

# STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
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James W. Harbell  
Direct: (416) 869-5690  
E-mail: jharbell@stikeman.com

**BY E-MAIL (regional.clerk@york.ca)**

March 25, 2015  
File No.: 122567.1025

Regional Corporate Services Department  
Administrative Centre  
17250 Yonge Street, 4th Floor  
Newmarket, Ontario  
L3Y 6Z1

Attention: Members of York Regional Council

Dear Sirs/Mesdames:

**Re: Town of Newmarket Official Plan Amendments No. 10 (Urban Centres Secondary Plan)**

We are counsel to Yonge-Kingston Centre Inc. (the "Owner"), the registered owner of the lands located at the south-east corner of Yonge Street and Kingston Road, which are also municipally known as 17725 Yonge Street, Newmarket.

On behalf of the Owner, we and R.G. Richards and Associates have made numerous written submissions to the Town of Newmarket and York Region detailing our concerns with respect to Official Plan Amendments Nos. 10 ("OPA Nos. 10"), consisting of letters dated October 28, 2013, January 7, 2014, February 11, 2014, June 4, 2014 and July 18, 2014. A copy of these letters are attached.

We write to reiterate and draw your attention to our outstanding concerns with OPA No. 10. In particular, we continue to be concerned with the proposed interim development policies in Policy 6.4.7 and the transition policies in Policy 14.2.3.i of the Secondary Plan, as amended by Regional planning staff.

As stated in our previous submissions, Policy 6.4.7 (formerly Policy 6.4.8) is unduly prescriptive and does not provide sufficient flexibility to allow existing commercial sites to respond to interim market demands in advance of the full build-out of the area. Policy 14.2.3.i has been amended by Regional planning staff to become even more onerous by adding a list of criteria that must be met before any enlargements, extensions, additions or alterations of existing buildings are permitted. The proposed criteria are unduly restrictive or, alternatively, lack

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sufficient clarity. For example, the criterion in Policy 14.2.3.i.c) requires that “the proposed use is the same or similar to the lawfully existing use and does not increase zoning by-law non-compliance.” Although enlargements, extensions, additions or alterations of existing buildings are permitted through a zoning by-law amendment or minor variance application, the proposed enlargement, extension, addition or alteration cannot “increase zoning by-law non-compliance”. This criterion appears contradictory to the fact that interim development may require relief from the zoning by-law. Policy 14.2.3.i.d) also requires that “the applicable provisions of this Plan are met including but not limited to, urban design, traffic impacts and parking.” Again, such a requirement is contrary to the purpose of the interim development and transition policies, which is to provide flexibility to owners recognizing that it may not be feasible or reasonable for interim development to meet the stringent urban design policies of the Secondary Plan.

We maintain the position that the interim development and transition policies should be amended to provide the intended flexibility for existing commercial properties to respond to evolving market demands. For comparative purposes, we reviewed the transition policy in the City of Waterloo Official Plan, which better reflects this intent:

### 3.8.3 Transitional Policies for Major Transit Station Areas

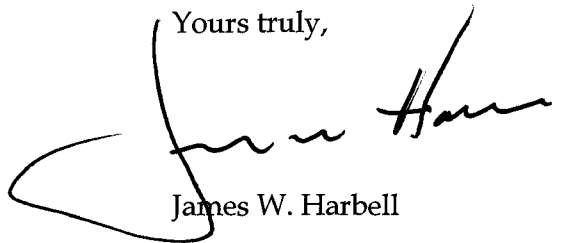
- (1) Until such time as this Plan includes policies for *Major Transit Station Areas* in accordance with policy 3.8.2(2), any *development* application submitted within a *Major Station Transit Station Area* will be reviewed in accordance with the transit-oriented policies of this Plan and in Section 2.D.2 of the Regional Official Plan. Any such applications that do not fully meet the transit-oriented development policies may be permitted, provided the owner/applicant demonstrates, to the satisfaction of the City and the Region, that the proposed development is designed in such a way that subsequent phases or infilling would meet the transit-oriented development policies. [emphasis added]

In order to provide existing commercial properties with sufficient flexibility to pursue interim development opportunities, the Secondary Plan should adopt similar language as underlined above to require only that interim development not prevent future phases of development from meeting the ultimate objectives of the Secondary Plan policies at full build-out.

