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File No. 14.08229.002.P01

Mr. Chairman and Members of Regional Council
c/o Mr. Denis Kelly, Regional Clerk
Regional Corporate Services
Regional Municipality of York
17250 Yonge Street, 4th Floor
Newmarket, Ontario, L3Y 6Z1

Sent via email: regional.clerk@york.ca

Members of Regional Council,

**Subject: Markham Official Plan Recommended for Regional Council Approval
First Elgin Mills Developments Limited
3208 Elgin Mills Road East, City of Markham**

On behalf of our client, First Elgin Mills Developments Limited (First Elgin), we are providing comments, for consideration at the Regional Committee of the Whole meeting on June 12, 2014, on the approval of the adopted City of Markham Official Plan (December 2013). We provided comments to the City of Markham on June 21, 2013 and December 2, 2013 on the draft City of Markham Official Plan.

City staff are currently processing Official Plan Amendment and Zoning By-law Amendment applications (OP 13 120997 & ZA 13 120997) for 3208 Elgin Mills Road East, our client's land (the Subject Property). These applications were submitted on April 10, 2013. The purpose of these applications are to apply site-specific policies and zone regulations to the Subject Property to provide for a form and character of development which is compatible with the Victoria Square Hamlet, and provide an appropriate land use transition between the Hamlet and other Future Urban Areas and Future Employment Areas to the east.

Our concerns with the Adopted Markham Official Plan, and Regional staff's recommendation for approval relate to two sections of the Adopted Markham Official Plan:

1. **Hamlets (Section 8.7)** – The Markham Official Plan does not identify Victoria Square as a Hamlet, as required by the approved York Region Official Plan, and therefore, does not conform to the upper-tier Official Plan as required by Section 27 of the *Planning Act*.
2. **Area and Site Specific Policies (Section 9.0)** – The development of the Subject Property and the surrounding lands east of the Hamlet of Victoria Square warrants a unique planning approach and process from that which is currently proposed through

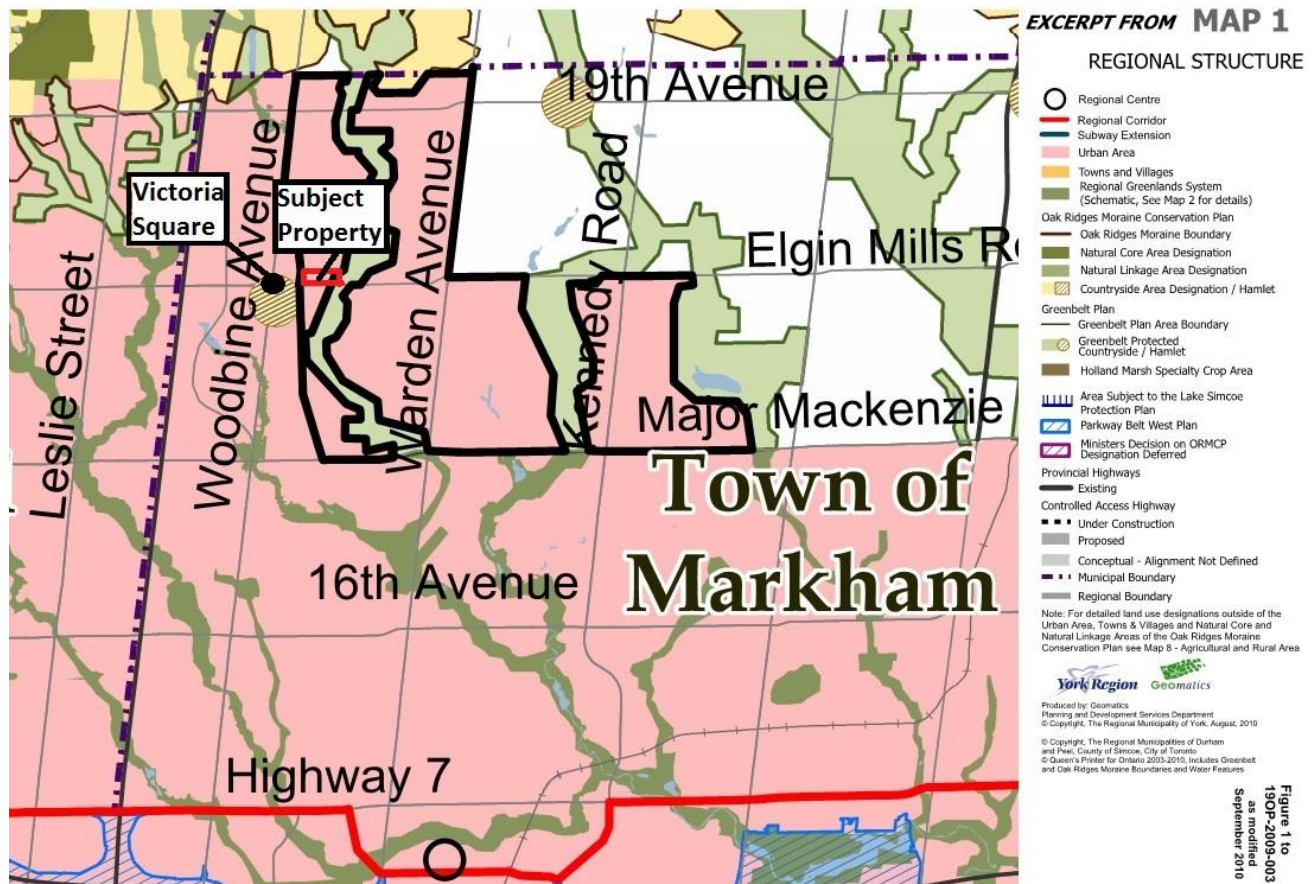
the Future Urban Area policies (Section 8.12), in order to ensure that development is more compatible and sympathetic to the character of the Victoria Square Hamlet. Area and Site Specific policies should be included for the Subject Property and the surrounding lands.

