



June 9, 2021 MGP Files: 15-2433, 21-2985

York Region Chairman Wayne Emmerson and Members of Regional Council 17250 Yonge Street, Newmarket, ON L3Y 6Z1

via email: regional.clerk@york.ca

Dear Chairman and Members of Regional Council:

RE: York Region Committee of the Whole Meeting – June 10, 2021

Item H.2.4 Regional Official Plan Update - Policy Directions Report

Urban Expansion Areas, Cities of Vaughan & Markham

On behalf of Kennedy Elgin Developments Ltd and First Elgin Developments Inc.

11162 Kennedy Road & 4044 Elgin Mills Road, City of Markham

Malone Given Parsons Ltd. ("MGP") is submitting this letter on behalf of Kennedy Elgin Developments Ltd who own lands municipally known as 11162 Kennedy Road, and First Elgin Mills Development Inc. who have exclusive control and management responsibility for the property municipally known as 4044 Elgin Mills Road (collective referred to as the "Subject Lands"). The lands totaling approximately 123.3 hectares are located north of Elgin Mills Road, between Warden Avenue and Kennedy Road in the "Whitebelt" area of the City Markham.

We have made previous submissions on behalf of the Subject Lands including one to York Region in response to March 18, 2021 Regional Special Council Meeting, Item F.1 Proposed 2051 Forecast and Land Needs Assessment, Preliminary Recommended Locations for Urban Expansion; and to the City of Markham in response to the April 19, 2021 Development Services Committee Meeting, Item 9.1 York Region Proposed Population and Employment Forecast and Land Needs Assessment to 2051. Both submissions are attached to this letter.

MGP has reviewed Item H.2.4 Regional Official Plan Update – Policy Directions Report, dated June 10, 2021. While we note that Attachment 2 includes two maps, "Map 1A Land Use Designations" and "Map 1B Urban System", both identifying the Subject Lands as Employment Area, the report does not include draft policies to accompany Attachment 2. Therefore, we respectfully reserve the right to provide further comments on the draft Regional Structure Maps and will request a meeting with Regional Staff to pursue this request.

By way of background, the Provincial Policy Statement, 2020 ("PPS 2020") Section 1.6.9 protects the future Pickering Airport lands by prohibiting incompatible land uses such as new residential development above 30 NEF/NEP, and only considers these uses once it has been demonstrated that there will be no negative impact on the long-term function of the airport. We are seeking further clarification on how the lands east of Highway 48, which are closer to the future Pickering Airport lands will be expected to be relied on for residential uses.

Section 4.3.24 of the York Region Official Plan (2019 Office Consolidation) acknowledges the lands east of Highway 48 to have the potential to support future employment uses. The York Region Transportation Master Plan (2016) "Map 11 Strategic Goods Movement Corridors" further identifies Highway 48 as a Primary Arterial Goods Movement Corridor intended to maximize the potential of employment areas and

facilitate efficient goods movement, making better connections to employment areas. Warden Avenue, Elgin Mills Road and Kennedy Road are not identified as part of the Strategic Goods Movement network. The Subject Lands are too distant from Primary Arterial Goods Movement Corridor or other Strategic Goods Movement Corridors, including Highway 404, to function as a viable employment area. Consideration also should be given to the impact to the rural hamlet of Almira, both with respect to land use compatibility and the appropriateness of Elgin Mills Road as a safe truck route.

Section 5.2.1.10 and Map 7 of the Markham Official Plan (2014) acknowledges a Minister's Zoning Order ("MZO") in place for the lands east of Highway 48 which imposes planning controls to support the future Pickering Airport. The MZO controls the heights of buildings and structures for the lands east of Highway 48 making the development of these lands as mid/high density residential needing to achieve a minimum 70 people and jobs per hectare a challenge. The MZO controls that are currently in place would continue to protect for the future airport.

Should you have any questions or wish to discuss our comments in greater detail, please contact me at (905) 513-0170.

Yours very truly,

Malone Given Parsons Ltd.

