

From: Jeffrey Streisfield Land Law [<mailto:jeffrey@landplanlaw.com>]
Sent: Monday, June 09, 2014 5:05 PM
To: Regional Clerk
Cc: Ko, Augustine; Scott Heaslip; Margaret Wouters; Shuttleworth, Valerie
Subject: Fw: City of Markham Official Plan, Part I - request for notice of decision by approval authority (4038 Hwy 7)

Dear Regional Chair and Members of Council;

I represent Scardred 7 Company Limited, owner of 4038 Highway 7.

As noted below, and in the attached submission, our client's planner, MBPD, made submissions to the City regarding proposed modifications to section 9.19 of the City's new official plan as it relates to 4038 Highway 7.

In light of the recent OMB approvals for the lands to the west (which are now incorporated into section 9.19.9), it would be appropriate to provide similar height and density for the subject lands and permit townhouse development at the rear of the property.

Would you kindly reconsider same and provide the undersigned with notice of any decision taken in connection with the above matter.

Would you also provide notice to:

Scardred 7 Company Limited
c/o Peak Garden Developments
18 Crown Steel Drive, Suite 213
Markham, ON L3R 9X8

att: Mr. Alex Shaw

Thank you and kindly confirm receipt by reply email.

Jeffrey E Streisfield, BA LLB MES
Land Lawyer & Land Development Manager
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----- Forwarded Message -----

From: Jeffrey Streisfield Land Law <jeffrey@landplanlaw.com>

To: Regional Clerk <regional.clerk@york.ca>

Cc: Augustine Ko <Augustine.Ko@york.ca>

Sent: Sunday, January 5, 2014 4:09:22 PM

Subject: City of Markham Official Plan, Part I - request for notice of decision by approval authority

I represent Scardred 7 Company Limited. owner of lands at 4038 Highway 7. Our client made submissions to the City of Markham in connection with its new OP.

Please provide the writer with notice of any decision taken by the approval in connection with the above matter with a copy to:

Scardred 7 Company Limited
c/o Peak Garden Developments
18 Crown Steel Drive, Suite 213
Markham, ON L3R 9X8

att: Mr. Alex Shaw

Thank you and kindly confirm receipt of this email by reply.

Jeffrey E Streisfield, BA LLB MES
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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 written over a horizontal line.

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

Area approved for Residential Mid Rise
(Max Height 3.5 storeys)

Area to be designated Residential Mid Rise
Maximum Height: 3.5 storeys
Maximum Density: 60 UPH

Lands owned by Times Group Corporation

Lands owned by Scardred 7 Company Limited

Area approved for Mixed Use Mid Rise
(Max Height 8 storeys)
(Max Density 3.5 FSI)

Area to be designated Mixed Use Mid Rise
Maximum Height: 8 storeys
Maximum Density: 2.5 FSI

Approximate location of Times Group Corporation Mid Rise Building

Highway No. 7 East



9.0**AREA AND SITE SPECIFIC POLICIES****CONTENTS**

- 9.1. **Angus Glen/York Downs**
- 9.2 **Armadale**
- 9.3 **Berczy Village/Wismer Commons/Greensborough/
Swan Lake**
- 9.4 **Buttonville**
- 9.5 **Cathedral**
- 9.6 **Commerce Valley/Leitchcroft**
- 9.7 **Cornell**
- 9.8 **Countryside/Hamlet/Greenbelt**
- 9.9 **Future Urban Area**
- 9.10 **Highway 404 North (Employment)**
- 9.11 **Langstaff Gateway**
- 9.12 **Markham Centre**
- 9.13 **Markham Village**
- 9.14 **Markville**
- 9.15 **Milliken**
- 9.16 **Rouge North/Legacy/Box Grove**
- 9.17 **South Don Mills (Employment)**
- 9.18 **Thornhill**
- 9.19 **Unionville**
- 9.20 **Woodbine/404**

9.0 AREA AND SITE SPECIFIC POLICIES

Throughout Markham there are areas and sites that require special policies that vary from one or more provisions of this Plan. These policies generally reflect unique historic conditions for approval that must be recognized for specific development sites, or provide a further layer of local policy direction for an area. In most cases, the area and site specific policies provide direction on land use. The Plan policies apply to these lands except where the area and site specific policies vary from the Plan.

