

ISSUE DATE:

December 19, 2012



Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL101128
PL101233
PL101238

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990 c. P. 13, as amended

Appellants: See Attachment "1"
Subject: Proposed Official Plan for the Regional Municipality of York
Municipality: Regional Municipality of York
OMB Case No.: PL101128
OMB File No.: PL101128

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990 c. P. 13, as amended

Appellant: 1596630 Ontario Limited
Appellant: Dalton & Alan Faris
Appellant: Eden Mills Estates Inc.
Appellant: Martin Pick, Thomas Pick & 132463 Ontario Inc.
Appellant: Rice Commercial Group of Companies
Subject: Proposed Regional Official Plan Amendment No. 1 (ROPA 1)
Municipality: Regional Municipality of York (Town of East Gwillimbury)
OMB Case No.: PL101233
OMB File No.: PL101233

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990 c. P. 13, as amended

Appellant: Minotar Holdings Inc., Cor-lots Developments, Cherokee Holdings & Halvan 5.5 Investments Limited (collectively referred to as "Minotar")
Appellant: Grace Chinese Gospel Church of North York
Appellant: North Markham Landowners Group
Subject: Proposed Regional Official Plan Amendment No. 3 (ROPA 3)
Municipality: Regional Municipality of York (Town of Markham)
OMB Case No.: PL101238
OMB File No.: PL101238

B E F O R E:

S. W. LEE
ASSOCIATE CHAIR

K.J. HUSSEY
VICE-CHAIR

)
) Wednesday the 19th day of
)
) December, 2012
)

THE BOARD ORDERS that the Order issued on December 17, 2012 pertaining to the approval of certain retail and employment policies in the York Region Official Plan – 2010 as modified is to be deemed null and void and therefore replaced with this Order containing the content below;

THIS MATTER having come on for a public hearing on November 19, 2012;

AND THE BOARD having heard the submissions of counsel for The Regional Municipality of York ("York Region") relating to the approval of certain retail and employment policies in the York Region Official Plan – 2010 as modified and as further described herein ("ROP – 2010");

AND THE BOARD having heard the submissions of counsel for certain other parties related to the approval of certain retail and employment policies in the ROP – 2010;

AND THE BOARD having received the affidavit evidence of Valerie Shuttleworth, MCIP, RPP (sworn November 9, 2012) filed at Tab 2 of Exhibit 97 ("Shuttleworth Affidavit") on behalf of York Region pertaining to the approval of certain retail and employment policies in the ROP – 2010;

AND THE BOARD previously having approved Orders for Partial Approval with respect to the ROP – 2010 on November 8, 2011, July 11, 2012 (Order issued on August 23, 2012, "August 23, 2012 Order for Partial Approval"), September 19, 2012 and a Decision made on October 25, 2012;

AND WHEREAS certain retail and employment policies remained under Region-wide appeal pursuant to Appendices 1 and 2 of the August 23, 2012 Order for Partial Approval;

AND WHEREAS York Region and each of the following parties have executed Minutes of Settlement as well as other settlement documentation filed in these proceedings:

- a) Rice Commercial Group of Companies, Minutes filed as Exhibit 79;
- b) Loblaw Properties Limited, Minutes filed as Exhibits 93 and 94;
- c) Aurora 2C Landowners Group Inc., Aurora-Leslie Developments Inc. and Robert Sikura, Minutes filed as Exhibit 70A;

- d) SmartCentres and Calloway Real Estate Investment Trust, Minutes filed as Exhibits 74 and 75;
- e) Times Group Corporation, Minutes filed as Exhibit 78; and
- f) 583753 Ontario Limited, Amir Hessam Limited and 668152 Ontario Limited, filed as Exhibit 98.

AND WHEREAS as a result of negotiation and mediation, and in accordance with the above mentioned Minutes of Settlement and other settlement documentation filed in these proceedings, York Region and the parties now consent to the following Order;

THE BOARD ORDERS that:

1. In accordance with section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, those retail and employment policies and definitions attached hereto as Schedule "A" to this Order, and associated text, including sidebars and preambles, as well as Figure 2, attached hereto as Schedule "B", are hereby approved ("Approved Retail and Employment Policies") save and except Policy 5.1.12 and as otherwise contained herein.
2. In accordance with paragraph 13 of the August 23, 2012 Order for Partial Approval, Policy 8.3.8 is modified in accordance with Schedule "A", and as so modified, is approved.
3. Concurrent with the approval of the Approved Retail and Employment Policies as set out herein, the concordant provisions of the 1994 Regional Official Plan, approved by the Minister of Municipal Affairs and Housing on October 17, 1994 and as modified from time to time up to the date of this Order, as set out in the March 1, 2009 Office Consolidation, marked as Exhibit 66 in these proceedings, are hereby repealed and are no longer in force, as set out in Schedule "C", save and except as provided for in Minutes of Settlement entered into by York Region with various Appellants and/or Parties for the applicable time periods set out therein.
4. The following appeals have been completely resolved through the approval herein:

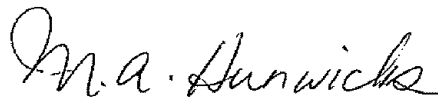
- a) Loblaw Properties Limited;
 - b) Times Group Corporation; and
 - c) 583753 Ontario Limited, Amir Hessam Limited and 668152 Ontario Limited on the basis of Minutes of Settlement filed as Exhibits 72 and 98.
5. The following appeal has been partially resolved through the approval herein and is hereby scoped to the following portions of the ROP – 2010 which remains under appeal on a site specific basis:
- a) Rice Commercial Group of Companies – maintains Section 4.3, Section 4.4, Policy 5.5.3(b), Policy 7.2.73 (formerly Policy 7.2.72), and Policies 8.4.15 to 8.4.20 and all related definitions, maps, schedules and appendices (all on a site specified basis to the Major Mac Lands), pursuant to paragraph 14 of Exhibit 79.
6. In accordance with paragraph 15 of the August 23, 2012 Order for Partial Approval, Policy 8.4.20 is hereby amended to add the following, and as so amended, is approved:
- c) Loblaw Properties Limited – ZBA 215-05 (Richmond Hill); and
 - ci) Loblaw Properties Limited – OPA 147 and ZBA's 2006-6 and 2006-7 (Markham).
7. In accordance with paragraph 13 of the August 23, 2012 Order for Partial Approval, the addition of new policy 8.4.21 is hereby approved as follows:
- 8.4.21 With respect to the parcels referenced in the site-specific Minutes of Settlement set out below, the policies set out in Section 4.3 and 4.4 and related policies and definitions of this Plan will be implemented as specified therein:
- a. SmartCentres – Minutes of Settlement executed September 6, 2012 regarding Aurora North and Box Grove.
8. As a result of this Order, Appendices 1, 2A and 2B from the August 23, 2012 Order for Partial Approval are hereby amended in the forms attached hereto as Appendices "1",

"2A" and "2B", respectively. For greater certainty, Appendices "1", "2A" and "2B" are attached as Exhibits "E", "F" and "G", respectively, to the Shuttleworth Affidavit.

9. The parties agree that the approval of the Municipal Comprehensive Review definition herein is without prejudice to the right of adjudication in these proceedings that an alternative definition may be required in the context of Urban Expansion.
10. The approval of Approved Retail and Employment Policies as set out herein is without prejudice to, and shall not have the effect of limiting:
 - a) the rights of a party to seek to modify, delete or add to the unapproved maps, policies, figures, definitions, graphics and associated preambles and sidebar text and schedules in the ROP – 2010, or
 - b) the jurisdiction of the Board to consider and approve modifications, deletions or additions to the unapproved maps, policies, figures, definitions, graphics and associated preambles and sidebar text in the ROP – 2010 on a general, area-specific or site-specific basis, as the case may be.
11. To the extent possible, and recognizing that certain issues for the hearing are not tied to specific policy wording, the parties shall limit their remaining issues to only those portions of ROPA 3 and/or the ROP – 2010 set out in Appendices 1 and 2 on either a Region wide or site/area specific basis as set out in those respective Appendices..
12. Notwithstanding the approval herein, and in accordance with paragraph 13 of the August 23, 2012 Order for Partial Approval, the Board retains jurisdiction to consider and approve additions to approved maps, policies, figures, definitions, graphics and associated preambles and sidebar text (including additions to the definition of *Municipal Comprehensive Review*) as they may relate to the issues then before the Board, if considered appropriate by the Board.
13. York Region will not call evidence, or make submissions to the Board, that the partial resolution of the ROP – 2010 upon the consent of the affected parties is, or should be found by the Board to be, an admission or acceptance in itself by the parties of the

planning merits of the maps, policies, figures, definitions, graphics and associated preambles and sidebar text approved by the Board pursuant to this Order.

14. The appendices which are attached to this Order shall form part of this Order.
15. The Board may be spoken to should any matters arise respecting the implementation of this Order.

A handwritten signature in cursive script, reading "M.A. Hurwicks".

SECRETARY

Attachment 1 – List of Appellants

York region Official Plan – PL101128 (ROP) Appellants	Counsel
Angus Glen North West Inc. and Angus Glen Holdings Inc. (Appellant 1)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
E. Manson Investments (Appellant 2)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
North Leslie Residential Landowners Group Inc. (Appellant 3)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
North Markham Landowners Group (Appellant 4): <ul style="list-style-type: none"> • 1212763 Ontario Limited • 1463069 Ontario Limited • 1512406 Ontario Limited • 1612286 Ontario Inc. • 4551 Elgin Mills Developments Limited • CAVCOE Holdings Ltd. • EL-EN Packaging Company Limited • EL-EN Realty Limited • First Elgin Mills Developments Inc. • Glendower Properties Inc. • Haremar Plastic Manufacturing Limited • Haremar Realty Limited • Mackenzie 48 Investments Limited • Major Kennedy Developments Limited • Major Kennedy South Developments Limited • Frambordeaux Developments Inc. and Kennedy Elgin Developments Limited • Tsialtas, Peter and Cathy • Tung Kee Investment Limited Partnership • Warden Mills Development Limited • ZACORP Ventures Inc. 	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
Romandale Farms Ltd. (<i>initially part of Appellant 4 but now separately represented</i>)	Michael Melling/Raj Kehar michaelm@davieshowe.com / rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Loblaw Properties Limited (Appellant 5)	Steven A. Zakem szakem@airdberlis.com
Rice Commercial Group of Companies (Non-East Gwillimbury Lands) (Appellant 6)	Ira T. Kagan ikagan@ksllp.ca
Yonge Green Lane Developments Limited (Appellant 7)	Steven A. Zakem szakem@airdberlis.com
Mr. Allen Eng (Appellant 8)	
Mr. John Hayes (Appellant 9)	
Mr. Paul Jadilevski (Appellant 10)	
Mr. Peter Antonopoulos (Appellant 11)	

