



BOUSFIELDS INC.

Project No. 1303

November 19, 2013

Planning and Growth Management Committee
c/o Ms. Nancy Martins
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Chair and Committee Members:

**Re: *November 21 Special Public Meeting
Five-Year Official Plan Review/Municipal Comprehensive Review
1500 Don Mills Road, Toronto***

We are planning consultants to The Rose and Thistle Group Ltd. with respect to its property located at 1500 Don Mills Road, at the southwest corner of Don Mills Road and York Mills Road (the "subject property"). The subject property is 2.5 hectares (6.1 acres) in size and is currently developed with a 10-storey office building near the Don Mills/York Mills intersection, together with a parking deck and a large surface parking lot to the south.

We have reviewed draft Official Plan Amendment (OPA) 231 released on October 31st and the accompanying staff report dated November 5, 2013. We are writing to express a potential concern regarding the wording proposed by staff for Policy 4.6(4) of OPA 231, specifically with respect to the definition of "major retail" developments. The wording proposed by staff represents a significant change to the wording previously proposed in the draft Official Plan Employment policies appended to the October 23, 2012 staff report. As well, have a potential concern regarding the recent revisions to the policies proposed by staff for "recreation and entertainment uses".

For the reasons outlined below, we request that consideration be given to amending Policy 4.6(4) to define "major retail" developments as those containing a single store of 6,000 square metres or more, as originally proposed by staff. Similarly, we request that Policy 4.6(3) be amended to change the phrase "fitness centres and ice arenas" to "recreation and entertainment uses". In the alternative, we request that a Site and Area Specific Policy be applied to the site to exempt it from the proposed definition of "major retail" developments in Policy 4.6(4) and to add more general permission for recreation and entertainment uses.

Background

Our client has been in discussions with North York Community Planning staff over the past year regarding plans to intensify and amenitize the subject property and the surrounding business park by redeveloping the parking lot and parking deck areas with a 2-storey building extending along the Don Mills Road frontage that would contain retail, service and office commercial uses, while retaining the existing office building. The existing office building has a total gross floor area of approximately 21,675 square metres.

Given the large size of the property, a significant commercial development is possible. The preliminary plans provide for up to 12,000-13,000 square metres of retail and service commercial uses, with no single retail use of greater than 6,000 square metres.

Definition of “Major Retail”

The policies previously proposed by staff (October 23, 2012) considered “major retail” developments (referred to as large-scale, stand alone retail stores and power centres” in the October 23, 2012 staff report) to be those that included an individual store of at least 6,000 square metres. The revised policies define “major retail” to include any development with a total retail gross floor area of 6,000 square metres or more.

While the preliminary plans for the subject property would conform with the proposed design policies applicable to “major retail” development set out in Policies 4.6(4)(d) to (h), the effect of the proposed redefinition of “major retail” is that our client would be required to undertake additional transportation, retail impact and economic impact analyses as part of its rezoning application in order to address Policies 4.6(4)(a) to (c) in the event that the amount of retail gross floor area were to exceed 6,000 square metres.

In this respect, it is not yet known how much leasing demand there will be for retail commercial uses as opposed to service commercial uses and, accordingly, it is possible that the proposed development may ultimately be considered to be “major retail” pursuant to staff’s revised definition. Similarly, the proposed policy is unclear as to whether service commercial uses other than restaurants, courier services, banks and copy shops would be subject to the 6,000 square metre limitation. Formerly, pursuant to the definition of “major retail” proposed by staff in its October 23, 2012 staff report, our client’s proposal would not have been subject to the additional requirements set out in Policy 4.6(4) given that it would not contain a single retail store larger than 6,000 square metres.

In our opinion, the proposed redefinition of “major retail” is not appropriate or desirable in land use planning terms, particularly when applied to proposals such as our client’s where the retail and service commercial uses are clearly secondary to the primary office

employment use. Furthermore, it could serve to discourage amenitization of the City's business parks, contrary to Council's overall policy directions.

There was considerable research undertaken by staff in its October 23, 2012 staff report in support of the originally proposed limitation on the size of individual retail stores. Based on our review of the subsequent staff reports, it does not appear that there was a similar level of analysis applied to the change in the definition to apply the 6,000 square metre limitation to the size of the overall development, rather than a single retail store, despite the fact that this was a significant change, particularly in terms of proposals such as our client's. In policy terms, there is no apparent planning rationale for subjecting a rezoning application to permit retail and service commercial uses that are clearly not "major retail" in character and that are secondary to a permitted employment use to the additional level of scrutiny that would be more appropriate for large retail shopping centres in *Employment Areas*.

Recreation and Entertainment Uses

Recreation and entertainment uses would be potential tenants for the proposed retail and service commercial space at 1500 Don Mills Road, and would help to amenitize the business park.

The recommended policies set out in the October 23, 2012 staff report would have permitted recreation and entertainment uses on the subject property, given its location on the boundary of the business park and its associated land use designation (formerly *Retail Employment Areas*, now *General Employment Areas*). The revised policies now recommended by staff would limit the permitted recreation and entertainment uses on the subject property to "fitness centres" and "arenas". Moreover, pursuant to proposed Policy 2.2.4(9), any proposal to expand the range of permitted recreation and entertainment uses would arguably be considered to be a "conversion" and would be permitted only by way of a Municipal Comprehensive Review.

While it is understood that the restriction on recreation and entertainment uses is being proposed by staff to address a concern that certain such uses may be considered to be "sensitive land uses", this concern would not appear to apply in the specific circumstances of the subject property. The property is located at the boundary of the business park and is bounded to north and east by valley open space/golf course uses. To the south and west, the property is bounded by office and service commercial uses and is well separated from industrial uses.

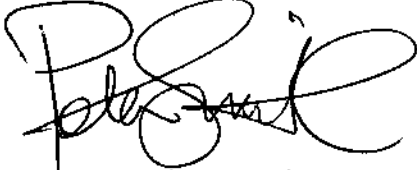
We understand that staff's recommendations as set out in draft Official Plan Amendment 231 will be considered at the Special Public Meeting of Planning and Growth Management Committee on November 21, 2013. Please include this letter as our official

objection on behalf of The Rose and Thistle Group Ltd. regarding staff's recommendations for the subject property at 1500 Don Mills Road.

Thank you for your consideration of the foregoing comments. Should you require any additional information, please do not hesitate to contact me or David Huynh of our office.

Yours very truly,

Bousfields Inc.



Peter F. Smith, MCIP, RPP

cc: *Kerri Voumvakis – Director, Strategic Initiatives, Policy & Analysis*
Norma Walton – The Rose and Thistle Group Ltd.
Adam Brown – Sherman Brown Dryer Karol