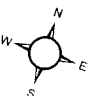
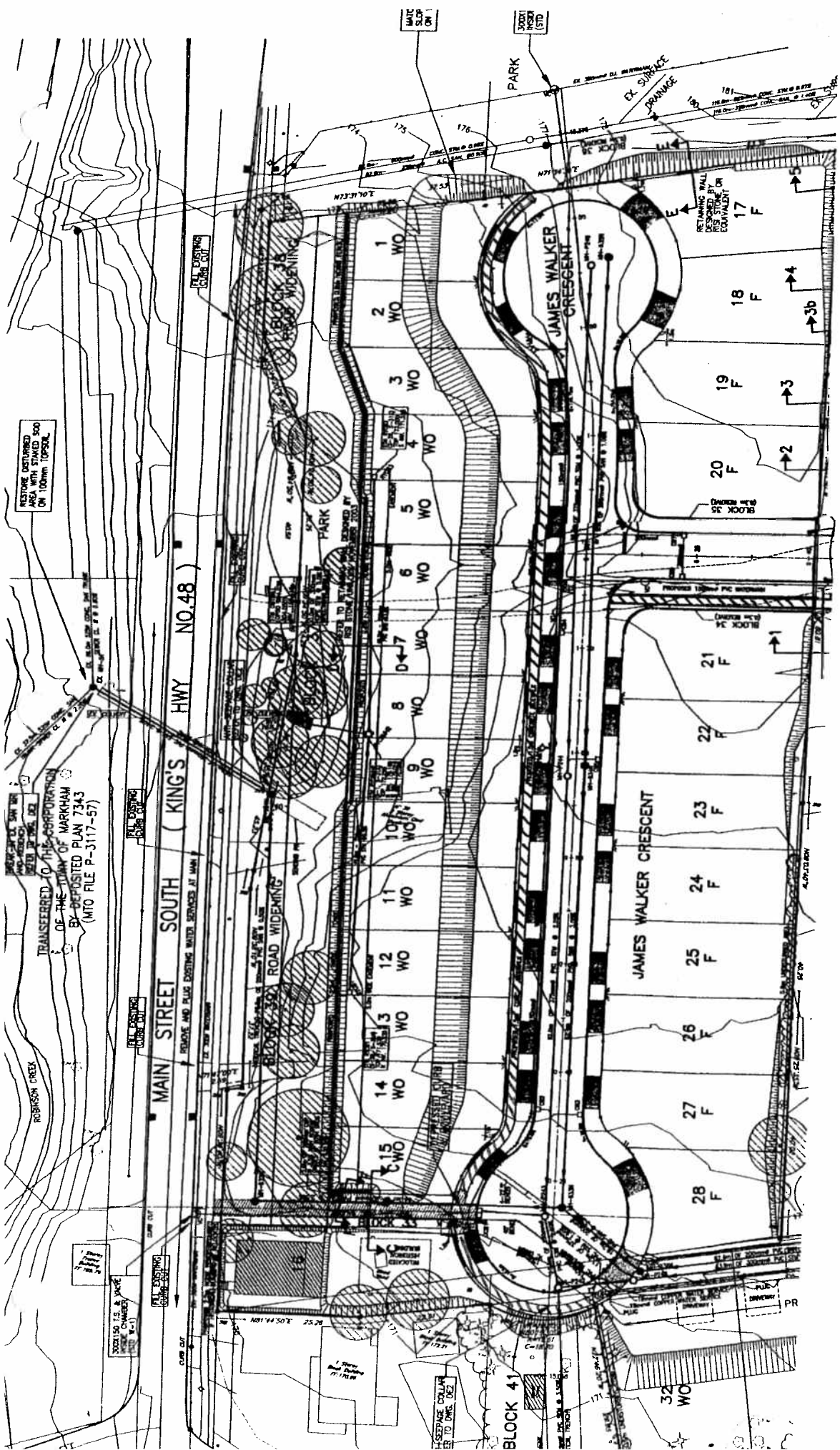