York region Official Plan – PL101128 (ROP) Appellants	Counsel
Mr. Philip Comartin (Appellant 12)	
Mr. Shai Perlmutter (Appellant 13)	
Mr. Steven DeFreitas (Appellant 14)	
Peat Farmers of Ontario represented by Mr. Phil Comartin (Appellant 15)	
Property Owners with Rights Association represented by Paul Jadilebovski (Appellant 16)	
Kau & Associates L.P. (Appellant 17)	
Block 27 Landowners Group (Appellant 18)	
Dorzil Developments (Bayview) Ltd. (Appellant 19)	John M. Alati johna@davieshowe.com
Westlin Farms (Appellant 20)	Michael Melling michaelm@davieshowe.com
Lucia Milani and Rizmi Holdings Limited (Appellant 21)	Michael Melling/Raj Kehar michaelm@davieshowe.com / rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Daraban Holdings Limited (Appellant 22)	Mark Flowers Email : markf@davieshowe.com
SmartCentres and Calloway Real Estate Investment Trust (Appellant 23)	Mark Flowers markf@davieshowe.com
Yonge Bayview Holdings Inc. (Appellant 24)	Mark Flowers markf@davieshowe.com
583753 Ontario Ltd. (Appellant 25 and 40)	Susan Rosenthal susanr@davieshowe.com
775377 Ontario Ltd. (Appellant 26)	Susan Rosenthal susanr@davieshowe.com
Helmhorst Investments Ltd. (Appellant 27)	Susan Rosenthal susanr@davieshowe.com
Aurora 2C Landowners Group Inc. (Appellant 28)	Chris Barnett / Laura Bisset cbarnett@davis.ca / lbisset@davis.ca Assistant: Simone Oliveira soliveira@davis.ca
W. J. Smith Gardens Limited (Appellant 29)	Neil G. Davis neil.davis@daviswebb.com
Metrus Development Inc. (Appellant 30)	David Bronskill/Jennifer Drake dbronskill@goodmans.ca / jdrake@goodmans.ca
Upper City Corporation and Clear Point Developments (Appellant 31)	Roslyn Houser rhouser@goodmans.ca
Minotar Holdings Inc, Cor-lots Development, Cherokee Holdings and Halvan 5.5 Investments Limited (Appellant 32)	Catherine A. Lyons clyons@goodmans.ca
Dalton and Alan Faris and Eden Mills Estates Inc. (Appellant 33)	Susan Rosenthal susanr@davieshowe.com
Eden Mills Estates Inc. (initially part of Appellant 33)	Bobby Bhoola bobby@ballantryhomes.com
John Carlisle Robert G. Sikura (Appellant 34)	Patricia Foran / Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
Aurora Leslie Developments Inc. (Appellant 35)	Ira T. Kagan ikagan@ksllp.ca
Fieldgate Developments and TACC Developments (Appellant 36)	Ira T. Kagan ikagan@ksllp.ca
Times Group Corporation (Appellant 37)	Ira T. Kagan ikagan@ksllp.ca
Memorial Gardens Canada Limited (Appellant 38)	W. Thomas Barlow tbarlow@fasken.com
Amir Hessam Limited and 668152 Ontario Ltd.	Susan Rosenthal susanr@davieshowe.com

York region Official Plan – PL101128 (ROP) Appellants	Counsel
(Appellant 41)	
Arten Developments Inc. –(Appellant 42)	
Sanmike Construction Ltd. (Appellant 43)	John A.R. Dawson jdawson@mccarthy.ca
Canadian Mortgage and Housing Corporation (Appellant 44)	
Mahamevna Bhavana Asapuwa Toronto -(Appellant 46)	
The Mandarin Golf and Country Club Inc. and AV Investments II Inc. (Appellant 47)	Richard R. Arblaster rick@arblasterlaw.com
Cornerstone Christian Community Church (Appellant 48)	
Tesmar Holdings Inc. (Appellant 49)	Michael Melling/Raj Kehar michaelm@davieshowe.com / rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Sustainable Vaughan -(Appellant 50)	
Markham Gateway Inc. -(Appellant 51)	
CHFMS aka Trinison (Appellant 52): <ul style="list-style-type: none"> • Colebay Investments Inc. • Firwood Holdings Inc. • Highcove Investment Inc. • Major McCowan Developments Limited • Summerlane Realty Corp <i>(initially part of Appellant 4 but now separately represented)</i>	Stephen J. D’Agostino sdagostino@thomsonrogers.com

Amendment 1 – Urban Expansion in the Town of East Gwillimbury – OMB Case No. PL101233 (ROPA 1)	
Appellant	Counsel
Dalton and Alan Faris	Susan Rosenthal susanr@davieshowe.com
Eden Mills Estates Inc.	Bobby Bhoola bobby@ballantryhomes.com
Martin Pick, Thomas Pick and 132463 Ontario Inc.	Mark Flowers markf@davieshowe.com
Rice Commercial Group of Companies	Susan Rosenthal susanr@davieshowe.com

