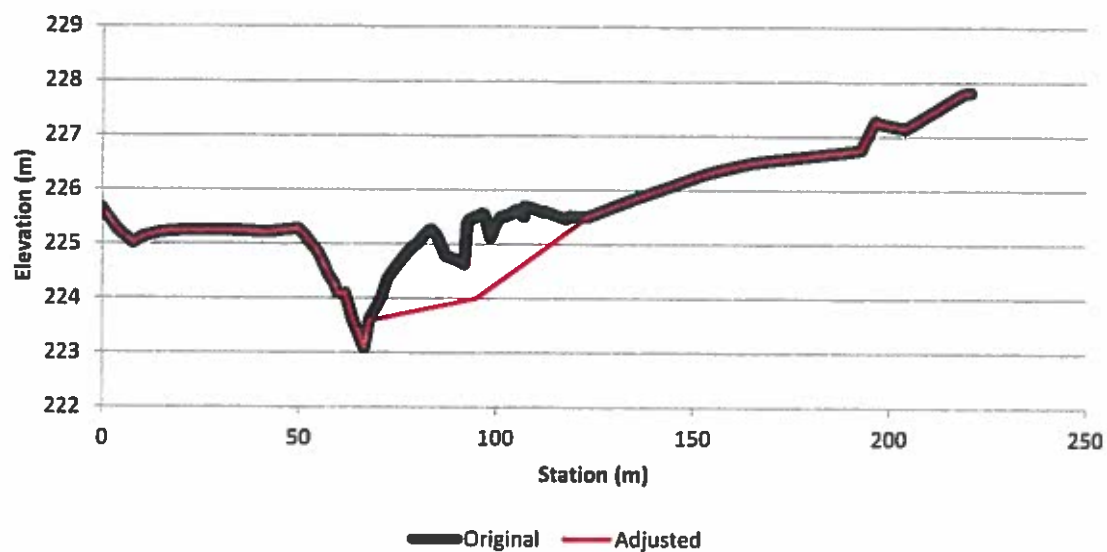
**Figure 4a - Cross Section # 1884**



**Figure 4b - Cross Section # 1815**



**Figure 4c - Cross Section # 1702**



**Figure 4d - Cross Section # 1670**

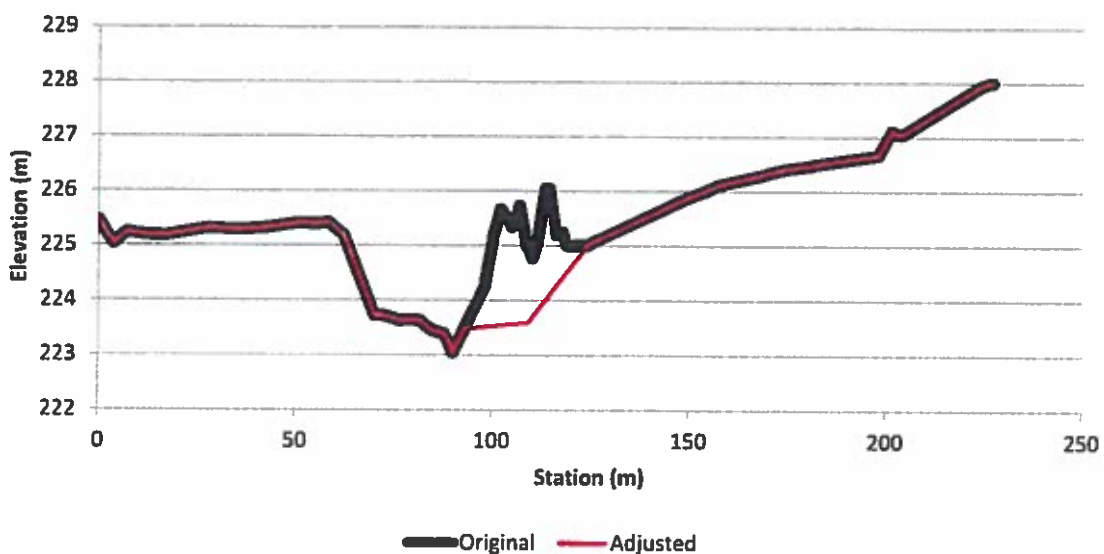
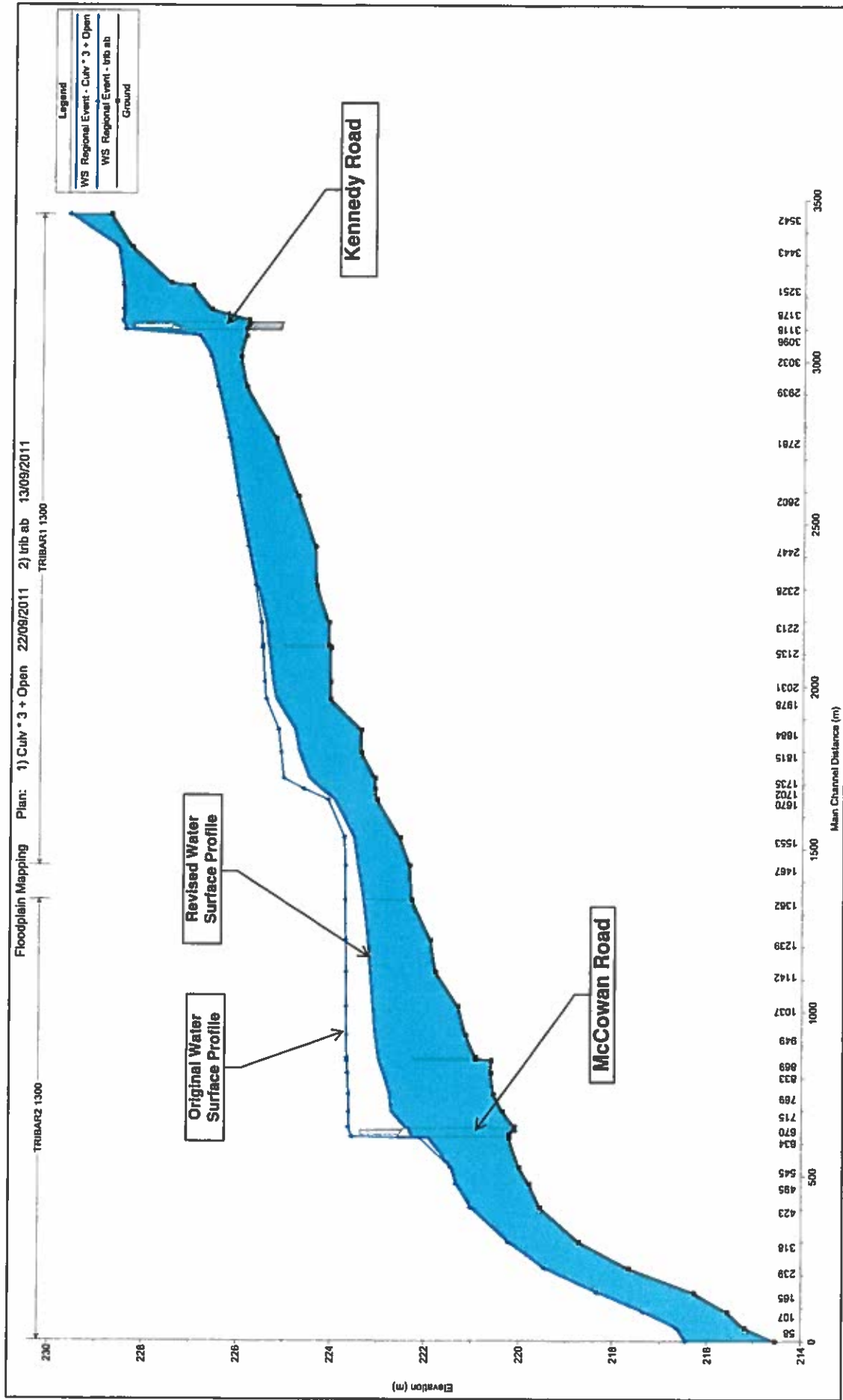


Figure 5. Regulatory Water Surface Profiles



**Table 1. Summary of Modelling Results for Regulatory Flood for Mandarin Golf and Country Club Property**

Property	Cross Section #	Scenario	Water Surface Elevation (m)	Difference from Original * (m)
Mandarin Golf and Country Club	2213	Original	225.53	-0.10
		Revised	225.43	
	2144	Original	225.49	-0.11
		Revised	225.38	
	2135	Original	225.49	-0.12
		Revised	225.37	
	2031	Original	225.45	-0.17
		Revised	225.28	
	1978	Original	225.42	-0.21
		Revised	225.21	
	1884 <sup>(1)</sup>	Original	225.15	-0.35
		Revised	224.80	
	1815 <sup>(1)</sup>	Original	225.09	-0.38
		Revised	224.71	
	1735	Original	225.03	-0.53
		Revised	224.50	

\* The difference between original values (SCS, 2009) and revised values (MMM, 2011). Negative values mean the revised flood elevations are reduced from the original elevations.

(1) HEC-RAS cross sections are revised to reflect the proposed remedial works.