**LOCATION MAP - Attachment 'A'**



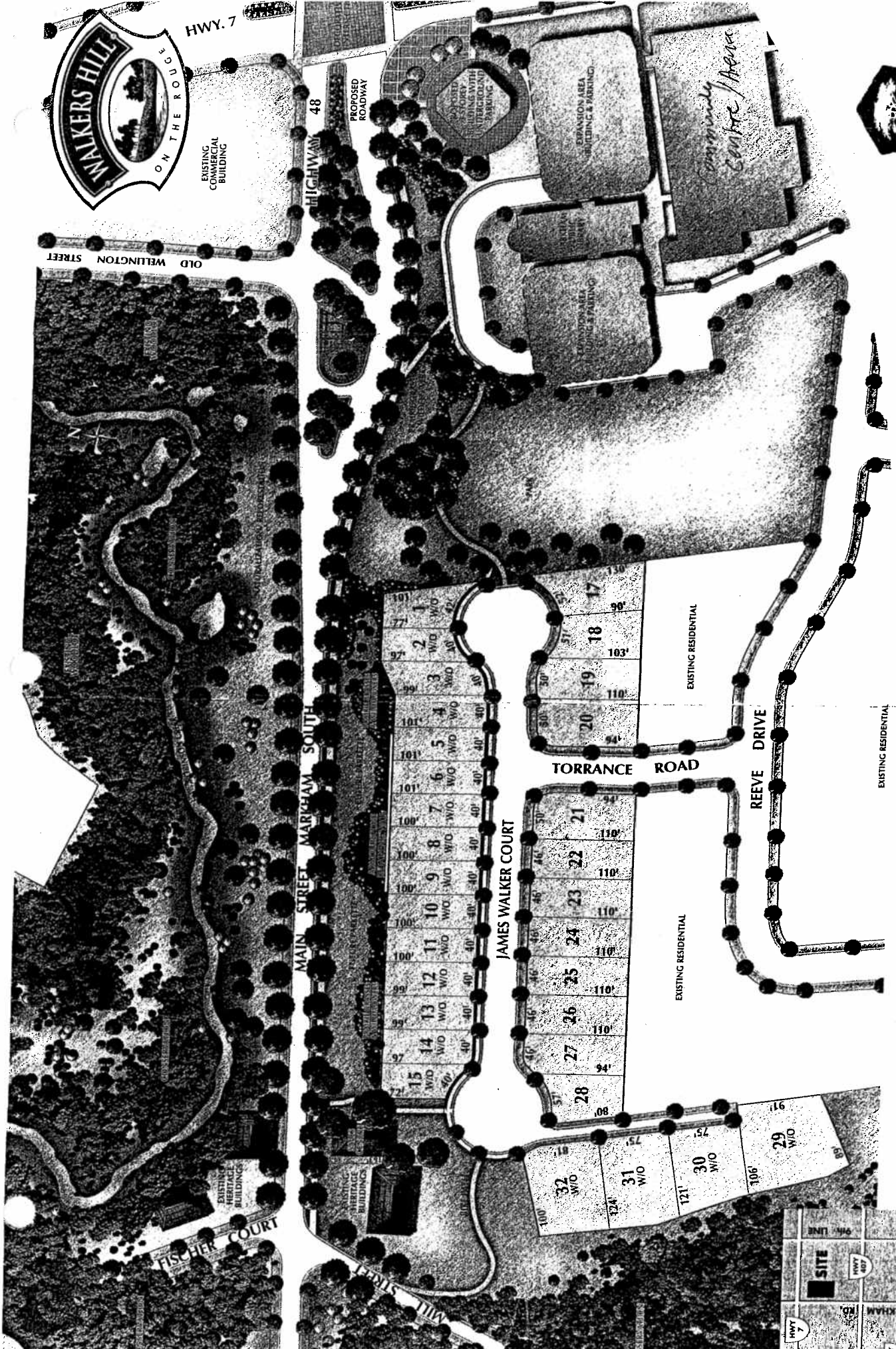
- Subject Subdivision
- Proposed Sidewalk

Not to Scale



Attachment 'B' - Extract from Approved Engineering Drawing





Site Plan is an Artist's Concept. Sizes and Specifications are Subject to Change Without Notice. E & E.O.