The area and site specific policies contained in this Chapter are generally categorized into districts containing policies that may apply to a specific area or group of properties or a specific site. These districts are shown on Map 15 – Area and Site Specific Policies.

The area and site specific policies include interim policy provisions for the secondary plan areas shown in Appendix F – Secondary Plan Areas where the provisions of the Official Plan (Revised 1987) and relevant secondary plans shall continue to apply until an update of the existing secondary plan or a new secondary plan is completed and approved to conform with the provisions of this Plan. Once completed these secondary plans will form Part II of this Official Plan.

Some of the area specific policies contain provisions for study or phasing requirements to be completed prior to *development approvals* on the lands such as local area studies and transportation impact assessments. Other area specific policies contain provisions for urban design guidelines and community design plans, developers' group agreement(s), and securing *public school, place of worship* and park sites.

The districts are alphabetically organized with a corresponding section number and subsection number for area and site specific policies. Each area and site specific policy has a description of the location, applicable land use designation, area or site specific provisions and a corresponding figure where appropriate.

Districts for Area and Site Specific Policies

- 9.1 Angus Glen/York Downs
- 9.2 Armadale
- 9.3 Berczy Village/Wismer Commons/Greensborough/Swan Lake
- 9.4 Buttonville
- 9.5 Cathedral
- 9.6 Commerce Valley/Leitchcroft

- 9.7 Cornell
- 9.8 Countryside/Hamlet/Greenbelt
- 9.9 Future Urban Area
- 9.10 Highway 404 North (Employment)
- 9.11 Langstaff Gateway
- 9.12 Markham Centre
- 9.13 Markham Village
- 9.14 Markville
- 9.15 Milliken
- 9.16 Rouge North/Legacy/Box Grove
- 9.17 South Don Mills (Employment)
- 9.18 Thornhill
- 9.19 Unionville
- 9.20 Woodbine/404



9.19 UNIONVILLE

- 9.19.1 The Unionville district comprises the lands bounded by Warden Avenue and Markham Centre on the west, 16th Avenue on the north, the Eckardt Creek and McCowan Road to the west, and Highway 407 and Markham Centre to the south as shown in Figure 9.19.1.

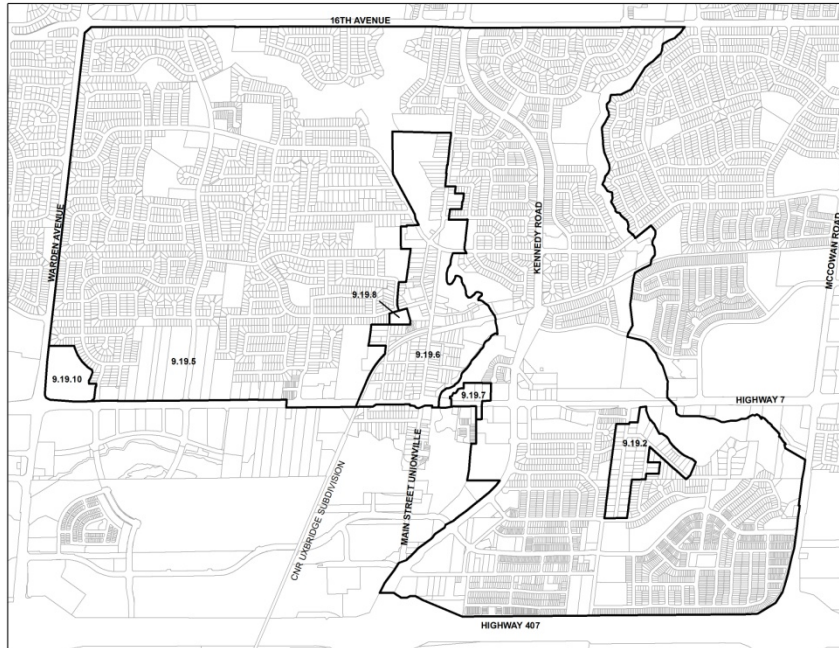


Figure 9.19.1

Infill Development

- 9.19.2 For the 'Residential Low Rise' lands shown in Figure 9.19.2, Council may consider a zoning by-law amendment to permit a consent (severance) to create one additional lot generally equal to one half of the area and frontage of lots from the original plans of subdivision for the lands. Where such consents (severances) are permitted, the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be deemed consistent with the emerging lot sizes on the street where the property is located.

