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March 22, 2018

DELIVERED BY EMAIL (clerk@toronto.ca)

Mayor and Members of Council
c/o City Clerk's Office
13th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Ulli S. Watkiss, Clerk

Dear Mayor and Members of Council

RE: Council Agenda Item PG27.2 – “ConsumersNext: Planning for People and Business at Sheppard and Victoria Park”
- **Considered by City Council on March 26, 27 and 28, 2018**
- **Letter Submitted on Behalf of Agellan Management Limited Partnership**

We are the solicitors for Agellan Management Limited Partnership (“**Agellan**”), the agent for Parkway Place Holdings Ltd., the registered owner of the lands referred to as Blocks C, D and E, and part of Blocks A, B and Yorkland Boulevard (closed) on Registered Plan M-1248 and part of Block C on Registered Plan M-1164, including the properties municipally known as 243, 245, 251 and 255 Consumers Road, in the City of Toronto (the “**Subject Lands**”). A map identifying the Subject Lands is attached to this letter as “Figure 1”.

While Agellan is supportive of the general ConsumersNext goal of ensuring that the Consumers Road Business Park continues to be an attractive business park that is well-connected to a complete, walkable, mixed-use community, Agellan does have specific concerns with the proposed Secondary Plan policies as it relates to the Subject Lands, building upon its prior submissions to the City. Additionally, as indicated in prior communications to the City, Agellan continues to have overall concerns with the ConsumersNext process, including community engagement.

Concerns with the ConsumersNext Process

Since Phase 1 of the ConsumersNext Study commenced in June 2015, our client and its land use planning consultant, Pound & Stewart Associates Limited (“**Pound & Stewart**”) have been actively engaged in the ConsumersNext process. In this regard, our client and/or their representatives have attended all of the public consultation meetings organized by the City, which took place on June 24, 2015, September 24, 2015, April 25, 2016, November 24, 2016, May 23, 2017 and December 13, 2017.

In addition to attending the public meetings, Pound & Stewart prepared various written submissions to the City on ConsumersNext. In particular, in November 2016, Pound & Stewart submitted a comprehensive document to R.E. Millward, the planning consultants retained by the City to assist with the ConsumersNext study, which was entitled “Agellan's Vision for its Consumers Road Properties” (the

"**Agellan Vision Document**"). This document indicates our client's vision for a portion of the Subject Lands which include a "vibrant, mixed live-work-play land use formula" and a supermarket. This document provided justification for this vision within the context of ConsumersNext. A follow-up letter to this document was submitted to R.E. Millward on December 7, 2016, focusing on Higher Order Public Transit improvement.

Written submissions were also made to the Planning and Growth Management Committee prior to its consideration of ConsumersNext on May 31, 2017, in which Pound & Stewart urged the City to explore opportunities for mixed-use intensification and Higher Order Transit within the ConsumersNext context. Also, in addition to providing written submissions, our client met with City Staff in early 2018 in respect of the ConsumersNext Study as it related specifically to the Subject Lands.

Despite the various public consultation meetings, meetings with City Staff and written submissions, based upon the review of the Draft Secondary Plan, it has become apparent that none of the issues raised by the stakeholders were considered or resolved, and that none of the suggestions provided by the stakeholders, including our client through the Agellan Vision Document, were incorporated in the Draft Secondary Plan. Despite the City's indication that the ConsumersNext study and resulting implementing documents would be a visionary exercise where public input was given due regard, in our submission, this has not been the case.

Concerns with the Proposed Secondary Plan

Our client's primary concerns with the proposed Secondary Plan as it relates to the Subject Lands are as follows:

1. **Existing Uses and Built Form**– The Subject Lands currently house two automotive dealerships at 165 Yorkland Boulevard and 175 Yorkland Boulevard, and our client is considering plans for an additional automotive dealership at 243 Yorkland Boulevard. Our client is concerned the draft Secondary Plan is not clear in respect of whether the existing automotive dealerships (including their current built form) are compliant with the proposed Secondary Plan policies. In our submission, explicit language needs to be included in the Secondary Plan to secure the existing uses and built form on the Subject Lands.

Secondly, although the draft Secondary Plan notes that the provisions of Chapter 4 of the Official Plan will apply as they relate to land use designations, it is unclear as to whether automotive dealership uses continue to be permitted. Given that an automobile dealership is generally not permitted under former City of North York By-law 7625, our client submits that this use be expressly permitted in the Secondary Plan to protect both the existing and future automobile dealership uses.

