

June 12, 2023

ERO FILING & REGULAR MAIL

The Honourable S. Clark
Minister of Municipal Affairs and Housing
17th Floor – 777 Bay Street
Toronto, ON
M7A 2J3

Re: Comments on behalf of Orlando Corporation

ERO Posting 019-6821 – *Planning Act* Amendments per Schedule 6 of Bill 97 *Helping Homebuyers, Protecting Tenants Act*

ERO Posting 019-6813 – Review of Proposed ‘Provincial Planning Statement’

Dear Minister Clark,

Thank you for the opportunity to provide input on proposed amendments to the *Planning Act* per Schedule 6 of Bill 97 and the proposed ‘Provincial Planning Statement’ (new ‘PPS’) on behalf of Orlando Corporation, Canada’s largest builder of industrial and commercial properties.

The following submission provides input with respect to the following:

- **Comments on Bill 97 – Proposed Definition of “area of employment”**
- **Comments on the Proposed New ‘Provincial Planning Statement’**
- **Comments on Land Use in the Vicinity of Airports - Advances in Aircraft Noise Abatement**

Comments on Bill 97 – Proposed Definition of “area of employment”

Although Bill 97 is fit for the purpose of achieving future housing targets, it will have a stabilizing effect in the ‘industrial’ marketplace by limiting the attrition of properties and promoting the growth of provincial business investment, economic competitiveness and sustainability.



Bill 97's Schedule 6 *Planning Act* redefines an "area of employment" to mean an area of land designated in an official plan for clusters of business and economic uses such as manufacturing, research and development, warehousing and the movement or distribution of goods, supported by associated office and retail uses, ancillary to the primary industrial use.

Commercial office and retail, and institutional uses are to be excluded from a redefined "area of employment".

The proposed "area of employment" redefinition is supported because it will to reduce ambiguity and strengthen the planned industrial functions by providing a meaningful and accurate designation of revised "area of employment" boundaries within an official plan.

As well, Bill 97 is supported where it will authorize the continuation of any uses not included in the new "area of employment" redefinition, where the use was lawfully established before Bill 97 comes into effect.

For example, there is an extensive employment area surrounding Toronto Pearson Airport which will require the timely amendment of affected municipal official plans to both protect planned industrial functions, and potentially accommodate desired residential growth opportunities within the outer edges of a newly refined "area of employment". Further comments on this aspect are provided in the following section of our submission in terms of the proposed new 'Provincial Planning Statement'.

In summary, Orlando Corporation's land interests are located within Ontario's large and fast-growing municipalities, many of which are located in the GTA. Twenty-nine (29) are to be equipped to eliminate rigid structured Municipal Comprehensive Review ('MCR') programs and processes to simplify the conversion of employment lands and facilitate settlement area expansions. Privately initiated 'Conversion' applications are supported for lands no longer located within an "area of employment".

Comments on the Proposed New 'Provincial Planning Statement'

Land use planning permissions and infrastructure investment are two of many factors that influence where companies choose to locate and invest. Therefore, the new PPS should include enhanced and practical policies that promote economic development and the competitiveness by supporting the performance, flexibility and innovation of industries located in an "area of employment".



Therefore, we recommend that the new PPS support future industrial development and/or redevelopment in an “*area of employment*” by:

- Ensuring the availability of public infrastructure to support mobility, access and goods movement on a timely basis and by providing the proposed and needed Highway 413;
- Ensuring opportunities for built form flexibility is achieved by minimizing restrictions that hamper the opportunity to respond to market driven requirements, particularly for speculative industrial projects subject to the specific requirements of future tenants;
- Continuing to advocate for the minimization of approval timelines for industrial planning and development applications and processes;
- Accommodating site-specific design autonomy to better facilitate the unique business functionalities of large-scale industrial projects, where for example, the staging and storage of tractor trailers that support business functionality are not classified or regulated as outdoor, outside or open storage;
- Ensuring that the needs of specific business functionalities requiring flexible site plan configurations are not undermined due to municipal policies that seek the minimization of surface parking;
- Providing for the mutual cooperation between municipal Building Officials and Departments to allow for the mutual or shared approval of ‘template’ industrial building plans per the Ontario Building Code, to expedite municipal Building Permit issuance on a timely basis;
- Requiring the full, expedient and timely co-operation of all public utilities in the planning, design and construction and delivery of services to support project timelines and tenant requirements;
- Providing policies recognizing and encouraging the efforts of municipal Economic Development Departments and Boards of Trade to assist in facilitating future industrial investment and job creation;
- Advancing public policy in the research, development and use of Automated Intelligence programming initiatives to facilitate the investment and performance of all aspects related to the delivery of employment areas;



