



February 25, 2019

Project No. 0892

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

Attention: Ms Ulli Watkiss

Dear Mayor and Members of Council,

**Re: *Amendment 1 to the 2017 Growth Plan for the Greater Golden Horseshoe ("Amendment 1");
Council Agenda Item PH2.4
Report from the Chief Planner and Executive Director, City Planning
February 12, 2019
Report from the Chief Planner***

We are the planning consultants for 2141805 Ontario Inc. (Liberty Developments) the owner of lands municipally known as 865 York Mills Road in the City of Toronto ("the owner") which are located on the south side of York Mills Road, west of Don Mills Road and east of Leslie Street, as shown on Attachment 1. ("the subject lands"). The subject lands, which are approximately 3.3 ha in size are occupied by a 12,686 sq. m (137,800 sq. ft) building known as Liberty Plaza which includes a variety of office, retail (including a supermarket) and restaurant uses.

The purpose of this letter is to provide comments with respect to the Reports of the Chief Planner and Executive Director City Planning to Council with respect to the proposed Amendment 1 to 2017 Growth Plan for the Greater Golden Horseshoe and the Proposed Framework for Provincially Significant Employment Zone (PSEZ) which are to be considered by Council on February 27, 2019.

The subject lands are not identified as a PSEZ in Amendment 1, however, in the February 25, 2019 Supplementary Report the Chief Planner recommended that the subject lands be added to the Province's PSEZ, as shown on Attachment 4 to that Report. The owner objects to the inclusion of the subject site within a PSEZ, and requests that Council not support this staff recommendation at its meeting on February 26, 2019.

In our opinion, the existing development context and the existing development approvals and the outstanding appeals are fundamental to understanding the basis for the owner's objection.

The Existing Development Context

The subject lands are surrounded by a variety of office, service and retail commercial uses. To the immediate north is the 21 storey Westin Prince Hotel complex (900 York Mills Road). To the west of the hotel is the Northwest Atlantic

Brokerage Firm, the Don Mills Car Wash and a commercial retail plaza. The lands at the corner of Lesmill Road and York Mills Road are currently vacant.

On the south side of York Mills, west of the subject lands is a one storey commercial plaza, which includes a number of restaurants. To the east is another commercial plaza with a number of fast food establishments. To the south of the subject lands is a parking lot. The York Mills frontage is one characterized by a variety of retail, restaurant and service commercial uses.

Considering the land use context, the subject site is in an ideal location for mixed use intensification in accordance with the overall direction of the Growth Plan and the Provincial Policy Statement.

Existing Official Plan and Zoning By-law approvals

Official Plan Status

The subject lands are designated Employment in the approved City of Toronto Official Plan. In December 2011 the Owner submitted an official plan consisting of two new office towers, each with over 280,000 sq. ft of office space, a 20 storey hotel and three residential towers ranging in height from 32 - 38 storeys containing over 850 units. Reports filed in support on the application identified that there would be an increase in employment from approximately 395 jobs (estimate in 2011) to 3,600 jobs upon completion (in the order of 1,000 jobs per hectare). A significant increase in taxes would also result. It should be noted that the owner would be prepared to enter into an agreement with the City undertaking to provide employment space as part of any approvals.

City Planning staff recommended (February 2012) that the application be considered as part of the Municipal Comprehensive Review. Subsequently City Council adopted Official Plan Amendment 231 ("OPA 231") which proposed to designate the subject lands General Employment. Thus almost 7 years later his appeal, and the appeal of the official plan amendment application, has yet to be considered by LPAT and the City has yet to provide the owner with a justification for the refusal to permit the conversion. Although the Supplementary Report identifies that 200 ha (or 23%) of the Employment Areas under appeal fall within the recommended additional PSEZ, there are no reasons given why the subject lands should be so included.

Zoning By-law

The subject lands are zoned MO (Industrial-Office Business Park Zone) Zone which permits a wide range of uses including hotels, manufacturing, office uses, personal service shops, showrooms, service commercial uses, retail uses and restaurants (including outdoor cafes). Retail and service shops are limited to 20% of the gross floor area of the largest building on the lot. The maximum gross floor area is 150% of lot area and there is no maximum building height.

Amendment 1 to the 2017 Growth Plan - Exemption from *Municipal Comprehensive Review (MCR)* requirements

While the owner is hopeful that its applications can be dealt with as part of the previous MCR, it supports the proposed amendments to the Growth Plan which allow certain *Employment Lands* to be converted to non-employment uses, prior to the next MCR, provided it is demonstrated that

- there is a need for the conversion;
 - the proposed use would not adversely affect the overall viability of the *employment area* or the achievement of the minimum intensification and density of the Growth Plan, as well as other policies of the Growth Plan, and
 - there are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed use.
- (Section 2.2.5.9 - 11)

The subject lands would benefit significantly from the introduction of non-employment uses and, although they are subject to an appeal under the previous MCR (adopted December 2013), would benefit from an exemption from any future MCR. They can meet all the above criteria and they could generate a significant level of employment if permitted to proceed.