Don Given, MCIP, RRP dgiven@mgp.ca

Attmt: Attachment 1: Letter dated March 17, 2021 in response to March 18, 2021 Regional Special Council

Meeting, Item F.1 Proposed 2051 Forecast and Land Needs Assessment, Preliminary

Recommended Locations for Urban Expansion

Attachment 2: Letter dated April 16, 2021 in response to April 19, 2021 Development Services Committee Meeting, Item 9.1 York Region Proposed Population and Employment Forecast and

Land Needs Assessment to 2051

Cc: Paul Freeman, Region of York

Sandra Malcic, Region of York Arvin Prasad, City of Markham Biju Karumanchery, City of Markham Marg Wouters, City of Markham

Landowners



Don Given 905 513 0170 x109 DGiven@mgp.ca

March 17, 2021 MGP Files: 15-2433

York Region Chairman Wayne Emmerson and Members of Regional Council 17250 Yonge Street, Newmarket, ON L3Y 6Z1

via email: regional.clerk@york.ca

Dear Chairman and Members of Regional Council:

RE: Regional Special Council Meeting – March 18, 2021

Item F.1 Proposed 2051 Forecast and Land Needs Assessment Preliminary Recommended Locations for Urban Expansion

11162 Kennedy Road, City of Markham

Malone Given Parsons Ltd. ("MGP") is submitting this letter on behalf of Kennedy Elgin Developments Ltd who own lands municipally known as 11162 Kennedy Road ("Subject Lands") located north of Elgin Mills Road in the "Whitebelt" area in the City Markham.

We are writing to request that Regional Council direct staff to further consult with the affected landowner to discuss the basis for locating employment uses as per Attachment 4 – Map 3: York Region – City of Markham and Town of Whitchurch-Stouffville Preliminary Recommended Locations for Urban Expansion, an area that was not previously identified as employment in the York Region 2041 Preferred Growth Scenario (April 2015) and will be difficult to market as future employment.

MGP has reviewed Item F.1 Proposed 2051 Forecast and Land Needs Assessment Report and "Attachment 4 – Map 3: York Region – City of Markham and Town of Whitchurch-Stouffville Preliminary Recommended Locations for Urban Expansion", dated March 2021. As per Figure 1, the Subject Lands located at 11162 Kennedy Road in the City of Markham, north of Elgin Mills Road have been identified as "Employment".

In 2015, the York Region 2041 Preferred Growth Scenario Land Budget was prepared to provide a comparative evaluation of three draft growth scenarios endorsed in principle by Regional Council. The growth scenario exercise provided an evaluation of growth in the Region in the context of land use and infrastructure planning inputs, a market analysis study and a preliminary fiscal analysis. Three growth scenarios were evaluated and a preferred growth scenario was developed for consideration to update the York Region Official Plan. The Preferred Growth Scenario recommended an urban boundary expansion to accommodate the 2036 population growth and 2041 population and employment growth allocated by the Growth Plan. Figure 2 shows the Subject Lands were identified as part of the 2041 Urban Area Expansion adjacent to planned 2036 community lands, to accommodate the projected population growth.

The Subject Lands, which are approximately 49 hectares in size, has frontage on Kennedy Road and access to services through the Future Urban Area immediate south of Elgin Mills Road. The Subject Lands represent the most efficient and economical lands available for future residential development in the City of Markham. This location has limit access to major transportation which is essential to successfully market these lands as employment uses. The Landowner is requesting the opportunity to further consult with Regional Staff to discuss the rationale for locating employment uses in this area.

Should you have any questions or wish to discuss our comments in greater detail, please contact me at (905) 513-0170.

Yours very truly,

Malone Given Parsons Ltd.

Don Given, MCIP, RPP

dgiven@mgp.ca

Attmt: Figure 1: Attachment 4 – Map 3: York Region City of Markham and Town of Whitchurch-Stouffville

Preliminary Recommended Locations for Urban Expansion

Figure 2: York Region 2041 Preferred Growth Scenario, Appendix I to Attachment 4 - Map 2: York Region City of Markham and Town of Whitchurch-Stouffville Urban Expansion (November 2015)

Cc: Arvin Prasad, Commissioner, Development Services, City of Markham

Biju Karumanchery, Director, Planning and Urban Design, City of Markham

Kennedy Elgin Developments Ltd.

