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May 17, 2022

E-Mail to regionalclerk@york.ca

Regional Council
York Region Administrative Center
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: Christopher Raynor, Regional Clerk

Dear Chairman Emmerson and Members of Regional Council:

**Re: Comments on the Updated Draft Regional Official Plan
55 Eagle Street, Newmarket**

We are the owner of future development lands generally located northeast of Yonge Street and Eagle Street and municipally known as 55 Eagle Street (the Subject Land).

Our planner, Malone Given Parsons (MGP), submitted a letter dated March 31, 2022 on our behalf to comment on the Draft Official Plan. Amongst other comments, MGP requested site specific mapping changes to the Subject Land. Staff recognized the requests however, recommended no change.

The Subject Land is subject to appeals at the Ontario Land Tribunal (Cases: OLT-22-002308, OLT-22-002309, OLT-22-002310).

Subsequent to our planner's letter, we have entered into Minutes of Settlement with the Regional Municipality of York and the Town of Newmarket dated April 25th, 2022 which resolves land use issues and including a development limit. We have enclosed a schedule to what will be known as Official Plan Amendment 34 to the Town's Official Plan reflecting the settlement.

For that reason, we believe the mapping should be modified at this time to reflect the settlement and respectfully request that our comments be re-considered.

Yours truly,

MILLFORD DEVELOPMENT LIMITED

Frank Orsi

-encls: - Nmkt Schedule to OPA 34
-Letter from MGP March 31, 2022

**Schedule A Land Use
(Town of Newmarket
Official Plan 2006)**

YONGE ST

- Subject Lands
- Site Specific Amendment /OBM Referral

Official Plan Land Use

- Residential
- Parks & Open Space
- Natural Heritage System

Urban Centre

Water Features

- ~~~~~ Watercourse
- ~~~~~ Watercourse - Intermittent

Floodplain

Floodplain limits are shown for screening purposes only and may not reflect the most current data. The LSRCA should be contacted to confirm the actual floodplain limits & to obtain the most up-to-date data. A topographic survey may be required in order to determine the limit of predicted flooding at a specific site. March 2019.

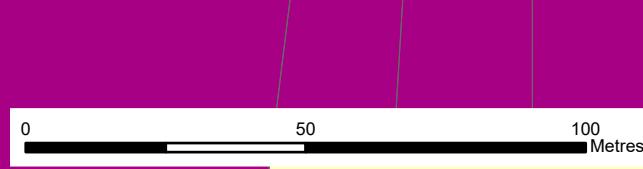
From "Parks & Open Space"
To "Residential"

From "Parks & Open Space"
To "Natural Heritage System"

From "Residential"
To "Natural Heritage System"

From "Natural Heritage System"
To "Residential"

EAGLE ST



Designed & Produced by Information Technology – GIS. Printed: April, 2022.
Sources: Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2022. Roads, Water Features - Data, Analytics and Visualization Services Branch, Corporate Services, © The Regional Municipality of York, 2022. All Other Data - © Town of Newmarket, 2022.
DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

March 31, 2022

MGP File: 20-2923

The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1
via email: sandra.malcic@york.ca

**Attention: Ms. Sandra Malcic MCIP, RPP
Director, Long Range Planning**

Dear Ms. Malcic:

**RE: Comments on the Draft Regional Official Plan
Millford Development Limited and 1209104 Ontario Limited
55 Eagle Street and 16950 Yonge Street, Newmarket**

Malone Given Parsons Ltd. (“MGP”) is the land use planner for Millford Development Limited and 1209104 Ontario Limited (“Millford”), who are owners of two parcels of land, one located east of Yonge Street and north of Eagle Street municipally known as 55 Eagle Street, Newmarket and the second located west of Yonge Street and north of Clearmeadow Boulevard municipally known as 16950 Yonge Street, Newmarket (the “Subject Properties”). We are writing this letter to provide comments and feedback regarding the Draft York Region Official Plan (the “**Draft YROP**”, or the “**Plan**”) and provide this letter with our comments on the key policy matters, released November 25th, 2021.

We recognize and commend the effort that Regional staff have put into the preparation of the Draft OP and are thankful for the opportunity to provide comments. In the role as professional planners, we are practitioners actively involved in the implementation of the York Region Official Plan on behalf of the development community and offer the following comments in regard to Draft YROP. However, as we advance further discussions with Staff, we reserve the right to provide additional comments.