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When available, please provide us with a copy of the Regional Council's decision regarding OPA Nos. 10. Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "James W. Harbell". The signature is written in a cursive style with a large, sweeping initial "J".

James W. Harbell

JWH/mb

Attachment

cc. Paolo Rovazzi and Steve Bishop, *Yonge-Kingston Centre Inc.*  
Ron Richards and Eric Miles, *R.G. Richards and Associates*

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Maggie Chien  
Direct: (416) 869-6862  
E-mail: mchien@stikeman.com

**BY COURIER**

July 18, 2014  
File No.: 122567.1025

Director, Community Planning  
Transportation and Community  
Planning Department  
York Region Administrative Centre  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

Dear Sirs/Mesdames:

**Re: Town of Newmarket Official Plan Amendments No. 10 (Urban Centres  
Secondary Plan) and No. 11 (Active Transportation Policies and Schedules  
to the Official Plan)**

We are counsel to Yonge-Kingston Centre Inc. (the "Owner"), the registered owner of the lands located at the south-east corner of Yonge Street and Kingston Road, which are also municipally known as 17725 Yonge Street, Newmarket.

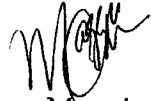
On behalf of the Owner, we and R.G. Richards and Associates have made numerous written submissions to the Town of Newmarket detailing our concerns with respect to Official Plan Amendments Nos. 10 and 11 ("OPA Nos. 10 and 11"), consisting of letters dated October 28, 2013, January 7, 2014, February 11, 2014 and June 4, 2014. A copy of these letters are attached.

On June 23, 2014, the Town of Newmarket adopted OPA Nos. 10 and 11, which are now subject to the approval of the Regional Municipality of York. We ask that Regional staff take into consideration the concerns that we have raised with respect to OPA Nos. 10 and 11. When available, please provide us with a copy of the Region's decision regarding OPA Nos. 10 and 11.

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Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Maggie Chien', written in a cursive style.

Maggie Chien

MC/

Attachments

cc. James Harbell, *Stikeman Elliott LLP*  
Paolo Rovazzi and Steve Bishop, *Yonge-Kingston Centre Inc.*  
Ron Richards and Nick Michael, *R.G. Richards and Associates*

# **STIKEMAN ELLIOTT**

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
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James Harbell  
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**BY E-MAIL & COURIER**

October 28, 2013  
File No.: 122567.1025

Town of Newmarket  
395 Mulock Drive  
P. O. Box 328  
Station Main  
Newmarket, ON L3Y 4X7

Attention: Ms. Marion Plaunt, Senior Planner

Dear Ms. Plaunt:

**Re: Town of Newmarket Draft Urban Centres Secondary Plan  
17725 Yonge Street**

We are counsel to Yonge-Kingston Centre Inc. (the "Owner"), the registered owner of the lands located at the south-east corner of Yonge Street and Kingston Road, also municipally known as 17725 Yonge Street, Newmarket (the "Property").

The Property is located within the draft Urban Centres Secondary Plan area (the "Plan") and is currently shown in the Plan as immediately adjacent to the northern boundary of the Urban Growth Centre (the "UGC"). We submit that the UGC boundary should be amended to include the Property as the Property is well-positioned in close proximity to the major intersection of Yonge Street and Davis Drive and will have good connections to the VIVA rapid transit system. The Property is large and can accommodate the larger buildings contemplated within the UGC in order to meet population and employment growth targets.