2. **Built Form Requirements** – With respect to the Highway Edge District, Policy 5.15.2(b) of the draft Secondary Plan states that "*Buildings should have a more urban relationship to the public realm along Consumers Road and Yorkland Boulevard through either the provision of a pavilion building(s) which contains a clear and directly accessible main entrance to the building and through the provision of appropriate landscape treatments.*" Additionally, pursuant to Map 38-2, "Structure", possible building edges are proposed on the Subject Lands, providing a framework for built form on the Subject Lands.

Our client is concerned that the above-noted policies, as well as other policies in the Secondary Plan, impose built form restrictions, without having any regard for use. In our client's submission, a "one-size-fits-all" approach to built form within the noted districts and nodes, is inappropriate given the multitude of uses permitted in said districts and nodes. On the contrary, our client submits that built form provisions need to accommodate use.

Additionally, our client is very concerned that the Secondary Plan articulates building edges without having any regard or understanding of what may be proposed on those parcels. It is our

client's submission that including these building edges inappropriately limits our client's development and design opportunities on the Subject Lands.

3. **POPS** – Map 38-2 also identifies our two parcels in the Subject Lands as being conceptual locations for POPS. Firstly, it is our client's submission that there is no planning justification in the draft Secondary Plan for locating POPS in these areas. Secondly, similarly to the built form requirements noted above, our client is concerned that the draft Secondary Plan proposes POPS space on parcels without knowing the uses to be proposed on those parcels. Accordingly, our client submits that it is premature, at this point in time, to identify POPS locations on Map 38-2.
4. **Eco-Mobility Hubs** – Map 38-11 identifies a small-scale Eco-Mobility Hub at the corner of Yorkland Road and Yorkland Boulevard, and a large-scale Eco-Mobility Hub at the corner of Yorkland Boulevard and Consumers Road, both abutting parts of the Subject Lands. While our client does not have an issue with the Eco-Mobility Hubs in principle, it is not clear from the draft Secondary Plan what the difference is between a small-scale and large-scale Eco-Mobility Hub, as well as, how the Eco-Mobility Hubs will be implemented or paid for. In our client's submission, more clarity in the Secondary Plan is required with respect to the Eco-Mobility Hubs.
5. **Shuttle Services** - Policy 3.11 reads, "*The introduction of regional transportation service and the expansion of shuttle services to nearby rapid transit stations (i.e., Oriole and Agincourt GO Stations, Don Mills Subway Station) will be encouraged to provide additional access to and from the business park.*" It is recommended that the word 'public' should precede shuttle services and this be added to the policy for greater clarity and certainty.
6. **Pedestrian Easements** - Policy 4.25 reads, "*Owners of adjacent properties are encouraged to provide pedestrian easements along mutual property lines to help establish a pedestrian network of mid-block pathways as illustrated on Map 38-2 and Map 38-12.*"

Each of these maps, as well as Maps 38-3 and 38-7 reference and depict the same 'pedestrian connections' reference feature on each Map and these are denoted on each Map as follows:

Map 38-2 'Mid-Block Pedestrian Connections'

Map 38-3 'Proposed Pedestrian Connections – Flexible Location'

Map 38-7 'Midblock Pedestrian Connection'

Map 38-12 'Potential Midblock pedestrian connections'

It is our submission that there is a lack of clarity in the Maps representation which on one hand, expresses a location for a pedestrian connection and then on the other, indicates that the location of the pedestrian connection is flexible or potential.

Further, we submit Policy 4.25 is not clear because not all of the proposed pedestrian connections are shown as being located along a mutual property lines. For example, a portion of the Subject Lands show a pedestrian connection that unnecessarily duplicates a nearby proposed pedestrian connection. Additionally, we submit that this proposed pedestrian connection location should be eliminated as it does not fit the City's policy criteria, 'mutual property lines' as the subject lands are completely owned by Agellan.

The Secondary Plan policy should also confirm that the implementation of 'pedestrian connections' will not be achieved by the public expropriation of lands or rights associated with lands and may be considered for acquisition through the redevelopment and planning applications process when associated with the redevelopment of property in the future.

