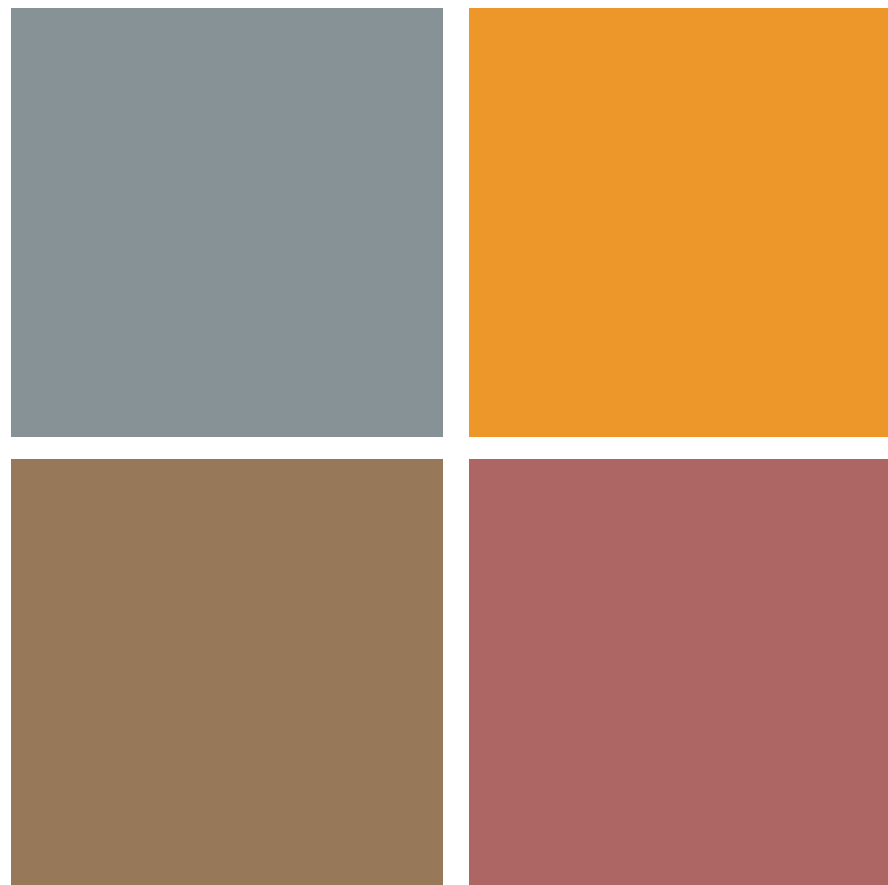


Le 13 novembre 2014



YALE PROPERTIES LTD.

MÉMOIRE PRÉSENTÉ À LA COMMISSION PERMANENTE SUR LE SCHÉMA D'AMÉNAGEMENT ET DE DÉVELOPPEMENT DE MONTREAL (PRESENTATION)

Consultation publique sur le projet de Schéma d'aménagement et de développement de l'agglomération de Montréal

Présenté par: Menashi Mashaal

+ DISCLAIMER



- This presentation is made without prejudice or admission on the part of Yale Properties Limited and is made in an effort to assist the process of the development of a Land Use Plan for the Agglomeration of Montreal.
- Representations contained herein, the Brief submitted and/or during verbal communication during this presentation are not to be construed as an acceptance or refusal of any terms or conditions or any admission on the part of Yale Properties Limited.