**Table 2. Summary of Modelling Results for Regulatory Flood for AV Investments II Inc., Miller Property and Watson Property**

Property	Cross Section #	Scenario	Water Surface Elevation (m)	Difference from Original *(m)
AV Investments II Inc., Miller Property and Watson Property	1702 <sup>(1)</sup>	Original	224.61	-0.37
		Revised	224.24	
	1670 <sup>(1)</sup>	Original	224.08	-0.13
		Revised	223.95	
	1553	Original	223.72	-0.20
		Revised	223.52	
	1467	Original	223.70	-0.26
		Revised	223.44	
	1362	Original	223.70	-0.38
		Revised	223.32	
	1239	Original	223.69	-0.47
		Revised	223.22	
	1142	Original	223.68	-0.51
		Revised	223.17	
	1037	Original	223.67	-0.55
		Revised	223.12	
	949	Original	223.66	-0.59
		Revised	223.07	
	881	Original	223.65	-0.66
		Revised	222.99	
	869	Original	223.65	-0.67
		Revised	222.98	
	833	Original	223.64	-0.75
		Revised	222.89	
	769	Original	223.61	-0.86
		Revised	222.75	
	715	Original	223.61	-0.90
		Revised	222.71	
	670	Original	223.61	-1.17
		Revised	222.44	

\* The difference between original values (SCS, 2009) and revised values (MMM, 2011). Negative values mean the revised flood elevations are reduced from the original elevations.

(1) HEC-RAS cross sections are revised to reflect the proposed remedial works.

HEC-RAS Plan: Barrie River: River Reach: Reach

Reach	River Sta	Profile	Q Total (m <sup>3</sup> /s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m <sup>2</sup> )	Top Width (m)	Froude # Chl
Reach	305.16	Regional	2.17	305.00	305.14		305.17	0.064082	0.84	2.66	20.87	0.72
Reach	305.16	100-Yr	1.08	305.00	305.09		305.11	0.072168	0.66	1.66	19.87	0.71
Reach	279.36	Regional	2.17	304.50	304.78		304.79	0.006227	0.42	5.75	26.23	0.25
Reach	279.36	100-Yr	1.08	304.50	304.69		304.69	0.006767	0.34	3.48	22.69	0.25
Reach	250.36	Regional	2.17	304.25	304.57		304.58	0.008153	0.53	4.88	21.81	0.30
Reach	250.36	100-Yr	1.08	304.25	304.48		304.49	0.007517	0.41	3.05	17.98	0.27
Reach	213.36	Regional	2.17	304.00	304.27		304.28	0.008311	0.48	5.02	23.19	0.29
Reach	213.36	100-Yr	1.08	304.00	304.16		304.19	0.008977	0.38	3.06	20.11	0.28
Reach	167.06	Regional	2.17	303.50	303.89		303.90	0.008322	0.46	4.90	23.22	0.29
Reach	167.06	100-Yr	1.08	303.50	303.81		303.81	0.007226	0.34	3.21	19.77	0.26
Reach	138.61	Regional	2.17	303.25	303.56		303.57	0.016404	0.51	4.26	24.90	0.36
Reach	138.61	100-Yr	1.08	303.25	303.49		303.49	0.019468	0.42	2.57	21.84	0.39
Reach	111.61	Regional	2.17	303.00	303.31		303.32	0.005687	0.44	5.72	25.36	0.25
Reach	111.61	100-Yr	1.08	303.00	303.21		303.22	0.006325	0.35	3.42	20.66	0.25
Reach	85.71	Regional	2.17	302.75	303.12		303.13	0.008655	0.60	4.73	20.91	0.31
Reach	85.71	100-Yr	1.08	302.75	303.02		303.03	0.008851	0.49	2.78	16.25	0.30
Reach	63.61	Regional	2.17	302.50	302.82		302.83	0.010425	0.59	4.61	23.64	0.34
Reach	63.61	100-Yr	1.08	302.50	302.73		302.73	0.009181	0.44	2.82	17.19	0.30
Reach	33.11	Regional	2.17	302.25	302.53		302.55	0.018317	0.73	3.68	22.33	0.44
Reach	33.11	100-Yr	1.08	302.25	302.45		302.46	0.021662	0.62	2.17	17.02	0.45
Reach	0	Regional	2.17	301.50	302.07	301.88	302.09	0.011012	0.62	3.69	16.76	0.35
Reach	0	100-Yr	1.08	301.50	301.96	301.79	301.97	0.011007	0.49	2.21	9.73	0.33

**ROBERT E. JARVIS, Q.C.**  
Barrister and Solicitor

105 Confederation Way  
Thornhill, Ontario  
Canada, L3T 5R4  
Phone: (905) 763-5998  
Fax: (905) 763-1439

November 25, 2013  
File No. 4-010

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

Attn: Ms. Judy Carroll

Dear Ms. Carroll:

**RE: Kennedy Corners Realty Inc. and Kennedy-Steeles Holdings Ltd.  
(Kennedy Corners) – “Revised Draft Markham Official Plan”  
Milliken Centre Lands – Official Plan Review – Public Process -**

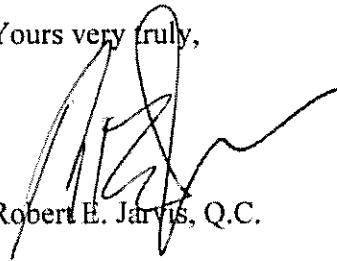
While attending to another Planning matter in Markham, we learned inadvertently that the Markham Development Services Committee was meeting on November 19<sup>th</sup>, 2013, to consider a “Revised Draft Official Plan”. The Staff Report on the Revised Draft O.P. referenced and made recommendations specific to the Milliken Centre lands, lands which include lands owned by my client, Kennedy Corners. The Staff recommendation, depending on how implemented, may have a major impact on Kennedy Corners; and, neither I nor my client was given Notice of the November 19<sup>th</sup> public Committee meeting. This omission to give Notice has upset my client and also me as I clearly requested Notice from the City of Markham of any “public meetings, hearings, or meetings of Markham Council or any Committee of Council” with respect to the new Draft O.P. (see my letter of April 23<sup>rd</sup>, 2013, attached, sent to both the City Clerk and Mr. James Baird, Commissioner of Development Services).

Kennedy Corners is an integral part of the existing major comprehensive commercial development located at the northeast corner of Steeles Avenue and Kennedy Road and any proposed Official Plan changes, rezoning applications or proposed redevelopment will have a direct impact on my client’s lands. My client is entitled to and must have Notice of any proceedings which touch on the planning for or redevelopment of this major commercial node.

My client has the right to comment on and to be part of the planning for this node. My client has also demonstrated a willingness to work with all parties including Markham on a cooperative basis. Without “Notice” my client’s rights as set out in the *Planning Act* will be prejudiced.

Accordingly, please take this letter as a submission as required by the *Planning Act*, Section 17(20). My client reserves the right to support, to comment on, to appeal and/or to be a Party or Participant should any of the planning matters touching on the Milliken Centre, which includes Kennedy Corners, are appealed to the Ontario Municipal Board. Notice of all proceedings is also required for my client to make meaningful comment with respect to the public process in Markham.

Yours very truly,

A handwritten signature in black ink, appearing to read 'R. Jarvis', with a long horizontal flourish extending to the right.

Robert E. Jarvis, Q.C.

Enc.

c.c. Mr. Max Kerzner, Kennedy Corners  
Mr. James Baird, Commissioner of Development Services  
Ms. Catherine Conrad, City Solicitor

**ROBERT E. JARVIS, Q.C.**  
Barrister and Solicitor

105 Confederation Way  
Thornhill, Ontario  
Canada, L3T 5R4  
Phone: (905) 763-5998  
Fax: (905) 763-1439

April 23, 2013  
File No. 4-010

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

Attn: Ms. Judy Carroll

Dear Ms. Carroll:

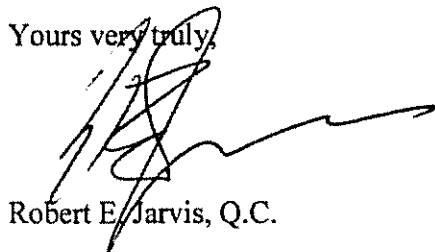
**RE: Draft City of Markham Official Plan**

On behalf of my clients, Kennedy Corners Realty Inc. and Kennedy-Steeles Holdings Ltd. (Kennedy Corners), I am requesting that I be provided with written notice of any reports, public meetings, hearings, or meetings of Town of Markham Council or any Committee of Council regarding the Draft Official Plan.

My clients' lands are located on the east side of Kennedy Road, north of Steeles Avenue, and identified as 7077 Kennedy Road. Immediately adjacent to my clients' lands is the development known as "Pacific Mall".

We have been provided with a copy of correspondence to the City from the solicitors for Pacific Mall, dated April 22<sup>nd</sup>, 2013. We have reviewed the concerns set out in their letter in the context of the Draft Official Plan, Part 1, and Chapter 11 – Area and Site Specific Policies and wish to advise that we have no objection to their submission.

