TOWNSEND AND ASSOCIATES
BARRISTERS AND SOLICITORS

October 6, 2009

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

Attention: Mr. Bryan Tuckey, Commissioner of Planning and Development Services
Mr. Denis Kelly, Regional Clerk

Dear Sirs:

Re: PROPOSED YORK REGION OFFICIAL PLAN, JUNE 2009 DRAFT
Aryeh Construction Limited

We represent Aryeh Construction Limited with respect to the review of the proposed York Region Official Plan. Our client owns lands municipally known as 8293 and 8303 Warden Avenue, within the Town of Markham. We offer the following comments on the June 2009 draft policies (the "draft OP").

Affordable Housing

Our client is deeply concerned with policies 3.5.4 – 3.5.7 and 5.4.6.e, requiring that 25% of new housing units across the Region and 35% of new housing units in Regional Centres and Regional Corridors be affordable and offered through a mix and range of housing types.

Our client also objects to the definition of "affordable" in the draft OP, which renders the above-referenced policies financially unfeasible. With the rising cost of housing and its associated new infrastructure, provision of new units at this rate would compel the development industry to subsidized a significant portion of all affordable housing, the cost of which would ultimately be passed on to the home buyer purchasing above the affordability limit. Furthermore, it is inequitable to make these costs the responsibility of new home buyers and new employment uses, with no portion being born by the various levels of government and the existing community. For the same reasons, our client objects to policy 3.5.11, considering the introduction of a social housing development charge.

Our client is also concerned with the implementation of the aforementioned affordable housing policies. If the 25% and 35% requirements will be applied at the Secondary Plan level, it is unclear how the costs will be distributed equitably among all development applications within the secondary planning area. Nor do we understand how the Region intends to ensure that the affordable units remain in the possession of low-income households and that they will not be transferred at a value above the affordability limit.

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The Regional Greenlands System

Our client has concerns with the draft OP's policies relating to adjacent lands and minimum vegetation protection zones for the Natural Heritage System within the Protected Countryside designation of the Greenbelt Plan as well as for Significant Woodlands. Such policies include 2.2.4, 2.2.8, 2.2.13, 2.2.14, 2.2.16, and 2.2.37, as well as the associated delineation of the Greenland System on Maps 1 to 8, which constitute part of the official plan. We would suggest that a caveat be applied to all of the maps, indicating that the extent of the Greenland System is only approximate and will be further refined through future planning processes occurring at the local level.

Foremost, it is our client's position that the Region has agreed to specific setbacks for the features on its property. Comments were provided to the Town of Markham through their Environmental Policy Review and Consolidation Study, resulting in boundary adjustments of the Greenway System and Natural Heritage Network such that our client's lands would be further than the ten metre setbacks that were being considered. Maps 1 and 2 of the draft OP do not appear to reflect these adjustments and the policies indicate 30 metre and 120 metre setbacks. As such, we would request a transitionary clause or special exemption ensuring that the agreed-to setbacks are applied to future development on our client's property, in lieu of the adjacent land and minimum vegetation protection zone policies identified above.

Phasing Growth

Our client is concerned with policies 5.1.6 to 5.1.8, which impose specific requirements for phasing of development. These policies could unduly restrict fair competition among developers within a specific precinct area.

Public Art

Our client is also concerned with policy 5.4.6.k, which encourages public art policies within secondary plans and the dedication of 1% of the capital budget of all major municipal buildings to public art. It is our client's position that imposing this policy will increase the cost of housing for the private sector. We suggest that the wording of this policy should clearly indicate that financing of public art will occur on a voluntary basis. It should not be a mandatory requirement for future development.

We understand that comments on this version of the draft OP were also provided by Malone Given Parsons Ltd. on behalf of BILD York Chapter. We adopt the comments in that submission as they relate to affordable housing and the Regional Greenland System.

We would request that this letter be brought to Council's attention as our comments under the requirements of the *Planning Act*.

Yours truly,
TOWNSEND AND ASSOCIATES

Jennifer Meader

for: Lynda J. Townsend

cc. Client
Mr. Peter Swinton, PMG Planning Consultants