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May 15, 2014

Our File No. 118366

BY EMAIL

Members of Regional Council
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1

Re: Regional Council Meeting – May 15, 2014
Report No. 1 of the Commissioner of Transportation and Community
Planning Re: City of Markham Official Plan, Part 1
Our Client: Enbridge Gas Distribution Inc.
101 Honda Boulevard, City of Markham

We are the solicitors for Enbridge Gas Distribution Inc. ("Enbridge") in respect of their lands located at 101 Honda Boulevard, in the City of Markham (the "Property").

In 2011, our client made a considerable investment in the City of Markham and the Region of York through the development of a unique professional development centre comprised of a multi-storey office building, warehousing and a state of the art technology training centre. The development of the Property includes a 9,366.32 m² main building, an outside area which is designed to provide training for staff in a simulated environment and an area for truck parking, enclosed storage and covered storage areas.

Additionally, the Property contains an exterior training facility which was designed to provide Enbridge staff with exposure to simulated environments consistent with those encountered in the field. As part of the site plan approval process, our client provided extensive screening and landscaping of this outdoor facility from Honda Boulevard in addition to implementing enclosed and covered storage areas.

On behalf of our client we filed correspondence with both the Region of York (the "Region") and the City of Markham (the "City") setting out our client's concerns with the City of Markham Council's decision to approve the Draft Official Plan on December 10, 2013 (the "Draft OP"). Specifically, our office has provided comment and correspondence to the City on December 2, 2013 and December 18, 2013 and the Region on January 2, 2014. This correspondence included comments in respect of the proposed alignment of the east/west Major Collector Road and Highway 404 flyover as shown on Map 10 of the Draft OP, as well as the proposed re-designation of lands in the immediate vicinity of the Property from Business Park to General Employment.

We are in receipt of the above referenced staff report to be considered at the May 15, 2014 meeting of Regional Council. The report includes proposed modifications to the Draft OP and recommends approval of the Draft OP, subject to the modifications set out in Attachment 1 to the report.

First, we wish to express our client's disappointment in the Region's decision to bring forward this report at this time. Our client anticipated an opportunity for stakeholders to comment on the proposed modifications in advance of Regional Council's consideration of same, and at the very least sufficient time to review the proposed modifications in advance of this meeting. This is particularly surprising as City staff have recently brought forward reports to Development Services Committee on recommended modifications to the Draft OP for consideration by the Region prior to final approval of same. Those proposed modifications had the benefit of a fulsome public review and comment process.

In fact, our client received confirmation from Region and City staff that Enbridge would be consulted further in respect of the mid-block crossing alignment and the re-designation of the lands within the immediate vicinity of their property in an effort to craft a resolution such that the Draft OP could be brought to the Region with the full support of the key landowners within the 404 North Business Park. Instead, our client became aware of Regional Council's intention to consider this matter and staff's proposed modifications late yesterday afternoon.

Based on our review of the aforementioned staff report and the proposed modifications, we can confirm that our client continues to object to the approval of the Draft OP. First, the lands immediately north of the Property continue to propose a change from the former Business Park Area to General Employment designation. The introduction of the General Employment designation immediately north of the Property will result in a significantly different land use context from that which exists today. As noted above, Enbridge's state of the art training facility was designed in a manner consistent with, and in anticipation of, adjacent prestige Business Park uses. The proposed redesignation of the surrounding properties undermines the long-term prestige nature of this area which was one of the primary reasons our client decided to locate its facility on the Property. The proposed policy changes (Modification 86) further undermines the current overall policy direction for the 404 North Business Park as expressed in the existing 404 North Secondary Plan.

Secondly, the proposed modifications to Map 10 – Transportation and associated modification to Appendix D – Cycling Facilities are not acceptable to Enbridge given its proximity to our client's operation, in particular the simulated training facility at the Property, and the potential danger to public safety.

Furthermore, our client continues to object to the proposed Road Network, as depicted on Map 10 of the Draft OP, in particular given the inclusion of a Mid-Block Crossing of Highway 404 and a Major Collector Road between Elgin Mills Road and 19th Avenue. This proposed mid-block crossing and roadway would potentially create significant operational constraints for our client's facility. Our client recently met with staff of both Region and City and understood that the current alignment of the east/west Major Collector road shown in Map 10 would be subject to further refinements and that further consultation with respect to those refinements was forthcoming. No such consultation occurred. Moreover, approval of Map 10 – Transportation is premature, in our view, until such time as the Region completes the Class Environmental Assessment Study for a road crossing of Highway 404 between Elgin Mills Road and 19th.

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We also note, that we have read the correspondence filed by Maria Gatzios dated May 15, 2014 with respect to the Honda Canada Inc. lands, and concur with her comments as they relate to the Draft OP.

Based on the foregoing, our client requests the following:

- i. that Council receive Report No. 1 of the Commissioner of Transportation and Community Planning; and
- ii. that Council direct staff to meet forthwith with the key stakeholders of the 404 North Business Park, including our client, in order to receive input and comment on the proposed modifications.

Our client remains willing to meet with staff from the City and the Region in order to reach a resolution which recognizes the importance of the business park and the need to maintain the integrity of the area, both from a land use planning as well as a transportation planning perspective.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



for.

Eileen P. K. Costello

EPKC/SJL/ab

c. Client

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