

Project No. 0780

December 15, 2009

Mr. Bryan Tuckey, Commissioner
Regional Municipality of York
Planning and Development Services
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1

Dear Mr. Tuckey:

**Re: York Regional Official Plan
Comments on behalf of Woodbine International Centre
9390 Woodbine Avenue, Town of Markham**

On behalf of our client, Woodbine International Centre Corporation and Woodbine International Hotel Corporation, we are pleased to submit herewith the following comments regarding the draft York Regional Official Plan, which we are advised will be considered by Regional Council at its meeting on December 16, 2009.

Our client has very recently submitted applications for an Official Plan Amendment and rezoning to the Town of Markham to permit residential uses as part of an integrated mixed-use centre on the above-noted site. The site is designated *Business Corridor Area* in the Town of Markham Official Plan and is subject to a site-specific policy introduced by Official Plan Amendment No. 181.

It is our opinion that the proposed mixed-use development does not involve a "conversion" of the land to a non-employment use within the meaning of either the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe. In this regard, the proposal is to maintain the primary employment function of the site, while adding permission for a secondary residential component that is over and above the employment function.

Within this context, proposed Policy 4.3.12 of the draft Regional Official Plan may be of concern. In accordance with Provincial policy, it provides that, except as provided in Policy 4.3.13 (the provisions related to "municipal comprehensive reviews"), the conversion of employment lands to non-employment uses is not permitted. However, it goes on to state in paragraph (b) that, for the purposes of Policy 4.3.12, "uses not permitted on employment lands include residential, institutional, major retail and non-ancillary commercial/retail".

It is unclear whether the intent of paragraph (b) is to expand the meaning of the word "conversion" to include the addition of uses such as residential. If that is the intent, it is our opinion that this policy goes beyond what is provided for in Provincial policy and is undesirable in planning policy terms. In this latter regard, it is our opinion that the addition of residential uses as part of a mixed-use development can be highly desirable in specific circumstances i.e. where the proposed development contributes to the achievement of the jobs forecasts for the municipality, while not introducing land use constraints which would inhibit the development of adjacent and nearby employment lands for employment uses.

Thank you for your consideration of these comments. If you require any additional information, please do not hesitate to contact me or Kate Cooper of our office.

Yours very truly,

Bousfields Inc.


Peter F. Smith, MCIP, RPP

cc: *Mr. Sheldon Esbin - Romspen Investment Corporation*
Mr. Charles Moon - Yorkville Corporation
Mr. Sol Wassermuhl - IBI Group/Page + Steele Architects