+ Yale Properties



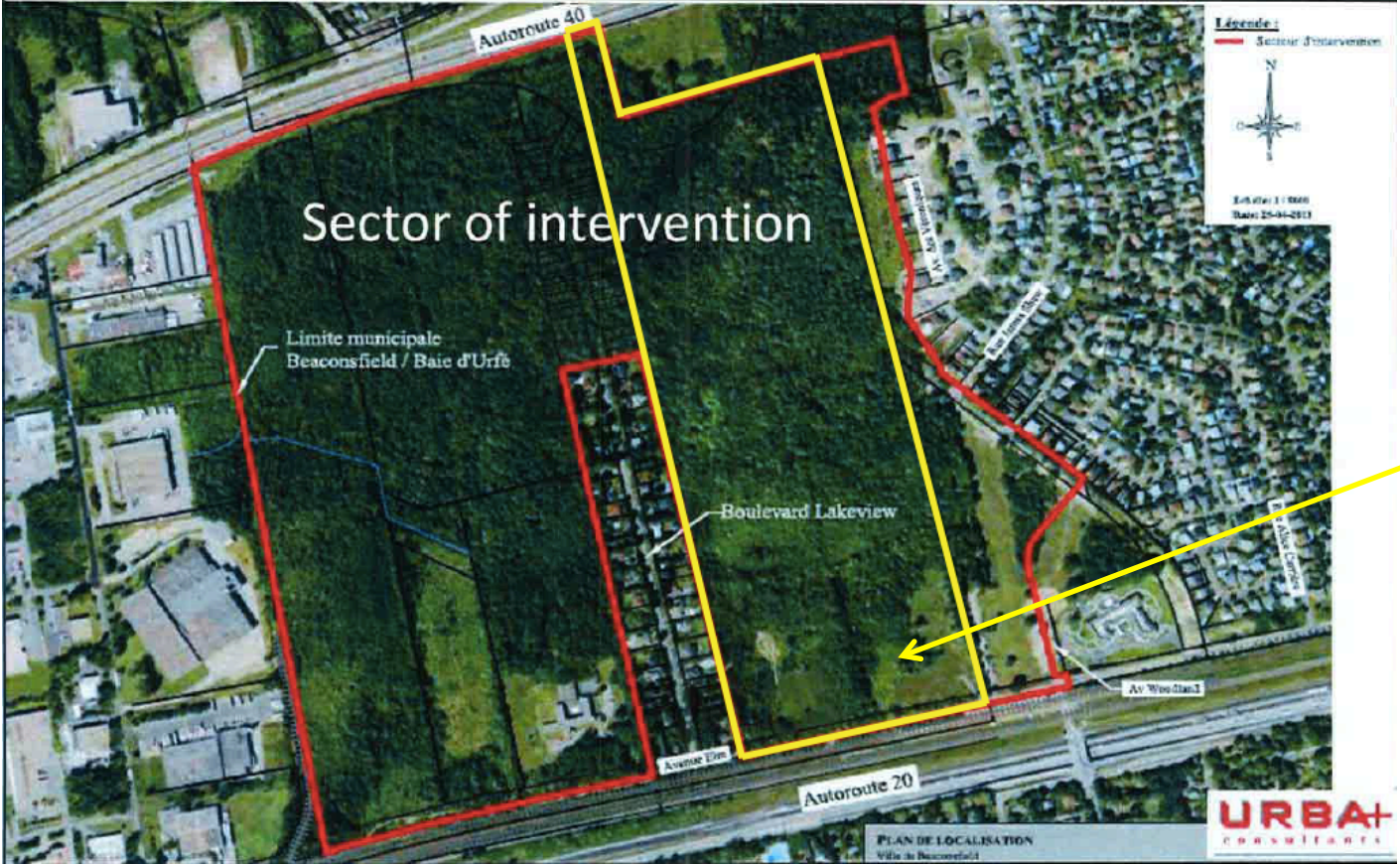
- Family company that was started by my grandfather, Menashi Mashaal, a Jewish immigrant that was forced to abandon his property and flee from persecution in Iraq in the 1950's.
- The company was operated by my father and his 7 siblings, who each started their own families – our family consists now of 95 individuals and counting.
- My Grandfather's vision – make secure investments in land to build a legacy for his family and a business that could grow for generations and provide financial stability and security.
- Bought land across the Montreal region for development.

