



November 21, 2013

Project No. 0705

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, 2013 Special Public Meeting
Five-Year Official Plan Review/Municipal Comprehensive Review
2225, 2235 and 2255 Sheppard Avenue East***

We are planning consultants to Dorsay Development Corporation and ONTARI Holdings Ltd. with respect to the property located at 2225, 2235 and 2255 Sheppard Avenue East, at the southwest corner of Sheppard Avenue East and Settlers Road (the "subject property"). The subject property is 5.82 hectares (14.4 acres) in size and is currently developed with the Atria office complex, consisting of a 4-storey office building (Atria I at 2255 Sheppard Avenue East) and two 18-storey office buildings (Atria II and III at 2235 and 2225 Sheppard Avenue East, respectively).

We have reviewed draft Official Plan Amendment No. 231 (OPA 231), released on October 31st, and the accompanying staff report dated November 5, 2013. While our clients are supportive of the proposed designation of the subject property as *Mixed Use Areas* along the Sheppard frontage and have no objection to the proposed designation of *General Employment Areas* for the balance of the property, they have concerns regarding requirements set out in draft OPA 231 with respect to provision (h) of the proposed Site and Area Specific Policy 386, which specifies that restaurants and small- and medium scale retail uses are only permitted on the lower level floors of multi-storey buildings. As well, our clients have concerns relating to proposed Policy 3.5.1(9) and provision (b) of proposed Site and Area Specific Policy 386 with respect to the replacement of office/non-residential gross floor area as part of mixed-use redevelopments.

Restaurant and Retail Uses

By way of background, our clients have had discussions with North York Community Planning staff over the past few months regarding plans to intensify the subject property, while providing additional amenities to serve the Atria office buildings, the mixed-use development at Atria IV and the surrounding Consumers Road Business Park through

the development of vacant parcels within the property along the Atria Boulevard frontage. Specifically, the proposed development would consist of 3 free-standing retail/restaurant buildings that would help to frame Atria Boulevard, leading to the Atria II and III office buildings. From an urban design perspective, the proposed development would improve the look and feel along Atria Boulevard by animating the street edge and providing a comfortable scale at the pedestrian level.

However, as part of proposed Site and Area Specific Policy 386, staff are recommending that “restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services are only permitted in Area “C” when the uses are located on lower level floors of multi-storey buildings that include *Core Employment Area* uses, particularly office uses”.

In this regard, it should be noted that the existing Atria office buildings already include retail and restaurant uses on the ground floor, and the proposed free-standing retail/restaurant buildings would complement those uses. Furthermore, the current Official Plan provisions applying to the property would permit free-standing restaurants and small-scale stores and services pursuant to Policy 4.6(1). As well, the MO(5) zoning applying to the property permits restaurant and retail uses to be located in stand-alone buildings and does not restrict these uses to the lower floors of multi-storey buildings.

It is our opinion that proposed policy (h) is not appropriate and desirable as it applies to the subject property. It would remove existing Official Plan permissions on the property and would not be supportive of overall City objectives, including the promotion of uses that would amenitize the office complex and surrounding business park.

Replacement of Non-residential/Office Gross Floor Area

Our clients have concerns regarding proposed Policy 3.5.1(9), which states, in part, that “new development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices is required to increase the non-residential gross floor area used for office purposes where the property is located in a *Mixed Use Area* ... within ... 500 metres of an existing or an approved and funded subway, light rapid transit or GO station.” Similarly, our clients are concerned with provision (b) of proposed Site and Area Specific Policy 386, which requires that “development in Area “A” that includes residential units is required to also increase the non-residential gross floor in Area “A””.

Based on our review of the materials, insufficient justification has been provided by staff to support these proposed policies. To the contrary, it is our opinion that the proposed policies may be counter-productive to the objectives of the Official Plan to support mixed-use intensification along the Sheppard LRT line and in proximity to the planned Consumers Road station.

Conclusions

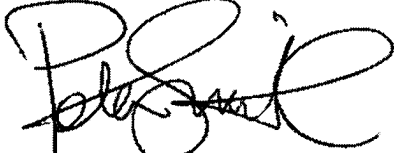
For the reasons outlined above, we request that consideration be given to the deletion of Policy 3.5.1(9) as well as provisions (b) and (h) of Site and Area Specific Policy 386. In the alternative, we request that draft OPA 231 be amended to exempt the subject property from Policy 3.5.1(9) and provisions (b) and (h) of Site and Area Specific Policy 386.

We understand that staff's recommendations as set out in draft OPA 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 Dorsay Development Corporation and ONTARI Holdings Ltd. regarding staff's recommendations for the subject property at 2225, 2235 and 2255 Sheppard Avenue East.

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*
Geoff Grayhurst/Robert Dunn – Dorsay Development Corporation
ONTARI Holdings Ltd. c/o David Tanner, Murray & Company
Mark Flowers – Davies Howe Partners LLP