Our detailed comments are as follows.

- Victoria Square is designated as a Hamlet under Section 5.6 of the York Region Official Plan. In this regard, the City of Markham’s adopted Official Plan does not conform to the York Region Official Plan, as required by the *Planning Act*.**

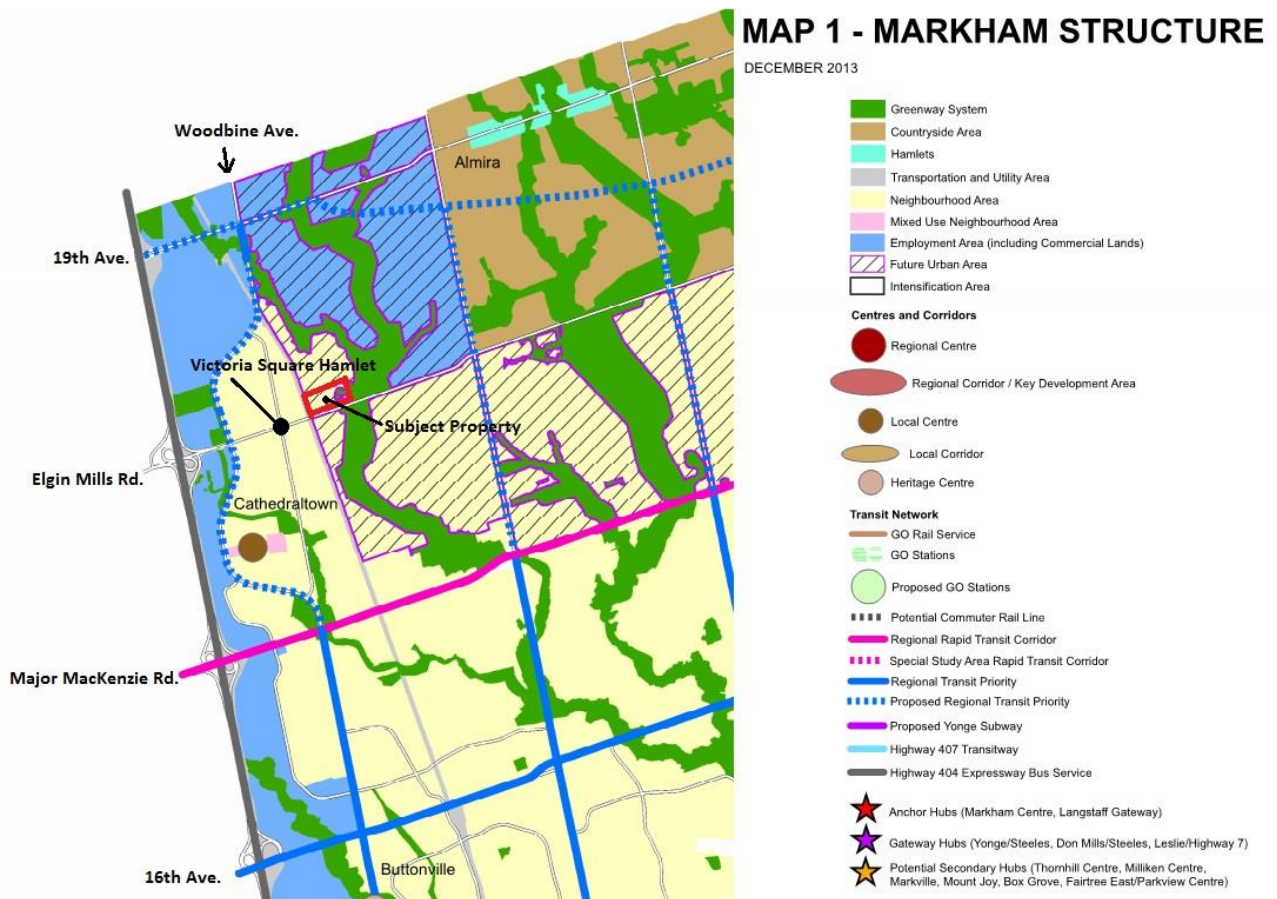
The York Region Official Plan (OMB Approved, as Modified, June 20, 2013 Office Consolidation) identifies Victoria Square as a Hamlet, as illustrated conceptually on Map 1 (Regional Structure) (Refer to Figure 1). The Region requires local municipalities to update their Hamlet policies in accordance with the policies of the York Region Official Plan (Section 5.6.32), which requires local municipalities to designate and delineate the Hamlet boundaries in the Local Official Plan (Section 5.6.24). As previously stated to the City, the adopted Markham Official Plan before you for approval does not conform to policy 5.6.24 of the York Region Official Plan.