GENERAL COMMENTS

There are many laudable goals and objectives outlined in the Draft YROP, reflecting contemporary directions in good planning. However, we are concerned that there is a lack of clarity and specificity in key policy areas. Prescriptive policies with unclear implementation outcomes will present significant challenges to realizing the goals of the Plan and bringing more housing to the Region in a timely and cost-effective manner.

To effectively implement the Plan, the development community needs to understand what is required when planning and designing buildings and communities, to be assured that the requirements are achievable and reasonable, and to clearly understand the specific outcomes that achieve the goals of the Region. As such, for those policies where universal application

throughout the Region is not possible, or where specific outcomes are unclear, ***we recommend that policy framing of “hard” requirements currently using the words ‘shall’ or ‘must’ be revised to ‘should’ or ‘may’.***

Also, we note several policies are numbered the same and find the policy numbering system thus confusing. For example, Policy 3.4.2 Natural Features Policies on Page 48 is the same policy number as Policy 3.4.2 Woodlands Policies on Page 56. ***We request the Region review the policy numbering approach to increase clarity and eliminate all instances where policies are numbered the same.***

SUSTAINABLE NATURAL ENVIRONMENT

We are supportive of Policies 3.2.2, 3.4.7, and 3.4.1.5, which permit refinements to the boundaries of the Regional Greenlands System, Key Natural Heritage Features and Key Hydrologic Features, and also permit Provincial boundary refinements or reclassification of wetlands without an amendment to the Plan, subject to approved environmental work at the local level. The ability to refine the limits of features later in the planning process is appropriate to ensure proper outcomes of more detailed fieldwork and study, and that they will be implemented without the need for additional unnecessary process.

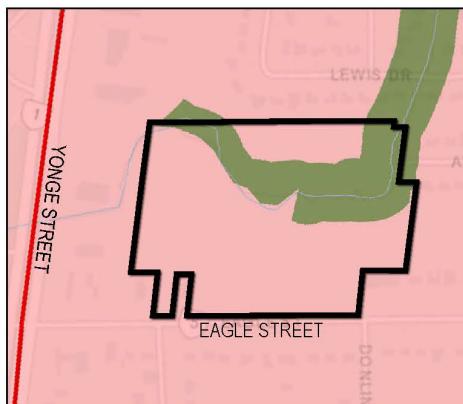
This is the case with 55 Eagle Street, where we are currently in the midst of a local OPA and ZBA process that is also before the Ontario Land Tribunal. Once resolved, the local OPA and ZBA approved for the site will refine the limits of the natural heritage system and features within the property based on detailed Environmental Impact Studies and consultation with the Region and LSRCA. These more detailed studies are not reflected in the Draft YROP mapping. Instead, Maps 1, 2 and 5 have in fact expanded the extent of the Regional Greenlands System and Woodlands on this property in a way that is NOT consistent with the current studies and minutes of settlement that are being executed this week between Millford, the Town of Newmarket and Region of York (***See Figure 1.***)

Furthermore, by identifying all woodlands as illustrated on Map 5 (all which have not been defined through detailed environmental studies) and the inclusion of ALL potential features within the Regional Greenlands System removes the applicability for any refinements to features, or removals of portions of woodlands that are currently permitted by the in-force York Region OP. For example, the woodlands identified on Map 5 are now included into the Regional Greenlands System mapped on Map 2. This haphazardly eliminates the policy rationale to support further refinements or removals of a portion of a woodland that are deemed not-significant based on its characteristics and composition. There is now a circular policy that would restrict these refinements or removals based solely on the fact that the lands are now identified within the Regional Greenlands System (refer to Draft Policies 3.4.2.7 and 3.4.2.8 / Current Policies 2.2.48 & 2.2.49). ***As such, we request that the Region adjust the boundaries of the Regional Greenlands System on Map 2 and Woodland features illustrated on Map 5 to reflect the boundaries that have been determined through ongoing Planning Applications (D9-NP-11-09 [OPA], D14-NP-11-09 [ZBA], OLT-22-002310, and OLT-22-002308) and consultation with the Town of Newmarket and LSRCA for 55 Eagle Street.***

Furthermore, we suggest that Policy 3.4.2.7 reconsider to what extent the mapping of the Regional Greenlands System as illustrated on Map 2 applies when considering a features significance. This is especially important if the basis used for defining the Regional Greenlands System hasn't been ground truthed through appropriate studies.