Amendment 2 – Urban Expansion in the City of Vaughan – OMB Case No. PL101237 (ROPA 2)	
Appellant	Counsel
Sustainable Vaughan	

**Amendment 3 - Urban Expansion in the Town of Markham – OMB Case No. PL101238
(ROPA 3)**

Appellant	Counsel
Minotar Holdings Inc., Corlots Developments, Cherokee Holdings and Halvan 5.5 Investments Ltd.	Catherine A. Lyons clyons@goodmans.ca
Grace Chinese Gospel Church of North York	Richard R. Arblaster, rick@arblasterlaw.com
North Markham Landowners Group: <ul style="list-style-type: none"> ▪ 1212763 Ontario Limited ▪ 1463069 Ontario Limited ▪ 1512406 Ontario Limited ▪ 1612286 Ontario Inc. ▪ 4551 Elgin Mills Developments Limited ▪ CAVCOE Holding Ltd. ▪ First Elgin Mills Developments Inc. ▪ Glendower Properties Inc. ▪ Kennedy Elgin Developments Limited ▪ Mackenzie 48 Investments Limited ▪ Major Kennedy Developments Limited ▪ Major Kennedy South Developments Limited ▪ Frambordeaux Developments Inc. ▪ Tsialtas, Peter and Cathy ▪ Tung Kee Investment Limited Partnership ▪ Warden Mills Developments Limited ▪ ZACORP Ventures Inc. 	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
Romandale Farms Limited	Michael Melling/Raj Kehar michaelm@davieshowe.com rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
CHFMS aka Trinison: <ul style="list-style-type: none"> • Colebay Investments Inc. • Firwood Holdings Inc. • Highcove Investment Inc. • Major McCowan Developments Limited • Summerlane Realty Corp 	Stephen J. D'Agostino: sdagostino@thomsonrogers.com

**Schedule “A” to Order for Approval – November 19, 2012
Retail and Employment**

CHAPTER 4

Economic Vitality

4.2 City Building

Regional Centres and Corridors are a focal point of commerce, business and cultural activities in the Region. The Region and local municipalities will continue to support the development of Regional Centres and Corridors by encouraging attractive, compact community design and the clustering of economic activities. This will promote creativity, the exchange of ideas, ease of business transactions and an increased opportunity for economic spin-offs. Regional Centres and Corridors are planned to become the economic hubs of the Region and have the highest concentration of major office, mixed-use commercial and high-density residential development.

Objective

To support Regional Centres and Corridors as a focus of economic activity and culture in York Region.

It is the policy of Council:

5. That government, educational, institutional, major office, cultural, entertainment and other commercial uses be located and designed to support the Regional Centres and Corridors structure of this Plan.
6. To work with local municipalities to ensure that Regional Centres and Corridors include a significant amount of mixed-use, pedestrian-oriented, and street-related uses including retail.

4.3 Planning for Employment Lands

York Region is committed to maintaining and enhancing the long term viability of employment lands. Employment lands are major drivers of economic activity, and contain over 50% of the Region's employment. These lands are forecasted to continue to play a significant role in the Region's economy, primarily accommodating industrial and business uses. The ongoing viability of these lands is contingent upon long term protection, effective planning and design, and a shift towards increasingly sustainable and innovative industrial processes.

Objective

To ensure the long term supply and effective planning and design of employment lands.

It is the policy of Council:

1. That the employment forecasts in Table 1 of this Plan be used as the basis for planning for employment lands.

2. That a sufficient supply of employment lands based on the applicable municipal comprehensive review will be maintained to accommodate the employment growth forecasts in Table 1 of this Plan.
3. To recognize that employment lands are strategic and vital to the Regional economy and are major drivers of economic activity in the Region.
4. To require local municipalities to designate and protect employment lands in local municipal official plans.
5. To protect, maintain and enhance the long term viability of all employment lands designated in local municipal official plans for employment land uses.
6. To protect strategic employment lands, including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and shall be designated for employment land uses in local municipal official plans.
7. To require local municipalities to give priority to the strategic employment lands identified in Figure 2 when considering additional employment land designations.
8. That the conversion of employment lands to non-employment land uses is not permitted. For the purposes of this policy:
 - a. employment lands are lands that are designated for employment uses including land designated as industrial and business park in local official plans; and,
 - b. uses not permitted on employment lands include residential, major retail and other retail and commercial non ancillary uses.
9. That notwithstanding policies 4.3.6, 4.3.8, 4.3.13 and policy 4.4.6 the conversion of employment lands to non-employment land uses may only be considered, at the time of a municipal comprehensive review in accordance with the applicable policies and population/employment forecasts of the Region.
10. To require local municipalities to include employment land conversion policies within local official plans and secondary plans that are consistent with the employment land conversion policies of the Province and the Region.
11. To allow a limited amount of ancillary uses on employment lands, provided that the proposed uses are intended to primarily service businesses in the employment lands and that ancillary uses collectively do not exceed 15% of an employment area as defined in the local official plan.
12. To require local municipalities, through local official plan policies, to determine the location, amount and size of ancillary uses on employment lands that is commensurate with the planned function, size and scale of the overall employment land area.
13. That local municipalities include official plan and secondary plan policies and zoning provisions to allow only employment and ancillary uses on Local Corridors and other major streets within employment lands.