Attachement 'D' - Promotional Material from Caliber Homes

# ATTACHMENT E

Notes of Meeting  
James Walker Court Sidewalk  
November 17, 2006  
Town of Markham Engineering Boardroom

Present:

Residents of James Walker Court:

Barrington Lue Sang, Muhammed Ali, Philip Chau, Jim Angelevski, Philip Fung,  
Jennifer Fung, Domingo Molingbayan, Veromidia Molingbayan

Town of Markham:

Brian Lee

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## Purpose of the Meeting

The purpose of the meeting was to receive comments from residents of James Walker Court to substantiate why the sidewalk on James Walker Court should be eliminated.

## Comments from Residents

1. Reeve Drive does not have a sidewalk, and James Walker Court (JWC) is a cul-de-sac, therefore from a pedestrian safety perspective, the sidewalk is not warranted,
2. JWC is in a heritage part of Markham and the design of the houses in this subdivision has to be compatible with the heritage context of the neighbourhood. In order to match the heritage context, the sidewalk has to be eliminated.
3. The majority of the residents do not want the sidewalk and a petition was presented to the Development Services Committee on October 3, 2006,
4. If a sidewalk is not installed, it is likely that drivers will slow down as opposed to speeding if a sidewalk is installed,
5. There are cost savings to the Town if the sidewalk is not installed because of capital depreciation and operating costs such as winter maintenance,
6. Council Updated Sidewalk Installation policy for Urban Expansion Area (OPA 5) indicates that a cul-de-sac which services more than 30 lots is required to have a sidewalk on one side. The 4 lots that fronts onto a private street that connects to JWC should not be considered as part of JWC. These 4 houses do not receive solid waste and recyclable collection at their front doors and the residents have to carry their garbage and recyclables to JWC for pick up. If these 4 houses are not counted as part of JWC, there are only 27 lots in JWC and therefore, a sidewalk is not required,



7. Promotional material from Caliber Homes shows a walkway connecting JWC to the Markham Village Community Centre and Library. However, the topography and steep slope suggest that this pedestrian connection is unlikely,
8. There is an existing sidewalk on the east side of Markham Road which connects the Markham Village Community Centre to the south, and therefore a pedestrian linkage through JWC is not required. The promotional material from Caliber Homes also shows future parkettes on the east side of Markham Road and that will make the sidewalk on Markham Road an attractive walkway between the Markham Village Community Centre and the Rouge River,
9. There are safety concerns with pedestrians from outside the neighbourhood walking through JWC,
10. The sidewalk is not required for residents on Reeve Drive as they have a more direct route to the Markham Village Community Centre,
11. There is an existing easement on Reeve Drive where pedestrians can use to access the Rouge Park,
12. Policies of OPA 5 apply to JWC and therefore the sidewalk policy of 1997 prevails.

#### Other Written Submissions

Two separate written submissions were received at the meeting:

1. Submission from Mr. Fung dated November 17, 2006
2. Submission from Mr. Angelevski

--- oOo ---

*Notes prepared by Brian Lee and  
Reviewed and agreed by residents of James Walker Court*

Mr. Brian Lee, P.Eng.  
Manager, Development Engineering  
Town of Markham  
101 Town Centre Boulevard  
Markham, ON L3R 9W3

November 17, 2006.

**Re: Sidewalk installation for James Walker Court**

Dear Mr. Lee:

Thank you for meeting with us to provide us with an opportunity for an open dialogue.

You will find enclosed a six-page submission prepared by myself regarding the reasons why I believe the sidewalk is not required. There may be additional submissions by the other residents. Please consider these submissions in your review of the issues. I would also suggest that you should consult your Legal Department to ascertain that our interpretation is correct.

