

Posted Online (to Environmental Registry Ontario)

28 February 2019

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

Dear Mr. O'Hara:

**Re: Proposed Amendment 1 to the *Growth Plan for the Greater Golden Horseshoe, 2017*
(ERO # 013-4504)
Proposed Framework for Provincially Significant Employment Zones
(ERO # 013-4506)**

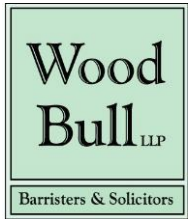
Submissions by Morguard Investments Limited

We represent Morguard Investments Limited ("Morguard") the owner and property manager of multiple office, retail, and industrial properties within Ontario, including the City of Toronto, the City of Mississauga and the City of Brampton. On behalf of Morguard, we submit the following comments for the Minister's consideration.

Morguard would welcome an opportunity to discuss these comments with the Minister's office, and would be pleased to provide additional information related to any of the Morguard sites if it would assist in considering the requests made in this submission.

Proposed Amendment 1 to the *Growth Plan for the Greater Golden Horseshoe, 2017* and Proposed Framework for Provincially Significant Employment Zones

Morguard supports the Minister's stated intention to create "a modernized employment area designation system that ensures lands used for employment are appropriately protected while unlocking land for residential development" (ERO 013-4504). In particular, Morguard is supportive of the proposed amendments, which amongst other things, permit municipalities the opportunity to consider employment land conversions before the next municipal comprehensive review, allowing more development flexibility within employment areas (mixed-use developments) and encouraging more transit-supportive development (ERO 013-4506).



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Notwithstanding its general support for many of the proposed amendments to the Section 2.2.5. Employment policies, Morguard has some concerns which are identified in the attached tables. These tables contain comments on the policies in Section 2.2.5 with respect to land use compatibility and job replacement policies. These tables also address the identification and boundaries of Provincially Significant Employment Zones ("PSEZ") as they affect Morguard properties.

Our client's view is that PSEZs should not overlap with Major Transit Station Areas ("MTSA") as development within MTSAs should not be constrained, as it might be if all or parts of MTSAs were also PSEZs. In this context, Morguard supports the proposed change to the definition of *Major Transit Station Area* to increase the radius of such area from 500 metres to 800 metres.

We thank you for your consideration of these matters, and reiterate our client's interest in meeting with the Minister's office to discuss these important matters further.

Yours very truly,

Wood Bull LLP

A handwritten signature in black ink, appearing to read "DHW", is written over the typed name of Dennis H. Wood.

Dennis H. Wood

DHW

c. Client

Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017 (ERO 013-4504)



Section 2.2.5 Employment Policies (Excerpts)

Comparison Table and Submissions by Morguard Investments Limited (“Morguard”)

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| <p>Growth Plan, 2017, as amended by Proposed Amendment</p> <p>2.2.5 EMPLOYMENT</p> | <p>Growth Plan 2017 (currently in force)</p> <p>2.2.5 EMPLOYMENT</p> | <p>Submissions by Morguard</p> |
|--|--|--|
| <p>8. The development of <i>sensitive land uses over major retail</i> uses or major office uses will avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.</p> | | <p>Policy 2.2.5.8 should be clarified to address the intent and meaning of “over” if it means “on top of”. Suggest “<i>in the upper levels</i> of major retail or <i>major office</i> uses” or “<i>in the same building as major retail</i> uses or <i>major office</i> uses” or “<i>above</i> major retail uses or major office uses”.</p> <p>Policy 2.2.5.8 should be amended to change “minimize and mitigate adverse impacts” to “mitigate adverse effects” which more closely mirrors the language of the Provincial Policy Statement and Environmental Protection Act.</p> <p>The use of the terms “major retail” and “major office” in this policy should be italicized as these are defined terms in the <i>Growth Plan, 2017</i>.</p> |
| <p>10. Notwithstanding policy 2.2.5.9, until the next <i>municipal comprehensive review</i>, lands within existing <i>employment areas</i> may be converted to a designation that permits non-employment uses, provided the conversion would:</p> | | <p>Morguard supports new policy 2.2.5.10, and the provincial approach of supporting non-employment development in employment areas provided that new residential is matched with significant job creation.</p> |

