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Facsimile/Télécopie

October 7, 2009

CM#/No Réf. 204156-398572
4529

Total number of pages
including cover sheet.

3

Nombre de pages incluant
la page couverture.

08

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From/Exp.: John A. R. Dawson		416 601-8300	416 868-0673



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October 7, 2009

VIA FACSIMILE, E-MAIL & PRIORITY POST

Chair and Members of Regional Council
Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1

Attention: John B. Waller
Director, Long Range and Strategic Planning

Dear Sirs/Mesdames:

Re: Proposed New Region of York Official Plan ("Draft OP")

We are the solicitors for Sanmike Construction Limited, the owner of lands located on the east side of Bayview Avenue, just south of Elgin Mills Road. On behalf of our client, we would like to take this opportunity to provide some preliminary comments on the Draft OP.

At the outset, our client believes that it is a fundamental purpose of land use planning to set out a guide for future actions by interested parties. We submit that the proposed policies 8.4.10 and 11 are contrary to this basic purpose, in that they seek to make the Draft OP retroactive in application. We request that these policies be deleted.

A matter of fundamental concern to our client is the way in which the Draft OP moves to de-link land use from infrastructure at the local level. In the existing Official Plan, Local Corridors are designated, and correlate to infrastructure designations (transit and arterial roads). In the Draft OP, the designation of Local Corridors is left to the local municipality. There is no clear and unambiguous linking of built form to regional infrastructure in the Local Corridors policies. Furthermore, there is no clear acknowledgement in the Intensification policies that sites with direct access to planned transit should have higher levels of intensification. The Draft OP should be amended to encourage higher levels of intensification where transit is planned.

On a related matter, the Draft OP appears to be premised on the notion that one built form approach fits all intensification scenarios; generally, a continuous building form adjacent to

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October 7, 2009

- 2 -

John B. Waller

the road. Our client does not dispute that much of the time encouraging such an approach to urban design will have merit. That said, we submit that the totality of the context should drive the design approach; in any given circumstance, matters of prevailing built form, natural or cultural heritage, or engineering restrictions may predominate. The Draft OP should be amended to reflect this.

As well, among other matters, our client is concerned that the Draft OP would enshrine a framework where significantly increased costs can be imposed on development. Although the importance of the efficient use of land and infrastructure is universally acknowledged, policies requiring the provision of sustainable building elements and affordable housing discourage the production of the very forms of development which best address this goal. A compact urban form is critical to a healthy natural and social environment, so any policies with the potential to derogate from this must be carefully constrained.

Our client would be pleased to participate in further discussions to resolve the issues. Please do not hesitate to contact us in this regard.

Yours very truly,

McCarthy Tétrault LLP

Per:



John A.R. Dawson
JARD/skf
c: Denis Kelly