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May 31, 2023

Via E-Mail phc@toronto.ca

Planning and Housing Committee
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Attention: Nancy Martins

Dear Committee Members:

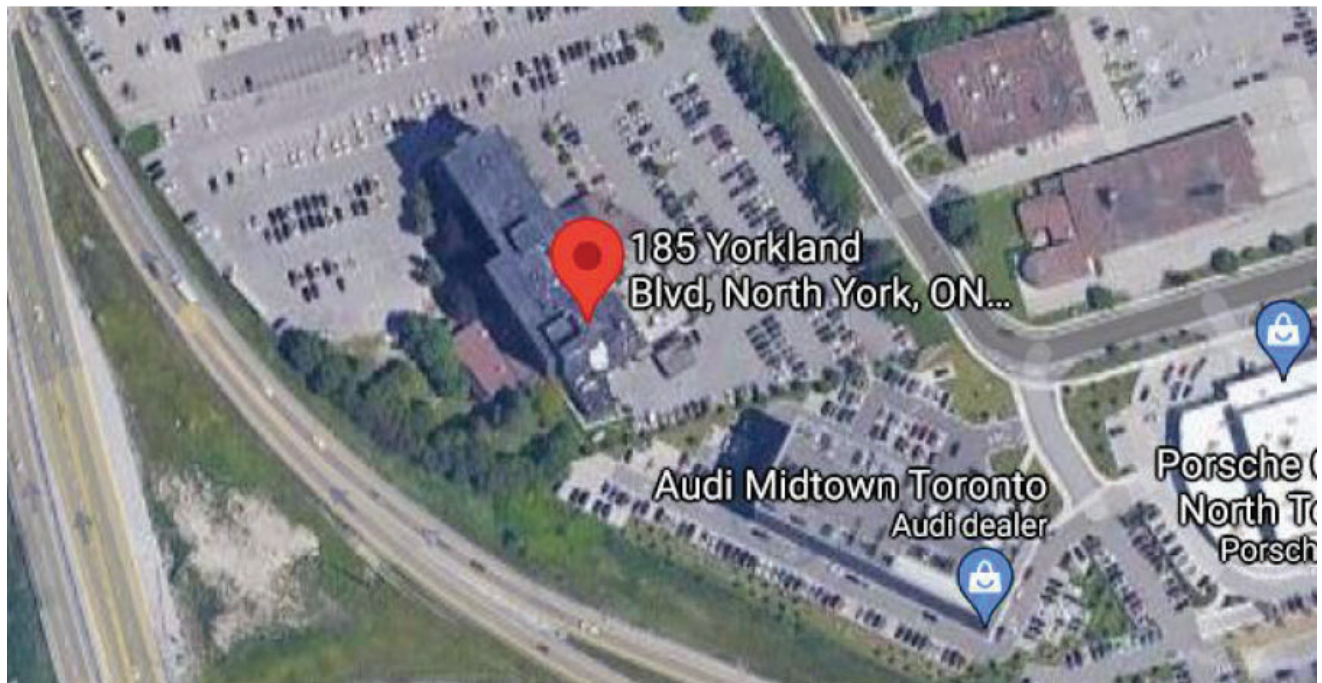
Re: Item PH4.5
Our Plan Toronto: Recommendations on Forty-Five Employment Area Conversion
Requests - Final Report
185 Yorkland Boulevard
Conversion Request 123

We are the solicitors for 2608838 Ontario Inc., being the owner of a site located north of Highway 401 and east of Highway 404, and municipally known as 185 Yorkland Boulevard (the "**Property**"). The Property houses the former Edward Village Hotel and is depicted below for easy reference. The Property is located in the ConsumersNext area of the City.

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Figure 1. Air Photo of 185 Yorkland Boulevard



The purpose of this letter is to specifically request that:

- a) the Committee not accept the recommendations of City Planning of formally "not supporting" the Conversion Requests that are considered as part of their Report, but not part of the proposed Official Plan Amendment 644;
- b) the Committee direct the Chief Planner and Executive Director of Community Planning to immediately commence a parallel review of the adopted Official Plan, including conversion requests both new and existing, that consider recent Provincial direction as expressed through the proposed new Provincial Planning Statement ("**PPS 2023**") and the implementing revisions to the *Planning Act* as set forth in Bill 97; and
- c) the Committee Members consider our client's property in light of the above and direct City Planning to redesignate the Property "Mixed Use", as consistent with the evolving Provincial Policy and in order to assist the City in creating *complete communities* as defined by the Province.