For similar reasons the owner is opposed to the inclusion of the subject lands as part of an PSEZ which would be subject to the provisions of Section 2.2.5.12 which prohibits the conversion lands without an MCR.

The Chief Planner in his report, identified why 95% of the City's employment lands should be considered PSEZ. With respect to the subject lands we disagree.

a) With respect to a location near highways and other major transportation infrastructure

While the Don Valley Parkway lies to the east, and Highway 401 to the north the subject lands are not directly accessible to, nor do they enjoy direct exposure from these highways.

b) With respect to supporting or protecting industrial uses:

There are no industrial uses which required protection in the vicinity of the subject lands.

c) With respect to protecting employment uses from sensitive land uses that could threaten existing employment uses:

Sensitive land uses are specifically permitted under the current zoning and exist, within the Westin Hotel complex, adjacent to the subject lands.

The current use creates uncertainty as it represents a significant underutilization of the subject lands.

- d) With respect to provide large, continuous constraint free lands for large industries:

The property ownership along York Mills Road is quite fragmented. There are no large, continuous constraint free properties on the north or the south sides of York Mills Road in the vicinity of the subject lands. The subject lands, although over 3 ha, are currently occupied by over 130,000 sq. ft of commercial uses, including a supermarket. None of the major employers listed on Table 1 of the Supplementary Report would be affected by the exclusion of the subject lands from a PSEZ.

- e) High concentration of employment and/or economic output

Liberty Plaza today represents, in our opinion, an underutilization of land in a prime location in the City. It does not exhibit a high concentration of employment (less than 400 jobs on a 3.3 ha site) nor a high economic output. A much more productive use could be made of the subject lands if they were designated Mixed Use - which it is estimated would generate approximately 3,600 jobs.

We thank you for your consideration of our comments and we would ask that Council give serious consideration to our request.

Yours truly,

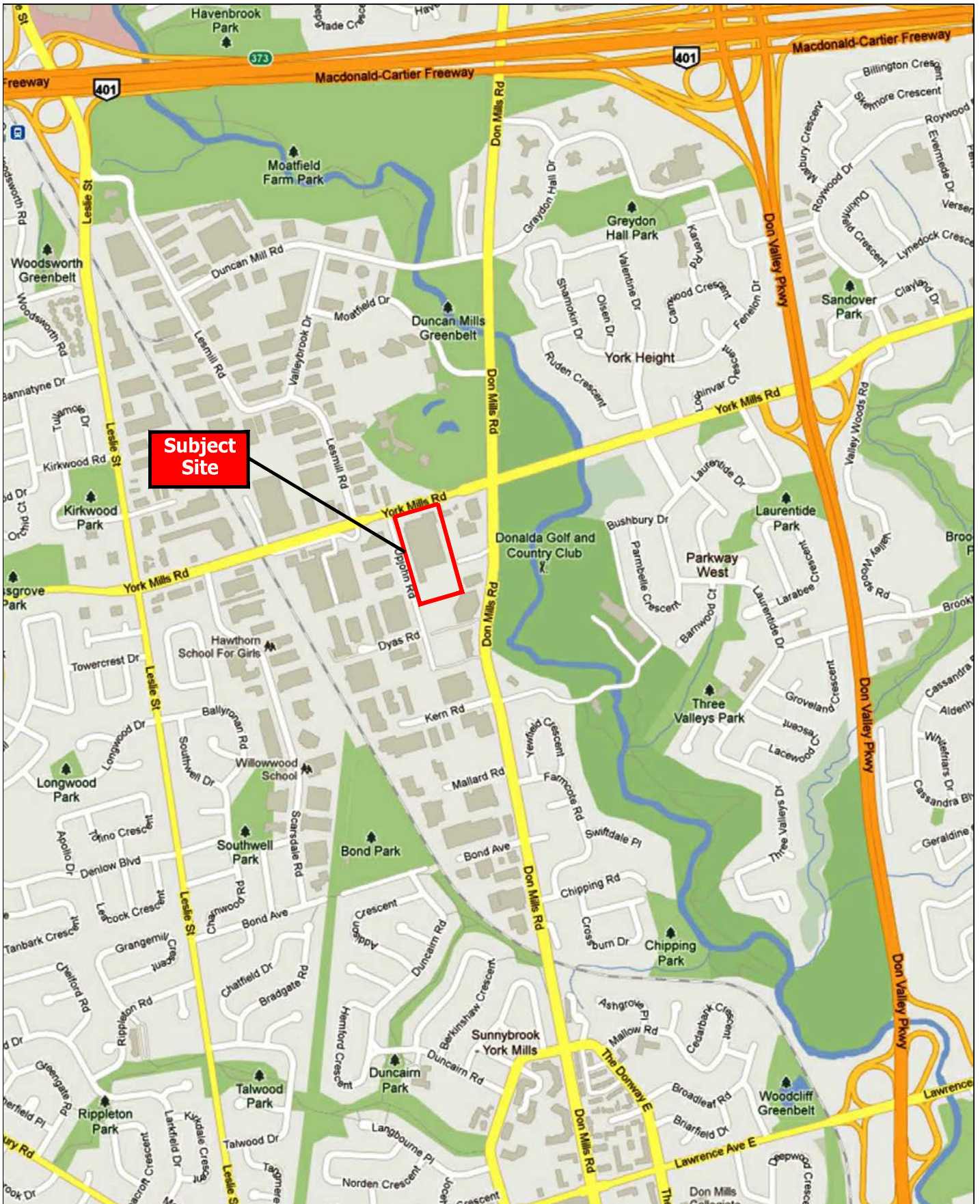
Bousfields Inc.