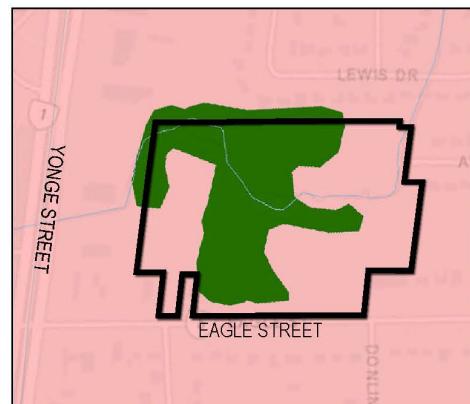
Figure 1: Comparison of Regional Greenlands System and Woodlands Features

REGIONAL OFFICIAL PLAN 2010



MAP 1 - REGIONAL STRUCTURE

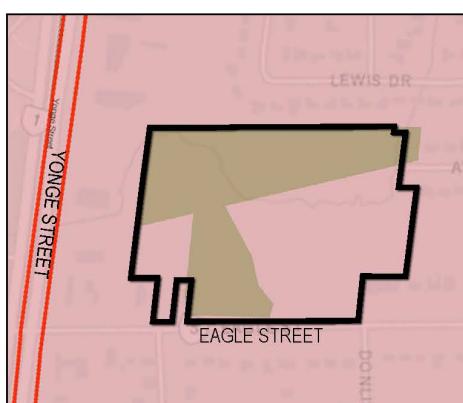
- Regional Corridor
- Urban Area
- Regional Greenlands System



MAP 5 - WOODLANDS

- Woodlands
- Urban Area

REGIONAL OFFICIAL PLAN 2021



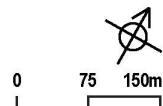
MAP 1 - REGIONAL STRUCTURE

- Regional Corridor
- Urban Area
- Regional Greenlands System



MAP 5 - WOODLANDS

- Woodlands



OFFICIAL PLAN COMPARISON 55 Eagle Street, Newmarket

Prepared By:

MGP Malone Given Parsons.
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905 513 0170 | mgp.ca

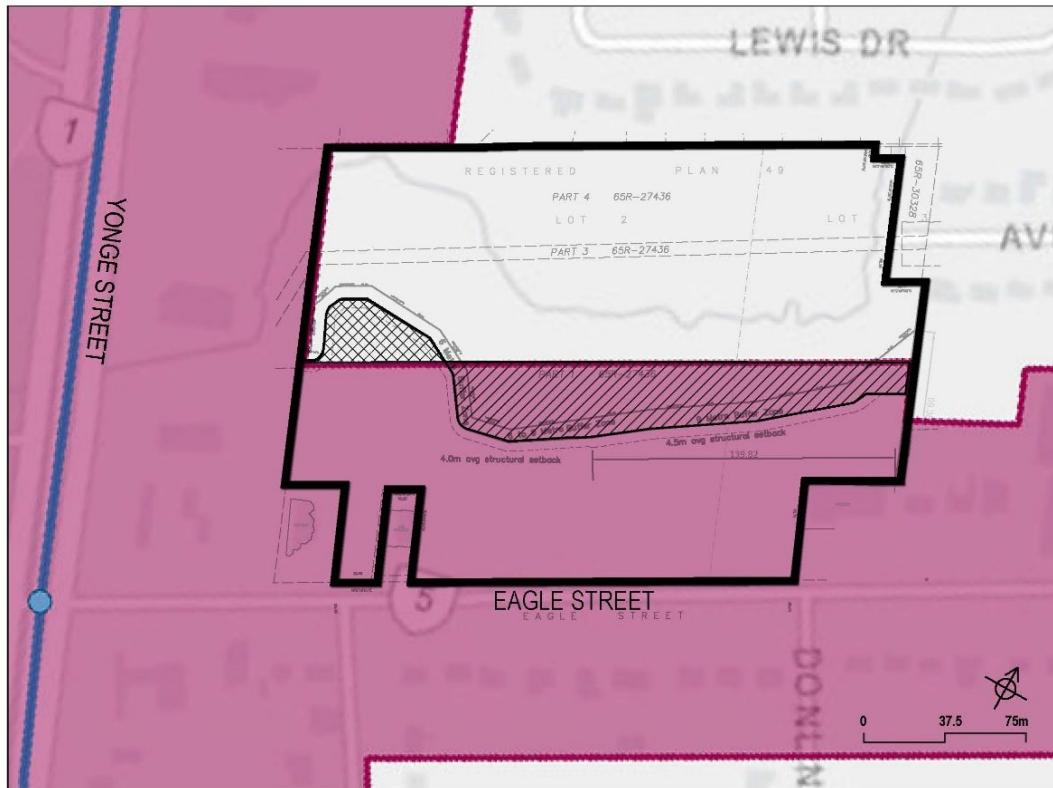
Date: March 4, 2022 | Job No.: 20:2923

Source: Region of York (2010, and 2021), MGP (2022)