Yours very truly,



Robert E. Jarvis, Q.C.

c.c. Mr. Max Kerzner, Kennedy Corners  
Mr. James Baird, Commissioner of Development Services

140 Renfrew Drive, Suite 201, Markham, Ontario,  
Canada L3R 6B3

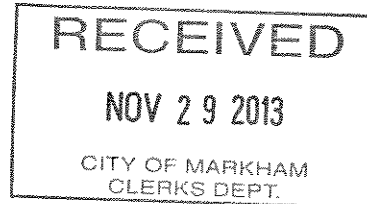
Tel: (905) 513-0170; Fax: (905) 513-0177

E-mail: [jgenest@mgp.ca](mailto:jgenest@mgp.ca)

[www.mgp.ca](http://www.mgp.ca)

November 28, 2013

Mayor Scarpitti and Members of Council  
City of Markham  
Markham Civic Centre,  
101 Town Centre Boulevard,  
Markham, ON  
L3R 9W3



12-1257

Dear Sirs/Madames:

**Re: Box Grove Hill Developments Inc.  
Employment Lands Conversion to Enable a Retirement Home  
Part of Lots 6 to 8, Concession 9, City of Markham**

I am writing to you on behalf of my client Box Grove Hill Developments Inc. to request a modification to the draft Official Plan. Its purpose is to include additional lands within the "Deferral Area" to implement the Development Services Sub-Committee request for incorporation of "affordable or seniors housing" into the proposed development, to the west of the lands currently shown on Schedule 9.16.4 of the Revised Draft Official Plan (November 2013).

In order for this request to be implemented the following changes are required to the Revised Draft Official Plan document:

- Figure 9.16.14 – add lands to the west as shown on Attachment 1 to this letter.
- Map 3 - add lands to the west as shown on Attachment 2 to this letter.

### **Background**

An application to amend the Official Plan to permit residential uses (Site B) and a convention centre / banquet hall (Site A) on my client's lands was submitted in February 2013 for consideration during the municipally initiated comprehensive review. During the review of the application it was determined by staff that the use of lands within Site A for a banquet hall / convention centre would not be considered a conversion as the uses are permitted within Employment Areas. The use of lands within Site B for residential and live-work would be considered a conversion and would be reviewed by a sub-committee of the Development Services Committee.

Through the review process, the Development Services Committee requested that the project include affordable or seniors' housing on the lands. My client agreed that seniors' housing would be accommodated on Parcel A. Unfortunately, in the minutes the parcel for the seniors housing was misidentified as Parcel B. It is from this misidentification of the lands that the request to include Site A in the conversion application stems. Attachment 3 shows a concept plan for seniors' housing and a conference centre/office building on Site A. This plan is shown in context with the larger area in Attachment 4.

**Planning Rationale**

A planning rationale and supporting information has been submitted as part of the complete application for the use of the Site B lands for residential and live/work uses. The planning of the seniors housing will be considered as part of the next phase of the OPA approval process.

Briefly, the inclusion of the lands identified as Site A within the "Deferral Area" is a reasonable request. The proposed use of a portion of the lands for seniors' housing:

- Provides needed seniors housing in the community;
- Contribute to increasing employment in the area through jobs in the seniors housing and conference centre/office buildings;
- Is compatible with and benefits from proximity to adjacent uses (residential, medical building, commercial uses); and
- Is close to planned and existing transit services on both the Box Grove By-Pass and Donald Cousens Parkway.

If you have any questions or require additional information, please do not hesitate to contact me.

Yours very truly,

**MALONE GIVEN PARSONS LTD.**

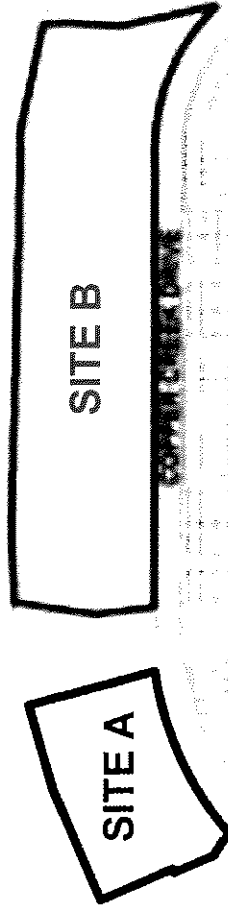


John P Genest, MCIP, RPP, PLE  
Principal

cc Mr. Silvio DeGasperis, Box Grove Hill Developments Inc.  
Mr. David Stewart, Box Grove Hill Developments Inc.  
Mr. A Hershoff, Box Grove Hill Developments Inc.  
Mr. Ira Kagan, Kagan Shastri