14. That local municipalities, in consultation with York Region, prepare comprehensive secondary plans for new employment lands that are consistent with the applicable policies in Sections 5.2 and 5.6 of this Plan.
15. That employment land development be designed to be both walkable and transit accessible where possible.
16. That development on fully serviced employment lands be compact and achieve a region-wide average minimum density of 40 jobs per hectare in the developable area. This target is expected to be higher for lands adjacent to centres and corridors.
17. To work with local municipalities to provide a diverse mix of lot sizes on employment lands.
18. To require flexible and adaptable employment lands that include street patterns and building design and siting that allow for redevelopment and intensification.
19. To work with local municipalities to review and monitor opportunities for employment land intensification.
20. To require local municipalities to conduct 5-year reviews of employment lands to accommodate employment intensification.
21. To encourage employment intensification and higher density employment uses in Regional Centres and Corridors, in support of the policies in Section 5.4 of this Plan.
22. That industries on private services be limited to existing approved sites.
23. That the employment land designation policies and transportation corridor policies in ROPA 52 continue to apply to these lands.

4.4 Planning for Retail

Retail trade is an essential component of a healthy economy. York Region is home to significant retail uses that are continually evolving. The Region, in partnership with local municipalities, is committed to providing an appropriate amount of retail activities in suitable locations. Local retail areas are key components of mixed-use communities and should incorporate effective urban design to ensure the integration of retail uses within the community. Well-designed and strategically located retail allows residents, workers and visitors to purchase goods and services locally by walking, cycling or taking public transit. Shopping locally reduces travel times and congestion, and supports the Region's economy.

Retail facilities should be designed and located to serve the needs of the community and support the Region's urban structure.

Objective

To ensure retail is well-designed and appropriately integrated into communities in a manner that encourages walking, cycling, and transit.

It is the policy of Council:

1. To require that retail be designed to be walkable, transit-supportive, and integrated into communities and pedestrian and cycling networks, with high-quality urban design.
2. To work with local municipalities to improve urban design in new retail developments and to identify opportunities for the intensification and revitalization of existing retail.
3. To work with local municipalities to identify and protect the historical mainstreets in the Region.
4. To direct a significant amount of mixed-uses, including street-related retail, to Regional Centres and Corridors.
5. To require local municipalities to define major retail uses within the context of the local commercial hierarchy.
6. That major retail is not permitted on designated or strategic employment lands.
7. That major retail sites should be designed to support redevelopment or retrofitting.
8. To work with local municipalities to plan comprehensively for all retail uses, including major retail uses, that are integrated and provided for within the community. Planning should include the identification and designation of lands to accommodate these uses. In this regard, a mixed use designation, or designations, that provides for major retail will serve to meet the intent of the policy.

New Sidebar

Planning for Retail

Policy 4.4.8 directs local municipalities to plan comprehensively for retail uses including major retail. It is recognized that each of the local municipalities will choose to adopt various approaches in their retail planning. The Region encourages all retail uses be provided in a manner that is integrated within the community. A mixed use designation, or designations, that provides for major retail is one possible approach that will serve to meet the intent of the policy.

4.4.9 That new retail facilities in excess of 30,000 gross leasable square metres shall require a Regional impact analysis that addresses the following:

- a. transportation requirements;
- b. the impact on existing and approved future retail facilities;
- c. pedestrian, cycling and transit access to the facilities; and,
- d. the manner in which the proposal is supportive of the centres and corridors policies of this Plan.

4.4.10 To undertake a study of the Region's retail sector.

5.1 Forecasting and Phasing Growth

5.1.12. That expansions of the Urban Area, shall only be initiated by the Region, in consultation with local municipalities, as part of a Regional municipal comprehensive review in conformity with Policy 2.2.8 of Places to Grow: Growth Plan for the Greater Golden Horseshoe and the following:

- a. population and employment forecasts for the Region;
- b. the role of the lands proposed for expansion in the context of local municipal growth management;
- c. the protection of and integration with the Regional Greenlands System;
- d. the amendment is large enough (e.g. a concession block) with clear and identifiable boundaries, such as concession streets, major natural features, rail or major utility corridors;
- e. the role of the lands proposed for expansion that is supportive of the Region's urban structure of centres and corridors;
- f. that expansions of the Urban Area are contiguous to an existing Urban Area;
- g. the completion of local municipal strategies and policies to phase in and achieve the intensification targets in this Plan; and
- h. other policies of this Plan.

5.2 Sustainable Cities, Sustainable Communities

9. That retail, commercial, office, and institutional structures be carefully designed in a compact form and be pedestrian-oriented, transit-supportive, and multi-storey where appropriate.

10. That secondary plans and zoning by-laws shall, in consultation with the Region and related agencies, incorporate parking management policies and standards that include:

- a. reduced minimum and maximum parking requirements that reflect the walking distance to transit and complementary uses;
- b. shared parking requirements, where possible, reflecting variances in parking demand between complementary uses on a time-of-day, weekday/weekend, and monthly basis;
- c. on-street parking;
- d. site design that orients the main building entrance(s) to face the public street(s), provides a pedestrian friendly urban form, and where appropriate, as determined by the local municipality, does not permit the placement of surface parking spaces between the main building entrance and the major street;
- e. the design of surface parking to support redevelopment and retrofitting; and,
- f. preferential locations for carpooling and car-sharing spaces and bicycle storage requirements.