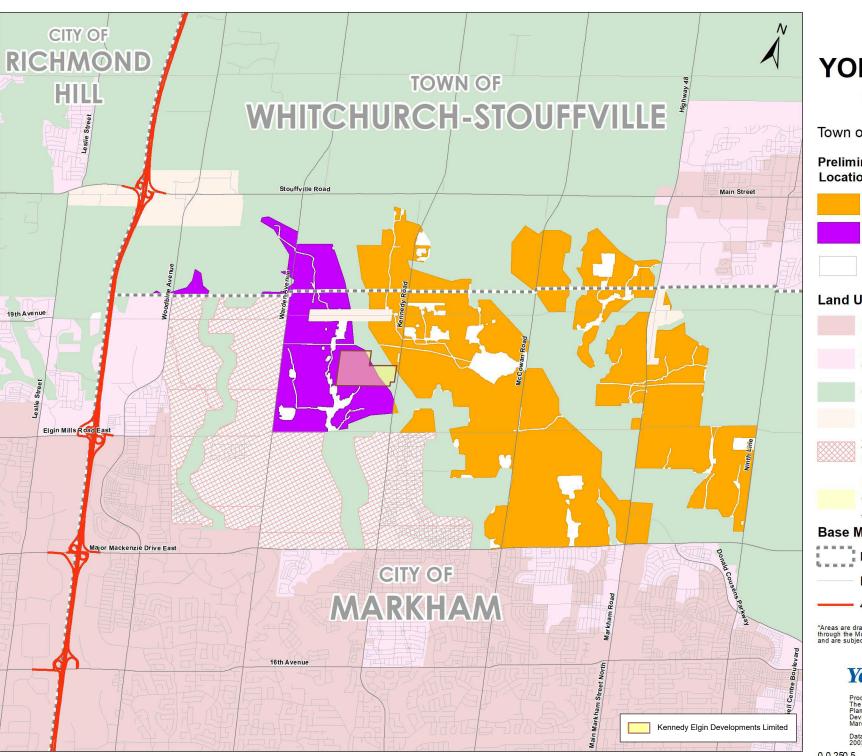


FIGURE 1

MAP 3

YORK REGION

City of Markham and Town of Whitchurch-Stouffville

Preliminary Recommended Locations for Urban Expansion*

Community

Employment

Non-developable (NHS, Infrastructure)

Land Use Category

Built-up Area

Designated Greenfield Area

Greenbelt

Hamlet

2010 Urban Expansion



Designated Greenfield Area

- Agriculture

Base Map

Municipal Boundary

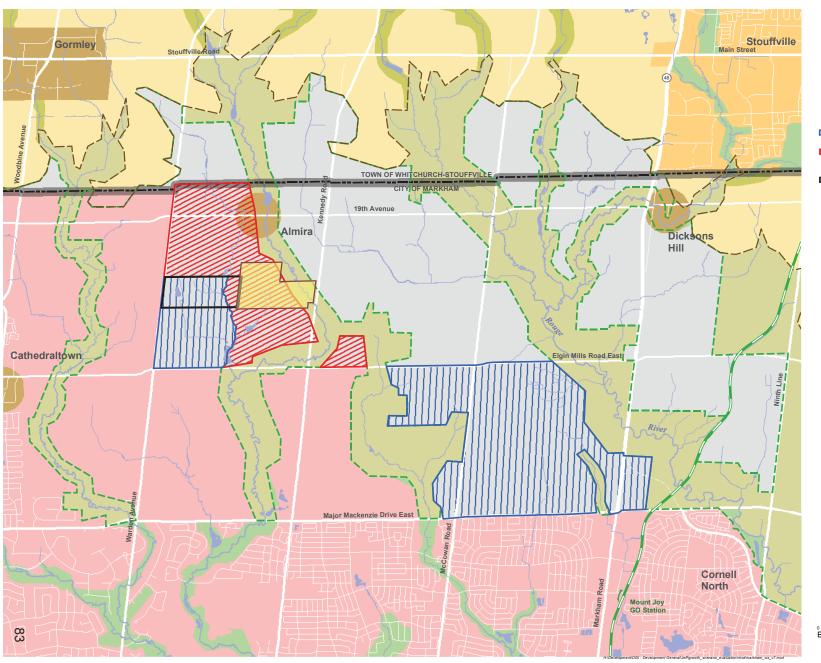
Roads

400-Series Highways

*Areas are draft and are awaiting approval through the Municipal Comprehesive Review and are subject to change.