- Permitting portions of the Parkway Belt West Plan lands, where abutting an established “*area of employment*” to allow for secondary uses, such as tractor trailer staging, parking and outdoor, outside or open storage.

As part of the new PPS, ‘A Place to Grow: Growth Plan for the Greater Golden Horseshoe’ will be repealed, and therefore Provincially Significant Employment Areas (‘PSEZs’) will also be repealed. This includes PSEZ 14, a large employment area surrounding Toronto Pearson Airport. It is understood that an MZO, under Section 47 of the *Planning Act*, may be considered in order to ensure industrial vitality, arising from the loss of PSEZ 14 status and pending “*area of employment*” boundary refinement through official plan review processes.

Comments on Land Use in the vicinity of Airports – Advances in Aircraft Noise Abatement

Nearly 60 years ago Transport Canada created the Noise Exposure Forecast (‘NEF’) system that continues to be applied to the lands surrounding Toronto Pearson Airport today. This has been consistently reflected without change in the Provincial Policy Statement, and now the proposed new PPS.

The NEF system sets out to protect airport activities from incompatible land uses by prohibiting new residential and other sensitive land uses in areas near airports above 30 NEF/NEP composite noise contour.

This system yielded the 1996 NEP and 2000 NEF composite noise contour boundaries which were also used to establish a defined Toronto Pearson - Airport Operating Area (‘AOA’).

Today, the land use permissions and/or limitations that are associated with an outdated NEF system do not properly reflect modern advancements in aircraft noise abatement techniques and technologies such as changes in aircraft type, operational procedures, new STARs and SIDs (Arrival and Departure) routings per NAV Canada, and other noise abatement procedures, inclusive of monitoring and management.

Given modern advancements in aircraft noise abatement, it is recommended that the proposed PPS policies be revised to permit residential and sensitive land uses to be located up to the Toronto Pearson Airport 35 NEP/NEF composite noise boundary.

This recommendation also complements Provincial efforts to tighten or streamline the “*area of employment*” boundaries, such as that proximate to Toronto Pearson Airport, where compatible residential growth opportunities ought to be considered in peripheral mixed use land areas, no longer within an “*area of employment*”.

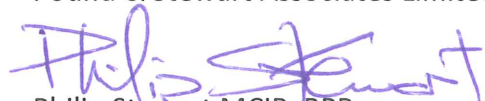


While *Bill 97* is fit for the purpose of achieving future housing targets, our enclosed Tables also reference various aspects relating “*area of employment*” recommendations for further consideration:

- Transition
- Employment Areas and Employment Lands
- Land Use Compatibility

In closing, we would appreciate our firm being placed on the Ministry’s mailing list regarding any future public notices, updates, reports, decision or actions on the above captioned matter. Thank-you in advance for your co-operation, and please advise if any additional information is required to further support our submission at your earliest convenience.