7. **Cycle Routes** - Map 38-13 depicts 'Cycling Routes'. The easterly route depicted along the Subject Lands should also be revised to relocate the proposed easterly cycle route further eastward onto the boundary line of the Subject Lands.

The Secondary Plan policy should also confirm that the implementation of 'cycle routes' will not be achieved by the public expropriation of lands or rights associated with lands and may be considered for acquisition through the redevelopment and planning applications process when associated with the redevelopment of property in the future.

8. **Greenway Connection** – Policy 4.27 reads, “A multi-use Greenway Connection shown on Map 38-2 and Map 38-13 will be established through coordinated landscaping treatments within the setback required by the Ministry of Transportation along Highways 401 and 404 to serve as a recreational trail and alternate pedestrian and cycling connection through the Secondary Plan Area.”

Further, Policy 4.28 reads, “Landowners will be encouraged to coordinate efforts to dedicate the required public access easements to implement the Greenway Connection within the Highway Edge District as identified on Map 38-2. Mid-block pedestrian connections will be secured to the Greenway Connection through public access easements from existing and planned public streets.”

The Secondary Plan policy should confirm that the implementation of the Greenway Connection will not be achieved by the public expropriation of lands or rights associated with lands will only be considered for implementation through the redevelopment and planning applications process when associated with the redevelopment of property in the future.

9. **Large Blocks** - Policy 5.2 reads, “Large blocks will be divided into smaller parcels of land with additional local public streets, parks and/or mid-block pedestrian connections to provide a range of options for public circulation and a setting for a development scaled to the size of the new parcels.”

Mandating the division of large blocks into small parcels appears to be largely driven by the desire to provide options for public circulation. Public circulation is achievable on large blocks. Large Blocks provide for a more comprehensive and cohesive form of re development and ought to be preserved and maintained to better serve land use functions which can be supported by built form. Accordingly, we submit that 'will' should be modified to 'may' in this policy.

10. **Consumers Road R.O.W.** - Policy 4.6 reads, “Consumers Road Main Street will be designed and laid out with landscaping, sidewalks and to provide for all modes of transportation within the existing 20 metre right-of-way. As land is secured to expand the right-of-way to 27 metres as provided for by the Official Plan, this additional space will accommodate additional landscaping and enhanced pedestrian and cycling infrastructure and amenity.”

It may not be possible to achieve the full 27 metre right-of-way along Consumers Road and the policy should be revised to introduce more flexible wording such as 'up to' 27 metres to avoid future amendment requirements to the Official Plan over this matter.

11. **5.0 Setback and the Supermarket Site** - Policy 5.15.3 reads, “Development in the Business Park Interior District will be set back a minimum of 5 metres from the street and located to reinforce a landscaped character along Yorkland Road, Yorkland Boulevard, Consumers Road and the future extension of Settlers Road.”

In addition to an additional automobile dealership, our clients are considering plans for a supermarket on the Subject Lands (the “**Supermarket Site**”). Our client is concerned that the requirement for a 27 metre right-of-way and the 5 metre setback may compromise building design of the Supermarket Site. This location is a corner site, within the boundary of the proposed

Consumers Main Street block, and therefore requires careful site design which will be complementary to achieving planned function and built form objectives. As a result, we submit that Policy 5.15.3 should not apply to this property, or the policy should be modified, to reflect 'up to' a 5.0 metre setback.


As well, with respect to the proposed Supermarket Site, Map 38-2, which is the 'Structure Plan' illustrates a 'Future Park (Potential)' and 'Possible Building Edge' limits. Neither of these features are desirable as they affect planned function, which would permit a supermarket of less than 6,000 square metres of gross floor area at this location. As a result, we submit that these depictions should be removed as they relate to this property

As noted above, our client has been actively engaged in the ConsumersNext study process. Despite this, its concerns and suggestions have not been considered or addressed. Since our client is overall supportive of the direction of the draft Secondary Plan, we would welcome the opportunity to have further discussions with Staff to resolve the issues noted above. As a result, we would ask that Council defer approval of staff recommendations at this time to allow for further discussions to take place.

If you have any questions, or would like to discuss further, please do not hesitate to contact the undersigned.

