



BOUSFIELDS INC.

December 15, 2009

Project No. 0927

Ms. Signe Leisk
Cassels Brock LLP
2100 Scotia Plaza
40 King Street West,
Toronto, ON M5H 3C2

Dear Ms Leisk,

Re: *By-law 2009-193*
Application for Zoning By-law Amendment and Site Plan Approval
245 Renfrew Drive
Town of Markham File No's: ZA 09 119448 and SC 09 11948

We are writing in response to the letter dated December 14th, 2009 objecting to the passage of the above By-law. It is our understanding that this By-law has yet to be passed, and will be considered for adoption by Markham Council on December 15th.

By way of background, in April of this year the Peoples Christian Academy contacted the Town of Markham Planning Department to identify the Pre-Submission Requirements for a rezoning to permit a private school with a day care operation at 245 Renfrew Drive. Town of Markham staff identified the studies which had to be completed in support of the rezoning, in order to determine if the use was appropriate and could be accommodated within the existing vacant industrial building. Required studies included a Planning Rationale, a Stormwater Management Report, a Servicing Study, a Tree Inventory and Preservation Plan, a Traffic Management Study, a Noise and Vibration Study and an Environmental Site Assessment (Phase 1) and a concept plan and drawings.

In July formal site plan and rezoning applications were submitted, accompanied by the necessary supporting studies. Two studies, Traffic and Noise, were filed after submission: the Traffic Study required the completion of certain traffic counts, while the Noise Study required the co-operation of adjacent landowners, including your client, in order to take the necessary readings. It is my understanding that although numerous attempts were made to contact your client, Pinedale would not co-operate in providing any of the necessary noise attenuation base materials. As a result, the completion and submission of my client's study was delayed by over a month.

All of the Reports were reviewed in detail by Town staff and/or by outside agencies (e.g. the Region, the Toronto Region Conservation Authority). Comments were received and as a result a number of changes were made to the site plan. Most importantly, the access and drop-off facilities were revised to provide a one-way driveway system with an additional drop off lane, and to ensure that all pick-up and drop-off could be accommodated on-site.

In October, a Preliminary Report was presented to Development Services Committee, requesting authorization to hold a statutory Public Meeting. That Report did not identify any issues with respect to the application, but rather stated that any concerns would be addressed in a final staff report.

On November 17th I attended the Public Meeting. A number of presentations were made, however Pinedale Enterprises Ltd. neither appeared as a deputant nor made a written submission. While no objections were raised at the meeting by the public, the issue of traffic and traffic circulation was specifically addressed by staff and reviewed by Committee.

Following the meeting, as Committee had directed that the By-law be brought forward, I worked with the Planning Department in developing a zoning by-law which implemented the recommended applications.

Sometime after December 1st a letter was forwarded to me by my client. The letter identified noise and traffic as being of concern, but did not provide details.

On December 4th I spoke to you and then forwarded copies of the Traffic and Noise Studies, advising you that the revised Parking Study would be forwarded shortly. On December 8th I contacted you by email and asked if you had any questions or concerns about the studies. On December 9th I forwarded the Parking Study to you. You replied to me on the same date, by e-mail as follows:

“Thank you. We are reviewing these studies with our clients and will endeavor to get back to you as quickly as possible. Regards, Signe”

Therefore, I was surprised simply to receive a copy of your formal letter of objection to Council, and not to receive a request for a meeting, or further clarification.

With respect to the specific concerns raised, I would note:

a) Adverse Impact on the Community

Traffic

The Town has not identified any adverse impact from the approval of the Peoples Christian Academy. All traffic and parking issues have been addressed by the professional studies prepared by Cole Engineering and reviewed by the Town’s technical staff. Restrictions, as appropriate have been included in the Zoning By-law.

Noise

Valcoustics has prepared a detailed Noise Report which has been reviewed by Jade Acoustics (the Peer Reviewer). All concerns identified by Jade have been addressed in a subsequent letter prepared by Valcoustics, and it is our understanding that there are no technical concerns with respect to Noise.

Contrary to Official Plan Policies

The impact of the proposed use on adjacent land uses has been examined in detail in all the supporting reports filed with the Town. The very purpose of these reports was to address the Official Plan (Town and Regional) policies and ensure that there would be no adverse impact on adjacent activities. Subject to this review the proposed uses are permitted under the Official Plan, and no official plan amendment is required. Staff have concluded that the policies have been addressed satisfactorily.

Contrary to the Provincial Policy Statement

The Provincial Policy Statement includes policies supporting Employment Areas, but specifically identifies Employment Areas as including institutional uses:

“ 1.3 EMPLOYMENT AREAS

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;“*

Likewise the Provincial Growth Plan also includes institutional uses as permitted uses within Employment Areas. There is no request to convert an employment area to a non-employment use, simply a rezoning to permit an expansion of a permitted employment use, in an employment area, subject to a very detailed examination of the impacts of such use.

As I stated in my email of December 14th, I would be pleased to meet with you and your clients at any time to try and resolve their concerns

Yours truly,
Bousfields Inc.



Lindsay Dale-Harris M.Sc.(PI) MCIP, RPP

LDH/kh:jobs

- c.c. Mr. Frank Scarpitti, Mayor,
Town of Markham via E-mail (fscarpitti@markham.ca)
Mr. Dan Horchik, Councillor,
Town of Markham via E-mail (dhorchik@markham.ca)
Ms. Lucy Hau, Committee Clerk, Town of Markham (lhau@markham.ca)
Mr. Gary Sellars, Planner, Town of Markham (gsellars@markham.ca)
Mr. Stanley Chau, PCA Board of Directors via E-mail (schau@pca.ca)
Mr. Wesley Lim, WK Lim Architect inc. via E-mail (wklim@on.aibn.com)