# ATTACHMENT 1

WINDMILL CREEK



DONALD COURTES PROPERTY

200 SOUTH 17100

STN 1000

Figure 9.16.14



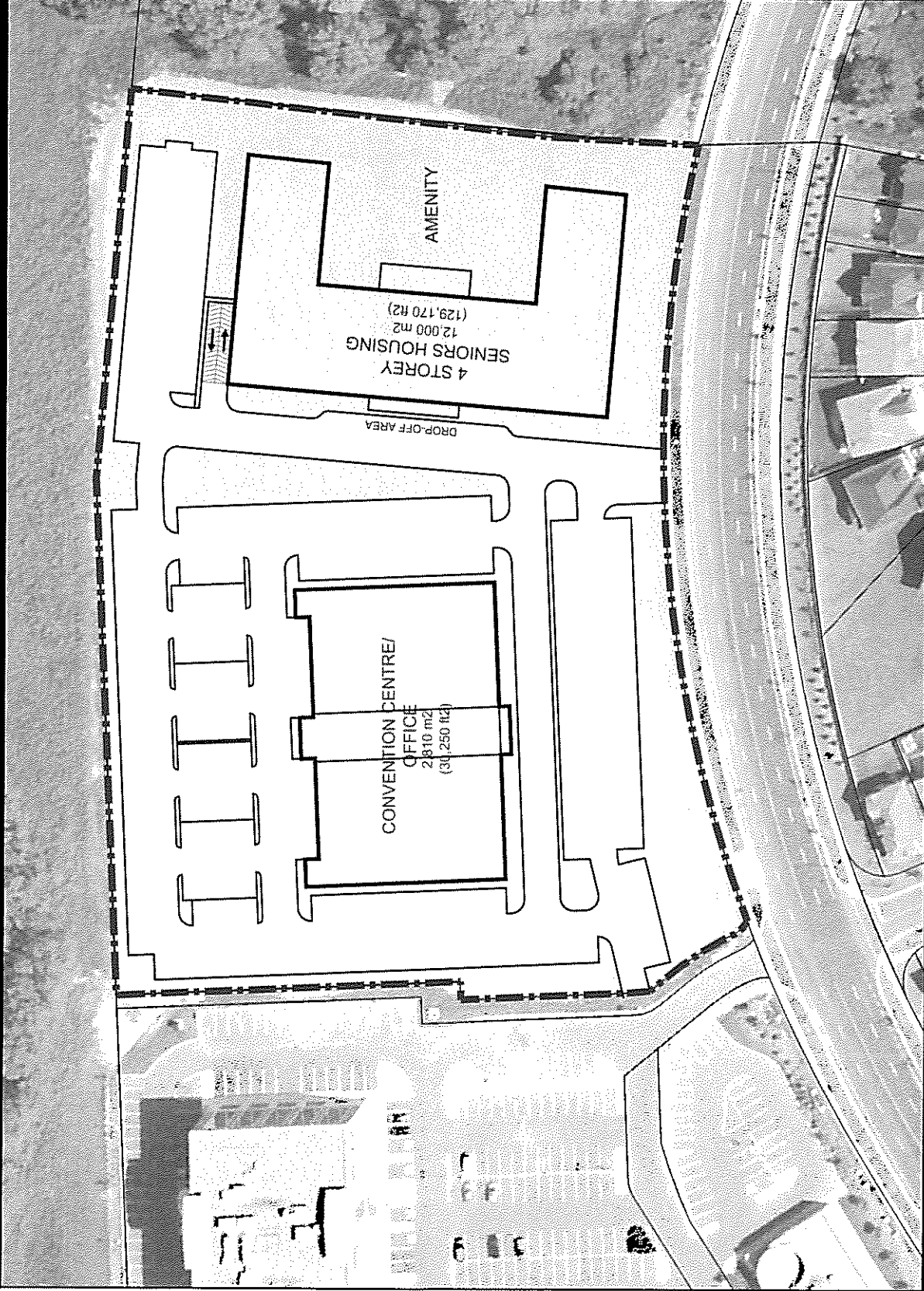
CONCEPTUAL DEVELOPMENT PLAN - SITE A WITH SENIORS HOUSING

Conceptual Site Plan for:  
Convention Centre / Office /  
Seniors Housing

Subject Lands - 2.49 ha

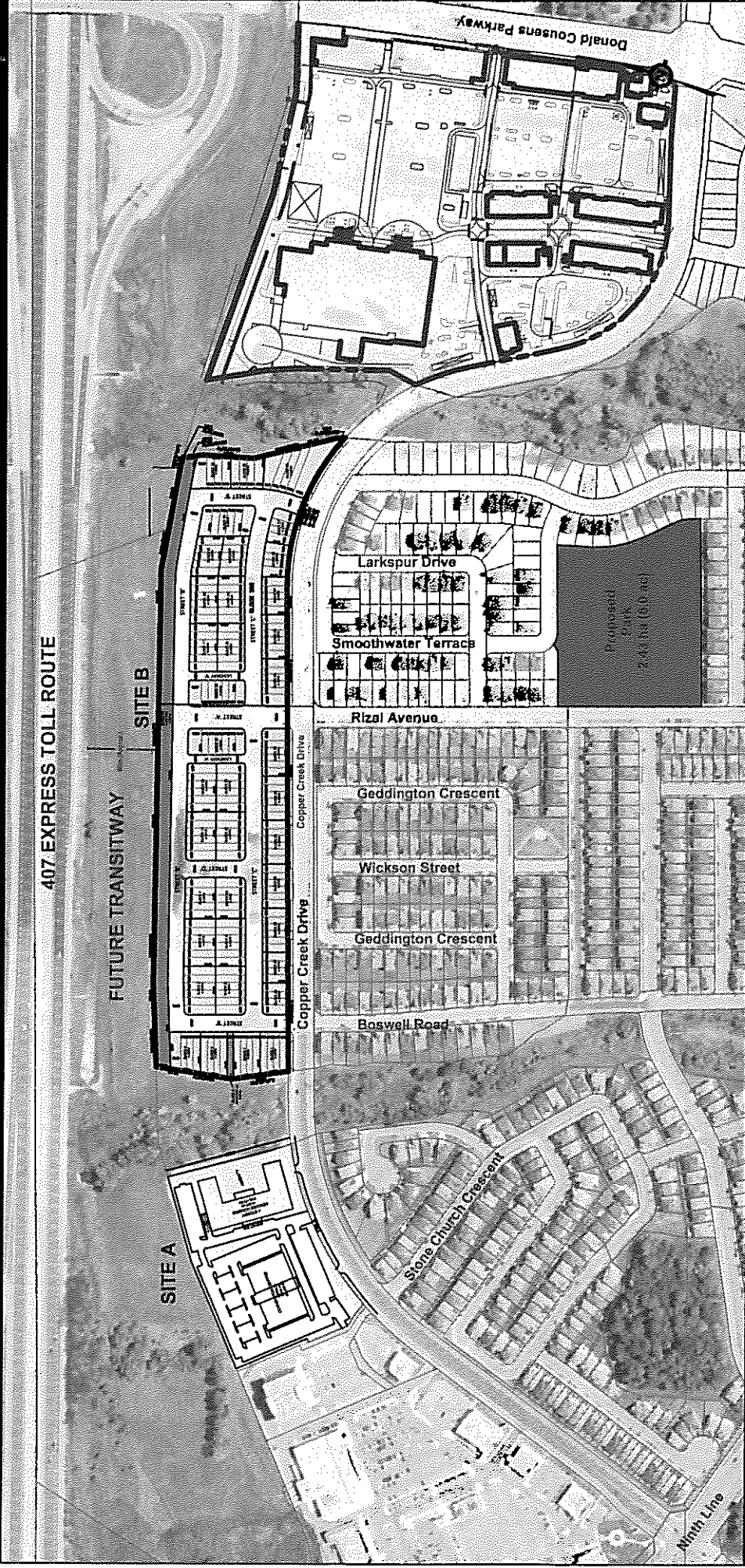
For Discussion Purposes Only  
All Dimensions are Approximate  
Date: September 26, 2013  
Project No.: 12-2157

MALONE GIVEN PARSONS LTD.



BOX GROVE HILL DEVELOPMENTS INC. - SITE A

REVISED DEVELOPMENT CONCEPT - WITH SENIORS HOUSING



BOX GROVE HILL DEVELOPMENTS INC.

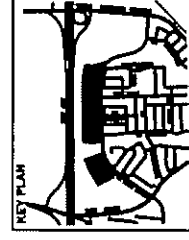
Property Site	
Site A	6.17 ac. (2.50 ha.)
Site B	20.05 ac. (8.11 ha.)

Public Right of Way (Site B)	
22.0m Right of Way	100m (328 ft)
17.0m Right of Way	760m (2,559 ft)
15.0m Right of Way	510m (1,673 ft)
8.5m Lane-way	112m (367 ft)

Open Space (Site B)	
Open Space	2.20 ac. (0.89 ha.)

Site A	
Convention Centre / Office	2,810 sq.m (30,250 sq.ft.)
4 Storey Retirement Home	12,000 sq.m (129,170 sq.ft.)

Site B	
25m Depth Live-Work Units - 6.75m frontage	77 units
Townhomes - 7.5m (24.6 ft) frontage	111 units
Townhomes - 6.1m (20.0 ft) frontage	16 units
Total Units	204 units



ALL DIMENSIONS ARE APPROXIMATE  
PRELIMINARY

Date: February 28, 2013  
Project No: 12-2157

Subject Properties

*Reply Attention of* Mary Flynn-Guglietti  
*Direct Line* 416.865.7256  
*Internet Address* mary.flynn@mcmillan.ca  
*Our File No.* 81723  
*Date* November 29, 2013

**E-MAIL (kbavington@markham.ca and judycarroll@markham.ca )**

Clerk's Department  
City of Markham  
Main Floor  
101 Town Centre Blvd.  
Markham, ON L3R 9W3