Figure 1 - Map 1 (Regional Structure) Excerpt as per Regional Official Plan Amendment No. 3



We note that the City of Markham Adopted Official Plan identifies the Victoria Square Hamlet as a Neighbourhood Area, as opposed to identifying it as a Hamlet and delineating a Hamlet boundary, on Map 1 (Markham Structure) (Refer to Figure 2), as directed by the York Region Official Plan.

Figure 2 - Map 1 (Markham Structure) Excerpt, Markham City Council Adopted Official Plan



We understand that the City has indicated that they will work with the Region to amend the York Region Official Plan for the Hamlet to be considered an Urban Area, consistent with the City of Markham Official Plan. Our concern is that this is contrary to the *Planning Act*, in that the lower-tier official plan must conform to the policies of the upper-tier official plan, not vice-versa. That is, the City of Markham Official Plan must conform to and implement the policies of the York Region Official Plan.

2. The process and requirements of the Adopted City of Markham Official Plan to bring about the development of the Subject Property should be refined through the addition of Area and Site Specific Policies (Section 9.0).

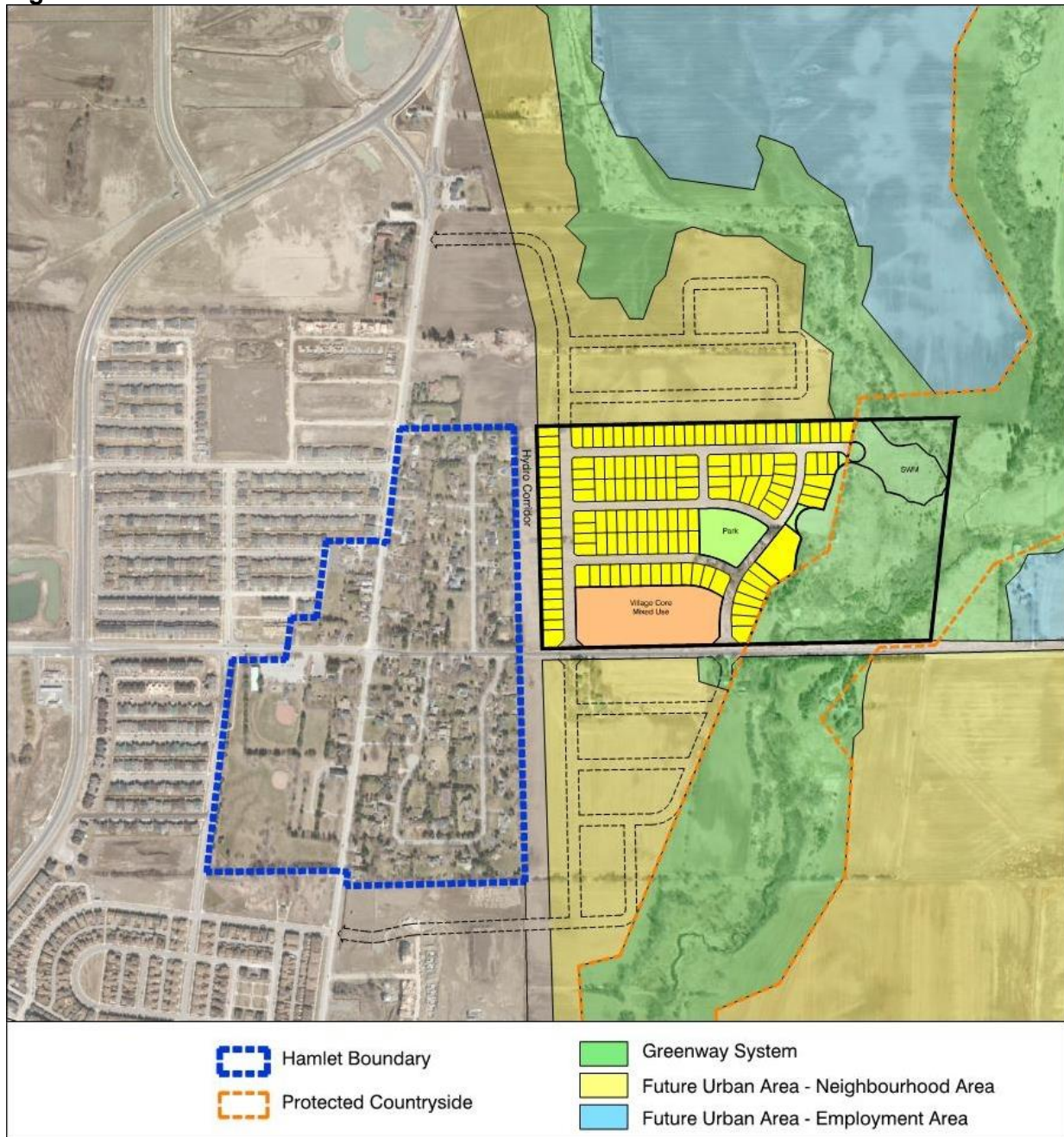
As discussed with City staff and supported through our planning applications to the City, we maintain that the development of the Subject Property warrants a unique planning approach and

process, from that which is currently contemplated in the Markham Official Plan Future Urban Area policies. The development applications for the Subject Property propose to establish a form and density of development on the Subject Property that is compatible and sympathetic to the character of the Victoria Square Hamlet.

A unique planning approach and framework for the Subject Property and the lands immediately surrounding the Victoria Square Hamlet to the east (the “surrounding lands”), is justified and recommended. We offer the following remarks in relation to this request:

- The Subject Property and surrounding lands are bound by the Greenway System to the east, and clearly separated from the Future Employment Areas on the east side of the Greenway System, and the larger contiguous Future Neighbourhood Area to the east, neither of which have an immediate visual and spatial relationship with the Victoria Square Hamlet. The Subject Property and surrounding lands are isolated from the Future Urban Areas to the east, and are directly oriented to the Victoria Square Hamlet. Therefore, a form, density and character of development that is compatible with and sympathetic to the Victoria Square Hamlet is desirable and implements good planning principles.
- An appropriate land use and development pattern may be easily established for the Subject Property and surrounding lands in consideration of the existing road network and circulation routes, and the established Greenway System which defines the easterly extent of the Precinct Area, as illustrated in Figure 4, which identifies a conceptual land use and development pattern for the area.
- The servicing approach for the lands has already been established, and is independent of the servicing requirements for the Future Urban Areas on the east side of the Greenway System. The Master Environmental Servicing Plan (MESP) prepared in support of the planning applications for the Subject Property concludes that adequate municipal services can be provided to the Subject Property, including water and wastewater services, through connections to the new development areas to the west and southwest of the Victoria Square Hamlet. Furthermore, the Stormwater Management Report proposes a stormwater management facility on-site to service the Subject Property.
- The natural heritage features and areas for the Subject Property have been thoroughly investigated, and an appropriate framework for the conservation and buffering of the natural heritage features has been established, which is independent of the Future Urban Areas on the east side of the Greenway System. The MESP documents included an Environmental Impact Study prepared in support of the planning applications for the Subject Property which clearly identify the natural areas and the development limits for the Subject Property. Furthermore, a Hydrogeological and Geotechnical Study has been prepared in support of the development applications.