In this regard we would remind the City that the current Municipal Comprehensive Review ("**MCR**") process that is underway (including the recommendations on employment area conversion requests) is already almost a year late in being submitted to the Minister of Municipal Affairs for approval. Given these existing delays, it would make sense for the City to allow a short further delay so that the MCR process can be completed in accordance with the evolving Provincial policy.

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To assist the Committee Members in considering our client's submission we are providing you with the relevant background information related to:

- i) the present and future Provincial and MCR process; and
- ii) our client and its mixed use, complete community proposal.

Combining these two would lead the City towards truly achieving the original goals of the ConsumersNext vision with its "intended to ensure that the Consumers Road Business Park remains an attractive location for business investment and a vibrant place to work that is part of a well-connected, mixed use community." (City Planning ConsumersNext -Proposals Report May 2017)

BACKGROUND

i) MCR: Conversion Request status

Further to our client's (above) request that the Committee direct City Planning staff to commence new conversion request reviews in line with recent Provincial direction as expressed through Bill 97 (which we note the Committee is considering in item PH 4.8 also on this Committee's Agenda), it would be beneficial to review the history and status of the existing process. It will detail how the City's actions to date need to be expeditiously updated to align with Provincial direction or City staff and Committee time and resources will be wasted.

As you may recall, on October 15, 2019, the Planning and Housing Committee considered a report from the Chief Planner that described the requirements for the Growth Plan 2019 conformity exercise MCR. The Committee requested the Chief Planner report on a work program for the completion of the required conformity exercise.

On June 29, 2020, Council adopted a recommended approach and work plan for the Growth Plan conformity exercise and MCR. Council authorized the commencement of the MCR on August 4, 2020.

On February 2, 2022, Council considered a report that provided an update on the Growth Plan conformity exercise and MCR and, among other matters, **adopted a recommendation requesting the Minister grant an extension to the July 1, 2022 Provincial conformity deadline.** Despite the fact that the Minister did not grant the requested extension, City Staff did not complete the MCR process by July 1, 2022. In fact, the Minister formally suspended the 120-day time period to make a decision on the Council-adopted 30+ conversion requests (OPA 591). We highlight for you that the Provincial actions fit in with its very recent planning release expressed through Bill 97. The Province has shown no intention to consider the existing requests under a "dated" planning regime which will be updated in fall of 2023.



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Most significantly, on April 6, 2023, the Province introduced new policy and legislative changes as part of its ongoing effort to address both housing supply and affordability. The Province introduced two key components:

- 1) Bill 97 – An Act to amend various statutes with respect to housing and development; and
- 2) the proposed PPS 2023.

A City Planning report regarding the proposed PPS 2023 is being heard at this same Planning and Housing Committee. The proposed PPS 2023 is intended to replace the PPS 2020 and Growth Plan 2020 with a new document with which all land use matters must be consistent. We highlight the City's own Planning Report states:

"the proposed new policy and legislative changes, including the proposed new *Planning Act* definition for "areas of employment" are likely to have implications for Employment Areas planning in the future".

This new definition for areas of employment is a logical recognition that industrial and other specialized economic lands have different requirements and needs than office, retail and institutional lands. Industrial lands do need protection. However, the Province has recognized that maintaining areas that are primarily office areas (such as Consumers), where the "employment area" is significantly underutilized (the employment area in Consumers, for example, hasn't seen a new significant office building since 1991 and currently uses around 50% of its surface area for parking lots) are different than industry and do not need blanket "protection" as exists today – instead recognizing that a vibrant office district thrives in a mix of uses, such as hotel, retail and residential, as seen in Downtown Toronto. Specifically, the Province is proposing to amend the policy direction of Employment Areas.