5.3 Intensification

10. That retail, commercial, office, and institutional structures shall be well designed, street-oriented and pedestrian scaled and shall include, wherever appropriate as determined by the local municipality, mixed-use, multi-storey buildings, and public meeting spaces in order to support the planned urban structure and density targets of this Plan.

5.4 Regional Centres and Corridors

City Building

8. That secondary Plans and zoning by-laws shall, in consultation with the Region and related agencies, incorporate parking management policies and standards that include:
 - c. site design that orients the main building entrance(s) to face the public street(s), provides a pedestrian friendly urban form, and where appropriate, as determined by the local municipality, does not permit the placement of surface parking spaces between the main building entrance and the major street;
9. That all new buildings shall front the major street. Reverse lotting on the street is not permitted and site design shall orient the main building entrance(s) to face the public street(s) and provide a pedestrian friendly urban form and where appropriate, as determined by the local municipality, does not permit surface parking between the main building entrance and the major street.

Regional Centres

Objective

To achieve complete, diverse, compact, vibrant, integrated and well-designed Regional Centres that serve as focal points for housing, employment, cultural and community facilities, and transit connections.

It is the policy of Council:

5.4.20. That the planning and implementation of Regional Centres will provide:

- b. a diverse mix of uses and built form, to create vibrant and complete communities including living, working, shopping and entertainment opportunities;

5.5 Local Centres and Corridors

5.5.1. That local centres and corridors serve as important neighbourhood focal points and mainstreets that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community.

5.5.3 b. that a wide range of residential, commercial and institutional uses, including retail uses, offices, mixed-use and human services is provided;

5.5.4 b - to establish a range of residential and commercial land uses, including retail uses, office, mixed use, human services and other amenities;

5.6 Building Complete, Vibrant Communities

5. That new community areas shall be designed to contain community core areas, which will be the focus of retail, personal services, human services, community services and provide connections to rapid transit. The community cores shall be within a reasonable walking distance from the majority of the population.

8.3 The Planning Process

8. That amendments to local official plans may be exempt from Regional approval where they are of local significance and no Regional interest is adversely affected. Amendments impacting any one of the following areas are not eligible for exemption:

- a. applications directly and substantially affecting Regional servicing infrastructure: i.e., streets, water, wastewater;
- b. applications that substantially change Regional capital forecasts;
- c. urban boundary expansions;
- d. applications for employment land conversion;
- e. major applications that will adversely affect Regional traffic flows;
- f. major secondary plans;
- g. retail applications having a Regional impact;
- h. applications which are not consistent with the Provincial Policy Statement or Places to Grow: Growth Plan for the Greater Golden Horseshoe;
- i. applications within the Regional Greenlands System;
- j. applications with cross-boundary impacts;
- k. applications in the Parkway Belt West Plan;
- l. applications within the Oak Ridges Moraine and Greenbelt, outside of Towns and Villages and the Urban Area shown on Map 1;
- m. applications subject to the Lake Simcoe Protection Plan outside of settlement areas as set out in that Plan; or,

- n. applications that have had a statutory public meeting.

Definitions

ANCILLARY USES

Small scale retail and commercial uses that primarily serve the business functions on employment lands.

MAJOR DEVELOPMENT

Consists of:

- a. the creation of four or more lots;
- b. the construction of a building or buildings with a ground floor area of 500 square metres or more; or,
- c. the establishment of a major recreational use.

MAJOR OFFICE

Major Office is generally defined as freestanding office buildings of 10,000 m² or greater, or with 500 jobs or more.

MAJOR RETAIL

Major retail includes retail big box stores, retail warehouses and shopping centres. For the purposes of this definition a shopping centre is not a collection of ancillary uses that primarily serve the business functions on employment lands.

MUNICIPAL COMPREHENSIVE REVIEW – An official plan review, or an official plan amendment, that:

- a) is completed by the Region or by a local municipality in consultation with the Region ;
- b) is approved by the Region or, where applicable, by the Province;
- c) comprehensively applies the policies of this Plan and the Growth Plan for the Greater Golden Horseshoe; and,
- d) as determined by the Region, includes a land budget and analysis for the Region and, where applicable, the local municipality.

Figure 2

YORK REGION STRATEGIC EMPLOYMENT LANDS

Strategic Employment Lands - Conceptual

- Urban Area
- Towns and Villages
- Hamlet

Oak Ridges Moraine Conservation Plan

- Oak Ridges Moraine Boundary
- Oak Ridges Moraine Plan Area

Greenbelt Plan

- Greenbelt Plan Area Boundary
- Greenbelt Protected Countryside / Hamlet

Provincial Highways

- Existing
- Controlled Access Highway
- Under Construction

Municipal Boundary

- Municipal Boundary
- Regional Boundary

Legend:

- Strategic Employment Lands - Conceptual
- Urban Area
- Towns and Villages
- Hamlet
- Oak Ridges Moraine Conservation Plan
- Oak Ridges Moraine Boundary
- Oak Ridges Moraine Plan Area
- Greenbelt Plan
- Greenbelt Plan Area Boundary
- Greenbelt Protected Countryside / Hamlet
- Provincial Highways
- Existing
- Controlled Access Highway
- Under Construction
- Municipal Boundary
- Regional Boundary

Scale: 5 2.5 0 5 Km

Map Labels: Lake Simcoe, Town of Georgina, Town of Aurora, Town of Newmarket, Town of Richmond Hill, City of Vaughan, City of Markham, The Regional Municipality of Durham, The Regional Municipality of Peel, County of Simcoe, The City of Toronto.

