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May 19, 2010

By E-Mail

Chair Bill Fisch and Members of Regional Council
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Denis Kelly, Regional Clerk

Dear Mr. Kelly:

**Re: Proposed Modifications to the York Region Official Plan
Submissions on behalf of Yonge Bayview Holdings Inc.**

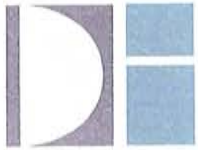
We are counsel to Yonge Bayview Holdings Inc. ("Yonge Bayview"). Yonge Bayview is the owner of lands in the Town of Richmond Hill within the area bounded by Yonge Street, High Tech Road, Highway 7 and Bayview Avenue, and controls the largest landholding within the Richmond Hill portion of the Richmond Hill / Langstaff Gateway Regional Centre (the "Centre").

Our client has and continues to participate in the various on-going planning initiatives associated with the Centre.

We understand that at its meeting on May 20, 2010, Regional Council will be considering a staff recommendation proposing a number of modifications to the York Region Official Plan, as adopted in December 2009 (the "Plan"). Further, we understand that, if adopted, these proposed modifications would then be forwarded to the Ministry of Municipal Affairs and Housing (the "Minister") for his consideration as the approval authority for the new Plan.

On behalf of Yonge Bayview, we are writing to request that Council also consider additional modifications to the Plan, as outlined below.

First, Yonge Bayview requests that Regional Council ask that the Minister defer approval of any proposed policies in the Plan regarding the Richmond Hill portion of the Centre.



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We understand that as recently as April 22, 2010, Regional Council adopted staff recommendations to proceed with the completion of a number of studies and further analysis in respect of the Centre; most notably, a Centre-wide transportation study to be led and funded by the Region.

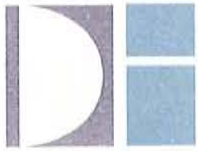
As referenced in the report from the Commissioners of Transportation Services and Planning and Development Services to the Transportation Services Committee dated March 11, 2010, the objectives for the Centre-wide transportation study are very broad, including "the development of a complete, integrated, and strategic transportation network plan that will accommodate and support the land use plan of the [Centre]". Likewise, the scope of work that is contemplated for the transportation study is extensive, encompassing, among other things, preparation of a transportation network plan, a transportation demand management plan, a parking strategy, an infrastructure phasing plan, and an implementation strategy.

Further, in the related report from the Commissioner of Planning and Development Services to the Planning and Economic Development Committee dated March 5, 2010, staff noted that "the recommendations of the [Centre-wide transportation] study will form part of the Region's planning and approval framework for the Secondary Plans for the Centre, and subsequent development approvals. The study will also inform the assumptions for the recommended comprehensive fiscal analysis of the Centre."

In fact, we understand that Regional Council also adopted a staff recommendation to prepare a draft Regional Official Plan Amendment for the Centre, intended to "provide detailed Regional policies to support and guide the planning and implementation of the Centre", following the completion of the various studies and further analysis that are now underway and anticipated for completion by the end of this year.

Thus, given the highly integrated and inter-dependent nature of the matters identified above, Yonge Bayview is of the opinion that it would be appropriate to defer the approval of the Plan's policies in relation to the Richmond Hill portion of the Centre.

Secondly, we have serious concerns regarding various policies in the Plan that purport to require conformity or adherence to guidelines and/or other documents that are beyond the Plan and could therefore be amended outside of a *Planning Act* exercise. For example, there are a number of policies (eg. 5.2.8(g), 5.3.5, 7.1.7 and 7.2.25(i)) that purport to require development applications to adhere to the Transit-Oriented Development Guidelines, which we understand to be a



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document that was endorsed by Regional Council in 2006 and is anticipated to be amended in the future. Similarly, the Plan purports to require new development to satisfy the requirements of the Guidelines for Community Development (5.2.19), which we understand have not yet even been prepared. Thus, Yonge Bayview requests that Regional Council direct further modifications to the Plan to delete or revise any policies that purport to require development proposals to satisfy the requirements of documents that are outside of the Official Plan.

Thirdly, the Plan proposes to require new buildings to achieve energy and water efficiency standards beyond those set out in existing regulatory documents (i.e., the Model National Energy Code for Buildings ("MNECB") and the Ontario Building Code ("OBC")) (5.2.20 and 5.2.21). We question the Region's authority to mandate such requirements. Further, even if such efficiency benchmarks were appropriate, the requirements could change as the policies do not propose to fix the efficiency standards to a particular version of either the MNECB or the OBC. Accordingly, Yonge Bayview requests that these policies be modified to simply "encourage" such efficiency standards and to tie the standards to the versions of the MNECB and the OBC as they exist at this time.

Fourthly, whereas the Region-wide target for affordable housing is proposed to be 25% (3.5.6), the Plan proposes that a minimum of 35% of new housing units in the Regional Centres and key development areas be affordable (3.5.7). Yonge Bayview sees no basis for this higher threshold and therefore requests that the proposed policy be modified accordingly.

Fifthly, the policies that purport to authorize the Region to secure or require the dedication of lands for "public transit rights-of-way and lands for related facilities" (7.2.31) and various other transit facilities (7.2.32), "at no expense to the Region", are beyond the authority of the municipality and should therefore be modified to be in accordance with the *Planning Act* and any other applicable statute(s).

We trust that Regional Council will give due consideration to these comments as it considers various proposed modifications to the Plan.



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Kindly ensure that we are notified of any further reports and/or public meetings regarding this matter and that we receive notice of any decision(s) made by Regional Council pertaining to this item.

Yours truly,

DAVIES HOWE PARTNERS

Mark R. Flowers

copy: Barbara Jeffrey, Region of York
Town Clerk, Town of Richmond Hill
Ana Bassios, Town of Richmond Hill
Client