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July 18, 2023

**VIA EMAIL**

City of Toronto  
City Hall  
100 Queen Street West, 13<sup>th</sup> Floor  
Toronto, ON M5H 2N2

Dear Mayor Chow and Members of Council:

**RE: Item PH5.3 – Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review  
900 York Mills Road**

We are lawyers for 2465855 Ontario Limited, being the owner of the property municipally known as 900 York Mills Road (the “**Property**”) in the City of Toronto (the “**City**”). On October 30, 2017, our client filed site-specific applications with the City for an official plan amendment (the “**OPA Application**”) and a zoning by-law amendment (together, the “**Applications**”).

We have reviewed the Final Report regarding employment area conversion requests, dated June 16, 2023 (the “**Staff Report**”), which includes a report on our client’s OPA Application as a conversion request.

On behalf of our client, and for the reasons set out below, we are writing to request that City Council modify Official Plan Amendment 653 (“**OPA 653**”) to convert the land use designation of the Property from *Employment Area* under the City’s Official Plan and *General Employment Areas* under Official Plan Amendment 231 to *Mixed Use Areas*.

**Background**

The Property is approximately 4.7 hectares in size with access of York Mills Road (a major arterial road) and is located west of the intersection of York Mills Road and Don Mills Road. The Property is also located within the Duncan Mills Office-Focused Area of Employment (the “**Duncan Mills EA**”), along the eastern boundary. The Property is currently improved with a 21-storey building operating as the Westin Prince Hotel, with associated conference centre, restaurant and parking uses. The Property has good accessibility to existing public transit, including high frequency bus service and the Don Mills subway station to the north at Sheppard Avenue East.

The Applications seek to permit the redevelopment of the Property with a mix of uses, including the expansion of the existing hotel and the introduction of new office and residential buildings.

The OPA Application would secure and expand the existing hotel use and introduce the potential for office uses along York Mills Road (the “**Proposed Development**”).

Under the in-force City Official Plan, the Property is designated *Employment Area* and is the subject of a pending appeal of Official Plan Amendment 231 which proposes to redesignate the Site to *General Employment Areas*. The *General Employment Areas* designation generally prohibits major retail uses and limits the type and location of certain commercial uses.

### **The Request Represents Good Planning**

We disagree with the analysis of the concerns raised in the Staff Report with respect to the viability of the Duncan Mills EA if the conversion request is approved, the compatibility of the Proposed Development with surrounding land uses and the access to community services and facilities from the Property.

It is our submission that the OPA Application is consistent with and conforms to provincial policy direction contained in the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2020) as it relates to the optimization of land use and infrastructure and represents good planning. The City’s Official Plan also promotes these policy objectives, despite the current land use designation for the Property.

The Property has not historically included any traditional employment uses and its location at the edge of the Duncan Mills EA suggests that it has little potential to contribute to the traditional office uses located internally the area of employment. The Applications represent a significant opportunity to make efficient use of an underutilized parcel that is currently used primarily for surface parking and will strengthen and complement the existing employment uses both on the Property and in the surrounding area.

Contrary to the Staff Report, the Proposed Development is compatible with surrounding land uses and the proposal would form a transition between the Duncan Mills EA with the proposed residential buildings oriented to the south-east of the Property. Further, the Property is supported by sufficient community services and facilities to accommodate the Proposed Development, as supported by the Community Services and Facilities Study prepared by Bousfields Inc. included as Appendix A to the Planning & Urban Design Rationale dated October 2017, submitted in support of the Applications.

### **Amendments to the Planning Act and the Proposed Provincial Planning Statement**

The *Helping Homebuyers, Protecting Tenants Act* (“**Bill 97**”), which received Royal Assent on June 8, 2023, amends the definition of “area of employment” under Section 1(1) of the *Planning Act* to explicitly exclude institutional, commercial, retail and office uses where they are not associated or related to manufacturing or warehousing uses. The province has simultaneously proposed a new Provincial Planning Statement (“**Draft PPS**”) which contains a similar definition limiting the uses permitted within an area of employment to manufacturing, warehousing and certain associated or ancillary uses.

Although the amended definition of area of employment under the *Planning Act* and the Draft PPS are not yet in force, the OPA Application is consistent with the legislative intention of the amendments approved through Bill 97 and would facilitate the delivery of a mixed-use, complete community that is consistent with provincial policy direction to facilitate the delivery of housing.

For all of the reasons outlined above, we submit that the land use conversion request for the Property should be approved through OPA 653. Further detailed matters related to the Proposed Development would in turn be addressed through the implementing zoning by-law amendment, and thereafter site plan approval.

Please contact the undersigned and Justine Reyes (at [jreyes@overlandllp.ca](mailto:jreyes@overlandllp.ca)) if you have any questions regarding this correspondence. We request that the undersigned and Justine Reyes be provided with notice of any decision made by City Council in connection with this matter.

Yours truly,  
**Overland LLP**

A handwritten signature in black ink, appearing to read 'D. Artensosi', is written over a horizontal line.

Per: Daniel B. Artensosi  
Partner