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November 20, 2013
File No.: 125991.1003

City Clerk
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Attention: Nancy Martins, Administrator, Planning and Growth
Management Committee

Dear Madam:

**Re: Planning and Growth Management Committee Meeting November 21, 2013
Proposed Official Plan Amendment Pertaining to Economic Health and
Employment Lands Policies and Designations
Weston Prince Hotel Site - 900 York Mills Road
Request to Convert Employment Lands**

We are solicitors for Westmont Hospitality Group, owners of the Weston Prince Hotel located at 900 York Mills Road (the "Property"). The Property is an 11.6 acre site.

The assessment of the conversion request for the Property at page 498 of the "Staff report for Action on Official Plan and Municipal Comprehensive Reviews: Final Report" dated November 5, 2013 (the "Final Report") has incorrectly identified the agent for the Owner and has failed to acknowledge or to recognize that the initial conversion request letter, dated July 28, 2011, was supplemented with a more detailed conversion request and planning justification letter, dated October 26, 2012 ("Detailed Letter"). These fundamental omissions bring into question the integrity of City Staff's review and the validity of their conclusions on the conversion request. We attach our Detailed Letter to make sure that the City's files are complete with respect to the conversion request for the Property.

Mapping in the proposed Official Plan Amendment pertaining to Economic Health and Employment Lands Policies (the "OPA") appended to the Final Report indicates that the Property is proposed be redesignated *General Employment Area* with the rear portion of the lands in proposed Site and Area Specific Policy No. 394 ("SASP 394") in accordance with the provisions of the Official Plan.

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2

Assessment of Conversion Request for the Property

The Detailed Letter indicates that the conversion request for the Property is much more robust and complex than was considered by City Staff on pages 498 to 501 of the Final Report. The conversion request is as follows:

- The Westin Prince Hotel occupies 8.58 acres of the Property and consists of a 22 storey building with 384 hotel rooms, banquet halls/meeting space, restaurants, retail/service commercial and fitness centre uses. The hotel contains approximately 35,014.23 square metres of gross floor area and is proposed to remain on the Property.
- For the remaining portion of the Property, a redesignation from the current Employment designation to a Mixed Use Areas designation is sought to permit: two residential towers of 28 and 34 storeys, with an approximate gross floor area of 51,709.84 square metres; a live/work building with an estimated gross floor area of 1,114.83 square metres; a seniors' retirement residence of approximately 11,334.17 square metres of gross floor area; retail and office space consisting of approximately 2,926.45 square metres of gross floor area; and, a gross floor area of 2,322.57 square metres for restaurant and sports centre uses.

Analysis of Staff's Assessment of the Conversion Request*i) Impact on the Viability of the Larger Employment Area*

The OPA incorporates the term "sensitive land uses" as defined in the Provincial Policy Statement and uses the examples of residences, day care centres and educational and health facilities. The City should be aware, however, that the Ministry of the Environment ("MOE") has guidelines with stricter definitions for sensitive land uses that industries and activities that produce emissions must take into consideration in order to obtain required Environmental Compliance Approvals issued under Part II.1 of the *Environmental Protection Act* and Renewable Energy Approvals under section 47.3 of the *Environmental Protection Act*. The Guidelines also provide guidance to municipal authorities in land use planning approvals.

For example, in the *Environmental Noise Guideline, Stationary and Transportation Sources - Approval and Planning, Publication NPC-300*¹ ("NPC-300") a "noise sensitive land use" is defined as:

- "a property of a person that accommodates a dwelling and includes a legal nonconforming residential use; or
- a property of a person that accommodates a building used for a noise sensitive commercial purpose; or
- a property of a person that accommodates a building used for a noise sensitive institutional purpose.

¹ Environmental Noise Guideline, Stationary and Transportation Sources - Approval and Planning, Publication NPC-300, Ontario Ministry of the Environment, August 2013.

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3

From a land use planning perspective, a noise sensitive land use may be comprised of spaces that are noise sensitive and spaces that are not noise sensitive. The outdoor living area (OLA) associated with a noise sensitive land use is considered a noise sensitive space."

NPC-300 defines a "noise sensitive commercial purpose building" as:

"...a building used for a commercial purpose that includes one or more habitable rooms used as sleeping facilities such as a hotel and a motel."

