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May 5, 2010

By E-Mail Only to Regionalclerk@york.ca

Regional Planning and Economic Development Committee
c/o Denis Kelly, Regional Clerk
Corporate Services Department
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Kelly:

**Re: Planning and Economic Development Committee
Agenda Item D.3 – York Region Official Plan – December 2009
Report of the Commissioner of Planning and Development
Services – May 5, 2010**

As you are aware, we are counsel to 775377 Ontario Limited (Belmont), Clearpoint Developments Ltd. and Upper City Corporation, owners of lands located within the southeast quadrant of Leslie Street and 19th Avenue, in the Town of Richmond Hill. These lands are located in the North Leslie Secondary Plan Area.

We have previously corresponded with the Region with respect to both the June 2009 and December 2009 drafts of the York Region Official Plan to express issues and concerns about the proposed policies. We have also had the opportunity to participate in discussions with Regional Planning staff with respect to these concerns. We are writing this letter in response to modifications to the Region's adopted Official Plan proposed in the above noted staff report. Our comments are in addition to previous comments provided to the Region on behalf of our clients.

I would note that I was away on holidays when the modifications were posted and have just returned and received a copy of the report. As such, I have not had an opportunity to review the modifications in great detail and further comments may be forthcoming.



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My brief review of the proposed report and modifications discloses two significant changes which require immediate comment and objection on my clients' behalf. The first is Modification 23 relating to the policy for North Leslie, and in particular my clients' lands, with respect to its identification as a location of strategic employment lands on Figure 2 (modification 23) and related policies thereto including modifications 18 and 19. The second is the inclusion of fly-over mapping.

Modification 23 and its related Modifications

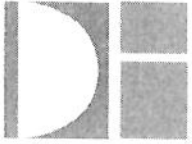
The proposed modification suggests deletion of the adopted policy which recognized that the Ontario Municipal Board will determine the detailed land use designations for my clients' lands and that Figure 2 will have to be reviewed and revised accordingly on issuance of the Board Decision.

The Board Decision and Order has now been issued and Board has determined that the majority of my clients' lands should be designated for residential uses. The Board has not yet issued a decision with respect to 2 parcels of land (A1 and A2) immediately adjacent to Highway 404, suggesting that the Town, Region and my clients meet and attempt to identify the appropriate designation, but the Decision was clear that employment land employment uses were not an option for these parcels. Thus none of my clients' lands have been determined by the Board to be "strategic employment lands" as reflected on Figure 2 and the policies, as modified in section 4.3.6 and 4.3.7 should not apply to my clients' lands.

No rationale has been provided for the deletion of this policy, nor has a revised Figure 2 been issued reflecting Council's adopted policy requiring the Figure be amended on issuance of the Decision. We therefore request that the Committee not adopt modification 23 and direct staff to prepare, for adoption, an amended Figure 2 removing identification of my clients' lands as strategic employment lands from Figure 2.

Flyover Identification

As previously noted in my October 6, 2009 letter to Mr. Tuckey, my clients object to the inclusion on the mapping of a flyover in the vicinity of my clients' lands, together with its companion policies. Not only did the Ontario Municipal Board determine that it was inappropriate to reflect a potential flyover on the mapping for the North Leslie Secondary Plan Area, there is a significant question based on the Board's Decision about the need for and appropriateness of a flyover in the proposed location. The flyover or crossing should be deleted from the Schedule.



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Furthermore, policies reflecting the opportunity for these midblock crossings should reference the requirement to show need and appropriateness in accordance with an environmental assessment.

Yours sincerely,
DAVIES HOWE PARTNERS

Susan Rosenthal

copy: Mr. John Waller, Director of Long Range and Strategic Planning, Region
Mr. Warren Sorensen
Clients