MTSA BOUNDARY FOR 55 EAGLE STREET

Similarly, a portion of 55 Eagle Street is identified within MSTA 29 Eagle BRT Station. However, the extent of the MTSA is not consistent with the natural heritage features and limit of development that has been defined through current planning applications and the OLT process as supported by detailed EIS and other technical studies and ongoing consultation with the Town of Newmarket and LSRCA. Furthermore, MTSAs are defined as “*the area within an approximate 500 to 800 metre radius of a transit station or stop, representing about a 10-minute walk*”. The 55 Eagle Street lands identified below are well within this definition based on distance to a transit station or stop. As such, ***we request the Draft YROP mapping for MSTA 29 be modified to properly reflect the limit of development for 55 Eagle Street. Furthermore, the minor refinements of the MTSA boundaries, such as this, should be permitted through local area plans without requiring an amendment to the Regional plan (See Figure 2).***

Figure 2: Illustration of MSTA 29 Boundary Refinement for 55 Eagle Street.



MAJOR TRANSIT STATION AREAS

55 Eagle Street, Newmarket

■ Major Transit Station Areas

▨ Addition to Major Transit Station Area

Transit Station

▨ Remove from Major Transit Station Area Boundary

● Bus Rapid Transit

Transit Corridor

— Bus Rapid Transit

Prepared By:
MGP Malone Given Parsons.
140 Renfrew Drive, Suite 201 | Markham, ON L3R 6G9
905 513 0370 | mgp.ca
Date: March 4, 2022 | Job No.: 202923

Source: Region of York (2021), MGP (2022)

SUSTAINABLE AND RESILIENT COMMUNITIES

We support the Region's direction to include policies regarding planning for and mitigating climate change and appreciate that the policies in the Draft YROP are informed by the *York Region Climate Change Action Plan*. However, to be realized, the policies must be realistic and implementable through clear requirements. We do not believe the policies in the Draft YROP currently provide clear requirements, which will result in delays and uncertainty during the local municipal implementation and development processes.

For example, Policy 2.3.1.10 states: "*That appropriate mitigation measures to reduce and prevent exposure to air pollutants will be incorporated in community, building and site design of communities located near significant known air emissions sources such as 400-series highways.*" However, this policy does not provide specific direction as to appropriate mitigation measures, nor does it specify any other "significant known air emissions sources" or identify what it means to be "near" an emissions source. Without an implementation framework, these new policies will result in confusion and uncertainty for lower-tier municipal interpretation, as well as an inability for development proponents to determine that any given application conforms to the Official Plan. ***We request policy 2.3.1.10 be revised to provide more clarity and direction.***

We are also concerned with how these policies will work with other policies of the Plan. All policies must be read together, yet some of the climate change policies are in direct conflict with the priorities of other policies of the Draft YROP. The policies should be amended to specify which take priority and make clear the specific outcomes that are sought to be achieved. We note that there is also a lack of publicly-available background work supporting this policy section. We request that such work be made available to outline the strategies and means by which the Region would like to see climate change addressed in the land use planning process to assist in the review of the final Official Plan. ***Additional clarity from the Region in supporting explanatory work and a clearer policy hierarchy would help to improve the climate change policies.***

AFFORDABLE HOUSING

We are generally supportive of the goals and objectives identified in the Draft YROP to address affordable housing needs. However, we believe that a successful approach to addressing housing affordability must be realistic and implementable through partnerships between the public and private sectors.