Since the existing hotel on the Property is already defined as a sensitive non-residential use according to MOE guidelines, which industries and activities that produce emissions must have regard for to obtain required approvals from the MOE, we respectfully submit that the requested introduction of residential and additional sensitive non-residential uses on the Property will not adversely affect the overall viability of the larger *Employment Area*. Also, since each conversion request must be considered on its merits, the proposed conversion request for the Property does not create a precedent for further conversions.

ii) Reduction in the Inventory of Lands Available for Employment Uses

The Property is not appropriate for uses that are provided for within *Employment Areas* because of land use incompatibility. Given the existing sensitive non-residential hotel use of the Property, the Property in a sense has already been converted.

The proposed conversion request restricts the new residential and non-residential sensitive uses to an edge location so the conversion will not reduce the amount of land available for those uses that are provided for within *Employment Areas*.

Further Reasons in Support of the Conversion Request

Permission for the mixed use development, including residential, on the edge of an *Employment Area*, amenitizes, brings walkable street-level vitality to the area and elevates the market attractiveness of the *Employment Area* for office purposes. The conversion request for the Property encourages institutional care uses, particularly health services and accommodation for an aging population, where such accommodation does not come at the expense of *Employment Area* uses. No net loss of job space. The live/work building, seniors residence, retail, office space, restaurant and sports centre proposed for the Property, are employment uses and will contribute to the City's employment targets.

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4

Concerns with the Proposed OPA for the Property

While proximity to highways used to attract new business park development, attracting such development today requires access to higher order transit. If offices create more transit ridership than residential uses, then business parks that are not within walking distance to higher order transit are at risk of stagnation unless jobs and housing are balanced such that walking and cycling are equally valid means of commuting to work.

The Property is located within the Lesmill area of the Don Mills Business Park *Employment Area*. The Don Mills Business Park areas in proximity to Eglinton Avenue and Don Mills Road have the benefit of major public infrastructure in the form of rapid transit. The Lesmill area does not have access to higher order transit making the introduction of residential uses essential to increase the viability and attractiveness of the area for business park purposes.

The policies of the OPA and the proposed redesignation the Property as *General Employment Area* with the rear portion of the Property in proposed SASP 394 will merely reinforce everything that is arguably wrong with the Don Mills neighbourhood: urban sprawl, congestion and reliance on four wheels. The reinforcement of the status quo is not in the interests of the City or the Province. The OPA needs to consider creative solutions, to contribute to a balance between jobs and housing to reduce the need for commuting by car, in order to attract new office development to the Lesmill area of the Don Mills Business Park.

SASP 394 allows workplace daycares and recreation and entertainment facilities on the lower floors of multi-storey buildings that include *Core Employment Areas* uses. These land uses are non-residential sensitive land uses. While such uses may be compatible with office uses, they may negatively impact other uses permitted within *Core Employment Areas*, particularly existing manufacturing and printing facilities within the Lesmill area. Allowing workplace daycares and recreation and entertainment facilities to be established without an evaluation of how such uses would be affected by nearby *Employment Area* uses and how the proposed non-residential sensitive land uses would affect *Employment Area* uses in proximity is contrary to the policies of the Provincial Policy Statement and the City's objective of providing stability for business operations.

Conclusion

In conclusion, we submit that there is a strong rationale to support the designation of the Property as *Mixed Use Areas*:

- There is an existing non-residential sensitive hotel use on the Property so adding additional residential and non-residential sensitive uses will not adversely affect the overall viability of the larger *Employment Area*.
- The proposed conversion request restricts the new residential and non-residential sensitive uses to an edge location so the conversion will not reduce the amount of land available for those uses that are provided for within *Employment Areas*.

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5

- Mixed Use development, including residential, on the edge of an *Employment Area*, amenitizes, brings walkable street-level vitality to the area and elevates the market attractiveness of an *Employment Area* for office purposes.

The Request to the Committee

For the reasons noted above, we submit that there is strong planning rationale to support the redesignation of the Property to a *Mixed Use Areas* designation.

Accordingly, we request the Committee to direct the Planning Department to amend the mapping in the OPA to redesignate the Weston Prince Hotel Site at 900 York Mills Road as *Mixed Use Areas* and include all site specific policies necessary to accommodate the development proposed in the conversion request.

We reserve the right to raise additional comments and concerns as this OPA is subject to further refinement and Council approval. Please keep us apprised of the status of the OPA by providing us with copies of any further staff reports, notice of any further public meetings, committees of Council and Council meetings and copies of all decisions made by Council, that are concerned with this OPA.

Should you have any questions respecting this request, kindly contact the writer at your earliest convenience.

