



Hon. Peter Van Loan
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June 20, 2019

DELIVERED

Our File No.: 149543

Chair of the Development Services Committee, City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3
C/O City Clerk

Attention: City Clerk

**Re: Request for Deputation Development Services Committee Meeting June 24, 2019
Request for Reconsideration Provincially Significant Employment Zone
Growth Plan for The Greater Golden Horseshoe
2938 Major Mackenzie Drive**

We act for Loblaw Properties Limited, who have an interest in the above captioned property. We are writing to request that we be able to make a deputation to Development Services Committee requesting a resolution from the Town supporting the removal of our client's lands from the Provincially Significant Employment Zone Designation.

Planning Staff have Indicated Support for Removal of Property from PSEZ Designation

On May 27, 2019, Development Services Committee considered a report titled "Decision on Proposed Amendment 1 to the Growth Plan 2017 (A Place to Grow: Growth Plan for The Greater Golden Horseshoe 2019).

In the May 27 report, staff address the question of Provincially Significant Employment Zone Designations that have been made and mapped in the Growth Plan for The Greater Golden Horseshoe. Staff also advised Development Services Committee, in that report, of discussions they have had with Ministry staff regarding possible changes to the Provincially Significant Employment Zone Designations in the City of Markham.

Attached to this letter is a copy of a schedule prepared by Markham planning staff which indicates lands identified for deletion from the Provincially Significant Employment Zones (as well as proposed additions to the Provincially Significant Employment Zone).

That schedule indicates that our client's lands – 2938 Major Mackenzie Drive – are recommended to be deleted from a Provincially Significant Employment Zone. This

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recommendation aligns with requests we have made directly to the Ministry of Municipal Affairs and Housing requesting deletion.

Province is Seeking Municipal Resolutions Regarding Requests for Reconsideration

The Minister of Municipal Affairs has indicated that a process has commenced to deal with requests like those of our client to be removed from the Provincially Significant Employment Zone Designation. As part of this process, consideration will be given to the position of municipalities – especially as articulated through council resolution.

However, the May 27 report before Development Services Committee was simply received by the Committee and as such there is no council resolution, as yet, addressing Markham's position on our client's request for removal from Provincially Significant Employment Zone. We are asking that Development Services Committee and Council approve a resolution (a copy of which is attached) indicating support for such removal.

Existing Official Plan and Zoning Contemplate Retail Use

The site at 2938 Major Mackenzie Drive East is located immediately southeast of a low-rise residential area and immediately west of a retail centre containing a Canadian Tire, Starbucks, Montana's, Harvey's, Shoppers Drug Mart, Boston Pizza, amongst a variety of other retail shops and services.

In December 2005, the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) approved a site-specific official plan amendment and zoning by-law amendment to permit a large-format shopping centre on the site, including two large format stores. A retail store may have a maximum net floor area of 6,000 square metres and one retail store on the site may have a maximum net floor area of 16,350 square metres. A garden centre associated with one of the retail stores.

The approved retail uses, together with the existing retail centre to east, are intended to function as a retail destination for the surrounding residential community rather than as retail uses ancillary to employment uses. Additionally, the approved retail uses on the site do not contribute to the types or density of employment which is regionally significant and do not contribute to the importance of the proposed 404 407 (Markham) Zone. The proposed Provincially Significant Employment Zone designation for the site is inconsistent with the approved land uses.

In December 2013, City of Markham Council adopted a new Official Plan, which was approved by York Region in June 2014. Under the new Official Plan, the site is designated "Commercial" which applies to lands that accommodate existing or approved large-format retail development. The site-specific policies permitting large-format retail on the site, as approved by the Tribunal in 2005, have been carried over into the new Official Plan and remains applicable to the site.

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Given the approved retail uses on the site and its proximity to residential and other retail uses, it is inappropriate to include the site within an Provincially Significant Employment Zone. The proposed 404 407 (Markham) Zone 7 should be amended to remove 2938 Major Mackenzie Drive.

Provincially Significant Employment Zone Designation is Contrary Markham Policies

The existing land use policies for 2938 Major Mackenzie Drive East are not consistent with the Provincially Significant Employment Zone Designation. The intention of such designation is to protect core employment uses such as manufacturing uses and transportation and distribution related uses.

In conclusion we ask that the City of Markham endorse the attached resolution so that it may be provided to the Province as soon as possible.

It is anticipated that the bulk of decision making related to Provincially Significant Employment Zone Designations will take place over the summer. As such, a delay until consideration in the fall for consideration during the next round of Committee and Council Meetings will be significantly prejudicial to our client's interest. As such we would ask that you move forward with resolution at this time.

Thank you very much for your attention to this matter.