First and foremost, we would like to point out that the Draft YROP definition of "affordable" is not consistent with the PPS, 2020 definition. The PPS, 2020 states that in the case of ownership housing, "*Affordable means the least expensive of: 1. Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of the gross annual household income for low and moderate income households; or 2. Housing for which the purchase price is at least 10 percent below the average purchase price of resale unit in the regional market area.*" With regard to rental housing, the PPS, 2020 states that "*Affordable Housing means the least expensive of: 1. a unit for which the rent does not exceed 30 percent of the gross annual household income for low and moderate income households; or*

2. A unit for which the rent is at or below the average market rent of a unit in the regional market area".

Whereas the Draft YROP definition does NOT include the second parameter for ownership housing and states that in the case of rental housing, "*Affordable means a unit for which the rent is at or below 125% the average market rent of a unit in the regional market area, by bedroom type*". The definition of Affordable Housing in the Draft YROP goes significantly further than the PPS in limiting what housing would qualify as "affordable". ***We request that the definition of "Affordable Housing" be revised to be consistent with the PPS 2020.***

Furthermore, the PPS states in Policy 1.4.3 that "*Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet the projected market based and affordable housing needs of current and future residents of the regional market area by: a) Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans*". The Draft YROP currently does not provide enough direction with regards to housing that is projected to meet market-based demand versus housing that is targeted for affordable housing needs as required by the PPS. These targets should be separately defined and exclusive of one another. Furthermore, as directed by the PPS policy 1.4.3 targets for the provision of affordable housing must align with applicable housing and homelessness plans.

As such, we would suggest that policy 2.3.2.1 be revised to also include reference to the provision of "Market Based" housing as required by the PPS 2020. Furthermore, we request that the affordable housing targets in policies 2.3.2.2 and 2.3.2.3 be more closely tied to the Regions Housing and Homelessness Plan as required by the PPS and that these targets be defined "in addition to", not part of the allocation of market-based housing that has been defined for these areas. As the policies are currently written, they essentially will have the effect of removing 25 to 35% of the market-based housing supply which will only further exacerbate the affordable housing crisis that is being experienced in the Region.

We would like to highlight that the *Affordable Housing in York Region – 2020 Measuring and Monitoring Report* that went to Committee of the Whole on June 10, 2021 concluded that the existing Region Official Plan affordability targets have not been met for the third year in a row. ***We continue to request that a detailed framework for providing affordable housing and realistic targets be provided to stakeholders for comment on their feasibility and appropriateness.***

In addition, the in-force OP policies reference "intrinsically affordable" townhouse and apartment units, second suites, and designated land for high density residential development among other opportunities which count towards achieving the 25% and 35% Housing Affordability Targets. By contrast, the Draft YROP provides no such guidance and appears to rely on its more generic definition of affordable housing. ***With respect to "affordable housing", the difference between subsidized or assisted housing and affordable housing that is available on the free market, which has become referred to as attainable housing should be clearly defined in the YROP.*** The latter may contain a number of building and unit types (stacked townhouses, back-to-back townhouses, secondary suites etc.) that are more

affordable in the ownership housing spectrum but not commonly considered in government programming and subsidies. These types of market-based housing options contribute to providing a range of housing options for various income levels and maintain the potential for residents of the region to attain housing ownership.

We believe the Regional Official Plan should clarify ***the development community's role is to produce attainable housing, whereas the role of municipalities and other agencies is to provide subsidized or assisted housing, in partnership with the development community where appropriate.***

New developments allow for the opportunity to design innovative and modern solutions that are accessible, inclusive of additional dwelling units, appropriately zoned (for building types and parking requirements), and flexible to adapt to various housing and living space needs. ***The development approvals process for these should be streamlined to bring housing into the market sooner and to reduce the cost associated with lengthy and onerous approvals that only further impact the cost of housing to residents.***

Providing for both assisted and attainable housing provides the best long-term strategy for ensuring there is a significant stock of affordable housing in the Region and the establishment of achievable targets. However, without financial incentives or broadening what is considered affordable it is unlikely that these targets will be met. This is particularly the case under current market conditions where almost no form of ownership housing can meet Provincial and Regional definitions of affordability.

We suggest that ***the policies of the draft Official Plan be modified so that hard targets (Policies 2.3.2.2 and 2.3.2.3) for the provision of affordable housing should apply to York Region Community Housing, not to the development industry at large*** as there are limits to what private developers can realistically achieve.

Targets that apply to all development in the Region should allow flexibility to include attainable ownership housing and be required 'to the extent possible' to reflect the limits of what can be provided by the market (which can and will vary over time). In general, medium and high-density housing forms, as well as secondary suites associated with lower-density housing forms, are the most market-attainable affordable homes in the housing spectrum. ***These forms of housing should be identified in the Region's definitions as counting towards to creation of affordable housing stock in the Region*** and providing a full mix and range of housing over the next 30 years.