| Growth Plan, 2017, as amended by Proposed Amendment 2.2.5 EMPLOYMENT | Growth Plan 2017 (currently in force) 2.2.5 EMPLOYMENT | Submissions by Morguard |
|--|--|---|
| <p>a. satisfy the requirements of policy 2.2.5.9 a), d) and e); and</p> | | |
| <p>b. maintain a significant number of jobs on those lands.</p> | | |
| | <p>10. For greater certainty, the redesignation of an <i>employment area</i> to a designation that permits non-employment uses is considered a conversion and may occur only through a <i>municipal comprehensive review</i> undertaken in accordance with policy 2.2.5.9.</p> | <p>Morguard supports the replacement of former policy 2.2.5.10 by the more flexible new policy 2.2.5.10 (above).</p> |
| <p>11. Any change to an official plan to permit new or expanded opportunities for <i>major retail</i> in an <i>employment area</i> may <u>only occur in accordance with policy 2.2.5.9 or 2.2.5.10.</u></p> | <p>11. Any change to an official plan to permit new or expanded opportunities for <i>major retail</i> in an <i>employment area</i> may occur <u>only through a <i>municipal comprehensive review</i></u> undertaken in accordance with policy 2.2.5.9.</p> | <p>Morguard supports the amendments to policy 2.2.5.11 which allows more flexibility for major retail redevelopment.</p> |
| <p>12. The Minister may identify provincially significant employment zones to support co-ordination of planning for jobs and economic development <u>at a regional scale</u> and will require their protection through</p> | | <p>Given that Morguard’s properties, as outlined in Appendix 1 to this submission, do not meet the criteria for PSEZs as set out in the Proposed Framework for PSEZs (ERO 013-4506), they should not be identified as such. In summary, these properties are not significant in the context of regional scale economic development , do</p> |

| <p>Growth Plan, 2017, as amended by Proposed Amendment</p> <p>2.2.5 EMPLOYMENT</p> | <p>Growth Plan 2017 (currently in force)</p> <p>2.2.5 EMPLOYMENT</p> | <p>Submissions by Morguard</p> |
|--|--|---|
| <p>appropriate official plan policies and designations. Policy 2.2.5.10 will not apply to any part of an <i>employment area</i> within a provincially significant employment zone.</p> | | <p>not support <u>regional scale</u> economic development, are not required to attract new investment or retain existing industries, and are not likely candidates for conversion to residential uses.</p> <p>In addition, Morguard does not support the City of Toronto’s submission to include, on an indiscriminate basis, the additional PSEZs as identified in the table in Appendix 1 and the map in Appendix 2. These properties are not significant in the context of regional scale economic development, do not support <u>regional scale</u> economic development, are not required to attract new investment or retain existing industries, and are not likely candidates for conversion to residential uses.</p> <p>In summary, the PSEZs identified in this submission do not meet the criteria set out by the Province for the identification of PSEZs and should not be added to the Province’s PSEZs under Proposed Amendment 1.</p> |
| <p>14. Outside of <i>employment areas</i>, the redevelopment of any employment lands <u>should</u> retain space for a similar number of jobs to remain accommodated on site.</p> | | <p>The term “employment lands” is not defined in the policy in the <i>Growth Plan, 2017</i>, in the Provincial Policy Statement (PPS), or the Planning Act.</p> <p>As a result, any site which has present employment could be required to provide “a similar number of jobs” upon redevelopment, regardless of the number of existing jobs and even if this is impractical or not viable.</p> |

| Growth Plan, 2017, as amended by Proposed Amendment 2.2.5 EMPLOYMENT | Growth Plan 2017 (currently in force) 2.2.5 EMPLOYMENT | Submissions by Morguard |
|---|---|---|
| | | <p>An alternative would be to replace the words “employment lands” with the words “lands upon which significant employment is provided” to restrict the policy to property with significant employment.</p> <p>In addition, the word “retain” should be replaced with the word “include” to make clear that the replacement jobs can be accommodated in new space.</p> |
| <p>16. Existing office parks will be supported by: ...</p> | <p>13. Existing office parks will be supported by: ...</p> | <p>Office parks is a defined term in the <i>Growth Plan, 2017</i>; however the words “office park” are not italicized in policy 2.2.5.16 of the Proposed Amendment 1 or 2.2.5.13 of the current <i>Growth Plan, 2017</i> to indicate the defined term is intended.</p> <p>The words “office park” should be italicized in policy 2.2.5.16 to ensure that the new limiting policy in 2.2.5.16 d. is not applied to developments other than defined office parks.</p> |
| <p>d. ensuring that the introduction of any non-employment uses, if appropriate, would be limited and would not negatively impact the primary function of the area; and</p> | | |