Figure 4 – Area Context Plan



The adopted City of Markham Official Plan policies require that a Secondary Plan be prepared and adopted for lands designated as Future Urban Area. Section 10.1.2.2 outlines the criteria to be addressed through the preparation of a Secondary Plan. Furthermore, for Future Neighbourhood and Employment Areas north of Major Mackenzie Drive, a subwatershed plan and Conceptual Master Plan (and master phasing plan) and master environmental servicing plan is required to

inform the preparation of the Secondary Plan (S. 10.1.2.4). In addition, the Official Plan provides requirements for the preparation of a subsequent Precinct Plan, where deemed appropriate, for specific areas within a Secondary plan to provide further details and help coordinate and integrate land use, development and required infrastructure (S. 10.1.3).

In our opinion, the future development of the Subject Property and the lands immediately adjacent to the Victoria Square Hamlet, as identified on Figure 3, requires a unique planning approach and framework. As such, we recommend that new Area Specific policies be identified for the lands in Section 9.0 which provide more scoped requirements for the preparation of a Precinct Plan.

As generally identified in our Planning Rationale Report, April 2013, in support of the development applications, the inclusion of site-specific policies may address the following matters:

- establish the need to prepare a Precinct Plan for the Subject Property and surrounding lands to provide further details with respect to land use and help coordinate and integrate development and the required infrastructure;
- establish moderate density requirements that provide for an appropriate transition between the low density residential uses in the Hamlet of Victoria Square and the higher density future urban residential areas, and employment areas to the east of the Hamlet along Elgin Mills Road;
- provide for the orderly development of the Subject Property through a Draft Plan of Subdivision application;
- provide policies that may accommodate live-work townhouse units, and potentially limited service, retail and commercial uses, if so desired by the City. Live-work townhouse units may provide a more suitable alternative to accommodate employment uses in keeping with the character of the Hamlet, as opposed to other employment uses previously contemplated by the City;
- provide special policies to ensure that the proposed development would respect and be compatible with the character of the Victoria Square Hamlet as a “historic rural hamlet community”, and address matters related to the design of new buildings, such as scale, height, orientation, consistent setbacks, materials and colours;
- provide guidance for the preparation of urban design and built form guidelines for the subject property to ensure that urban design and architectural controls are provided to respect the character of the Hamlet; and
- other matters.

3. Straightforward Modifications to the City of Markham Official Plan Can Address These Concerns

In light of the above concerns, we request that the City of Markham Official Plan be modified through the Region’s approval of the City of Markham Official Plan, as outlined below:

A. Delineate Victoria Square as a Hamlet

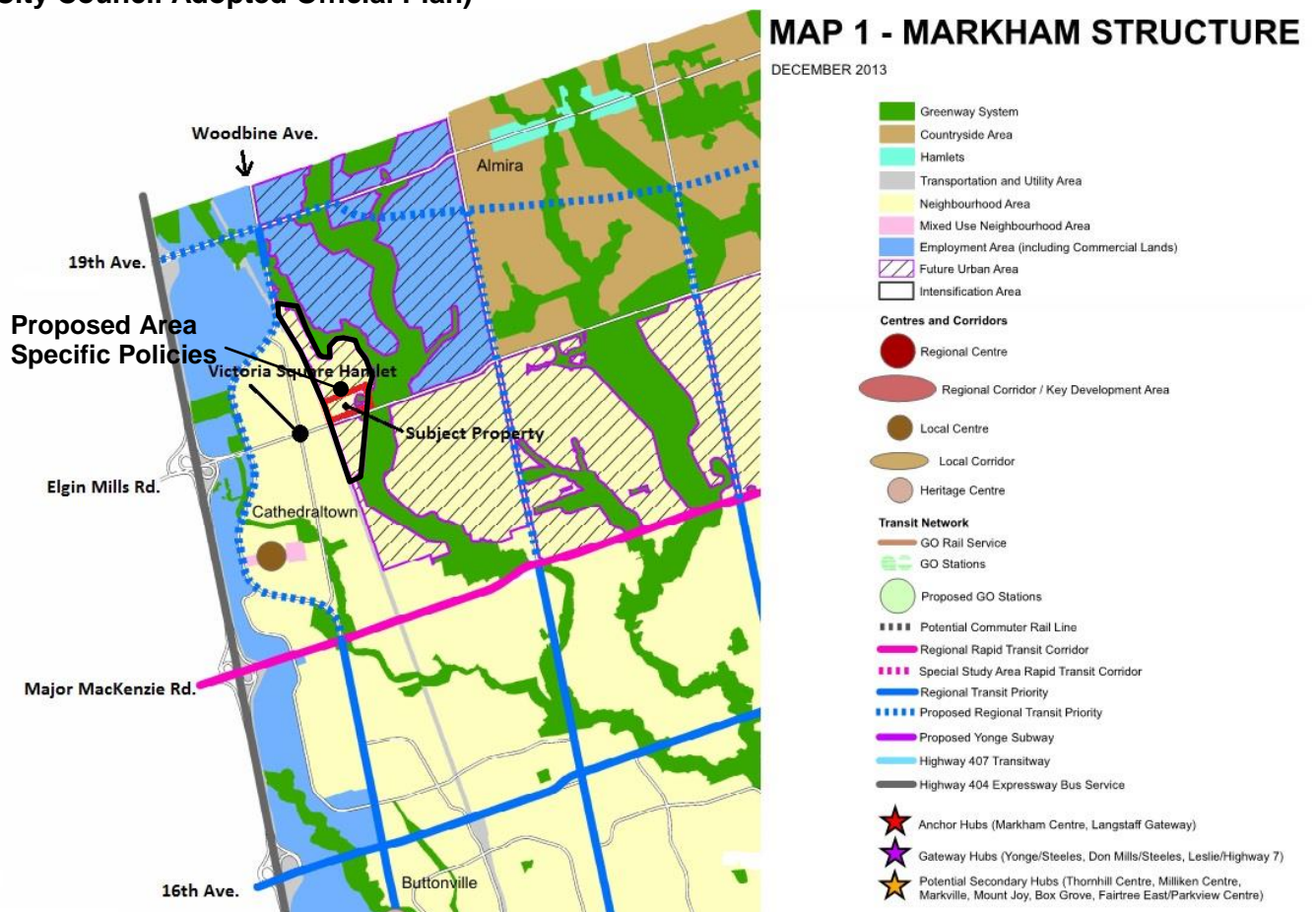
We request that Regional Council consider maintaining the planning approach established in the approved policies of the York Region Official Plan for the Victoria Square Hamlet and that the City of Markham Official Plan be modified to identify Victoria Square as a Hamlet in the City of Markham

Official Plan at this time. This modification is required to ensure that the Adopted City of Markham Official Plan conforms to and implements the policies of the Approved York Region Official Plan, as required by Section 27 of the *Planning Act*.

B. Identify New Area Specific Policies for the Subject Property and the Surrounding Lands to the East of the Victoria Square Hamlet

In order to ensure that a form and character of development on the Subject Property, and the surrounding lands, that is more compatible and sympathetic to the character of the Victoria Square Hamlet, we recommend that the City of Markham Official Plan establish new Area Specific Policies, for the lands identified in Figure 3, and as described in Section 2.

Figure 3 – Proposed Area Specific Policies (Map 1 (Markham Structure) Excerpt, Markham City Council Adopted Official Plan)



We are pleased to submit these comments and request that they be considered and incorporated through the Region's approval of the City of Markham Official Plan. Please contact us should you have any questions or comments.

Yours truly,

MMM GROUP LIMITED

A handwritten signature in black ink, appearing to read "Chris Tyrrell".

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