Yours truly,

AIRD & BERLIS LLP



Hon. Peter Van Loan

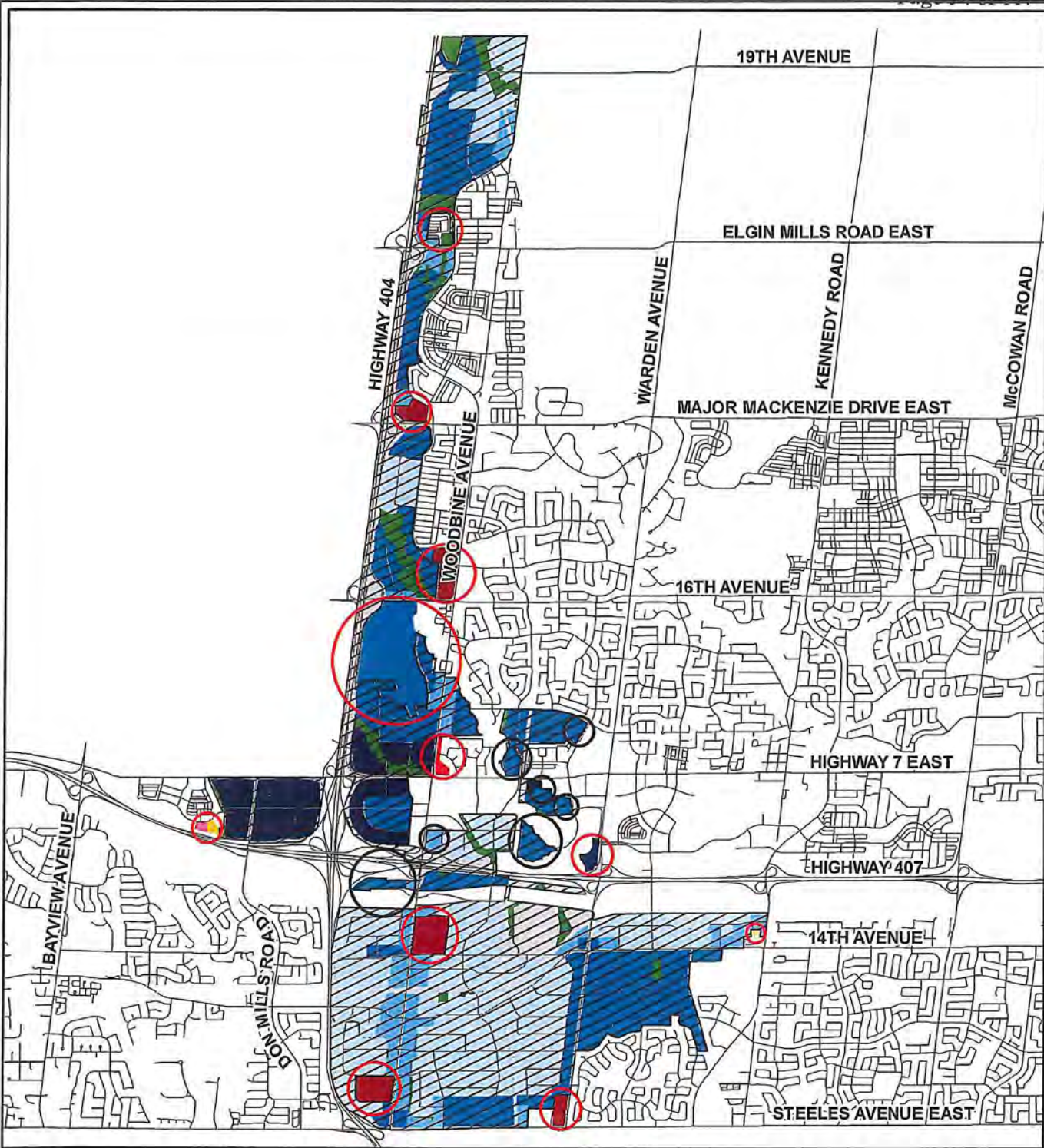
PVL

Attachs.

c. Margaret Wouters
John Yeh

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AIRD BERLIS



CITY OF MARKHAM

Proposed Markham Version of Provincially Significant Employment Zones (PSEZ)

Official Plan Map 3 - Land Use

- | | | |
|--|-----------------------|------------------------------|
| Business Park Office Priority Employment | Commercial | Residential Low Rise |
| Business Park Employment | Mixed Use High Rise | Residential Mid Rise |
| General Employment | Mixed Use Mid Rise | Greenway |
| Service Employment | Residential High Rise | Transportation and Utilities |

Council Resolution

Be it resolved that: the City of Markham indicate to the Ministry of Municipal Affairs and Housing, its support for the requests of Cadillac Fairview, and Loblaw Properties Ltd., that their properties located at Buttonville Airport lands, and at 2938 Major Mackenzie Drive East in the City of Markham, respectively, be removed from the mapping for the Provincially Significant Employment Zone Designation.