



June 29, 2023

By E-mail to phc@toronto.ca

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

Attention: Nancy Martins, Committee Administrator

Dear Members of Planning and Housing Committee,

**RE: Our Plan Toronto: Recommendations on Employment Area Conversion
Requests- Final Report (Draft Official Plan Amendment No. 653)
Agenda Item: 2023.PH5.3
865 York Mills Road
Conversion Request No. 132**

Purpose

Liberty Development acts on behalf of the land owner- 2141805 Ontario Inc. Upon having reviewed the final report of the Chief Planner and Executive Director, City Planning, dated June 16, 2023, along with draft Official Plan Amendment No. 653, we are writing this letter to express our disagreement with the staff recommendation to refuse our employment conversion request. Instead, we are requesting the Committee to support approval of the requested conversion, and more specifically recommend to Council the subject site be redesignated from *General Employment Areas* to *Mixed Use Areas*.

Background

We have been involved in the process of trying to establish our lands as a mixed-use community since 2011. 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 which provided for a high-density mixed-use development which included retail, office and hotel uses, in addition to a substantial number of high-density residential uses.

Subsequently, in 2013, now 10 years ago, the City of Toronto completed its first Municipal Comprehensive Review ("MCR") of employment areas (OPA No. 231) through which it proposed to redesignate the subject site from *Employment Areas* to *General Employment*

Areas. That decision was appealed by Liberty to the Ontario Municipal Board (now the Ontario Land Tribunal). Liberty has yet to have its 2013 appeal considered.

The City of Toronto then initiated a second MCR in 2019 and Liberty made further submissions in 2020 requesting that the subject site be converted from the proposed *General Employment* designation to *Mixed Use Areas*. A full range of studies were submitted in support of this request.

In support of our conversion request, and as required by the city, we submitted an Air Quality and Land Use Compatibility Assessment, prepared by Gradient Wind Engineering Inc., dated June 22, 2022.

Our Site

The subject site is located at 865 York Mills. It was designed and constructed as a typical suburban style of commercial/industrial development with a double row of parking between the building and the street. We also wish to note the existing plaza is currently occupied by a number of retail stores, restaurants, offices, automotive and personal service uses. This would make our site ideally suited to permit a mixed-use development containing residential uses along the front half of our site, while still maintaining employment uses along the rear portion of the site.

We wish to reiterate we would still retain the employment function of the rear portion of our site, located within the Duncan Mills Office- Focused Area of Employment planning area. Our request should not necessarily be considered to be a straight redesignation from *General Employment Areas* to *Mixed Use Areas*, but rather seeking to add other uses, notably residential uses to the front portion of the site.

Our Opinion

The redesignation of the subject site from *General Employment Areas* to *Mixed Use Areas* would be appropriate in land use planning terms. In summary, the planning rationale for the request should have emphasized with greater clarity that the subject site is currently being used for retail and service commercial uses, not heavy industrial uses (manufacturing or warehousing) or noxious uses. Notwithstanding its *General Employment Areas* designation, the commercial use of the site is recognized, permitted and has been on-going in excess of 40 years.

We take issue with staff's Final Assessment, which fails to note a number of important planning considerations, which we believe should have been brought to the Committee's attention. In particular:

- the staff report generally characterizes the larger Duncan Mills employment area predominated by retail and employment uses, wherein staff expressed concern as it relates to land use compatibility between sensitive and residential uses. While we agree on the nature of development along the York Mills frontage, we are not convinced there is a land use compatibility issue, and
- even more concerning, the staff report provides a lengthy response on alleged short comings identified through the Peer Review of the Air Quality and Land Use Compatibility Assessment, prepared by Gradient Wind Engineering Inc. However, we were not able to address the commentary from the Peer Review Consultant used by the

city. As such, had we been able to do so, we ask- would the Peer Review have resulted in a different opinion?

Conversion Requests along Corridors

In our opinion, the City's review is overly restrictive and fails to consider the important role employment areas along corridors and Major Roads, which are already primarily used for retail, office or other commercial functions, can make to the supply of much needed housing for the city. The York Mills corridor- between Don Mills Road and Leslie Street is one such corridor. The subject site is located on a major road (York Mills Road), has excellent access to transit, is currently being used for commercial, not industrial purposes and is ideally suited for residential intensification. It forms a logical part of a broader area well suited for comprehensive redevelopment. The size of the subject site, and its extensive public street frontage is ideal to facilitate its development for a mix of employment generating and residential uses.

