

TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

LYNDA J. TOWNSEND PROFESSIONAL CORPORATION

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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
Devon Lane Construction Ltd.**

We represent Devon Lane Construction Ltd. with respect to the review of the proposed York Region Official Plan. Our client owns approximately 50 acres on the East side of Bayview Avenue, South of 19th. Avenue, within the Town of Richmond Hill. We offer the following comments on the June 2009 draft policies (the "draft OP").

Affordable Housing

Our client is deeply concerned with the affordability policies 3.5.4 – 3.5.7, required for 25% of new housing units across the Region and 35% of new housing units in Regional Centres and Regional Corridors.

Given the definition of affordable housing in the draft OP, this policy is not financially feasible. With the rising cost of housing and its associated new infrastructure, provision of new units at this rate would compel the development industry to subsidize 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.

The Greenlands System

In November 2006, a lengthy Ontario Municipal Board hearing culminated in Decision/Order No. 3289 which established the land use designations and policies for the North Leslie Secondary Plan ("NLSP").

Our client's lands are included within the NLSP area. Among other things, this decision identified the Natural Heritage System within the NLSP and the appropriate buffers for its features, and determined the corresponding policies, having considered the Greenbelt Plan and the evidence put before the Board by various expert witnesses. Policy 2.2.16 and Maps 1 to 8 do not appear to reflect the Natural Heritage System as it was identified through this Board process. The natural heritage features and key hydrological features in the NLSP have been the subject of extensive studies and it would be excessive and repetitive to conduct any further studies with respect to the natural heritage system for this secondary plan area.

The affordable housing policies discussed above would also cause an imbalance in the policies that were determined through the Board decision and would require substantial efforts to rebalance all competing concerns as the lands identified for development proceed through zoning and subdivision processes.

We understand that comments on this version of the draft ROP were also provided by Malone Given Parsons Ltd. on behalf of BILD York Chapter and by Sorensen Gravely Lowes Planning Associates Inc. on behalf of North Leslie Residential Landowners Group Inc. We adopt the comments in each of these submissions as they relate to the policies discussed above.

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



Lynda J. Townsend

cc. Client
Mr. HESSIE RIMON, PMG Planning Consultants