Produced by:
The Regional Municipality of York
Planning and Economic
Development, Corporate Services
March 2021



M A P 2

YORK REGION

MARKHAM & WHITCHURCH-STOUFFVILLE **URBAN EXPANSION**



Kennedy Elgin **Developments Limited**



2036 Urban Area Expansion* 2041 Urban Area Expansion*

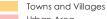




City of Markham Future Sports Park

*NOTE: Boundaries are approximate.

YORK REGION OFFICIAL PLAN INFORMATION



Urban Area

Regional Greenlands System

Existing GO Station

Oak Ridges Moraine Conservation Plan

-- Oak Ridges Moraine Boundary

Natural Core Area Designation Natural Linkage Area Designation

Countryside Area Designation/Hamlet

Greenbelt Plan

-- Greenbelt Plan Area



Greenbelt Protected Countryside/Hamlet

BASE MAP INFORMATION

=400= Provincial Freeway —

9 — Provincial Highway

Road Railway

Municipal Boundary





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Planning & Economic Development Branch
Corporate Services Department
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Don Given 905 513 0170 x109 DGiven@mgp.ca

April 16, 2021 *MGP Files: 15-2433, 21-2985*

Mayor Scarpitti and Members of Development Services Committee 101 Town Centre Boulevard Markham, Ontario, L3R 9W3

via email: clerkspublic@markham.ca

Attention: Mayor Scarpitti and Members of Development Services Committee

RE: Development Services Committee Meeting, April 19, 2021

Agenda Item 9.1 York Region Proposed Population and Employment Forecast and Land

Needs Assessment to 2051

On behalf of Kennedy Elgin Developments Ltd and First Elgin Developments Inc.

11162 Kennedy Road & 4044 Elgin Mills Road, City of Markham

Malone Given Parsons Ltd. ("MGP") is submitting this letter on behalf of Kennedy Elgin Developments Ltd who own lands municipally known as 11162 Kennedy Road, and First Elgin Mills Development Inc. who have exclusive control and management responsibility for the property municipally known as 4044 Elgin Mills Road (collective the "Subject Lands" as identified on Attachment 1). The lands total approximately 123.3 hectares in size and are located north of Elgin Mills Road, between Warden Avenue and Kennedy Road in the "Whitebelt" area in the City Markham.

We are writing to request that Development Service Committee support Staff's recommendation to undertake public consultation with the affected landowners. Further, we are requesting the lands north of Elgin Mills Road between Warden Avenue and Kennedy Road be considered for "Community" residential uses. The viability of employment uses that are too distant from Highway 404 or any other Goods Movement Corridor infrastructure network are less likely to attract quality employment uses. In addition, residential uses in this block would ensure that lands adjacent to the Almira Hamlet are developed in a manner that is compatible with the character of the Almira Hamlet.

MGP has reviewed Item 9.1 York Region Proposed Population and Employment Forecast and Land Needs Assessment to 2051. We agree with Staff's comment that the viability of employment lands east of Warden Avenue and the interface with the Almira Hamlet need further consideration. As illustrated on Figure 1 on the following page, it is our request that the lands north of Elgin Mills between Warden Avenue and Kennedy Road be considered for residential uses and the lands east of Highway 48 which are currently protected for the future Pickering Airport through Provincial, Regional and Local policy, be considered for employment uses. Employment lands require supporting infrastructure to ensure long-term viability and ability to attract quality employment uses.

The Provincial Policy Statement (PPS 2020) Section 1.6.9 requires the long-term operation and economic role of airports to be protected, and prohibits incompatible land uses such as new residential development and other sensitive land uses in areas near airports above 30 Noise Exposure Forecast (NEF)/Noise Exposure Protection (NEP) (refer to Attachment 2). Further, when considering redevelopment of existing residential uses and other sensitive land uses above 30 NEF/NEP, it should be demonstrated that there will be no negative impact on the long-term function of the airport. Figure 2 on the following page identifies a portion of the lands east of Highway 48 that are prohibited from being developed as residential as a result of the NEF/NEP mapping.