More specifically, the Plan proposes to divide the Property into two major development blocks, as shown on Schedule 5 of the Plan. The north block is proposed to be within the "Yonge North (Poplar Bank)" Character Area and the south block is proposed to be within the "Yonge and Davis (Bell's Corner)" Character Area. The rationale behind the division of the Property into two distinct Character Areas is unclear. For similar reasons outlined above with respect to our proposed amendment of the UGC boundary, we submit that the entire Property should be within the "Yonge and Davis (Bell's Corner)" Character Area. This would permit major office, retail and institutional uses on the Property, which will help

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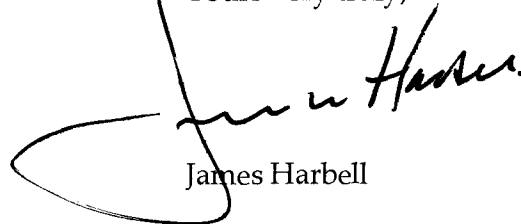
support and facilitate the provincial objective of concentrating growth and investment in UGCs.

Finally, it has been recognized by Town staff that the full build-out of the Plan area will not be achieved within the planning horizon of 2031. Accordingly, the Plan needs to provide for the sequencing and phasing of development over the period of time required to reach full build-out. The Plan needs to acknowledge that first and second generation development may not achieve the full build-out objectives of the Plan in the absence of sufficient market demand.

Please provide us with copies of all staff reports, notice of any public meeting and copies of all decisions of City Council or its committees with respect to the Plan.

Thank you for your attention to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read "James Harbell". The signature is written in a cursive style with a large, sweeping initial "J".

James Harbell

JWH/mc

cc. Andrew Brouwer, *Director, Legislative Services, Town Clerk*  
Robert Green, *Yonge-Kingston Centre Inc.*  
Paolo Rovazzi, *Yonge-Kingston Centre Inc.*  
Steve Bishop, *Yonge-Kingston Centre Inc.*



R.G. Richards & Associates

January 7, 2014

Richard Nethery, B.E.S., M.C.I.P., R.P.P.,  
Director, Planning & Building Services  
Town of Newmarket  
395 Mulock Drive  
Newmarket, ON  
L3Y 4X7

Dear Mr. Nethery:

**Re: Draft Newmarket Urban Centres Secondary Plan  
17725 Yonge Street (Yonge Kingston Centre)  
Yonge-Kingston Centre Inc.**

---

R.G. Richards & Associates (RGR) represent Yonge-Kingston Centre Inc., the owner of the existing retail commercial centre located at the southeast corner of Yonge Street and Kingston Road. The Yonge-Kingston Centre, municipally known as 17725 Yonge Street, will herein be referred to as the "Site".

As you are aware, the Town of Newmarket has recently completed a draft of the Urban Centres Secondary Plan (UCSP), which is planned for Council adoption in early 2014. While we are supportive of the general direction and vision of the Secondary Plan, we met with Marion Plaunt on December 5, 2013 to discuss one area of concern identified during our detailed review of the proposed Secondary Plan.

This letter will outline our concern relating to the implementation of the UCSP policies and design guidelines as they relate to existing retail commercial sites. Specifically, we note the lack of Transition Policies allowing existing retail commercial sites the flexibility to remain economically viable until ultimately redeveloped within the vision of the Secondary Plan. The Transition Policies as currently proposed are as follows:

***Transition Policies (Section 14.2.3):***

***14.2.3 Existing Uses***

- i. The uses and buildings that legally existed prior to the adoption of this Plan shall be permitted to continue; however, they are ultimately intended to be redeveloped in conformity with this Plan. Where previously approved uses or existing uses are not consistent with the objectives and policies of this Plan, such uses will be encouraged to redevelop over time in a manner that is consistent with this Plan.*
- ii. Expansions of existing uses including building additions and/or alterations may be permitted without amendment to the Plan provided that the intent of the Plan is not compromised and where it can be demonstrated that:
  - a) it does not preclude the long-term redevelopment of the property as set out in this Plan;*
  - b) it does not preclude the achievement of a compact, pedestrian-oriented and transit-supportive urban form;*
  - c) it is in conformity with the Floodplain and Hazard Land, natural heritage, parks and open space policies of this Plan;**



