



July 14, 2023

By E-mail to clerk@toronto.ca

City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Attention: John D. Elvidge, City Clerk

Dear Members of City Council,

**RE: Official Plan Amendment for Bill 97 Transition- Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas- Final Report
Planning and Housing Committee Agenda Item: PH5.2**

Purpose

Liberty Development is the development manager for the land owner (2141805 Ontario Inc.). We have reviewed the final report of the Chief Planner and Executive Director, City Planning, dated June 19, 2023, along with draft Official Plan Amendment No. 668 ("OPA 668"). We are writing this letter to express our disagreement with the staff recommendation seeking adoption of OPA 668. In addition, we also do not agree with the staff recommendation requesting the Ministry of Municipal Affairs and Housing to delay the effective date of the Provincial Policy Statement until January 1, 2024 at the earliest, or such time as our lands can be brought into a Mixed-Use Areas designation.

Our Site

Our site is located at 865 York Mills. It was designed and constructed as a typical suburban style of commercial/industrial development over 40 years ago. The existing plaza is currently occupied by a number of retail stores, restaurants, offices, automotive and personal service uses. This makes our site ideally suited to permit the addition of a mix of uses, including residential in our opinion, along the front half of our site, while continuing to maintain multiple employment uses along the rear portion of the site.

Background

We submitted a conversion request in 2020 seeking that the subject site be converted from a *General Employment* designation to *Mixed Use Areas* with an addition of uses and keeping the current employment numbers. A full range of studies were submitted in support of this

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A handwritten signature in blue ink, appearing to be "J. Elvidge", located in the bottom right corner of the page.

request. As required by the city, we also submitted an Air Quality and Land Use Compatibility Assessment, prepared by Gradient Wind Engineering Inc., dated June 22, 2022.

As added history, we have been involved in the process of trying to establish our lands as a mixed-use community since 2011 by trying to add much needed uses on this underutilized site located near major infrastructure. In December 2011 we submitted applications to the City of Toronto seeking redesignation of our lands from *General Employment* to *Mixed Use Areas* to include residential uses. That application included a conceptual site plan providing for a high-density mixed-use development which included the addition of retail, office and hotel uses, in addition to a substantial number of high-density residential uses. In our estimation, this would have the potential to result in over 1,000 new jobs.

We also made a deputation before the Planning and Housing Committee, at its meeting held on July 5, 2023. We identified for the Committee that our conversion request would result in a total gross floor area of 2 million square feet and an estimated total value of \$325 million of potential benefits to the city, based on our 2021 analysis. In comparison, the redevelopment of the site as proposed via our conversion request, on a per acre basis, would generate nearly 13 times more in public benefits than the current permissions of the site.

Recent Conversion Request Process and Emerging Provincial Policy

As part of the city's Municipal Comprehensive Review of the Official Plan, and more specifically Employment Area conversion requests, we were advised by staff during the Open House sessions the review was undertaken in the context of existing Provincial policy and Plans. We opined in our submission the city should have recognized the changing landscape (changing Provincial policy) and that staff's review should have allowed for a proactive response rather than a reactive response from the city in assessing the multiple conversion requests submitted.

But under this initiative we see the city opting to introduce an amendment to its Official Plan under Bill 97 where the proposed Provincial policies, with respect to the new definition of "Area of Employment" and the proposed transition provisions, are not yet in force and in effect. As such, the city was not willing to consider the clearly stated objective of the Provincial changes as part of the conversion request but is doing so now. We believe the city is not being consistent in their approach to addressing the changing horizon and the province's stated target of providing an additional 1.5 million homes over the next 30 years.

In addition, through questions of the Chief Planner at Committee it was noted via his response several times "the city wanted to maintain the *status quo*", which in our opinion is not good for the City of Toronto. Cities are dynamic and changing. Maintaining the status quo will not meet the province's desired goal of providing much needed housing.

Concerns

There are a number of concerns with respect to the city presenting the adoption of OPA 668, but we are identifying two key ones.

First. Bill 97 is not approved and may potentially be modified as the province finalizes the ERO process. On this basis, it is our opinion approval of OPA 668 may be premature at this time and should be re-evaluated after proclamation of Bill 97 by the province.

Second. With the introduction OPA 668 we are concerned the existing uses, as established on our lands, may result in a legal non-conforming situation.

Request

We respectfully ask that City Council defer consideration of the staff report entitled "Official Plan Amendment for Bill 97 Transition- Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas- Final Report". Rather we seek that staff report back to City Council after the Ministry of Municipal Affairs and Housing has completed its review and adopted a new Provincial Policy Statement.

Conclusions

We thank City Council for considering our request and appreciate the task at hand and the need to continue to maintain viable employment land in the city. We reserve the right to supplement our submission as the city continues with its Municipal Comprehensive Review, and more specifically as it relates to OPA 668. In addition, we kindly request to be notified of any further meetings and City Council and/or Committee decisions as it relates to this report.

Respectfully submitted,



Marco Filice
Liberty Development Corp., for and on behalf of 2141805 Ontario Inc.