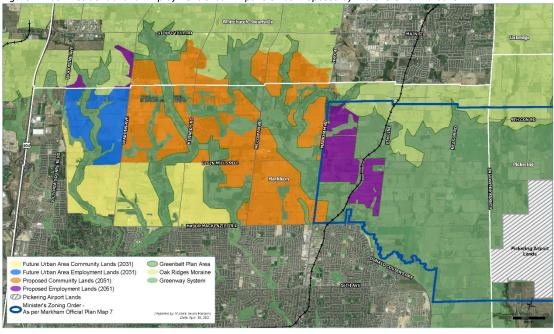
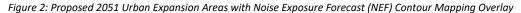
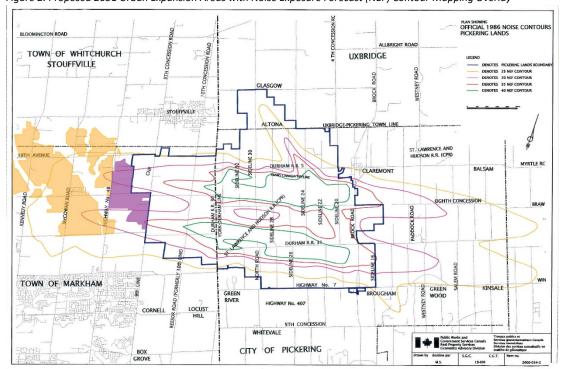


Figure 1: 2051 Residential and Employment Urban Expansion as Proposed by Malone Given Parsons





York Region (2019 Office Consolidation) Section 4.3.24 acknowledges the lands east of Highway 48 to have the potential to support future employment uses (refer to Attachment 3). Further, in support of the long-term viability for high quality employment uses, the York Region Transportation Master Plan (2016) identifies a number of objectives including "Objective 4" to maximize the potential of employment areas by designating a Strategic Goods Movement Network to facilitate efficient goods movement, making better connections to employment areas. "Map 11 Strategic Goods Movement Corridors" does not identify Warden

Avenue or Elgin Mills Road as a Primary Arterial Goods Movement Corridor but does identify the Highway 48 corridor (refer to Attachment 4). The lands east of Warden Avenue are too distant from Highway 404 to function as a viable employment area, and consideration needs to be given to the impact to the rural hamlet of Almira both with respect to land use compatibility and the appropriateness of Elgin Mills Road as a safe truck route. A coordinated approach to land use planning is already in place to support residential uses east of Warden Avenue and employment uses east of Highway 48.

Markham Official Plan Section 5.2.1.10 recognizes the Minister's Zoning Order (MZO) is in place for the lands east of Highway 48 which imposes planning controls to support the future Pickering Airport and is mapped on Markham Official Plan Map 7 (refer to Attachments 5 and 6). Enacted in 2004, this MZO controls the height of buildings and structures for the lands east of Highway 48 which will challenge these lands if planned as residential that will require high rise/mixed use development to achieve a minimum 70 people and jobs per hectare density. The MZO controls that are currently in place would not limit or restrict future employment uses east of Highway 48, and would continue to protect for the future airport.

Should you have any questions or wish to discuss our comments in greater detail, please contact me at (905) 513-0170.

Yours very truly,

Malone Given Parsons Ltd.

Don Given, MCIP, RRP

Attmt: Attachment 1: Subject Lands Located on Map 3: York Region City of Markham and Town of Whitchurch-

Stouffville Preliminary Recommended Locations for Urban Expansion
Attachment 2: Provincial Policy Statement (2020) Excerpt, Section 1.6.9

Attachment 3: York Region Official Plan (2019 Office Consolidation) Excerpt, Section 4.3.24

Attachment 4: York Region Transportation Master Plan (2016), Map 11 Strategic Goods Movement

Corridors

Attachment 5: City of Markham Official Plan Excerpt, Section 5.2.1.10
Attachment 6: City of Markham Official Plan, Map 7 Provincial Policy Areas

