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May 21, 2015

Mayor Margaret Quirk and Council
c/o Mr. John Espinosa, Clerk
Town of Georgina
Keswick, Ontario
L4P 3G1

Dear Mayor Quirk and Council:

Re: Provincial Coordinated Land Use Planning Review - Maple Lake Estates

On behalf of my client the North Gwillimbury Forest Alliance (NGFA), I would like to provide Council with comments on some of the Maple Lake Estates (MLE) aspects of staff report PB-2015-0026, the discussion of this report at Council on May 13, 2015, and the Town's May 15 media release.

I appreciate staff's and Council's thoughtful consideration of the options presented in the report, and especially, staff's and Council's clear and forthright conclusions that the time has come to permanently protect the lands subject to the current MLE development approvals.

However, I am concerned about some statements that have been made in connection with staff's and Council's dismissal of DG Group-affiliate lands in South Keswick as a potential location for equivalent development approvals, and their determination that Maple Lake Estates Inc. lands between Deer Park Drive and Boyer's Sideroad are the only alternative. These statements pertain to, first, the different land ownerships involved, and second, the current ability of DG Group to obtain additional density in South Keswick.

Though I have made clear to staff and Council on several occasions my preference for South Keswick, that is without the benefit of a thorough evaluation of the planning merits of either alternative. I was pleased to read and hear Harold Lenters's reaffirmation of the importance of comprehensive study of the Deer Park-Boyer's site. I only ask the same for South Keswick. I remain open to being convinced of the superior planning merits of either site after proper study. My position on that remains unchanged since the last of the "meetings with the various parties" that Mr. Lenters refers to in his report, which took place on April 23, 2014.

However, all evaluation of South Keswick has been forestalled by the position of Maple Lake Estates Inc. and DG Group, which have only ever provided one reason why South Keswick is not desirable. This is, as stated by David Bronskill in his September 30, 2014 letter to the Town, that "the lands owned by Maple Lake and the lands located in South Keswick are under different ownership", and that "as a practical matter . . . there is no opportunity to 'exchange' development approvals between these two projects".

In response to this position, I provided Council with the following information in my verbal submission at the March 11, 2015 public meeting on DG's South Keswick Phase 9:

- ▶ There is no question that the South Keswick lands are owned not by DG Group itself, but by separate companies that are affiliates of DG Group, as is the separate company Maple Lake Estates Inc.
- ▶ However, with regard to the five companies that own the DG Phase 9 lands:
 - The five companies have identical boards.
 - The five companies have the same president - who is also the president of DG Group.
 - That same individual may also be president of Maple Lake, which as of March 2015 had not updated its corporate filings to reflect the death of its former president.
 - Two other common directors of the five companies also sit on the Maple Lake board.
- ▶ On the Phase 9 draft plan of subdivision then before Council, the five companies are listed - as "c/o Metrus Development Inc." (now DG Group). The person authorizing KLM to submit the draft plan is Fraser Nelson, who signs as "Authorized Signing Officer".
- ▶ Mr. Nelson, who recently retired after a distinguished career with DG, is not, and was not before he retired, a director or officer of any of the five companies, nor of DG. However, he is a director and the authorized signing officer of Maple Lake.
- ▶ In staff report PB-2015-0016 then before Council, staff looked at permitted densities in Phase 9 in terms of the entire block owned by DG affiliates - not separately by company.
- ▶ Finally, in the same report, staff were concerned that DG and the neighbouring applicant 739034 Ontario Inc. were proposing a few lots that straddle the existing ownership boundaries of the two unrelated applicants. Staff have never expressed concern about the far greater number of lots DG is proposing in Phase 9, that straddle existing ownership boundaries between the five DG affiliate companies.

DG has never accounted for, nor been asked to account for, its statements in light of the above facts. The facts are that as a "practical matter", in Mr. Bronskill's words, for planning purposes DG and its affiliates operate and are treated as a single entity. And the reality is that developers, even if not intimately related like DG and its affiliates are, are extremely skilled and creative at exchanging land and financial considerations to their mutual advantage.

The staff report, the discussion at Council, and the media release simply accept at face value Mr. Bronskill's statement, which was repeated by DG's planning consultant at the meeting. The information I have advanced has never been responded to or even acknowledged. That is my first concern.

My second concern is not raised by anything in the staff report, but by subsequent statements:

- ▶ ". . . the owner of [the DG Group lands in South Keswick] has the ability to ask for increase in intensification now, without entering into a land swap . . ." (Mayor Quirk at Council, May 13, 2015.)

- ▶ "It was made clear to Council in [the staff report], and during the discussion, that the lands in south Keswick . . . already have full development rights, including the ability to ask for more houses to be built without bringing them into a land swap discussion." (unattributed quote in Town media release, May 15, 2015.)

First, let's put aside the "without entering into a land swap". Any owner can informally ask or formally apply for whatever it wants, whenever it wants. Nobody can order any owner to participate in a discussion of a land swap, or more correctly in this case, a development approvals swap. Nobody can order any owner to put any particular item on the table in any such discussion. I am sure the Town and I completely agree on this, which is not really relevant to the main point of these statements - and it is that main point that concerns me.

The two statements, particularly the media release one, suggest to the reader and listener that if DG wants to build more houses, all it has to do is ask, along the lines of writing a letter to Mr. Lenters. While the media release statement does not specifically refer to density, it makes no sense unless it means to do so. NGFA and I have never suggested that DG is currently not allowed to submit any rezoning or subdivision applications for its undeveloped lands in South Keswick, and I am sure the Town does not believe otherwise.

However, getting "more houses" is not as easy as these statements suggest. As I have outlined in several submissions to staff and Council, the Keswick Secondary Plan sets strict limits on units per gross residential hectare. The DG Group has repeatedly bumped up against those limits in South Keswick, in its proposals for Phase 8 (draft plan 19T-10G02) and Phase 9. In both cases, DG submitted draft plans exceeding the permitted densities, and the Town instructed DG to scale them down. DG could have sought Official Plan amendments to enable higher densities, but obviously in both cases decided the better road was to adjust its draft plans.

So, if DG and its South Keswick affiliates want to "increase . . . intensification" or "ask for more houses to be built", they need to apply for an Official Plan amendment to permit higher residential densities in South Keswick. I do not believe that consideration and approval of such an amendment would be formalities.

Let's be absolutely clear about the alternatives.

- ▶ Deer Park-Boyer's would require amendments to the Greenbelt Plan and the York Region Official Plan. South Keswick would not.
- ▶ Both would require significant amendments to the Town's Official Plan.
- ▶ Like any other greenfield residential development, both would require rezoning and plan of subdivision applications.

As mentioned in my March 2, 2015 letter to the Town re Metrus Phase 9, NGFA retained professional land economists to estimate the market value of the MLE lands under their current approvals. The consultants also estimated the enhanced market value of DG lands in South Keswick that would result from permitting additional density there, and the enhanced market value of the Deer Park-Boyer's lands that would result from permitting them to be developed. The consultants found

that both alternatives would be much more remunerative than what is currently approved at MLE.

The enhanced value that would accrue to DG from either alternative *would in both cases require unlocking that value through policy amendments by the Town*, as well as higher-level policy amendments in the case of Deer Park-Boyer's.

Surely, it is in the public interest that the planning merits of both alternatives be thoroughly evaluated. And surely, it is not in the public interest that one alternative be dismissed with only the thinnest of justifications and zero consideration of its planning merits.

Yours sincerely,

[original signed by]

Anthony Usher, MCIP, RPP

cc. Harold Lenters