+ The Land



- Situated in the city of Beaconsfield between autoroutes 20 and 40, near Woodland Road.
- **Adjacent to the Beaurepaire Commuter Rail Station**
- Located in the forested area often referred to as ‘Angell Woods’
- Surface area of approximately 3.5 million square feet (32 hectares).
- Bordered by two important residential developments in the area (one of which is historic and the other having a significant socio-economic value)

+ Site Plan



+ Urban Planning History



- Beaconsfield Urban Plan 1990
 - 55% residential PLUS commercial core PLUS light industry
 - Approximately 1,125 dwellings
 - Low to Medium density residential development
- City of Montreal Urban Plan
 - Envision the protection of the natural characteristics, increased densification closer to the train station and a continuity with the development to the East
- Beaconsfield Intermin Control By-Law 2010
 - Essentially a freeze on any development for the land
 - Complete protection of the natural characteristics

+ PMAD (2012)



- General Orientations
 - Create housing
 - Improve transportation
 - Protect the environment
- Transit Oriented Development
 - Satisfies all 3 general orientations
 - Higher density housing near public transportation points
 - Maximizes land use, promotes use of public transportation, thereby reducing traffic on the roads and reducing GHG emissions.
- Protection of natural urban forests and wetlands
 - Satisfies only one of the general orientations (protect the environment)

+ PMAD & Yale Properties Land



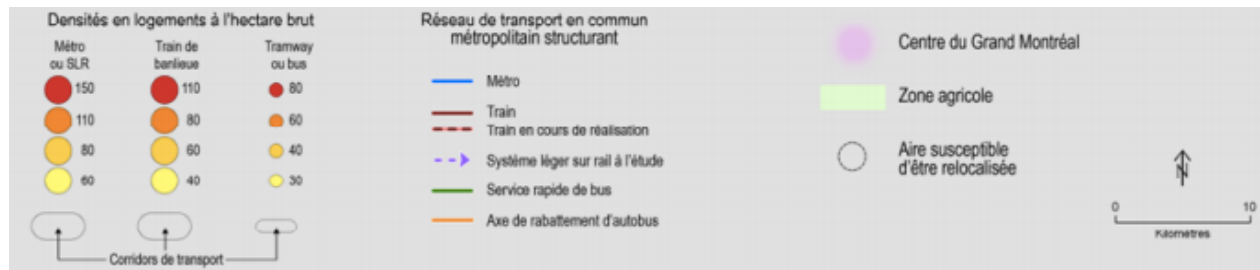
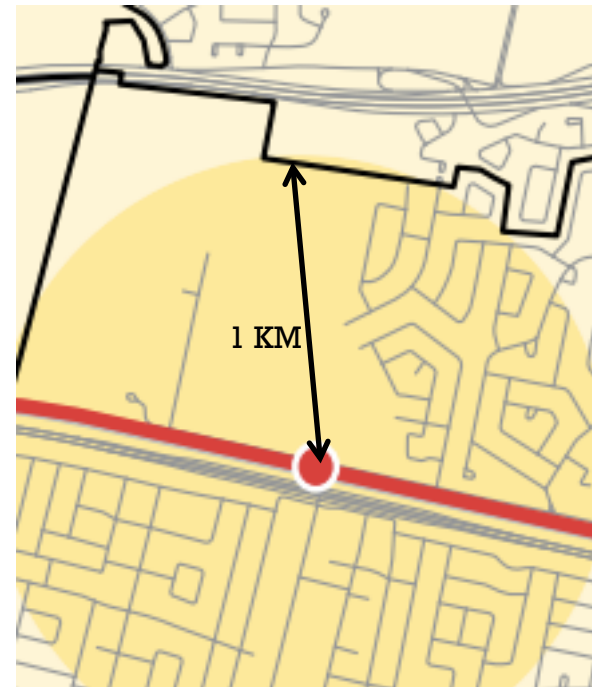
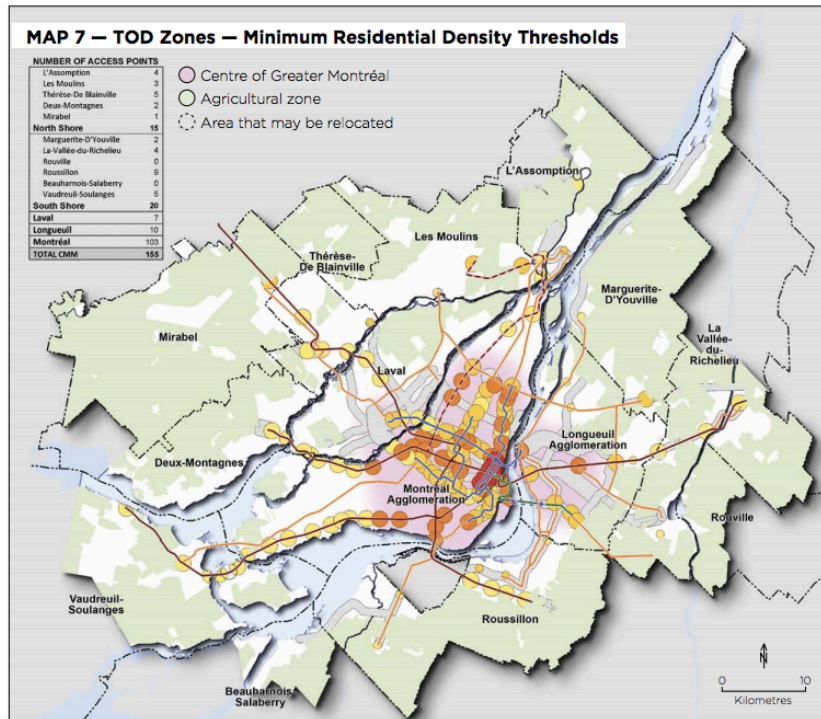
- Transit Oriented Development
 - Land falls within a TOD area as defined by the PMAD
 - Located within 1km radius of the Beaufort Commuter Rail Station
 - Minimum Density requirement of 40 dwelling per hectare (Approximately 1,280 dwellings)
 - Promotion of walking, biking and public transportation and discouraging personal automobile use
- *Bois et Corridor Forestier Metropolitain*
 - Identified as an area of potential conservation interest
 - How to protect: Public acquisition of privately held land, as well as trade-off in increased density in less ecologically valuable land to maximize land use and reduce the felling of trees and protect wetlands.