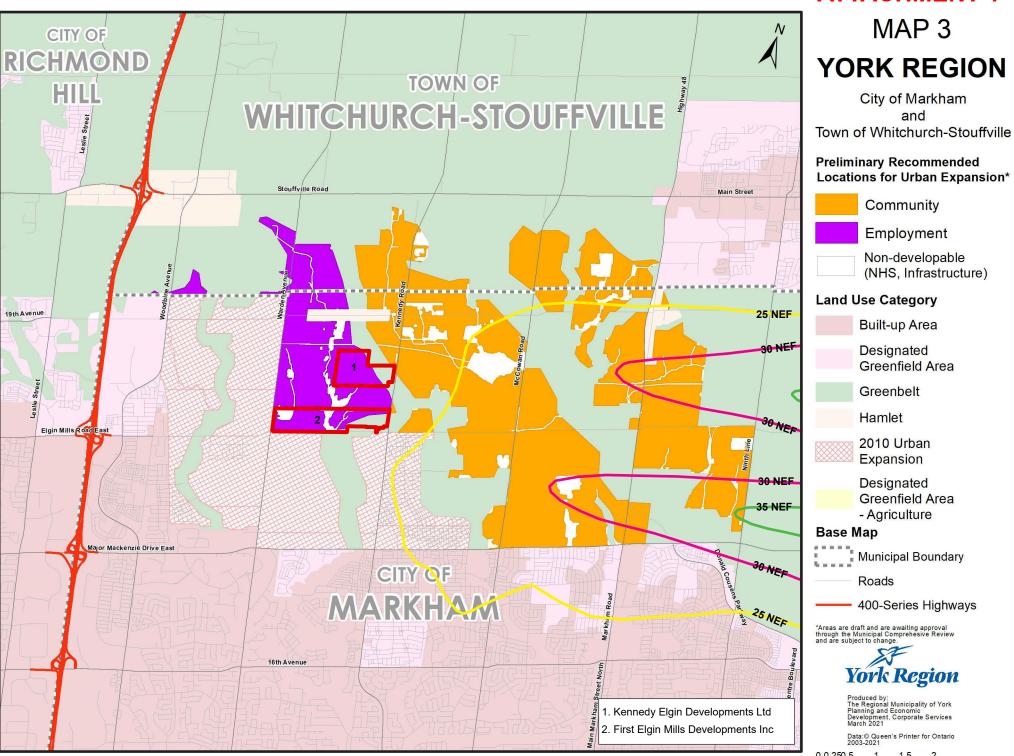
Cc: Arvin Prasad, Commissioner, Development Services, City of Markham

Biju Karumanchery, Director, Planning and Urban Design, City of Markham

Marg Wouters, Senior Manager, Policy & Research, City of Markham

Paul Freeman, Chief Planner, Region of York

Paul Bottomley, Manager Policy, Research and Forecasting, Long Range Planning, Region of York



ATTACHMENT 1

MAP 3

YORK REGION

City of Markham and

Preliminary Recommended Locations for Urban Expansion*

Community

Employment

Non-developable (NHS, Infrastructure)

Land Use Category

Built-up Area

Designated Greenfield Area

Greenbelt

Hamlet

2010 Urban Expansion



Designated Greenfield Area

- Agriculture

Municipal Boundary

Roads

400-Series Highways

*Areas are draft and are awaiting approval through the Municipal Comprehesive Review and are subject to change.



Produced by:
The Regional Municipality of York
Planning and Economic
Development, Corporate Services
March 2021

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Provincial Policy Statement, 2020

Under the Planning Act



New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

- 1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.
- 1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

1.6.9 Airports, Rail and Marine Facilities

- 1.6.9.1 Planning for land uses in the vicinity of *airports, rail facilities* and *marine facilities* shall be undertaken so that:
 - a) their long-term operation and economic role is protected; and
 - b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.
- 1.6.9.2 Airports shall be protected from incompatible land uses and development by:
 - a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
 - b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
 - c) discouraging land uses which may cause a potential aviation safety hazard.

1.6.10 Waste Management

1.6.10.1 Waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.



The Regional Municipality of York

Official Plan 2019 Office Consolidation









- **4.3.17** To work with local municipalities to provide a diverse mix of lot sizes on employment lands.
- **4.3.18** To require flexible and adaptable employment lands that include street patterns and building design and siting that allow for redevelopment and intensification.
- **4.3.19** To work with local municipalities to review and monitor opportunities for employment land intensification.
- **4.3.20** To require local municipalities to conduct 5-year reviews of employment lands to accommodate employment intensification.
- **4.3.21** To encourage employment intensification and higher density employment uses in Regional Centres and Corridors, in support of the policies in Section 5.4 of this Plan.
- **4.3.22** That industries on private services be limited to existing approved sites.
- **4.3.23** That the employment land designation policies and transportation corridor policies in ROPA 52 continue to apply to these lands.
- **4.3.24** Lands located in the vicinity of Highway 48, Donald Cousens Parkway and the GO commuter rail line may have the potential to support future employment uses.