We trust that our submissions adequately support why a sidewalk is not required and further demonstrate that if the Town steadfastly go ahead with the installation, the capital cost and subsequent maintenance cost of the sidewalk would be a waste of the Town's resources and taxpayers' money.

However, if your determination is not in our favour, we would appreciate it if you would provide us, **in writing prior to your report back to Council**, the reasons why each of the points covered in our submissions are not valid. This would provide us with an opportunity for further dialogues and our request is also consistent with the Town's policy of maintaining its transparency and accountability to its residents.

Thank you for your attention.



Philip Fung

Lot 13

James Walker Court

Attachments:   1. Submission  
                      2. Google Map showing Russell Stover Court

1. **Official Plan Amendment (OPA) No. 5 should apply to James Walker Court (JWC):**

The following provisions from the OPA No.5 support that the JWC development should be captured in the scope of the OPA No. 5 review:

- Part I, 2(d), **Purpose** The purpose of this Amendment is to amend certain provisions of the Official Plan as follows:

...

(d) to revise the policies for the **URBAN RESIDENTIAL** designation to incorporate the concept of intensification and to provide additional criteria for the evaluation of medium and high density residential development.

- Part II, 1. The Amendment, 1.10: Section 2 of the Official Plan is hereby amended by the addition of the following new subsection:

2.13 Housing

(a) Goals

(2) To encourage new housing development which assists in achieving the goals and objectives of this Plan, **including those related to heritage preservation and protecting**, and encouraging the enhancement of, natural features, as well as meeting municipal standards for urban design, environmental protection, transportation services and municipal services.

(b) Objectives

(3) To encourage the **location of new housing projects in existing serviced areas** subject to meeting locational and other criteria in the Official Plan, in order to ...

Although JWC is not specifically identified on Schedule A for land use, it would be illogical if the Town now claims that the amended policy of OPA No.5 does not cover the JWC development. Moreover, considering that JWC is just a cul-de-sac, it is practically impossible to identify it on the Schedule.

Another reason why JWC was not identified on Schedule A of the OPA No. 5 is that the JWC development was recently appealed to the Ontario Municipal Board and as such, it would not possibly be captured in the Town's planning back in 1998 when the OPA No. 5 amendment was approved by the Town.

The density of the residential area surrounding JWC and its proximity to the Rouge should require the Town, at the time of studying the JWC



development, to refer to OPA No. 5 which captures such factors in its context and scope.

**2. The installation of sidewalk in James Walker is incompatible with the adjacent area (Reeve Drive)**

Under OPA No. 5, 3.14.3 General Policies, (b) Future Development Pattern, it is stated that:

The urban development pattern in the FUTURE URBAN AREA shall be in general conformity with the following policies:

The integration of new development with existing residential areas ... must be accomplished in a manner which minimizes abrupt changes and potentially incompatible uses. Road patterns, **pedestrian linkages**, housing / building styles and densities of new development proposals shall be **compatible with adjacent existing land uses**.

There is no existing sidewalk on Reeve Drive.

**3. The Town should stand by its policy contained in its Interpretation Bulletin**

Section 3(5) of the Planning Act requires that “in exercising any authority that affects any planning matter, the council of every municipality ... shall have regard to *policy statements* ...”.

The Interpretation Bulletin is issued by the Town itself as a reference for its staff to administer its policy underlying the corresponding bylaw / regulation. Although it is not law per se, the Town could not and should not deviate from it unless it is at odds with the underlying bylaw / regulation.

**4. The Updated 1997 Policy recommends consideration by the Town of the financial impacts on the operating and capital replacement costs for maintaining sidewalks on local roads.**

It sets out the following criteria:

- Safety requirements for pedestrians;
- Urban design;
- On-site parking;
- Residents' expectations;
- Operation costs;
- Capital depreciation costs.

**So far the Town has put a disproportional amount of emphasis on what is called for in the original plan without following its own policy in properly assessing the above factors.**

It is mind-boggling that the Town would incur an additional one time capital cost and recurring operating costs (in terms of maintaining the structural integrity of the sidewalk and the snow clearing by bobcats in winter) when the Town is attempting to save costs in its fiscal difficulty and when the safety of pedestrians are not compromised in omitting the sidewalk.