Lindsay Dale-Harris M.Sc.PI., FCIP, RPP

LDH/klh:jobs

c.c. *Lezlie Phillips, Liberty Development*
Fred Darvish, Liberty Development
Charles O'Hara, Ontario Growth Secretariat,
Ministry of Municipal Affairs





BOUSFIELDS INC.

February 25, 2019

Project No. 0892

Charles O'Hara
Ontario Growth Secretariat, Ministry of Municipal Affairs
777 Bay Street
c/o Business Management Division, 17th floor
Toronto ON M5G 2E5

Dear Mr. O'Hara,

**Re: *Amendment 1 to the 2017 Growth Plan for the Greater Golden Horseshoe ("Amendment 1");
Proposed framework for provincially significant employment zones;
ERO number - 013-4506
Notice type: Policy Proposal
Comment period: January 15, 2019 - February 28, 2019 (44 days)***

We are the planning consultants for 2141805 Ontario Inc. (Liberty Developments) the owner of lands municipally known as 865 York Mills Road in the City of Toronto ("the owner") which are located on the south side of York Mills Road, west of Don Mills Road and east of Leslie Street, as shown on Attachment 1 ("the subject lands"). The subject lands, which are approximately 3.3 ha in size are occupied by a 12,686 sq. m (137,800 sq. ft) building known as Liberty Plaza which includes a variety of office, retail (including a supermarket) and restaurant uses.

The purpose of this letter is to provide comments with respect to the proposed Amendment 1 to 2017 Growth Plan for the Greater Golden Horseshoe and the Proposed Framework for Provincially Significant Employment Zone (PSEZ). The subject lands are not identified as a PSEZ in Amendment 1, however, we are aware that the Planning and Housing Committee of the City of Toronto have identified that the Lesmills Office Park be included as PSEZs by the Province. This recommendation is to be considered by City Council on February 26, 2019 (final Planning Report is still outstanding). Therefore, this letter also requests that the Province not support the Committee's recommendation with respect to the subject lands should it be approved by Council.

In our opinion, the existing development context and the existing development approvals and the outstanding appeals are fundamental to understanding the basis for the owner's request.

The Existing Development Context

The subject lands are surrounded by a variety of office, service and retail commercial uses. To the immediate north is the 21 storey Westin Prince Hotel complex (900 York Mills Road). To the west of the hotel is the Northwest Atlantic Brokerage Firm, the Don Mills Car Wash and a commercial retail plaza. The lands at the corner of Lesmill Road and York Mills Road are currently vacant.

On the south side of York Mills, west of the subject lands is a one storey commercial plaza, which includes a number of restaurants. To the east is another commercial plaza with a number of fast food establishments. To the south of the subject lands is a parking lot. The York Mills frontage is one characterized by a variety of retail, restaurant and service commercial uses.

In our opinion, this is an ideal location for mixed use intensification in accordance with the overall direction of the Growth Plan and the Provincial Policy Statement.

Existing Official Plan and Zoning By-law approvals

Official Plan Status

The subject lands are designated Employment in the approved City of Toronto Official Plan. In December 2011 the Owner submitted an official plan amendment application to provide for the development of a mixed use project. The proposed mixed use development consisted of two new office towers, each with over 280,000 sq. ft of office space, a 20 storey hotel and three residential towers ranging in height from 32 - 38 storeys containing over 850 units. Reports filed in support on the application identified that there would be an increase in employment from approximately 395 jobs (estimate in 2011) to 3,600 jobs upon completion (in the order of 1,000 jobs per hectare). A significant increase in taxes would also result.