Not a Pure Conversion Request but Adding More Uses

The future vision for the subject site, as consistently reflected since the 2011 Official Plan Amendment application and the 2020 submission, was for a high-density, high-rise, phased mixed-use intensification redevelopment which includes offices, a hotel, the expansion of the existing retail and service uses, and a significant component of new residential uses. Liberty also continues to suggest there are opportunities to introduce a number of additional features such as the provision of rental housing, a component of affordable housing, the provision of community amenities, the provision of public parkland or publicly accessible open space ("POPs") and the timely construction of any replacement office space.

A key consideration in support of the conversion was the emerging land use and transportation context. In particular, access to existing 10-minute network of TTC routes, the future Eglinton Crosstown LRT to the south and the existing Oriole GO Station to the north were seen as important. The decision of City Council to identify York Mills Road as a RapidTO priority bus route will further strengthen the access to transit from this area of the city.

Conversion Request Process and Emerging Provincial Policy

We have been advised by staff during the Open House sessions that the current review is being undertaken in the context of existing Provincial policy and Plans. While we recognize the amount of time that has passed since the initiation of this planning exercise, we believe it would be prudent to recognize the prevailing Provincial initiative of increasing the housing supply and taking into account the intended direction of the province. The Ministry via ERO# 019-6813 intends to review proposed policies adapted from A Place to Grow ("Growth Plan") and Provincial Policy Statement ("PPS"). As part of this process the Ministry has identified the need for Official Plan Updates related to a change to the definition of "Area of Employment".

It is our understanding the definition of "employment areas" will be amended so that they are scoped to only those uses that cannot locate in mixed-use areas and require protection against conversion (e.g., heavy industrial, manufacturing, large scale warehousing, etc...). This in turn would help facilitate the conversion of lands that have been previously used for certain employment uses to permit the addition of uses, such as residential. We believe the recognition of the changing landscape in staff's review would have allowed for a proactive response rather than a reactive response from the city in assessing the multiple conversion requests submitted.

Is there an Alternative Process?

In the context of staff's review, they have identified the *Regeneration Areas* designation as being generally applied to sites that were never planned to accommodate residential uses. As such, in these cases they note the Official Plan polices require the implementation of a Secondary Plan to establish the planning framework for these areas where a greater level of growth is anticipated. As has been noted by other respondents, there are a number of instances where staff supported the redesignation of lands to *Mixed Use Areas* rather than advocating for *Regeneration Areas*, thereby not requiring the need for a more fulsome review prior to planning for residential permissions.

Irrespective of a *Mixed-Use Area* or *Regeneration Area* designation, the city still has the ability to ultimately determine to what extent any form of residential development is acceptable. When assessing applications under the lens of a complete community, the city would need to assess whether the requisite hard and soft services are available in order to ascertain the viability of the proposed development. In addition, as duly noted in the communications previously presented to Committee, the proponent would have to submit various planning approval applications, namely Zoning By-law Amendment, along with the requisite studies/reports, to implement the land use designation. Through this process the city can ultimately determine whether they would approve or refuse certain elements of the proposal.

Economic Benefits to be Derived

In addition to the overarching policy background and rationale provide above, there are also potential economic benefits that should be considered in the evaluation of the conversion requests before the City. Altus Group was retained by Liberty to provide an analysis and commentary on the various benefits that can be generated from introducing 'additional uses' onto the site. The comparative analysis of what Liberty is proposing, in comparison to and what is typically required of non-employment development under the CBC regime, our proposal reflects the following- a total GFA of 2 million square feet, containing market residential, rental residential, retail, office and a community centre. Given the amount of development proposed, Altus determined the following benefits would be generated by the city:

- \$160.7 million in Development Charges and Property Tax Revenues,
- \$36.4 million in Educational Development Charges,
- \$101.7 million in Affordable Housing,
- \$20 million Community Centre, and
- 896 net increase in jobs.

Based on the above, there is an estimated total value of \$325 million of potential benefits to the city, based on the 2021 analysis. In comparison, the redevelopment of the site as proposed, on a per acre basis, would generate nearly 13 times more in public benefit than the current site at build-out. As well, there would be approximately 57% more in public benefits than the typical development (not designated employment) under the CBC regime. Given 2 years have passed since the assessment by Altus, we believe the benefits to the city in 2023 would be even greater.

Conclusions

We are not advocating for the removal of employment uses but rather seeking to add other uses to the lands, and more specifically residential uses. The subject site is of sufficient size to

allow for the conversion of the front half to a mixed-use development, while the remaining lands at the rear can continue to accommodate employment uses, which we deem to be compatible to the proposed mixed-use request.

We thank the Committee for considering our request and would be pleased to provide further information, if deemed necessary, in support of our request. We appreciate the task at hand and the need to continue to maintain viable employment land in the city, but our request would add to the economic base of this area while also providing much need housing, consistent with the provinces' target to provide an additional 1.5 million homes over the next 30 years.

Respectfully submitted,



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