Appendix 1: Morguard Properties in the City of Toronto within a Proposed PSEZ

**Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017 (ERO 013-4504)
Proposed Framework for Provincially Significant Employment Zones (“PSEZ”) (ERO 013-4506)**



**Appendix 1:
Morguard Properties in the City of Toronto within a Proposed PSEZ**
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| Address | PSEZ #, if applicable | Comments |
|-------------------|--|--|
| 1875 Leslie St | Not provincially-identified as a PSEZ; City of Toronto-proposed additional PSEZ only | <p>Does not meet the criteria for a PSEZ:</p> <ul style="list-style-type: none"> - Existing uses include a mixture of general office, retail and commercial uses including restaurants, fitness/wellness centres, bakery products retailing, wholesaling, distribution, and processing, information and technology facilities, research and development facilities, etc. - Little to no existing industrial uses, and certainly no regionally or economically significant employment or industrial uses - Less than 10 acres in size - Not contiguous with surrounding parcels - Not likely candidates for conversion to residential uses |
| 200 Yorkland Rd | Not provincially-identified as a PSEZ; City of Toronto-proposed additional PSEZ only | <p>Does not meet the criteria for a PSEZ:</p> <ul style="list-style-type: none"> - Within 500 m of a planned MTSA (Sheppard LRT, Consumers Rd Station) - Within the ConsumersNext Office Park, as identified by the City of Toronto - Existing uses include a mixture of general office, retail and commercial uses including restaurants, fitness/wellness centres, bakery products retailing, wholesaling, distribution, and processing, information and technology facilities, research and development facilities, etc. - Little to no existing industrial uses, and certainly no regionally or economically significant employment or industrial uses - Less than 10 acres in size - Not likely candidates for conversion to residential uses |
| 279 Yorkland Blvd | | |
| 285 Yorkland Blvd | | |

| Address | PSEZ #, if applicable | Comments |
|---|------------------------------------|--|
| 2041-2051 McCowan Rd | PSEZ #5 - Canadian Pacific (North) | <p>Does not meet the criteria for a PSEZ:</p> <ul style="list-style-type: none"> - Within 800 m of a planned MTSA (Sheppard LRT, Morningside Ave Station) - Located on a major arterial road (McCowan Road) - Existing uses include manufacturing, warehousing, distribution, and general office uses - No regionally or economically significant employment or industrial uses - Individually, each parcel is not greater than 10 acres in size - Not contiguous to surrounding area due to adjacent creek and railway tracks - Low-rise residential uses immediately to the north - Not likely candidates for conversion to residential uses |
| 2101-2111 McCowan Rd | | |
| 2121-2151 McCowan Rd | | |
| 951 Milner Ave, PINs 06192-0140, 06192-0041, and 06192-0042 | PSEZ #4 - Canadian Pacific (South) | <p>Does not meet the criteria for a PSEZ:</p> <ul style="list-style-type: none"> - Existing use is a car dealership - Surrounding uses are similar auto-related uses and dealerships, and public utility corridors - No existing industrial uses - No regionally or economically significant employment or industrial uses - Less than 10 acres in size - Not likely candidates for conversion to residential uses |
| PIN 06192-0228 (adjacent to 60 Auto Mall Dr) | PSEZ #4 - Canadian Pacific (South) | <p>Does not meet the criteria for a PSEZ:</p> <ul style="list-style-type: none"> - Vacant property - Surrounding uses are auto-related uses and dealerships to the east, public utility corridors to the south, and manufacturing uses to the west - No regionally or economically significant employment or industrial uses - Less than 10 acres in size - Not contiguous with surrounding parcels - Not likely candidates for conversion to residential uses |