City Planning staff recommended February 2012) that the application be considered as part of the Municipal Comprehensive Review. Subsequently City Council adopted Official Plan Amendment 231 (“OPA 231”) which proposed to designate the subject lands General Employment. As you may be aware, there are a large number of appeals to OPA 231, and the Owner has a site specific appeal for the subject lands. This appeal, or the appeal of the official plan amendment application, has yet to be considered by LPAT

Zoning By-law

The subject lands are zoned MO (Industrial-Office Business Park Zone) Zone which permits a wide range of uses including hotels, manufacturing, office uses, personal service shops, showrooms, service commercial uses, retail uses and restaurants (including outdoor cafes). Retail and service shops are limited to 20% of the gross floor area of the largest building on the lot. The maximum gross floor area is 150% of lot area and there is no maximum building height.

Amendment 1 to the 2017 Growth Plan - Exemption from *Municipal Comprehensive Review (MCR)* requirements

The Owner is very supportive of the proposed amendments to the Growth Plan which allow certain *Employment Lands* to be converted to non-employment uses, prior to an *MCR*, provided it is demonstrated that

- There is a need for the conversion;
- The proposed use would not adversely affect the overall viability of the *employment area* or the achievement of the minimum intensification and density of the Growth Plan, as well as other policies of the Growth Plan, and

- There are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed use.
(Section 2.2.5.9 - 11)

In their opinion, the subject lands would benefit significantly from the introduction of non-employment uses and, although they are subject to an appeal under the previous *MCR* (adopted December 2013), would benefit from an exemption from any future *MCR*. They can meet all the above criteria.

For similar reasons the Owner is opposed to the inclusion of the subject lands as part of an PSEZ which would be subject to the provisions of Section 2.2.5.12 which prohibits the conversion lands without an *MCR*.

Importantly, the proposed framework for PSEZs states that:

“To ensure employment areas that are crucial to province’s economy are not converted without a more comprehensive assessment of employment land need, and the implications for economic development, the Ministry of Municipal Affairs and Housing is also proposing to identify provincially significant employment zones. Employment areas within these zones would require provincial approval in order to be converted, and therefore would not be eligible for conversion during the proposed transitional period outlined above...”

Identifying provincially significant employment zones would also serve a longer-term purpose for the province and municipalities in the Greater Golden Horseshoe by providing a regional picture of some of the key employment areas that make up the region’s economic land base. This would help coordinate planning and economic development efforts and drive economic growth in the region.” (our emphasis).

The provincial criteria for inclusion as a PSEZ identify lands that:

- *May be vulnerable to conversion pressures (e.g. to residential conversion);*
- *May be facing encroachment by sensitive land uses that could threaten the existing employment uses; or*
- *Are needed in the region to attract new investment and retain existing industries.*

Additional criteria may include lands that are:

- *Located near highways, railways, intermodal facilities, transit and/or other major transportation infrastructure to support the movement of people and goods;*
- *High concentration of employment and/or economic output, and play an economically strategic role to the region;*
- *Support industrial uses, which are sensitive to encroachment; or*

- *Contiguous zones and contain large continuous developable, constraint-free lands (e.g. >10 acres).*

In no way does it meet any of the criteria set out above.

- a) With respect to a location near highways and other major transportation infrastructure

While the Don Valley Parkway lies to the east, and Highway 401 to the north the subject lands are not directly accessible to, nor do they enjoy direct exposure from these highways.

- b) With respect to supporting or protecting industrial uses:

There are no industrial uses which required protection in the vicinity of the subject lands.

- c) With respect to protecting employment uses from sensitive land uses that could threaten existing employment uses:

Sensitive land uses are specifically permitted under the current zoning and exist, within the Westin Hotel complex, adjacent to the subject lands.

- d) With respect to provide large, continuous constraint free lands for large industries:

The property ownership along York Mills Road is quite fragmented. There are no large, continuous constraint free properties on the north or the south side of York Mills Road in the vicinity of the subject lands. The subject lands, although over 3 ha, are currently occupied by over 130,000 sq. ft of commercial uses, including a supermarket.

- e) High concentration of employment and/or economic output

Liberty Plaza today represents, in our opinion, an underutilization of land in a prime location in the City. It does not exhibit a high concentration of employment (less than 400 jobs on a 3.3 ha site) nor a high economic output. A much more productive use could be made of the subject lands if they were designated Mixed Use - which it is estimated would generate approximately 3,600 jobs.

We thank you for your consideration of our comments. If you have any questions or would like to meet to discuss our clients concerns please contact the undersigned.

Yours truly,

Bousfields Inc.



Lindsay Dale-Harris M.Sc.Pl., FCIP, RPP

LDH/klh:jobs

*c.c. Leslie Phillips, Liberty Development
Fred Darvish, Liberty Development
City Clerk's Office, City of Toronto*

