

April 21, 2015

Our File No. 110524

BY EMAIL

Regional Chair and Members of Regional Council
The Regional Municipality of York
Corporate Services Department
York Region Administrative Building
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: Denis Kelly, Regional Clerk

Dear Sirs and Mesdames:

**Re: Regional Council Meeting – April 23, 2015
Item F.1 – Report No. 7 – Committee of the Whole – April 9, 2015;
Item No. 8 – Proposed Employment Land Conversions, City of
Markham**

Our Client: Lindvest Properties (Cornell) Limited

We are the solicitors for Lindvest Properties (Cornell) Limited. Our client is the major landowner in Cornell Centre, one of the Region's signature mixed use, compact urban communities.

On behalf of our client, we write in support of the direction embodied in the April 9th resolution adopted by Regional Committee of the Whole respecting the above-noted matter. The effect of the April 9th resolution is to approve the City of Markham's Official Plan Amendment 224 ("**OPA 224**") pertaining to our client's application. We respectfully request that Regional Council approve Markham OPA 224 by adopting the clarified resolution enclosed with this correspondence (clarification highlighted for Council's consideration). The clarification is consistent with Committee's resolution in section 4(h).

There are a number of reasons why we would ask that Regional Council approve OPA 224, consistent with Committee of the Whole's decision of April 9, 2015.

Approval of OPA 224 is an Approval of Markham's Updated Vision for Cornell Centre

Lindvest filed a complete application for approval of an update to the Cornell Secondary Plan in 2012. The effect of the application is to update the land use permissions in

Cornell Centre. A part of that application (but not all of it) adjusts the Business Park Area and policies within Cornell Centre.

That application was approved by Markham Council last September and they evidenced their strong support for this update through the adoption of OPA 224 which has been with the Region for decision since that time. In part, OPA 224 provides for an adjustment in the size, location and function of certain Business Park Area lands in Cornell. It does not remove or eliminate the Business Park. It also adjusts other development policies and designations in Cornell Centre.

In asking you to approve Markham OPA 224, we are not asking Regional Council to simply approve an employment land conversion but instead to approve Markham Council's updated vision for Cornell Centre.

Cornell Centre is a Key Development Area, and the lands in issue are located along Highway 7 which is a Regional Corridor supporting mixed use development. Cornell Centre is an Intensification Area under Markham's new Official Plan. Markham Council's decision to adopt OPA 224 reflects their desire to adjust the policies for Cornell Centre consistent with the overall vision for Cornell as a high density, mixed use community. Regional Committee of the Whole's support for this vision is reflected in their resolution of April 9th. We commend that resolution to Regional Council for adoption.

Markham Council's Approval was Preceded by an Extensive Public Process

Markham Council's approval of Lindvest's application followed upon an extensive public process, including special working committee meetings of Council. The adoption of OPA 224 was supported by the residents of Cornell who have never altered their support for Lindvest's application.

Approval of Lindvest's application does not remove an employment area from Cornell or east Markham.

The effect of approving OPA 224 will be that an employment area will continue to be provided in east Markham. The lands that are the subject of the conversion request are not Strategic Employment lands. Strategic Employment lands are located further east and are virtually untouched by Lindvest's application and OPA 224 adopted by Markham.

Approving OPA 224 as adopted by Markham Council does not result in a loss of jobs in Markham or the Region.

Lindvest's experts concluded that the approval of Lindvest's application resulted in a surplus of jobs in Cornell Centre over and above what was projected in the Cornell Secondary Plan (approximately 2200 more jobs than originally contemplated by the industrial designation in Cornell Centre).

In assessing the Lindvest application, Markham Staff projected an even higher surplus of jobs if the Lindvest application was approved – even more than Lindvest's own consultants.

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The employment demand analysis done by Lindvest's experts confirmed that there is a shift away from low density manufacturing jobs toward service producing jobs, particularly major office jobs. The adoption by Markham Council of OPA 224 is based upon Markham Council's knowledge of their employment market and their employment strengths and vision.

In adopting OPA 224, Markham Council have provided for higher-density, transit-supportive office development focused along Highway 7 and Donald Cousens Parkway ("DCP"). These higher-density forms of employment are consistent with the City's and Region's vision for their Regional Corridors (see Report 7, item 6) and will support the expansion of VIVA rapid transit along Highway 7, among other initiatives and the proposed addition of GO Transit Havelock line with a station at Locust Hill which is a Metrolinx project

Maintaining the lands as part of the industrial land supply is completely at odds with these objectives. It will virtually ensure that Cornell Centre will not develop as a high density, mixed use area. Markham Council understood that and adopted OPA 224.