Map Description: The map displays the York Region Strategic Employment Lands. It shows various municipalities including the Town of Georgina, Town of Aurora, Town of Newmarket, Town of Richmond Hill, City of Vaughan, City of Markham, The Regional Municipality of Durham, and The Regional Municipality of Peel. The map also shows the County of Simcoe and The City of Toronto. Key features include Lake Simcoe, the Oak Ridges Moraine, and the Greenbelt. The map is color-coded to show different types of Strategic Employment Lands: Urban Area (pink), Towns and Villages (orange), and Hamlet (yellow). It also shows the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and Provincial Highways. The map includes a scale bar (0 to 5 Km) and a north arrow.

Produced by: Geographic Information Services Branch
Offices of the Chief Administrative Officer
© Copyright, The Regional Municipality of York, July 11, 2012

**Schedule “C” to Order for Approval – November 19, 2012
Retail and Employment**

Chapter	Section	Policies to be repealed, save and except for those parties identified as having site specific appeals on Appendix 2A to the August 23, 2012 Order for Partial Approval	Page(s) in July 11, 2012 York Region Official Plan Office Consolidation
3 – Economic Vitality	Sections 3.1, 3.2, and 3.3	Entirety	31 - 35

Appendix “1” to Order for Approval – November 19, 2012 Retail Employment

Appendix 1 Portions of the Modified ROP – 2010 Remaining Under Appeal on a Region-Wide Basis November 20, 2012

Policy or Other Part of Plan Under Region-wide Appeal
<p>Chapter 1 Policy 3.1.8 Policy 3.3.13 Policy 3.5.7 Section 4.1 Policy 4.5.2 Policy 4.5.11 Chapter 5 preamble Land Base Continuum Chart Policy 5.1.6 Policy 5.1.7 Policy 5.1.11 Policy 5.1.12 Policy 5.1.13 Policy 5.2.14 Policy 5.5.2 Policy 5.5.5 Policy 5.5.6 Section 5.6 sidebar - two paragraphs commencing with “Places to Grow...” Policy 5.6.3 Policy 5.6.11(c) Chapter 6 Save and except policy 6.3.10 Policy 7.2.50 Policy 7.5.12 Policy 7.5.15 Policy 8.2.3 (b) Policy 8.3.3 Policy 8.4.3(b) Policy 8.4.7 (b) Policy 8.4.9 Definitions of Developable area</p>

Note 1: Any sidebars which pertain to the above noted Chapters, Sections or Policies also remain under appeal Region-wide.

Note 2: In accordance with an agreement to scope the appeal by Sanmike Construction Limited:

- a) Policy 5.3.3 - approved in its current form but such approval is without prejudice to the Board's determination of whether certain additional text should be added at the end of that policy and;
- b) Section 8.4 – remaining issue raised by Sanmike of whether a policy should be added with respect to the purpose and intent of guidelines that are referred to in the Plan.
- c) Map 1 – remaining issue of whether it is appropriate to overlay local corridors or Regional transit priority networks on Map 1.

Note 3: The approval of the definition of Municipal Comprehensive Review is without prejudice to the jurisdiction of the Board to consider an alternate definition of Municipal Comprehensive Review for the purposes of urban expansion and implementation of policy 5.1.12.

Appendix “2A” to Order for Approval – November 19, 2012 Retail Employment

Appendix 2A Portions of the Modified ROP – 2010 Remaining Under Appeal on a Site Specific or Area Specific Basis November 20, 2012

See Appendix 2B which identifies each of the below noted sites/areas geographically.