▶ 4.4 Planning for Retail

Retail trade is an essential component of a healthy economy. York Region is home to significant retail uses that are continually evolving. The Region, in partnership with local municipalities, is committed to providing an appropriate amount of retail activities in suitable locations. Local retail areas are key components of mixed-use communities and should incorporate effective urban design to ensure the integration of retail uses within the community. Well-designed and strategically located retail allows residents, workers and visitors to purchase goods and services locally by walking, cycling or taking public transit. Shopping locally reduces travel times and congestion, and supports the Region's economy.

Retail facilities should be designed and located to serve the needs of the community and support the Region's urban structure.

York Region's historical main streets include:

- · Aurora Main Street
- · King City Main Street
- · Jackson's Point Main Street
- · Kleinburg Main Street
- · Langstaff Main Street
- · Markham Main Street
- · Markham Unionville Main Street · Thornhill Main Street
- · Mount Albert Main Street

- · Newmarket Main Street
- · Old Richmond Hill Main Street
- · Pefferlaw Main Street
- · Sharon Main Street
- · Stouffville Main Street
- · Sutton Main Street
- · Woodbridge Main Street

ATTACHMENT 4

MAP 11

Thursday, May 12, 2016

Strategic Goods Movement Corridors

Tier 1

- Highway Goods Movement Corridor
- ■ Future Highway Goods Movement Corridor
- ++++ Railway

Tier 2

- Interim Primary Arterial Goods Movement Corridor
- Primary Arterial Goods Movement Corridor

Tier 3

Secondary Goods Movement Corridor

Interchange Improvements (to be confirmed by MTO)

- Future Interchange on Existing Freeway
- Future Interchange on Future Freeway
- Other Interchange Improvement
- Employment Areas (as of mid-2013)

BASE MAP INFORMATION

Provincial Freeway

Provincial Highway

Road

Railway









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ATTACHMENT 5



methods and result in the maintenance and enhancement of surface and ground water quality in accordance with the Source Water Protection Act.

- 5.2.1.7 To encourage the agricultural community, agricultural organizations and public agencies to implement best agricultural management practices including:
 - a) integrated pest management;
 - b) phosphorous reduction;
 - c) nutrient management;
 - d) soil and water conservation;
 - e) practices that minimize impacts on air quality and climate change; and
 - f) integrating environmental considerations into farm management.
- 5.2.1.8 **To prohibit** development requiring municipal water and wastewater treatment services within the Countryside Agriculture Area lands shown on Map 9 – Countryside Agriculture Area.
- 5.2.1.9 To only support consents in the 'Countryside' designation as shown on Map 3 – Land Use, where:
 - a) land is acquired by a public body for *infrastructure* projects; or
 - b) land is conveyed to public bodies or not-for-profit agencies for natural heritage or *conservation* purposes provided no separate lot is created;
 - c) a minor boundary adjustment is required to enlarge an existing farm lot provided no separate lot is created; or
 - d) a minor boundary adjustment is required for a residential dwelling provided no separate lot is created and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; or
 - e) each parcel is a minimum size of 40 hectares and used for agricultural purposes; or
 - f) an existing residence is surplus to a farming operation as a result of a farm consolidation provided no additional residence is permitted on the retained farmland; and
 - g) the lands to be severed contain built heritage resources and the provincial interests outlined in the Provincial Policy Statement respecting cultural heritage and lot creation in prime agricultural areas are addressed.
- 5.2.1.10 To recognize that additional planning controls imposed by the Province and/or Federal Government in support of the potential airport in Pickering, including Minister's Zoning Order – Airport, Bird Hazard Regulations, and Noise Exposure Forecast Regulations apply to the Countryside Agriculture Area lands shown on Map 9 – Countryside Agriculture Area.
- 5.2.1.11 **To encourage** alternative energy systems and renewable energy systems within Countryside Agriculture Area lands to be designed to minimize impact on agricultural operations and the visual character of the surrounding area.

Section 5.2.1.6-11 subject to Area/Site Specific Appeal Nos. 1, 5 and 28 (Issue 224)

