

Joint Committee of the
Unionville Ratepayers Association
Unionville Villagers Association
Unionville Business Improvement Area

30 November 2015

Chairman Jim Jones, Mayor Frank Scarpitti and City Council
Development Services Committee
City of Markham
101 Town Centre Blvd.
Markham ON L3R 9W3

Dear Mr. Jones, Mr. Mayor and Council,

Strengthening Tree Preservation Policies and Bylaws

I am writing this letter on behalf of the community group that was a party to the OMB hearing relative to the Varley Plaza redevelopment. I presented to the DSC on November 30 and wanted to reiterate our position. I fear that my recommendations were lost in the later (and very valuable) discussion regarding the status of the trees that create a buffer between the development site and the homes on Station Lane. Our group encourages the DSC to do whatever is in its power to preserve as many trees as possible on both sides of the south lot line of the development site.

In the aftermath of the Varley situation, I would also like to request that the DSC direct staff to prepare a report and recommendations as to how the City can strengthen its tree preservation policies and bylaws as soon as possible. I have three related comments to help begin the analysis of the situation.

1. Weak Policies for Tree Preservation for Developers: One of Councillor Rae's comments on the 30th was very important. There seems to be a double standard regarding the status of trees on lots owned by individual property owners and those owned by developers.

Some individual homeowners have been forced to redesign proposed homes to preserve trees. At the other end of the spectrum this morning Maria Gatzios said, on behalf of Tribute, that there was never any intention to preserve any trees on the Varley site. This position has never apparently been seriously challenged by staff or the DSC, until very recently. [It is extremely distressing that Tribute used preservation of the doomed trees in their argument before the OMB, while apparently knowing full well that the trees would be coming down.]

2. No Setback Limit for Underground Structures: It seems that there is typically no standard, policy or bylaw preventing a developer from building underground right up to a lot line, even while observing legislated aboveground setbacks. This may be appropriate in a dense urban environment but does not work in a less dense suburban location where using trees as buffers between properties is a common practice. Building to the lot line prevents this. Even if no mature trees are in question, space should normally be left for future planting.

3. Buffers Between Different Residential Types: The Official Plan addresses buffers between residential and commercial properties. We suggest that buffers between mature and new residential development and between types of residential developments also be required under the OP.

Mr. Chair and Council, Markham has to date shown great commitment to tree preservation and expanding the tree canopy. However, the Varley development has revealed some gaps in City policies in this front. The URA, UVA and UBIA believe that some fairly simple bylaw amendments and clarifications to policies would have a significant impact on preserving more mature trees and on expanding the tree canopy. They would provide stronger direction to staff in its negotiations with developers and would help to ensure that the fate of mature trees is not overlooked in future decisions, either during the normal course of non-litigated zoning amendments and site plan approvals or at the OMB.

Please be clear that we are not suggesting inflexible blanket protection for all mature trees. We are suggesting that improved policies and

bylaws focus on preserving and encouraging buffers between properties and on preserving trees where they are a significant part of the local landscape and heritage.

Thank you for the time and resources you have devoted to the Varley development over the past several years. We encourage staff and the DSC to continue to stand firmly in their negotiations with Tribute with respect to the preservation of as many mature trees as possible on the both sides of the lot line in question. We also encourage you to use the Varley situation as a learning opportunity that can help the City improve its tree preservation policies and bylaws.

Reid McAlpine
Chair
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c.c. Elisabeth Mensher (UBIA), Alick Siu (URA), Peter Wales (UVA)