Policy, Amendment, or Other Part of Plan Under Appeal on Site/Area Specific Basis Only	Site or Area to Which Appeal is Restricted (Depicted on Appendix 2B)
ROP 2010 – entirety	Lucia Milani and Rizmi Holdings Lands
Chapter 2	Block 40/47 in the City of Vaughan (the “Block 40/47 Lands”) Smith Farm lands in Town of East Gwillimbury, west of 2 nd Concession Road, south of Ravenshoe Road, north of Holborn Road, east of the Holland River (“Smith Farm Lands”)
Policy 2.1.10	Part of Lots 27 and 28, Concession 7 at 10951 Kipling Avenue, City of Vaughan (the “1539253 Lands”)
Policies 2.2.44, 2.2.45, 2.2.46 and 2.2.48	Romandale Farms located at 3450 and 4044 Elgin Mills Road East in the Town of Markham (“Romandale Farms”)
Section 3.5	Block 40/47 Lands Romandale Farms
Section 4.2	4.1 Acre Parcel – Northwest Corner of Jane St. and Riverrock Gate, City of Vaughan (“Tesmar Lands”)
Policies 4.2.1, 4.2.2 and 4.2.4	Yonge Bayview - Richmond Hill Centre Lands (“Yonge Bayview Lands”)
Sections 4.3 and 4.4	Rice Commercial Group of Companies (Major Mackenzie Lands)
Policy 5.1.8	Block 27 Lands in the City of Vaughan (the “Block 27 Lands”)
Section 5.2	Block 40/47 Lands
Policy 5.2.10(d)	Yonge Bayview Lands
Policies 5.2.19 to 5.2.42	Romandale Farms
Policy 5.2.26	Tesmar Lands
Policy 5.3.3	Tesmar Lands
Policy 5.3.6	Lands owned by Sanmike Construction Limited, east of Bayview Avenue, south of Elgin Mills Road, Town of Richmond Hill (“Sanmike Lands”)
Section 5.4	Tesmar Lands
Policies 5.4.1, 5.4.2, 5.4.5 and 5.4.6	Yonge Bayview Lands
Policy 5.4.6	39.81 hectare parcel owned by Yonge and Green Lane Developments Corp./Yonge Green Lane South Developments Corp. at northeast corner of Yonge Street and Green Lane Road in Town of East Gwillimbury (“YGL Lands”)
Policy 5.4.8(c)	Yonge Bayview Lands
Policy 5.4.9	Yonge Bayview Lands
Policies 5.4.12, 5.4.19 and 5.4.20	Yonge Bayview Lands
Policies 5.4.23 and 5.4.24	Yonge Bayview Lands
Policy 5.4.29	Tesmar Lands
Policy 5.4.32	YGL Lands
Policy 5.4.34	Approx. 40 hectares at northwest corner of 2 nd Concession Road and Green Lane, Town of East Gwillimbury (Dorzil)
Policy 5.5.3	Rice Commercial Group of Companies (Major Mackenzie Lands)
Policies 5.6.9 and 5.6.14	Block 27 Lands
Policies 5.6.9, 5.6.10, 5.6.16 and 5.6.17	Romandale Farms

Policies 5.6.23 to 5.6.32	Block 40/47 Lands
Policies 7.2.60 and 7.2.74(b)	Mid Block Crossing between Elgin Mills Road and 19 th Avenue (775377 Ontario Ltd)
Policy 7.2.73	Rice Commercial Group of Companies (Major Mackenzie Lands)
Policies 8.2.3(d) and 8.2.3 (e)	Yonge Bayview Lands
Policies 8.4.15 to 8.4.20	Tesmar Lands
	YGL Lands
	Sanmike Lands
	Block 2, Reference Plan 65M-2287, Town of Richmond Hill (CMHC and Quaestus Corporation)
	Lands owned by Kau and Associates L.P. at 71 Cochrane Dr. Markham
	1539253 Lands
	Block 40/47 Lands
	Rice Commercial Group of Companies (Major Mackenzie Lands)
	445158 Ontario Inc. (Meldan) Lands
	Karma Tekchen Zabsal Ling Lands
	878211 Ontario Limited Lands
	Borden Kent Lands
	Wholesale Forest Products Ltd. Lands
	Kotzer / Foch Lands
All Designations or Identifications on Maps 1 to 6, 8 and 10 and Figure 3	ROPA 1 Appeal Lands being all ROPA 1 lands and the lands under appeal by ROPA 1 appellants plus additional lands necessary to complete concession blocks as shown on Appendix 2B ("ROPA 1 Appeal Lands")
	ROPA 3 Appeal Lands being all Markham whitebelt lands as shown on Appendix 2B ("ROPA 3 Appeal Lands")
Urban Area Designation on Maps 1 to 6, and 8	ROPA 2 Lands
	Lands located at the eastern limit of the Cornell Community in the Town of Markham not included within the urban boundary in the 1994 Regional Official Plan
	Lands located north of Steeles Avenue, in the vicinity of the Rouge Park in the Town of Markham not included within the urban boundary in the 1994 Regional Official Plan
	Lands located east of Islington Avenue, north of Rutherford Road, within the City of Vaughan not included within the urban boundary in the 1994 Regional Official Plan
Maps 1 to 6, and 8 and Figure 3	Block 40/47 Lands
Map 1	Tesmar Lands
	Identification of Green Lane as a Regional Corridor
Maps 1 and 8	Westlin Farms Inc. (Part Lot 2, Concession 6, King Township)
Maps 1, 2 and 8 and Figure 3	1539253 Lands
Maps 2 to 5	Smith Farm Lands
Maps 4 to 6	Romandale Farms
Map 11	Identification of Green Lane Regional Corridor
Map 12	Identification of Green Lane Regional Corridor
	Mid Block Crossing between Elgin Mills and 19 th Avenue (775377 Ontario Ltd)
ROPA 1	ROPA 1 Appeal Lands
ROPA 3	ROPA 3 Appeal Lands

Note 1: Where any of the above noted Chapters, Sections or Policies make reference to a defined term, the corresponding definition shall also remain under appeal on a site or area specific basis only to the extent that it is not listed on Appendix 1 as being under appeal on a Region-wide basis. Any sidebars which pertain to the above noted Chapters, Sections or Policies also remain under appeal on a site or area specific basis only.

Appendix "2B" to Order for Approval – November 19, 2012 Retail Employment

Appendix 2B