**Attention: Development Services Committee**

Dear Chair and Members:

**Re: Submissions on behalf of York Region Condominium  
Corporation No. 890 regarding the Draft City of  
Markham Official Plan  
Statutory Public Meeting – December 3, 2013**

We are the solicitors retained to act on behalf of York Region Condominium Corporation No. 890 ("**Pacific Mall**"), owner of the lands municipally known as 4300 Steeles Avenue East (the "**Lands**"), in connection with its review of the draft City of Markham Official Plan Part 1. We have had an opportunity to review the revised draft City of Markham Official Plan Part 1 released on November 15<sup>th</sup>, 2013 (the "**Draft OP**") together with the Staff Report dated November 19<sup>th</sup>, 2013 (the "**Staff Report**").

The current City of Markham Official Plan (the "**Current OP**") designates the Lands "**Commercial**" and "**Major Commercial Area**". The uses permitted under the Current OP are myriad and include high density residential uses. The Lands also form part of the **Risebrough Planning District** and are subject to the **Risebrough Centre Secondary Plan (Secondary Plan PD 2-3)**.

Under Map 3 of the Draft OP the lands are designated "**Mixed Use Mid Rise**" and are also identified as an "**Intensification Area**" and as being subject to a "**Secondary Plan Area Specific Policy**". Furthermore, the Lands are subject to several area and site specific policies under Chapter 9. Specifically, Policy 9.15.1 identifies the Lands as forming part of the **Milliken District** and Policy 9.15.3 identifies the Lands as being part of the **Local Centre** of the **Milliken District**. Finally, Appendix F indicates the Lands form part of the **Milliken Centre Secondary Plan Area**. The secondary plan for the Milliken Centre Secondary Plan Area, called the **Milliken Main Street Secondary Plan**, has not yet been released for review.

Site and Area Specific Policy 9.15.3.3 provides that until an updated secondary plan is approved for the Lands, the provisions of the Current OP and Secondary Plan PD 2-4 shall apply to the Lands. The Lands, however, are currently subject to Secondary Plan PD 2-3 and are not subject to Secondary Plan PD 2-4. Therefore, we respectfully submit that Policy 9.15.3.3 should be revised to include Secondary Plan PD 2-3 in order to maintain the current policy regime for the Lands. Policy 9.15.3.3 should be revised as follows:

“Until an updated secondary plan is approval for the Milliken Centre lands, the provisions of the Official Plan (Revised 1987), as amended, Secondary Plan PD 2-3, as amended, and Secondary Plan PD 2-4, as amended, shall apply to the lands, as applicable.”

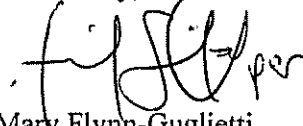
Additionally, we note that Policies 9.15.3.2 and 9.15.3.3, the land use designations and related policies of the Draft OP shall be used to inform the update of a secondary plan for the Lands to ensure that the secondary plan conforms generally with the Draft OP. We wish to advise of our serious concerns related to the Draft OP and the policies that will inform the update of the secondary plan for the Lands as follows:

1. The Draft OP appears to reduce the number of land uses that are permitted as of right on the Lands. For example, high density residential uses, funeral homes, night clubs and banquet halls are land uses no longer permitted under the Draft OP.
2. We are concerned that the Draft OP imposes new limitations on the height and density permitted on the Lands. For example, lands designated Mixed Use Mid Rise in the Draft OP includes minimum and maximum heights and a maximum floor space index. Pursuant to the Provincial Policy Statement and Growth Plan, intensification in the form of mixed use developments is specifically encouraged. The removal of high density residential uses would significantly impact the ability of the site to introduce residential uses to achieve a mix of uses that would permit a synergy on the site for people to live, work and shop, which we respectfully submit undermines many of the goals and policies of the provincial planning documents. As the Lands are intended to be located in an intensification area, we submit that intensification of a mix of uses can only be achieved through high density residential and further that it is this high density land use designation that should inform the update of the secondary plan applicable to the Lands.

We wish to inform you that we remain prepared to meet with City of Markham staff to discuss the concerns set out above.

We understand that the Development Services Committee of the City of Markham received the Staff Report on November 19<sup>th</sup>, 2013 and will be holding a statutory public meeting on December 3<sup>rd</sup>, 2013 to consider approval of the Draft OP. We appreciate your consideration of our concerns as described above and request that we be provided notice of any decisions made by the Committee and City Council.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mary Flynn-Guglietti', with a stylized flourish at the end.

Mary Flynn-Guglietti

/af  
Encl.  
c.c.:

York Region Condominium Corporation No. 890  
Attention: Mr. Sam Cohen and Mr. Eli Swirsky