- d) *the street network, active transportation network and block structure envisioned in Schedules 5 and 6 are not compromised or precluded in the long-term;*
  - e) *it will not unduly aggravate the situation created by the existence of the use, especially in regard to the requirements of the Zoning By-law; and*
  - f) *any impacts with respect to noise, vibration, fumes, smoke, dust, odour, lighting, parking and traffic generation are addressed to the satisfaction of the Town.*
- iii. *Replacements of previously approved uses may be permitted in the event of damage that was outside of the control of the landowner without amendment to the Plan.*

During our meeting with Ms. Plaunt it was confirmed that the Town's interpretation of this policy is that current legally existing uses and buildings will continue to be permitted. The issue we have with Section 14.2.3 is that only expansion and renovation of ***existing uses*** may be permitted without amendment to the plan. Ms. Plaunt has advised us that Section 14.2.3 does not allow intensification, such as a ***new*** pad building, to be added to the Site unless such building comply with the urban design and development policies found in the proposed UCSP. This poses a serious problem for land owners for a variety of reasons set out below.

***Suggested changes to the proposed Policy and justification:***

We ask that you consider introducing more flexible Transition Policies into the UCSP that will allow for intensification of an existing retail commercial site as long as the proposal does not constitute a full scale redevelopment of the Site that changes its character and predominant use. In other words, the full implementation and enforcement of the UCSP density and built form policies would be applied only when the Site is redeveloped in its entirety.

The wording of Section 14.2.3 as it currently stands is problematic based on the below analysis:

1. The market demand for the type of built form proposed by the UCSP is still many years away. Multi storey and mixed use commercial buildings and the residential density targets of the UCSP are not yet supported by the market in the Town of Newmarket and therefore the Site will continue to operate in its current planned function for the foreseeable future. Enforcing a minimum building height and other restrictive policies on an existing retail commercial centre will negatively impact the economic health of the Site and the owner's ability to adequately maintain and, where possible, add to the existing commercial space to meet tenant and market demands.

The timeline for overall redevelopment of the Site is also restricted by multiple lease agreements, many of which will continue to be in good standing for the next 15 years, with tenant options to renew after this point. While the owner of the Site is in agreement with the long term vision of the UCSP, they do not intend to nor are they able to fully redevelop this Site in the near future and should be able to invest appropriately in the Yonge-Kingston Centre to ensure its continued viability and aesthetic appeal.

Enforcing the density and built form policies ahead of demand for this type of development could potentially have disastrous results for the Site. Without the potential to add similar uses and built form and continued investment in the Site, combined with the absence of market demand for the built form and density proposed by the UCSP, the Site could fall into economic and physical decline until such a time as the market demand for a mixed-use development is present. As you know, retail commercial land use is very dynamic and landlords need to be agile to meet evolving tenant and customer expectations.

Incorporating these additional transition policies in the UCSP would not compromise the long term redevelopment of the area, but would allow existing sites greater flexibility and economic success until the timing is right for redevelopment into a mixed use, well designed and walkable development.

2. In order to achieve a high level of urban design and also create the street network and block structure proposed by the UCSP, the Site should be redeveloped within the context of neighbouring sites to confirm building placement, pedestrian connections, public spaces, etc. are implemented in a comprehensive and cohesive manner. It is therefore, in our opinion, not advisable to enforce all policies of the UCSP until the site is redeveloped in its entirety and the final design of the Site is confirmed to ensure all policies and the overall vision of the UCSP are achieved.