IMPLEMENTATION AND STUDY REQUIREMENTS

The Draft YROP contains a few study requirements to support development throughout the Plan including those listed in policy 7.3.11. These include but are not limited to:

1. Affordable Housing Contribution Plans
2. Archaeological Assessments
3. Agricultural Impact Assessments
4. Contaminant Management Plans
5. Environmental Impact Study or Earth Science Heritage Evaluation

6. Landform Conservation Plan
7. Aggregate Study
8. Subwatershed Study or Equivalent
9. Planning Justification Report
10. Section 59 Notice and Source Water Impact Assessment and Migration Plan
11. Community Energy Plans
12. Health, Environmental and Air Quality Impact Studies
13. Transportation Mobility Plans
14. Master Environmental Servicing Plans or Water and Wastewater Servicing Plans

These study requirements are further amplified by local study requirements and detailed site planning and design requirements which have, perhaps inadvertently, resulted in an overly onerous, redundant, and costly development approval process. The development approval process and these study requirements have a cumulative effect that requires significant time to study, prepare, review and revise which delays bringing housing to the market and further compounds the affordability crisis. The Draft YROP's current approach to studies is to use absolute requirements, and to require many studies in all development processes.

Currently it takes not only years but decades to work through the development approvals process with these ambiguous and redundant study requirements. For example, Block 41, Angus Glen and other expansion areas from the 2010 ROPA are just now working through Block Plan approval which was brought into the urban area in 2010 and were intended to be fully built by 2031 to satisfy the associated population and growth forecasts. However, as it is working out, these lands will be lucky to even get started construction by 2031.

In accordance with the Report of the Ontario Housing Affordability Task Force recently released in February of this year, we need to build more homes to meet the needs of the growing population (demand), or housing prices will continue to rise. Recommendations 1 and 2 from this report suggest adding 1.5 million homes in Ontario over the next 10 years and updating planning process to prioritize this.

We request additional policy direction in the Draft YROP to specify the circumstances in which specific studies are absolutely required, with an emphasis on requiring studies only where necessary. Development studies should only be required where necessary to achieve identified goals. Generally, requiring all studies for all development applications will result in wasted time and energy. In addition, it is unclear what status the various non-legislated plans are required by the Draft YROP; there should also be a clear process for third parties to comment on these plans.

For example, Policy 6.5.4 requires the preparation of comprehensive master environmental servicing plans ("MESPs"), or appropriate technical studies, as a component of secondary plans and major development. As "major development" is defined as the creation of four or more lots or the construction of a building with a ground floor area of 500 m² or more, this would require the completion of such studies for a small supermarket, single business, or a minor variance to permit the construction of two homes. A comprehensive master environmental servicing plan would be required for the majority of development applications, even if a single property owner was proposing a development with no integration required

with others. The requirement will unnecessarily burden and slow down development in the Region. ***More specificity is required in terms of which appropriate technical studies are required in different development contexts and scales.***

MAJOR DEVELOPMENT DEFINITION

The Draft YROP defines major development as “the creation of four or more lots, the construction of a building or buildings with a ground floor area of 500 square metres or more, or the establishment of a major recreational use”. This definition was taken from the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan. The intention of this definition (in particular, the threshold of 500 square meters) in Provincial conservation plans is to ensure that any development beyond a moderately sized home be subject to extensive study requirements to both deter such development and ensure that such development is consistent with the conservation nature of those plans. The Draft YROP applies this definition Region-wide, and we believe inadvertently requires ALL development beyond the size of a large home to be subject to extensive and often area-wide (as in the case of an MESP) study requirements. ***We request the Plan define major development in the Region as the construction of a building or buildings with a ground floor area of 50,000 square metres or more, appropriately deferring to Provincial plans for applicable definitions within those plan areas.*** This change will generally require studies for development that is truly on a major scale, except where a different definition applies with a Provincial plan area.

CONCLUSION

We recognize how challenging it is to review and craft new Official Plan policy and recognize the extensive work York Region Planning staff have undertaken in producing the draft Official Plan. We look forward to working with Staff to ensure that the final Official Plan contains the best policies to guide the development of complete communities in the Region.

We value public consultation and thank you for the opportunity to provide comments during the MCR process. An essential component of meaningful consultation is acknowledgement of comments received and the provision of a response to comments in writing. As such, we request that the final Official Plan be supported by a comment-response matrix for all comments received throughout the MCR process (including those from this letter). In any case, we request a written response to the comments provided in this letter.

Yours very truly,

Malone Given Parsons Ltd.



Allyssa Hrynyk, MCIP, RPP, AICP, MUDS

Senior Planner and Urban Designer

cc: Millford Development Ltd.

1209104 Ontario Ltd.