

AIRD & BERLIS LLP

Barristers and Solicitors

Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

June 11, 2014

Our File No. 110524

BY EMAIL: regional.clerk@york.ca

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

Dear Sirs and Mesdames:

**Re: City of Markham Official Plan
Special Council Meeting – June 12, 2014
Our Client: Lindvest Properties (Cornell) Limited**

We act on behalf of Lindvest Properties (Cornell) Limited, the owner of a significant portion of the lands known as Cornell Centre in the City of Markham.

We write further to our correspondence of May 14, 2014 wherein we set out our client's concerns with respect to certain modifications which affect our client's lands. A copy of that correspondence is enclosed.

We have reviewed the memorandum dated June 12, 2014 from the Regional Commissioner of Transportation and Community Planning. The revised policy now recommended by Staff respecting site-specific employment conversion applications continues to be of concern to our client.

In our submission, the policy fails to recognize that the City of Markham reviewed all of the applications for conversion together through its Council, Committee and Sub-Committee process last year. Consequently, Markham is in a position to fully and finally decide upon the ultimate outcome of those applications.

Additionally, during Markham's Sub-Committee process in particular, the applications were judged by the City against the Province's Growth Plan forecasts as reflected in Table 1 of the Regional Official Plan. In this respect, and as recognized in the Province's comment letter on the Plan, the City's Official Plan constitutes a municipal comprehensive review under which these applications may be assessed and decided.

Furthermore, the criteria established by the City of Markham in their adopted Official Plan ensures that there will be no net loss of jobs associated with the approval of any of the conversion applications.

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In our respectful submission, there is no basis for the inclusion of the additional policy language recommended by Staff in the memorandum from Mr. Kostopoulos dated June 12, 2014.

Our client had also corresponded with Markham Staff and Council previously, through the processing of the Official Plan by Markham, to express their concern with the potential impact of the new Official Plan policies on development of their lands in Cornell Centre. Those letters form part of the record forwarded to the Region for its review and the concerns remain extant.

While we are hopeful that some of the issues may be resolved through the Part II Plan process, our client reserves the right to augment the reasons set out in those letters filed previously.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jad

Encl.

c. Lindvest Properties (Cornell) Limited

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Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

May 14, 2014

File No. 110524

BY EMAIL: regionalclerk@york.ca

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

Dear Sirs and Mesdames

**Re: City of Markham Official Plan
Item F4 Regional Council Agenda May 15, 2014**

We act on behalf of Lindvest Properties (Cornell) Limited, the owner of a significant portion of the lands known as Cornell Centre in the City of Markham.

We write respecting the Regional Staff report released at 3:30 pm this afternoon recommending a number of different modifications to the Markham Official Plan prior to Regional Council approval of same. We are very disappointed that there was no prior notice provided to our client regarding the pending report and an opportunity to review and address Regional Committee prior to the report moving forward to Regional Council for decision.

This concern is underscored by the fact that there are modifications recommended by Regional Staff that affect our client's lands, for which no prior notice was provided to our client, no discussion held with them regarding these proposed modifications, and which were not the subject of any report to Markham Council or indeed any endorsement by Markham Council of which we are aware.

Item 76 (p. 23) in the Staff report proposes to substitute wording within the site specific policy 9.7.8.5 approved by Markham Council for our client's lands. The modification has the effect of undoing the direction given by Markham Council following a lengthy local process engaged in by them with affected landowners and the community over the last year or more.

Our client requests that you approve the original policy 9.7.8.5 in the Markham Official Plan as adopted by Markham Council in December, 2013.

Our client requests that you not approve the Staff modification proposed respecting policy 9.7.8.5 for the first time today which does not have the support of our client or, to our knowledge, the support of Markham Council.

Some of the reasons in support of this particular request are as follows:

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- Policy 9.7.8.5 as adopted by Markham Council recognizes Lindvest's Official Plan amendment application filed in December, 2012. That application is intended to address more than only lands designated for employment uses and instead updates the vision for Cornell Centre.

The application was supported by detailed planning and technical analyses including an economic analysis by our client's consultants, urbanMetrics. The analysis was shared with Markham Council on a number of occasions through Markham's process.

- The analysis filed with our client's application considered the Region's population and employment forecast as it applies to Markham. I note in this respect that the forecast assigns a number of jobs, not a specific land area, to Markham for purposes of planning to 2031.
- Lindvest's expert analysis (illustrated also in Markham Planning Staff's own analysis) demonstrated that the approval of Lindvest's Official Plan amendment application would result in more, not less, jobs than were forecasted for Markham by the Region. Lindvest continued to provide for employment uses focused on Highway 7 and Donald Cousens Parkway recognizing that there were opportunities in those locations to support a higher density form of employment
- Interior lands (some of which are already contemplated to be redesignated to residential uses) were recognized as not suitable for large, space extensive and low job-producing purposes. That scenario did not fit with Markham's vision for Cornell Centre.
- Markham Council determined that the application should be considered further through a local public process that also considered other important criteria that they established. The application also provided the opportunity for Markham Council to work with our client in realigning land uses within Cornell Centre (high density residential for example) in a manner which better supported an updated community design and reinforced Highway 7 as a Regional Corridor and local KDA.

For these reasons, and others, policy 9.7.8.5 as adopted by Markham Council is to be preferred instead of the modification proposed by Regional Staff today in their report to you.

Our client has not had an opportunity to review the balance of the report but wished to bring to Regional Council's attention its concern with the introduction of the proposed modification to policy 9.7.8.5 at this late juncture and without prior notice.



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Yours very truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jag

cc: Lindvest Properties (Cornell) Limited

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