**5. If the Town agreed that OPA No. 5 applies to James Walker Court, then the condition for cul-de-sac should be the factor to be focused on**

The sidewalk installation policy for OPA No.5, contained in Interpretation Bulletin: E98/01 on Sidewalk Policy (note that this is the only relevant official publication we received from the town) states that sidewalk installation is required on “cul-de-sacs which **service** more than 30 lots”. Please note that it states “service more than 30 lots” not “have more than 30 lots.” The services provided by the Town include garbage collection, snow shoveling, landscaping of common areas, etc. Please note that four lots are/will be built on the private road. As no municipal services such as garbage collection and snow shoveling are available to the door steps of these four lots, they should not be included in the above policy in consideration for sidewalk installation. As a result, only 27 lots remain on James Walker. Therefore, James Walker Court qualifies for the sidewalk exemption.

Moreover, the petition submitted by the residents of JWC includes the owner of the lots built on the private road. Therefore, the petition is non-discriminatory but truly represents the expectations and wishes of local residents. r

**6. If the Town insists that OPA No. 5 does not apply to James Walker Court, but the policy in 1994 should apply due to the linkage from Rouge Park to the Community Centre / Library**

Any pedestrians from outside JWC can use the sidewalk on Main Street South (Hwy 48) if they want to have a link from the Rouge Park to the Community Centre / Library.

- It is inconvenient and impractical for residents on Reeve Drive to come into JWC if they want to go the library / community centre.
- Residents on Reeve Drive wanting to access the Rouge Park should use the easement on Reeve Drive.
- Residents on both sides of JWC, including the one on the estate lot serviced by the private road have been unanimous in the petition.

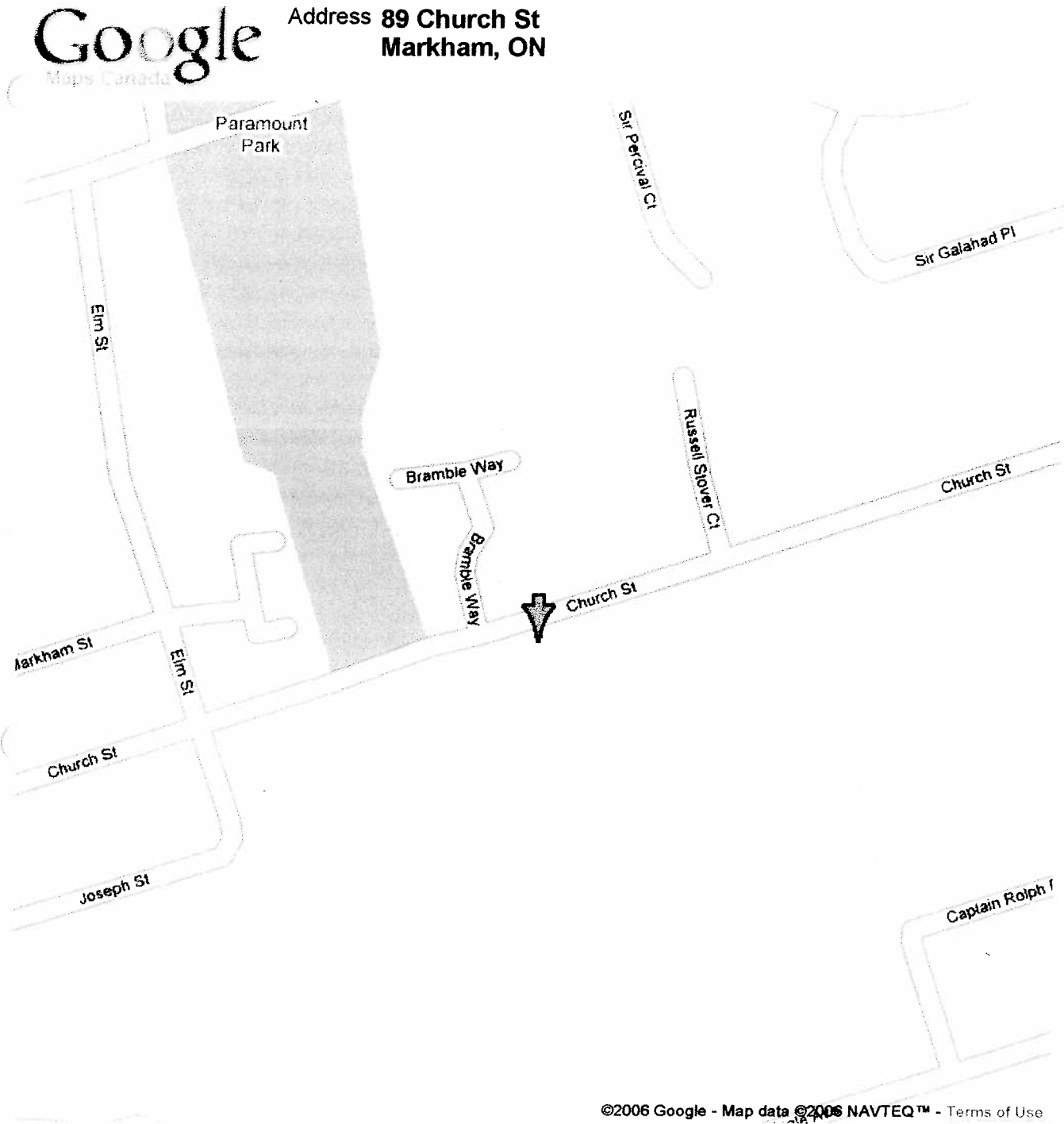
**7. If the Town insists that OPA No. 5 does not apply to James Walker Court, but the policy in 1994 should apply to subsequent existing urban developments so that every residential road is supposed to have at least one sidewalk, why would Russell Stover Court be exempt from the installation of sidewalk.**