The intent of this Official Plan is to support infill development within this area, but ensure the massing of new dwellings or additions to existing dwellings respects and reflects the pattern and character of adjacent development, where appropriate. Site specific development standards established through individual zoning by-law amendments may address lot coverage, building depth, *floor area ratios*, height, number of storeys, garage projections and garage widths.

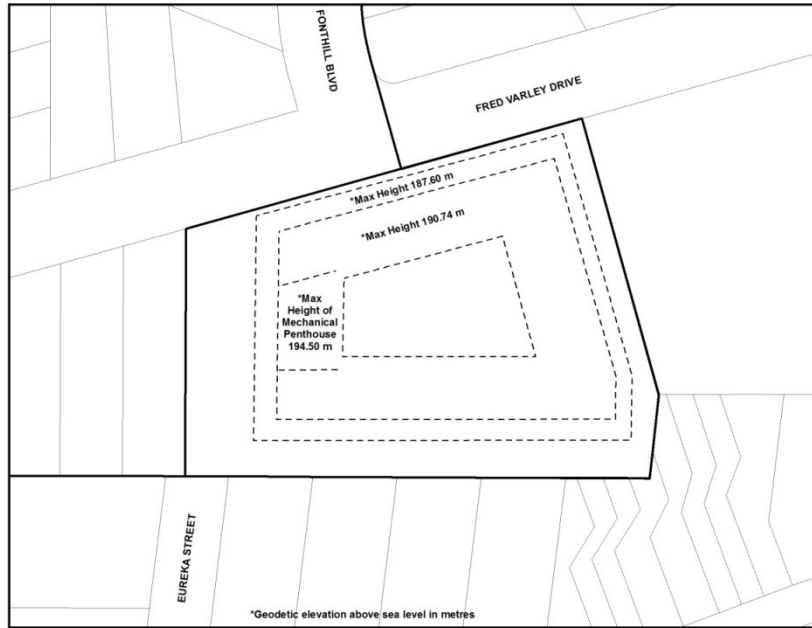


Figure 9.19.8

Highway 7/Village Parkway Corridor

9.19.9

The following site specific use provisions shall apply to the 'Residential Low Rise', 'Residential Mid Rise' and 'Mixed Use Mid Rise' lands as shown in Figure 9.19.9:

- a) only detached dwellings shall be permitted on the lands designated 'Residential Low Rise';
- b) on the lands at 3940 Highway 7 East the total number of dwelling units shall not exceed 262 units of which:
 - i. no more than 36 townhouse units shall be permitted on the lands designated 'Residential Mid Rise'; and
 - ii. no more than 228 dwelling units shall be permitted on the lands designated 'Mixed Use Mid Rise' which may comprise up to 228 apartment units and up to 19 townhouse units;
- c) on the lands at 3952 and 3972 Highway 7 East the total number of dwelling units shall not exceed 451 units of which:
 - i. no more than 60 townhouse units shall be permitted on the lands designated 'Residential Mid Rise'; and
 - ii. no more than 379 apartment units and 12 townhouse units shall be permitted on the lands designated 'Mixed Use Mid Rise';
- d) on the lands at 4002 and 4022 Highway 7 the total number of dwelling units shall not exceed 465 units of which:
 - i. no more than 60 townhouse dwelling units shall be permitted on the lands designated 'Residential Mid Rise'; and

- ii. no more than 393 apartment dwelling units and 12 townhouse dwelling units shall be permitted on the lands designated 'Mixed Use Mid Rise';
- e) on the lands at 3882, 3898, 4080, 4084, 4088, 4116, 4128 and 4142 Highway 7 East designated 'Residential Mid Rise' the minimum building height shall be 2 to and the maximum building shall be 3.5 storeys;
 - f) on the lands at 3912, 3928, 3940, 3952, 3972, 4002 and 4022 Highway 7 East designated 'Mixed Use Mid Rise' the maximum building height shall be 8 storeys and the maximum *floor space index* shall be 3.5, excluding any floor space for townhouse dwelling units;
 - g) on the lands at 4038/4052 Highway 7 East designated 'Mixed Use Mid Rise' the maximum building height shall be 4 storeys.
 - h) one or more site plan control agreements or other agreement as appropriate shall secure the applicable development criteria for the 'Residential Mid Rise' and 'Mixed Use Mid Rise' lands as outlined in Sections 8.2.4.5, 8.3.1.1 and 8.3.3.5 of this Plan, and the applicable urban design and sustainable development policies of Section 6.1 and 6.2 of this Plan, and in particular, the following:
 - i. the integration of new development with the surrounding residential area through such measures as:
 - establishing street, open space and built form patterns that are appropriate to the land use;
 - improving the continuity of the local street grid by extending existing streets and establishing new streets where necessary to create a continuous public realm or providing pedestrian connections and private streets where other methods are not feasible;
 - providing well –defined public walkways through large public use sites; and
 - extending all landscape and streetscape amenities, including public sidewalks, into the new neighbourhood to ensure consistency with the existing residential community;
 - ii. vehicular access to Village Parkway south of the Buchannan Drive/Fitzgerald Avenue by way of a shared driveway, provided the number of shared driveways are limited to a maximum of 4;
 - iii. underground parking structures, if not incorporated as part of the main building massing, should not project above the finished