Yours truly,



cc: Calvin Lantz

CL/na
Attachment

cc. Mr. Paul Bain, *City Planning*

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BY E-MAIL

October 26, 2012
File No.: 125991.1003

Paul Bain
Project Manager, City Planning Division
City of Toronto
Urban Development Services
Metro Hall
55 John Street, 23rd Floor
Suite 1220
Toronto ON M5V 3C6

Dear Mr. Bain:

Re: Westin Prince Hotel Site - 900 York Mills Road

We are solicitors for Westmont Hospitality Group, owners of the Weston Prince Hotel located at 900 York Mills Road (the "Property").

A letter to the City from Aird & Berlis, dated July 28, 2011, requested consideration for the redesignation of the Property from Employment Area to Mixed Use Area through the City's municipal comprehensive review process. This letter renews that request, provides more detail about the proposed redevelopment concept for the Property, and provides additional justification in support of the requested conversion.

The Property

The Property is an 11.6 acre site, part of which is underutilized with 3.08 acres along York Mills Road that is vacant (the "Lands"). The Westin Prince Hotel occupies 8.58 acres of the Property and consists of a 22 storey building with 384 hotel rooms, banquet halls/meeting space, restaurants, retail/service commercial and fitness centre uses. The hotel contains approximately 35,014.23 square metres of gross floor area and is proposed to remain on the Property.

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2

The Proposal

A mixed use development is proposed for the Lands consisting of: two residential towers of 28 and 34 storeys, with an approximate gross floor area of 51,709.84 square metres; a live/work building with an estimated gross floor area of 1,114.83 square metres; a seniors' retirement residence of approximately 11,334.17 square metres of gross floor area; retail and office space consisting of approximately 2,926.45 square metres of gross floor area; and, a gross floor area of 2,322.57 square metres for restaurant and sports centre uses.

The Request

The Property is currently designated as an Employment Area in the Toronto Official Plan. As the City is currently undertaking both its statutory 5-year Official Plan review process and municipal comprehensive review process, this letter represents our request to seek a redesignation of the Lands from Employment Area to Mixed Use Area.

Justification

1. The Proposal does not compromise existing employment area functionality.
 - Not reasonable to anticipate redevelopment of the Lands for manufacturing, processing or warehousing purposes due to the proximity of the Westin Prince Hotel use.
 - The Westin Prince Hotel recently underwent a 10 million dollar renovation to modernize the facility.
 - The Employment District in which the Lands are located is already seriously compromised. A number of existing uses in the Employment District, including a private high school, two private elementary schools, trade schools, commercial schools, and the Westin Prince Hotel are considered "sensitive land uses" by the Ministry of the Environment ("MOE") and the proximity of such uses in the Employment District makes it very difficult for manufacturing, processing and warehousing uses to obtain required Environmental Compliance Approvals ("ECA"). Since the existing Westin Prince Hotel, a sensitive land use, is located immediately north of the Lands with a minimal separation distance, industries on the Lands would have difficulty in obtaining required ECAs.
 - Since the existing Westin Prince Hotel is a sensitive land use, any existing industries in proximity have had to mitigate their emissions with respect to the hotel use to obtain their ECAs. Because the Lands are located on the fringe of the Employment District and the Proposal for development will be located further from the core industrial area than the existing hotel, the Proposal will not conflict with the functionality of employment lands and existing industrial uses.

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3

2. Permission for the mixed use development Proposal, including residential, on the edge of an Employment District, amenitizes, brings walkable street-level vitality to the area and elevates the market attractiveness of the area for office purposes.
3. The Proposal restricts the sensitive uses to an arterial edge location thereby preserving core areas for manufacturing employment and industrial uses.
4. The Proposal encourages institutional care uses, particularly health services and accommodation for an aging population, where such accommodation does not come at the expense of industry.
5. No net loss of job space. The Proposal's live/work building, seniors residence, retail, office space, restaurant and sports centre proposed for the Lands, are employment uses and will contribute to the City's employment targets.

The Proposal for the Lands will neither adversely affect the viability of the Employment Area nor compromise achievement of the intensification targets, density targets and other policies of the Official Plan. We therefore request Staff to consider a Mixed Use designation of the Lands through the City's municipal comprehensive review and 5-year Official Plan review processes.

We respectfully request to be notified of any future meetings of the Planning and Growth Management Committee and/or Council or any Committee of Council where the Employment policies of the Official Plan are considered, with a further request that we are provided with any reports and/or notices of the City's passage of any bills in Council which adopt new Official Plan policies regarding Employment Districts and Employment Areas.

If you have any questions or require any further information, please contact me. Thank you for your attention to this matter.

Yours truly,



For: Calvin Lantz

CWL/nla

cc. Kerri A. Voumvakis, City of Toronto Planning
Gerry Rogalski, City of Toronto Planning
Steve Daniels, Delnova Developments Limited