Enforcement of the UCSP as currently proposed will result in piecemeal development patterns that will not achieve the high level of design envisioned by the plan. For example, forcing a new pad building fronting Yonge Street to be 4 storeys and meet minimum density targets, while the rest of the Site remains unchanged, will not achieve the overall vision of the UCSP and would ultimately delay the overall redevelopment of the Site. Ad-hoc implementation of the policies will prevent or defer the full implementation of the UCSP vision as large sites need to be planned and coordinated with surrounding developments to be truly effective. Forcing a small addition to conform to the full range of policies (e.g. minimum height, density, urban design) within an existing shopping centre will not fit the surroundings and will also be a deterrent for investment in the area until the market demand is high enough for full site redevelopment. If they were constructed, these buildings would be more difficult to remove and replace because of higher investment costs, slower cost recovery and multi tenancies. In essence, forcing the new policies on an interim phase of intensification will give the Site an uncoordinated look that in our view, would detract from the overall long term vision of the UCSP.

3. It is consistently stated throughout the Town of Newmarket's Official Plan and UCSP that transportation capacity within the Yonge Street Corridor will be monitored to ensure that development does not exceed the capacity of the network. The density and resulting demand proposed by the UCSP will be supported by the incoming Viva Bus Rapid Transit Service (BRT). The Davis Drive Rapidway is currently under construction and expected to be completed in 2014. The Davis Drive rapidway will extend 2.6 kilometres from Yonge Street to Roxborough Road, with the Viva rapid transit service continuing eastward in the curb lane to Highway 404.

The construction of the BRT system along Yonge Street south of Davis Drive is expected to be completed by 2017-18. The northern extension of the BRT system along Yonge Street, which is where the Site is located, does not yet have a timeline for completion or for construction to begin. It is unlikely that this extension will enter the planning process or begin construction until well after 2025.

This is a significant factor as the UCSP, as currently written, will enforce design and development standards ahead of market demand and ahead of the BRT system required to support the proposed built form and density.

### ***Recent Examples of Transition Policies:***

The urban design and development policies found in the UCSP is not new as municipalities across Ontario are updating their Official Plans and creating Secondary Plans to create a vibrant and sustainable built form. Many municipalities however recognize that change cannot occur immediately and have implemented flexible transition policies or clauses that allow existing sites to continue to operate and permit expansion without the full policies of the Official/Secondary Plan being enforced. The intention is that existing sites must remain economically viable until such a time that the market and other circumstance allow for redevelopment of the entire Site.

**City of Markham Official Plan:**

The City of Markham has recently completed a detailed review of their Official Plan. One major change completed by the City in their review was the replacement of the majority of commercial designations with a new mixed-use designation. The mixed-use designation was broken into six separate categories and included very similar design and density policies as the UCSP, especially relating to minimum height, minimum density targets and building placement.

The new OP clearly states that the transformation from single-use commercial sites to mixed use development is designed to happen over time. As such, the policies and design guidelines regarding FSI, minimum building heights, building location, and the enforcement of mixed-use buildings will only be applied to sites that are redeveloped in their entirety. These policies will not apply to a community plaza that is proposing minor expansion or adding a pad building. The purpose of the transition policy is to ensure that as these commercial sites age and are redeveloped over time they will be redeveloped as mixed-use areas and not replaced by another single-use commercial plaza. The policies of the Markham plan are not designed to prevent existing commercial development in the City from expanding and renovating in the interim.

Specifically, Section 8.3.1.3 of the Markham Official Plan reads:

*Minor Additions or Renovations to Developed Commercial Sites:  
To not apply the minimum height and mixed use requirements for minor additions and/or renovations to developed commercial Sites.*

This is in contrast to Section 14.2.3 of the UCSP that only permits **building** additions/renovations, whereas Markham's OP allows for minor additions to the **site**, which could include a new pad building or buildings where appropriate.