The proposed PPS 2023 includes a new definition of Employment Areas to match the *Planning Act* definition change proposed in Bill 97. The new definition for Employment Areas scopes the protected land uses by excluding institutional and commercial uses (i.e., retail and office not associated with the manufacturing, research and development, warehousing, and goods movement) through proposed policy 2.2.1.b.2. As such, the evolution of existing commercial and institutional use areas to become complete communities is now being encouraged. This is dramatically different to how the City is considering conversions from these office employment areas to mixed use areas today.

The significance of these changes are, as noted above, recognized by Staff. We believe it would be prudent for the Planning and Housing Committee to direct that City staff immediately commence a parallel review of the adopted Official Plan, including conversion requests both new and existing, that consider recent Provincial policy changes to assist both the Province and City to deliver housing in a timely manner.



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ii) Context of 185 Yorkland Boulevard and Its Redevelopment Potential

As shown on the air photo (above), the Property contains the former Edward Village Hotel. Since 2018 and during COVID, the Property had been operating as a refugee and homeless shelter by the City of Toronto (rooms are occupied by families and single individuals for long term stay).

The Property is dominated by a sprawling surface parking lot and the abutting highway on ramp for Highway 404, but with no direct access to any higher order road. Abutting the Property to the north and across Yorkland Boulevard are office buildings, a church is located "kitty corner", with car dealerships to the south.

The overall neighbourhood is characterized by auto dealerships, offices, hotels and surface and above grade parking. It is best served by conversion from historical Employment Areas to a bold new "Mixed Use Areas" district and doing so would be consistent with the evolving Provincial policy noted earlier. Neither the Property, nor the immediate area, are appropriate for reverting to an industrial style use. The area is ripe for redevelopment to a modern complete community, which can house more jobs than are currently in the area, while also delivering much in demand community uses and housing to the benefit of the area and the City as a whole.

Neither the Property nor the immediate area are appropriate for reverting to an industrial or other pure employment style use. This fact is reinforced by the four other conversion requests that have been submitted in the vicinity of the Property. It is clear that other property owners recognize it is time to reinvigorate this part of the City. To that end, our client has worked with its consultants and architect to explore redevelopment options.

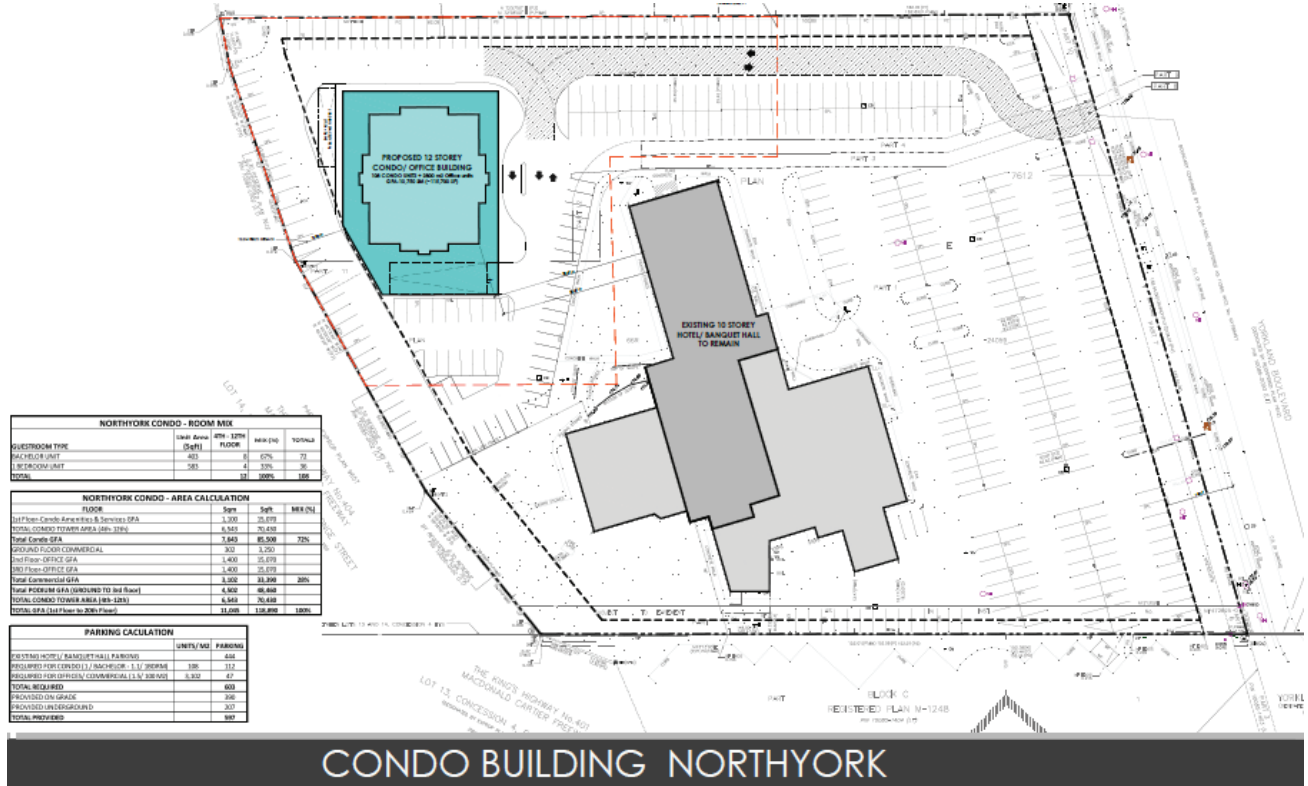
On July 27, 2021, we submitted a request to the City of Toronto on behalf of our client requesting an employment land conversion. The letter set out detailed planning reasons in support of the request. The conversion request was also supported by a Compatibility & Mitigation Study prepared for our client. We have detailed (below) a redevelopment concept that explores the revitalization of this area. You will note our client wishes to retain a hotel component. They strongly believe residential intensification is not only appropriate, but required in order to create a synergy between all the different uses in this neighbourhood.