- grade adjoining streets. Entrances to underground parking garage(s) from public streets should be avoided;
 - iv. useable landscape outdoor amenity space should be provided for residents;
 - v. high quality urban landscape courts should buffer the transition from public streetscape to private unit access; and
 - vi. prominent at grade pedestrian access should be provided to each townhouse unit.
- i) A park site shall be provided generally as shown on the lands identified on Figure 9.19.9. The park site location is indicative of the preferred location and may be modified or relocated without an amendment to this Plan.

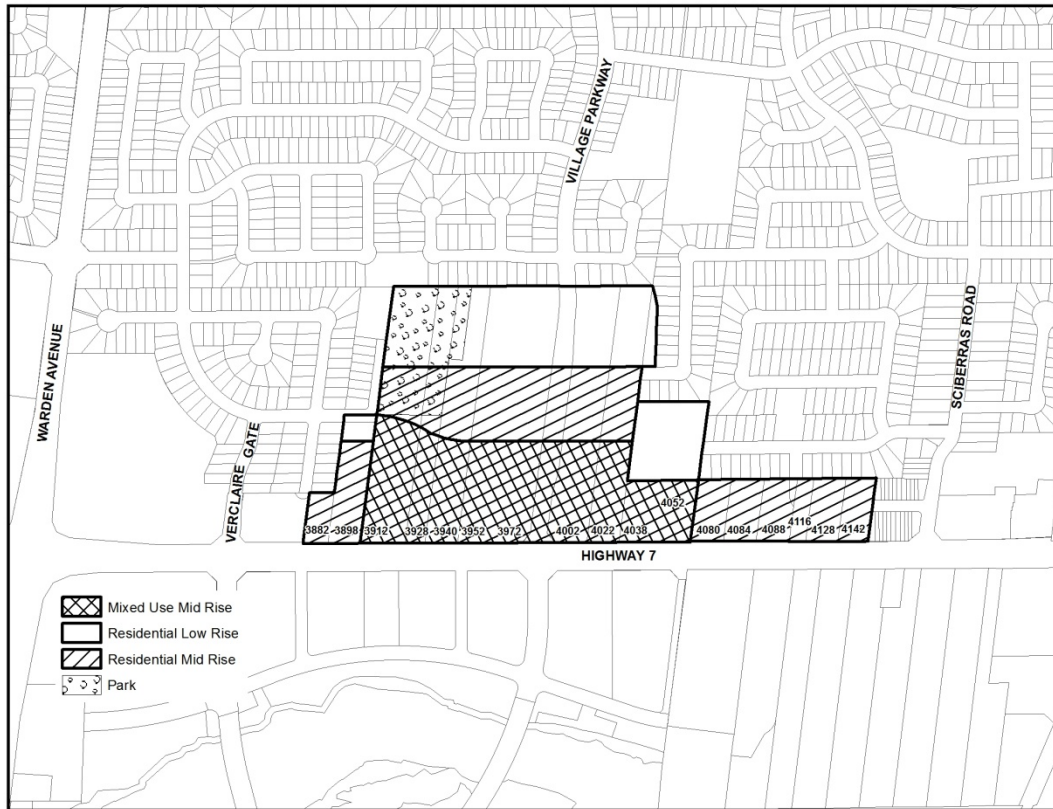


Figure 9.19.9

8601 Warden Avenue

9.19.10

Section 8.3.3.5 b) shall not apply to the existing food store located on the 'Mixed Use Mid Rise' lands as shown in Figure 9.19.10.