We'd like to draw your attention to Russell Stover Court, a cul-de-sac off Church Street opposing Markham District High School (a Google map is attached), where no sidewalk is installed on the whole court. Russell Stover Court is similar to JWC in the following ways:

- Both courts are cul-de-sacs.
- Both courts are recently new developments within an existing urban residential area.
- Both are located in or near the Markham Village area.
- Both are located in or near the proximity of a designated heritage area.

If Russell Stover Court is exempt from the sidewalk installation but not JWC, does that mean either the Town have inconsistent application of its by-law or Russell Stover Court is covered by OPA No. 5 amendment? Either way, JWC should be accorded the same treatment as Russell Stover Court.

Submission prepared by: Philip Fung,  
Lot 13, JWC  
November 17, 2006.

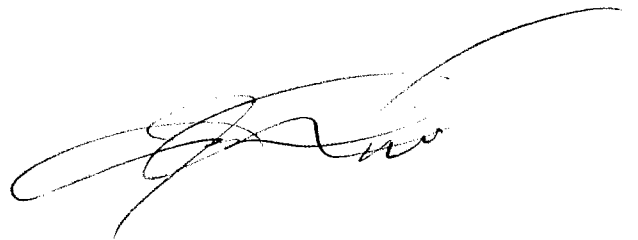


# Attachment G

## REASONS TO NOT PUT A SIDEWALK IN

- Reduced maintenance costs for winter clearing and spring cleanup of sand and sod rehabilitation (if necessary).
- Reduced maintenance costs for replacement.
- Reduced inspection costs (should be inspected on a yearly basis)
- Reduced potential for liability for claims related to trip and fall accidents.
- Maximize potential for legal off-street parking (in driveways) thereby reducing need to park on-street or need for by-law enforcement.
- Maximize soft (or green) surfaces for improved stormwater management.
- Improved esthetics for homeowners.
- Maximize root zones for trees.

ANGILEVSKI, Jim  
35 James Walker Ct.

A handwritten signature in black ink, appearing to read 'Jim Angilevski', with a long, sweeping horizontal line extending to the right.