As you will see in the excerpt from our client's proposal, our client proposes an ultimate use for the Property that would intensify the use and meet the broader City and Provincial objectives, as well as more efficiently using the Property and the extensive public infrastructure in the area. The intent of this proposal is to demonstrate how this existing site could replace asphalt with new residential uses.



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Figure 2. Rendering of Mixed Use Proposal



Converting the Property to a mixed use development will allow the site to maximize its potential and the use of the extensive municipal infrastructure in the area, in sharp contrast to the existing state of the Property. A vibrant mixed use district will, in turn, further support the intensification of the employment uses in the area.

We note in the City's own planning report it identifies "This employment area is a successful, viable, functioning office park which currently has one of the largest concentrations of office workers outside of downtown". We agree that the area is an "office park", not an industrial area and therefore, should be considered for an evolution of uses consistent with the proposed Provincial Policy. We also highlight that the area hasn't seen a significant new office building in more than 30 years (see Report For Action "ConsumersNext: Planning for People and Business at Sheppard and Victoria Park", May 15, 2017, Chief Planner to Planning and Growth Management) and has been frozen into an area dominated by surface and above ground parking structures. Upwards of 50 to 60% of the area is "asphalted" which is an inefficient use of services, inconsistent with Provincial Policy and a demonstration of the overall potential for this area to be a real catalyst for future growth and development in the City.

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Figure 3. Parking areas in ConsumersNext Area

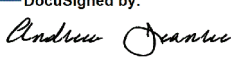


In our opinion, the redesignation of the subject lands from *General Employment Areas* to *Mixed Use Areas* would be appropriate in land use planning terms.

Thank you for your consideration of this request. If you have any questions with respect to this letter or require additional information, please do not hesitate to contact the undersigned.