**City of Ottawa – South Nepean Town Centre Secondary Plan (SNTC-SP):**

The City of Ottawa also completed a Secondary Plan for the South Nepean Town Centre (SNTC-SP), an area of Ottawa that is experiencing significant development pressure and proposed rapid transit expansion. Similar to the UCSP, the SNTC-SP proposes minimum building heights, minimum density targets, proposed road and block structures and urban design guidelines. Also comparable to Newmarket's Urban Centre, the area of Ottawa subject to the SNTC-SP contains many existing commercial and big-box commercial sites.

Similar to the City of Markham, Ottawa recognized that change and redevelopment was not imminent, especially concerning the large commercial sites in the area. As such, they implemented transition policies to ensure the existing commercial centres in the area would be granted the flexibility for renovation or minor intensification and remain economically viable until the surrounding area redevelops in the form envisioned by the SNTC-SP.

Specifically, Section 7.3 of the SNTC-SP reads:

*The Town Centre will not develop in its ultimate form from the outset, but instead will evolve from its initial phases to a mature state reflecting the form envisioned by the Secondary Plan. Once the Town Centre has reached its "initial build out", overtime the larger sites with large format retail stores may redevelop to provide the more fine-grained street pattern and built form that the Secondary Plan identifies.*

These two examples are just a small representation of transition policies that have been included in Secondary and Official Plans across Ontario, in situations similar to Newmarket.

**Conclusion:**

We ask that the Town of Newmarket incorporate more flexible Transition Policies based on the above analysis and related examples. Incorporating transition policies in the UCSP would not compromise the long term redevelopment of the area, but would allow existing sites greater flexibility and economic success until the timing is right for redevelopment into a mixed use, well designed and walkable development.

Market, tenant and lease requirements will make the implementation of the currently proposed policies very difficult/impossible until the Site is redeveloped in its entirety. The owner should be able to operate the existing centre successfully until the time for redevelopment is appropriate.

We would appreciate your careful consideration of this submission and are confident that a reasonable solution can be achieved. The proposed amendments are offered in a positive way to assist not only our client but the City in reaching its objectives for the Yonge Street Corridor.

We would also appreciate an opportunity to meet with you to discuss this suggestion, if necessary, at your earliest convenience.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Nick Michael".

Nick Michael, M.PL  
Associate

905-823-7897 ext: 6  
nickmichael@rgrichards.com

cc: Steve Bishop, North American Development Group  
Marion Plaunt, Town of Newmarket



R.G. Richards & Associates

February 11, 2014

Marion Plaunt M.E.S., M.C.I.P., R.P.P.,  
Senior Planner - Policy  
Town of Newmarket  
395 Mulock Drive  
Newmarket, ON  
L3Y 4X7

Dear Ms Plaunt:

**Re: Draft Newmarket Urban Centres Secondary Plan  
17725 Yonge Street (Yonge Kingston Centre)  
Yonge-Kingston Centre Inc.**

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Thank-you for your letter of January 13, 2014 in response to our letter of January 7, 2014 regarding the above noted matter. We appreciate your ongoing consideration of appropriate "transition policies".

We have given the specific question you raise in paragraph 3 about "minor additions to sites" considerable thought and recognize that, as you have noted, the scale of the properties and existing buildings varies from site to site thus making a definition of "minor" challenging.

In that regard we believe that to impose a quantifiable limit such as a percentage of gross leasable area would be arbitrary and not necessarily allow the flexibility required to meet the reasonable interim development potential of these sites. We believe that the best approach would be to interpret the policy on a site by site basis with guidelines on what will be considered or required in deciding what constitutes "minor". Subject to further discussion these might include:

1. A conceptual site plan showing future site redevelopment in substantial compliance with the vision of this plan.
2. Evidence that any interim development does not unduly compromise the future redevelopment of the site.
3. The proposed interim development not changing the original "planned function" of the site.
4. Proposed uses being consistent with current permissions.
5. The proposed interim development being in appropriate proportion to the size and design of existing uses on Site.
6. Policies stating that if the proposed interim use requires the demolition of 50% or more of existing buildings it will be deemed to constitute a redevelopment and must meet current OP/Secondary Plan objectives.