Land Budget Report (2041 York Region Draft Growth Scenarios and Land Budget)

Of the 10 applications for conversion filed with the City of Markham, only 3 resulted in adoption by Markham of Official Plan Amendments ("OPA's"). OPA 224 for Cornell Centre is one such amendment. Our client supports the Regional Committee of the Whole direction to Staff to accommodate OPA 224, among other approvals, in the updated Land Budget.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jad
Encl.

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Regional Council Resolution (April 23, 2015)

8. Proposed Employment Land Conversions, City of Markham

Committee of the Whole recommends:

1. Receipt of the presentation by Valerie Shuttleworth, Chief Planner.

2. Receipt of the following deputations:

1. Patricia Foran, Aird & Berlis LLP on behalf of Lindvest Properties (Cornell) Limited.
2. Don Given, Malone Given Parsons Ltd. on behalf of Box Grove Hill Developments Inc.
3. Tom Farrar, resident of Markham regarding Box Grove Hill Developments Inc.
4. Nimisha Patel on behalf of the Box Grove Community Association.
5. Rob Lavecchia, KLM Planning Partners Inc. on behalf of Flato (Auriga) & Cornell Rouge Corporation.

3. Receipt of the following communications:

1. Yanan Song and Michael Bao, residents of the City of Markham, dated April 2, 2015.
2. James M. Kennedy, KLM Planning Partners Inc. on behalf of Flato (Auriga) & Cornell Rouge Corporation, dated April 8, 2015.

4. Adoption of the following recommendations, as amended, in the report dated March 25, 2015 from the Commissioner of Corporate Services and Chief Planner:

1. Council support the removal of the Region's deferral designation in the Markham Official Plan, as related to the following properties and endorse the identified designation(s) and uses for those properties, as noted below and described in more detail in Attachment 4:
 - (a) Neamsby Investments Inc., identified as site-specific policy 9.2.10 in the 2014 Markham Official Plan, to allow a residential designation, as permitted in Amendment 2 to the 2014 Markham Official Plan and Amendment 222 to the 1994 Markham Official Plan that were adopted by Markham Council.
 - (b) Times Group Corporation, identified as site-specific policy 9.6.5 in the 2014 Markham Official Plan, and not being subject to a Regional deferral, to allow retail, office and residential uses.

- (c) Kings Square Ltd., identified as site-specific policy 9.4.7 c) to the 2014 Markham Official Plan, to allow a mix of uses, including hotel, apartments and retail.
- (d) Jolis Investments Limited, identified as policy 9.4.14 in the 2014 Markham Official Plan, to allow low and mid-rise residential uses.
- (e) *Holborn Properties, identified as site-specific policy 9.5.14 in the 2014 Markham Official Plan, where the applicant has proposed permissions for low rise residential and small scale commercial uses.*
- (f) *Wemet One Limited, identified as site-specific policy 9.6.6 in the 2014 Markham Official Plan, with regard to the proposed permissions for a hotel and theatre/convention centre only.*
- (g) *Box Grove Hill Developments Inc., identified as site-specific policy 9.16.14 in the 2014 Markham Official Plan, where the applicant has proposed permissions for townhouses, live-work units, a seniors residence and a restaurant within a convention centre and banquet facility, as permitted in Amendment 3 to the 2014 Markham Official Plan and Amendment 223 to the 1994 Markham Official Plan that were adopted by Markham Council.*
- (h) *Linvest Properties Limited, identified as site-specific policy 9.7.8.5 in the 2014 Markham Official Plan, where the applicant has proposed permissions for low, medium and high density residential, as permitted in Amendment 224 to the 1994 Markham Official Plan that was adopted by Markham Council.*

2. Council defer for future consideration the removal of the Region's deferral designation in the Markham Official Plan, as related to the following properties and maintenance of the employment designation for the following properties, as described in more detail in Attachment 4:

- (a) Flato (Auriga), identified as site-specific policy 9.7.8.6 in the 2014 Markham Official Plan where the applicant has proposed permissions for residential uses.
- (b) Cornell Rouge Corporation, identified as site-specific policy 9.7.8.7 in the 2014 Markham Official Plan, where the applicant has proposed permissions for residential uses.

3. **That with respect to the Lindvest Properties Limited proposed development, that Regional Council hereby approves amendment number 224 to the 1994 Markham Official Plan, and that staff be directed to take all action necessary to give effect to this approval.**

4. The Ontario Municipal Board be advised of the Region's position on the removal of the deferral designation and the appropriate land use designation(s) for those properties, and Regional staff be authorized to appear before the Board in support of the Region's position.

5. *Staff be directed to reflect this decision in the Phase 2 Growth Scenario analysis and the preferred growth scenario to be presented to Council in Q4 2015.*