Yours truly,
Pound & Stewart Associates Limited



Philip Stewart MCIP, RPP

/la 1421ltr_Bill 97_PPS_ERO_June.12.23

Attachment: Tables

- cc. Minister V. Fedeli, Minister of Economic Development, Job Creation and Trade
- cc. Minister C. Mulroney, Minister of Transportation
- cc. Ms. H. Evans, ADM, MMAH
- cc. Ms. H. Watt, Manager, MMAH, Community Planning Development (West)
- cc. Mr. L. Longo, Aird & Berlis
- cc. Mr. T. MacPherson, Mississauga Board of Trade
- cc. Mr. T. Letts, Brampton Board of Trade
- cc. Client



Tables References in support of June 12, 2023 Letter Submission
on behalf of Orlando Corporation

Bill 97 – New PPS – Deemed a ‘Policy Statement’ under <i>Planning Act</i>	
Proposed ‘Transition’ Regulations	Considerations & Clarifications Sought
All planning decisions to be in compliance after new PPS in effect target date - Fall 2023	Notwithstanding the ‘Clergy principle’, all planning decisions on any active planning applications not approved by the new PPS in effect date will need to be consistent with new PPS, as would any future applications.
New PPS policies to apply at ordinary review cycle of municipal Official Plans. <ul style="list-style-type: none"> • 5-year review of existing OPs • 10-Year review of new OPs 	As an example, Mississauga OP is currently under review with target Council adoption Q4 2023. Implications of new PPS 2023 and Region of Peel dissolution, along with Regional Official Plan policies approved November 2022.
Planning Application Fees (reimbursement program) to start July 1, 2023	Province should recognize that the originally contemplated goal to save time on planning decisions/approvals will not be achieved with the front ending processes now required by municipalities.

Bill 97 – New PPS “Area of Employment” Policies	
Proposed “Area of Employment” Policies	Policy Considerations & Clarifications Sought
New PPS definition of “ <i>Area of Employment</i> ” revised to prohibit institutional and commercial uses (retail and office) where not directly associated with an ‘industrial’ use located in an “ <i>Area of Employment</i> ”	Potential overhaul of municipal land use permissions in an “ <i>Area of Employment</i> ” (i.e. Mississauga’s ‘Business Employment’ land use designations) and new tightened “ <i>Area of Employment</i> ” boundaries.
Outside an “ <i>Area of Employment</i> ” lands located in Strategic Growth Areas, industrial, manufacturing and small-scale warehousing may be permitted adjacent to sensitive land uses, where no adverse effects occur.	Orlando Corporation’s Avebury Road frontage properties could fit into this context given their urban context within a Corridor with frequent transit.
“Provincially Significant Employment Areas” (‘PSEZ’) are not presently carried forward in new PPS.	Orlando Corporation landholdings located in ‘PSEZ 14 Airport’. As the Province seeks input on the future planning of PSEZs Orlando would want to provide input on any proposed provincial policies replacing the PSEZ.

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New PPS to change Employment Conversion process to no longer require MCR process initiated by municipality per timeline.	Allows greater independence of privately initiated planning applications to support Employment Conversions.
<p><i>Planning authorities shall plan for, protect and preserve employment areas:</i></p> <p><i>a) for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs; and</i></p> <p><i>b) that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment area uses that require those locations</i></p>	These policies are supported.

Bill 97 – New PPS ‘Land Use Compatibility’ Policies	
Proposed ‘Land Use Compatibility’ Policies	Policy Considerations & Clarifications Sought
Change in “Area of Employment” definition improves land use compatibility by distinguishing ‘pure’ industrial (i.e., warehousing and distribution) from other commercial uses permitted in an “Area of Employment”.	Under the new PPS policies, a blend of commercial uses may become non-complying in an existing “Area of Employment”. It is recommended that a municipality be required to provide an opportunity for stakeholder input to revised municipal “Area of Employment” boundaries.
Establishes greater role for the usage of MZOs.	To affect change and respond to planning needs the province should ensure prior consultation.

Bill 97 – New PPS ‘Airports’ Policies	
Proposed ‘Airports’ Policies	Policy Considerations & Clarifications Sought
Airports shall be protected from incompatible land uses by prohibiting new residential and other sensitive land uses in areas near airports above 30 NEF/NEP. Proposed ‘Airport’ noise policies remains the same per prior PPS documents.	Given modern advancements in aircraft noise abatement, it is recommended that the proposed PPS policies be revised to permit residential and sensitive land uses to be located up to the Toronto Pearson Airport 35 NEP/NEF composite noise boundary.