Thank you once again for your consideration of our suggestions and we look forward to continuing the dialog.

Sincerely,

Nick Michael  
Associate

cc. Mayor and Members of Council c/o The Clerk  
Richard Nethery  
Bob Shelton, CAO  
Steve Bishop, Yonge-Kingston Centre Inc.

# STIKEMAN ELLIOTT

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Stikeman Elliott LLP Barristers & Solicitors

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James Harbell  
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E-mail: jharbell@stikeman.com

**BY E-MAIL**

June 4, 2014  
File No.: 122567.1025

Town of Newmarket  
395 Mulock Drive  
P. O. Box 328  
Station Main  
Newmarket, ON L3Y 4X7

Attention: Mr. Richard Nethery, Director, Planning &  
Development Services

Dear Mr. Nethery:

**Re: Town of Newmarket Draft Urban Centres Secondary Plan  
17725 Yonge Street**

We are counsel to Yonge-Kingston Centre Inc. (the "Owner"), the registered owner of the lands located at the south-east corner of Yonge Street and Kingston Road, which are also municipally known as 17725 Yonge Street, Newmarket (the "Property"). The Property is located within the draft Urban Centres Secondary Plan area (the "Plan").

On behalf of the Owner, we and R.G. Richards & Associates have submitted letters to you and Ms. Marion Plaunt detailing our concerns with the Plan. In particular, we raised concerns with respect to the interim development policies. Mr. Nick Michael from R.G. Richards & Associates along with our client's Vice-President, Mr. Steven Bishop, also met with Ms. Plaunt on December 5, 2013 to discuss this issue.

We have reviewed the interim development policies (Policy 6.4.8) in the revised Plan, dated March 24, 2014, and continue to have concerns with the conditions that must be met in order for interim development to proceed. The conditions are unduly prescriptive and do not give landowners the required flexibility to allow existing commercial properties to remain viable and competitive in the marketplace until such time that there is sufficient market demand for redevelopment.

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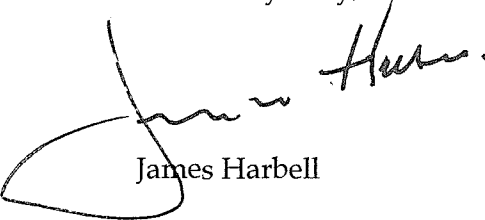
Additionally, we note that the application of Policy 6.4.8 would lead to inequitable results as any interim development is limited to an additional 10% of the existing total gross ground floor area present on a site at the time of the approval of the Plan. As a result, existing large commercial sites would enjoy greater interim development potential than other smaller sites.

We have also reviewed the recommended changes to the height and density designations (Schedule 4) with respect to the Plan, as contained in the landowner/stakeholder notice from Ms. Plaunt, dated June 2, 2014. The Owner is in support of the change from medium-high to high density on a portion of the Property. However, as mentioned above, the Plan must include interim development policies that provide greater flexibility for existing commercial sites of varying sizes to adapt to the changing marketplace until there is sufficient market demand for higher density development.

We would be pleased to meet with you personally to discuss our ongoing concerns with respect to the interim development policies. Please continue to provide us with copies of all staff reports, notice of any public meeting and copies of all decisions of City Council or its committees with respect to the Plan.

Thank you for your attention to this matter.

Yours very truly,



James Harbell

JWH/mc

- cc. Marion Plaunt, *Planner, Town of Newmarket*
- Andrew Brouwer, *Director, Legislative Services, Town Clerk*
- Steve Bishop, *Yonge-Kingston Centre Inc.*
- Ron Richards & Nick Michael, *R.G. Richards & Associates*