Yours truly,

BENNETT JONES LLP

DocuSigned by:

C51975944F4A4D7...
Andrew L. Jeanrie

ALJ:jb
Attachment
cc: client



Andrew Jeanrie
Partner
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e-mail: jeanriea@bennettjones.com

July 30, 2021

Via E-Mail (kerri.voumvakis@toronto.ca) and Delivered

Kerri Voumvakis
Director, Strategic Initiatives, Policy & Analysis
City of Toronto, City Planning Division
22nd Floor, Metro Hall
55 John Street
Toronto, ON M5V 3C6

Dear Ms. Voumvakis:

**Re: Request for Employment Lands Conversion
185 Yorkland Boulevard, (North York) City of Toronto**

We are the solicitors for 2608838 Ontario Inc., the owner of a site generally located north of Highway 401 and east of Highway 404, and municipally known as 185 Yorkland Boulevard (the "**Property**"). The Property houses the former Edward Village Hotel and is depicted below for easy reference.



On behalf of our client, we are pleased to submit herewith materials and details in connection with a formal request, as part of the City's ongoing municipal comprehensive review process and City of Toronto Official Plan Policy 2.2.4.17, to redesignate the Property from "General Employment Areas" to "Mixed Use Areas" to permit the revitalization of this underutilized site into a successful and contributing development that plays a positive role within this evolving neighbourhood.

LOCATIONAL DETAILS

As shown on the attached air photo, the Property contains the former Edward Village Hotel. Since 2018, the Property has been operating as a refugee and homeless shelter by the City of Toronto (rooms are occupied by families and single individuals for long term stay). This is being managed by Costi Refugee Services and Toronto Shelter, Support & Housing Administration.

The Property is dominated by a sprawling surface parking lot and the abutting highway on ramp for Highway 404, but with no direct access to any higher order road. Abutting the Property to the north and across Yorkland Boulevard are office buildings, a church is located "kitty corner", with car dealerships to the south.

This neighbourhood is best served by conversion from an Employment Areas to a "Mixed Use Areas" district. Neither the Property nor the immediate area are appropriate for reverting to an industrial or other pure employment style use. The area is ripe for conversion to a modern mixed use style of development, which can house more jobs than are currently in the area, while also delivering much in demand community uses and housing to the benefit of the area and the City as a whole. This fact is reinforced by the four other conversion requests that have been submitted in the vicinity of the Property. It is clear that other property owners recognize it is time to reinvigorate this part of the City. To that end, our client has worked with its consultants and architect to explore redevelopment options.

We have attached a copy of the redevelopment concept that explores the revitalization of this area. You will note our client wishes to retain a hotel component. They strongly believe residential intensification is not only appropriate, but required in order to create a synergy between all the different uses in this neighbourhood.

EVALUATION OF THE CONVERSION REQUEST

There are two general considerations by which a request is evaluated. The first is meeting the Provincial *Planning Act* requirements. With the Provincial "top down" planning hierarchy, the City has specific tests by which it must formally evaluate requests. The second is a consideration of the contextual relationship of the Property to the neighbourhood and uses within and abutting the subject Property. On a grander level, Employment Areas also must not only consider their role within the City and the region, but also within the Province.

PROPERTY STATUS

In evaluating requests for employment conversions from a *Planning Act* perspective, we first note that the Property is not part of a Provincially Significant Employment Zone. While the Property is

presently designated "General Employment Areas" and is classified within the City's Urban Structure framework as an Employment Areas (as identified on Map 2 to the Official Plan), its use is historically (and presently) not traditional "employment" type uses (such as manufacturing, warehousing), but as a hotel and more recently a municipal shelter, both of which are not even permitted uses within the Employment Areas classification and "General Employment Areas" designation. Also relevant, the Property abuts uses which would not be negatively impacted by the introduction of residential uses.

Furthermore, it is important to note that the Property is being used currently for residential purposes, as the former hotel space, is in fact. now being used as a municipal shelter which is a residential use by definition. As such, a request to have the Official Plan recognize the existing use is logical.

CONTEXTUAL MUNICIPAL ROLE

As described above, the Property is found within what can be characterized as an isolated "part" of the Employment Area. Located to the north, east and south of the Property are lands that are being used for purposes which would be permitted in a Mixed Use designation. To the west is the highway which the Property does not have direct access to. If it did have direct access it would be more justifiable to use the Property for a "just in time" industrial use. The fact is access to the highway is through a circuitous route along City streets which discourages the use of the Property for real employment uses.

