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June 12, 2014

By Courier and Email

Dennis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street, 4th Floor
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Kelly:

**Re: Proposed City of Markham Official Plan (the "New OP")
Written Submissions Pursuant to s. 17(20) of the *Planning Act*
Country Wide Homes and Dorzil Developments**

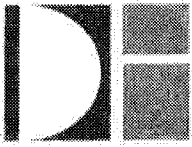
We are counsel to Condor Acquisition Inc. ("Condor"), the owners of lands legally described as Part of Lots 6 and 13, Registered Plan 2382 and municipally located at 360 John Street, in the City of Markham (the "Subject Site"). The location and context of the Subject Site is shown in Appendix 1.

Condor is affected by the proposed site specific employment conversion policies contained in the New OP.

Overview

The Subject Site is the location of the former Canac kitchen manufacturing facility. As Council is aware, prior to the close of Canac's operations in 2006, there were ongoing compatibility issues in the area arising from complaints related to noise and odour. These complaints ultimately led to the closure of Canac's plant and partial demolition of the manufacturing building.

Since the closure, there have been a number of ongoing studies related to the Subject Site. Those studies include the *Thornhill Employment Land Use Study*, the *Town of Markham Employment Land Study*, the *Thornlea Revitalization Study* and the *Thornhill Area Revitalization Working Group* (the "Studies"). The purpose of the studies was to identify options which could address compatibility with the surrounding residential uses and to and to consider conversions of employment lands as input to the proposed New City of Markham Official Plan (the "New OP").



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The Studies, in conjunction with the New OP, constitute a comprehensive municipal review for purposes of considering the Condor site's conversion to non-employment use. The Studies satisfy the requirements of the *Provincial Policy Statement* ("PPS"), the *Growth Plan for the Greater Golden Horseshoe* (the "Growth Plan") and the *Region of York Official Plan* (the "YROP"). It has been demonstrated that the land is not required over the long term and that there is a need for the conversion.

In March 2012, City Council approved *Interim Control By-law No. 2012-61*, which permitted the City to complete the land use planning studies for the area. Between April 2012 and January 2013, the City held further public meetings and further considered the land conversion issue. During this time period, the City's Consultant recommended that with regards to the Subject Site, new manufacturing, processing, warehousing or similar uses ought not to be permitted as discretionary uses on the Subject Site. Additionally, the report of the Working Group arising from the *Thornlea Revitalization Study* concluded that the best use for the Subject Site was not employment, but rather "mixed-use" in order to facilitate the transition to the existing residential lands in the area. Concurrently, the study report recommended prohibition of new industrial expansion in the area.

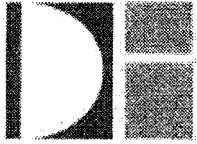
The extensive studies and analysis performed on the Subject Site to date demonstrates that it is inappropriate to maintain industrial uses on the Subject Site given the City's policy context and the issues of compatibility with the adjacent residential areas.

Proposed Official Plan Amendment

The Applicant has submitted applications to the City in order to amend the land use designations on the Subject Site^a. The proposal includes changes from *Industrial* to *Commercial*, from *Business Corridor* to *Community Amenity Area* and to amend the *Thornhill Secondary Plan* to re-designate the lands from *Business Corridor Area- John Street/Green Lane* to *Community Amenity Area - John Street/Green Lane* (collectively, the "Proposed OPA").

Policies have been included as part of the Proposed OPA which require the development of mixed use live/employment along the John Street and Green Lane frontage, with medium density residential in the form of townhouses also being permitted on the balance of the site. Additionally, the Proposed OPA contains

^a Land use designations contained in the Official Plan (Revised 1987), as amended



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policies requiring the preparation of comprehensive development plans and studies (including urban design) in order to ensure compatibility with the existing uses bordering the Subject Site.

The proposed development concept which has a townhouse built form, represents a good transition and is inherently compatible without any requirement for mitigation, screening or additional setbacks. A concept plan setting out the proposed development is attached at Appendix 2.

The Employment Conversion

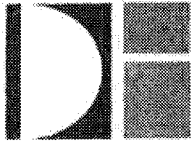
Condor's proposal involves a conversion of employment land to non-employment uses over a portion of the Subject Site. It has previously justified the need for the conversion through the March 2013 *Justification Statement* prepared by its consultant KLM Planning Partners Inc.

The Justification Statement clearly set out that the Proposed OPA is a more appropriate transitional use than what is currently provided for under the Subject Site's existing land use designation.

The City's current policy regime encourages the gradual upgrading of the Subject Site's general area by narrowing the range of permitted industrial uses and broadening the range of non-industrial uses. This is supplemented by the Studies which show that a more appropriate transitional use is required for the Subject Site.

The proposed development with approximately 101 townhouses, a park and live-work units represents a good transition for the area. Grade related residential use in the form of intensification adjacent to existing single detached dwellings will ensure that future development is inherently compatible. The proposed development will also maintain an employment area of approximately 0.8 ha (2 acres or 25% of the Subject Site) thereby preserving an estimated 1380 square metres (14,855 square feet) of employment use.

The Proposed OPA will not adversely affect or have any impact on the City's ability to meet intensification targets, density targets, or employment targets contained in the *Growth Plan*. The relatively small size of the Subject Site means the proposed development is not significant enough to materially affect the broader planning policies and objectives of the Province, the Region or the City



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The *Justification Statement* demonstrated that the Subject Site is distinct from the other possible conversion sites from a contextual standpoint. We remind Council that the site directly abuts long standing residential uses to its east side and along the west side, adjacent to John Street, exists a multi-tenant building used for a variety of commercial uses.

The Proposed OPA is also far along in the review process. It is unfair to further delay Condor either on its own, or as part of the larger group of site specific conversions. Condor has already provided the City with a number of studies including traffic studies performed by Cole Engineering, Environmental Site Assessments performed by Soil Engineers Ltd. and the *Justification Statement* has already identified that there is existing or planned infrastructure to accommodate the proposed conversion.

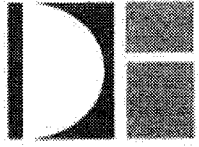
Summary

The history of the Subject Site demonstrates the incompatibility of employment uses. The PPS, Growth Plan, and YROP permit the conversion of employment subject to a Comprehensive Review.

It is Condor's position that the City has already given the site due consideration. Condor has also substantiated the need for the conversion and as such, there is no requirement for a municipal comprehensive review on the Subject Site. The inclusion of the Proposed OPA with the other site specific employment conversion requests unduly prejudices Condor and requires them to participate in a redundant exercise.

The Proposed OPA ought to be addressed by an administrative amendment to the YROP and said administrative amendment should subdelegate by by-law to the City the ability to approve the Proposed OPA in accordance with *Planning Act*.

Should you have any concerns or require any additional information, please do not hesitate to contact me or our associate, Jason Lewis.



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Yours truly,
DAVIES HOWE PARTNERS LLP

A handwritten signature in black ink, appearing to read "John M. Alati", with a long horizontal flourish extending to the right.

John M. Alati
JMA:jl

copy: Client