Yours very truly,

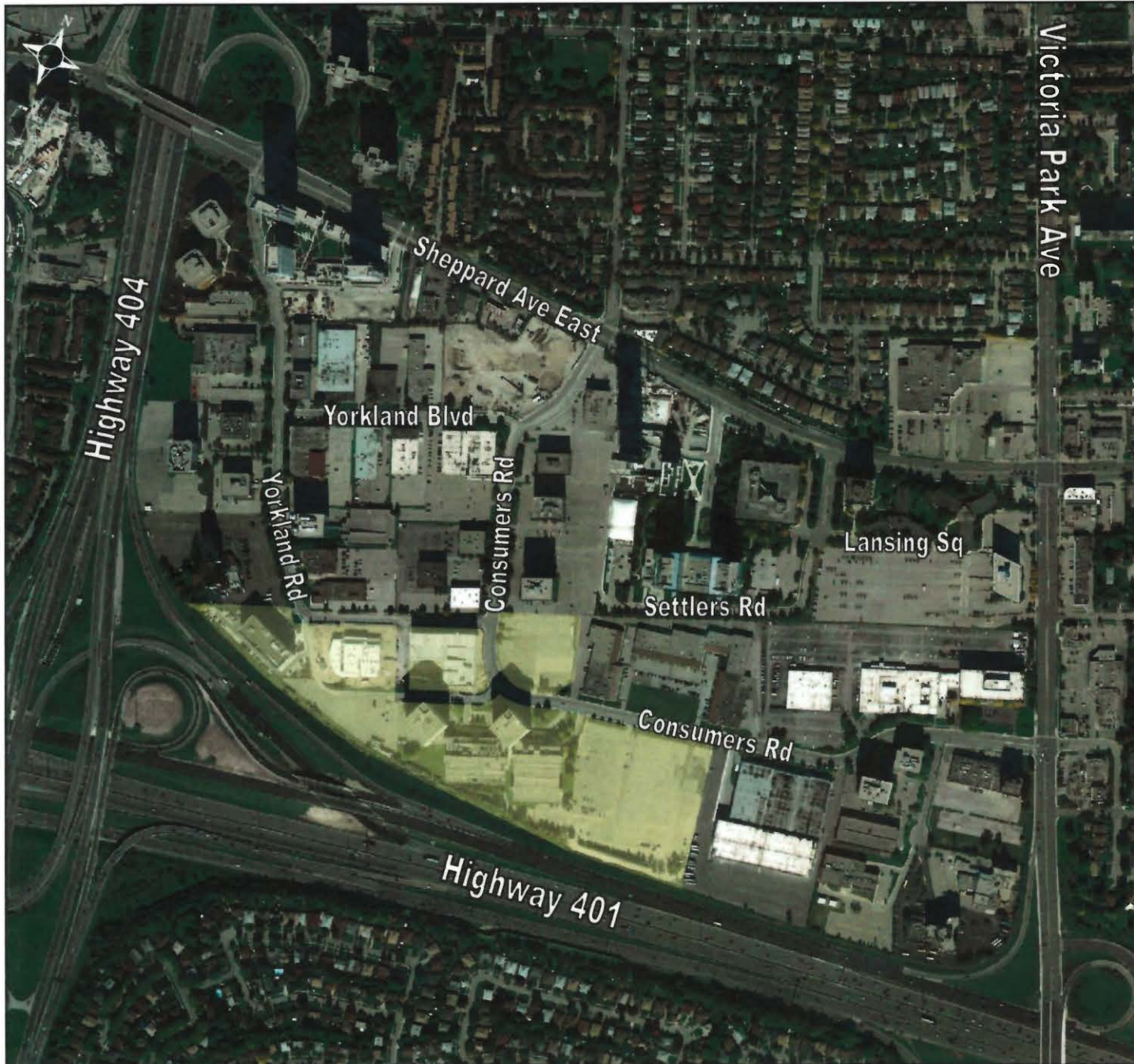
Devine Park LLP

per: 
Jason Park
JIP/SHL

Encl.

cc: Agellan Management Limited Partnership
Guy Matthew, Senior Planner, ConsumersNext Study
Kerri Voumvakis, Director, Strategic Initiatives, Policy & Analysis
Joe Nanos, Director, Community Planning, North York District
Pound & Stewart Associates Limited

FIGURE 1: AGELLAN MANAGEMENT LIMITED PARTNERSHIP LANDS - MARCH 2018



 Agellan Management Limited Partnership Lands

 **AGELLAN COMMERCIAL REIT**

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