With respect to the actual Property, as noted, its most recent uses are as a municipal shelter and hotel (not permitted within the Employment Areas lands), neither of which are "defined" employment uses.

The highest and best use of the Property would be better served as mixed use residential development. Converting the Property to a mixed use development will allow the site to maximize its potential and the use of the extensive municipal infrastructure in the area, in sharp contrast to the existing state of the Property. A vibrant mixed use district will, in turn, further support the intensification of the employment uses in the area.

EXCLUSION REQUEST

We understand that conversion requests will be assessed, both cumulatively and individually, by considering a number of conversion criteria. These criteria can be categorized into the following general themes:

- I) Demonstrating a need for a conversion in order to meet the City's allocated population forecast;

It goes without saying that with increased immigration and the allocation of residential growth numbers by the Province to the City that an intensified form of residential development and/or mixed use is desirable and required for the City to meet its obligations.

- II) If the City will be able to meet their allocated employment forecast;



The requested conversion will not remove or discontinue a current functioning employment use. The Property and surrounding uses are not functioning as Employment Areas today, nor are they a candidate for the sort of "sheltered" employment uses like industrial in the future. As such, there will be no decrease in defacto Employment Areas lands.

Just as importantly though, the switch of this Property to a more appropriate designation will increase the likelihood of stable jobs through a "Mixed Use Areas" designation that will allow the development of a variety of employment spaces consistent with a modern, creative city.

The requested exclusion of the Property from remaining within the "General Employment Use" designation will in no way prejudice the ability of the City or the broader region to respond to future needs for employment lands. The Property is insignificant in size and plays at best a very limited theoretical role today (in fact, the existing use is residential). As noted above, the conversion to a mixed use area will, in fact, lead to more employment opportunities on the site than trying to constrain the area with single purposes employment uses.

III) Whether or not the conversion would adversely affect the employment area related to:

- Land use compatibility, size of employment area, ability to provide opportunities for similar or related employment; and

As noted above, this part of the City has already evolved from being a consolidated Employment Areas and the conversion of this Property will not destabilize what exists already. This is demonstrated even more graphically by the fact that the former use and the existing uses are already uses not permitted in the "General Employment Areas" designation, nor are the uses abutting the Property. In fact, as it relates to land use compatibility, the proposed mixed use designation will be more compatible with the surrounding uses than the majority of the Employment Areas uses currently permitted (but not existing) on the Property today.

Please note that our client has retained a consultant to prepare a comprehensive land use compatibility assessment which should be completed in a few weeks. We will forward the same to the City immediately upon its receipt.

IV) Whether there is sufficient hard and soft infrastructure to accommodate the proposed use(s).

The lack of success of the former uses on the Property cannot be attributed to insufficient hard or soft infrastructure. In fact, from a local perspective, the Property is well served by local transit with comprehensive public transit infrastructure and road system. In terms of water and sewer, any redevelopment options can be successfully serviced. Our client's servicing engineer has confirmed that the redevelopment options that are being considered would have less impact on servicing than many manufacturing uses which could be constructed on the Property if this area of the City was in fact desirable for that type of development.



July 30, 2021

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It is our client's opinion, as well as its consultant's opinion, that the proposal meets each criterion of the 2019 Growth Plan Employment Areas Conversion Policies. Therefore, it is our opinion that the proposal is appropriate, desirable and represents good planning.

SUBMISSION REQUIREMENTS

Please find enclosed a copy of this submission (letter, redevelopment concept and survey) on a USB key.

Further to recent discussions with Jeffrey Cantos, we will in short order be providing our client's consultant's Land Use Compatibility Report.

With respect to the payment of \$20,000.00 to address the City's "Employment Areas Conversion Request User Fee", please direct your invoice to our client at:

Sunray Group
515 Consumers Road, Suite 701
Toronto ON M2J 4Z2

We look forward to meeting with the City to discuss this matter in further detail. We are also happy to provide such additional information as would reasonably assist the City in evaluating this matter. Please feel free to reach out to myself, or Robert Blunt, the land use planner assisting me with this matter at 416.777.7490.

Yours truly,

BENNETT JONES LLP

Andrew Jeanrie

Enclosures

cc: Client