+ PMAD - TOD



- **Language in PMAD is definitive that the Minimum density in TOD areas MUST be followed**
- “According to the PMAD, the areas identified on Map 7 **must** become TOD zones. It is requested that this development be incorporated into a detailed land use/transportation planning approach. This planning exercise will allow the area within the TOD zone to be adapted to suit the characteristics and potentials specific to each environment and ensure consistency across all interventions.”

+ PMAD - TOD



+ Characterization of TOD Zone

The qualitative characterization initiated by the CMM aims to provide a description of the territory located near the structural metropolitan mass-transit network access points.

To paint a picture of the urban realities of these environments, a characterization sheet with a series of questions was assigned to each structural mass-transit access point and then sent to the regional partners so they could complete it.

The sheets covered the following topics:

- type of environment
- potential and constraints for TOD enhancement
- any major projects planned for the area under study
- area planning
- parking management
- spaces suitable for development and redevelopment

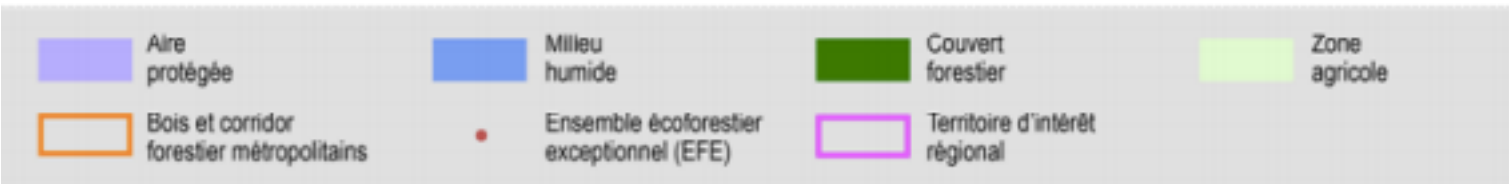
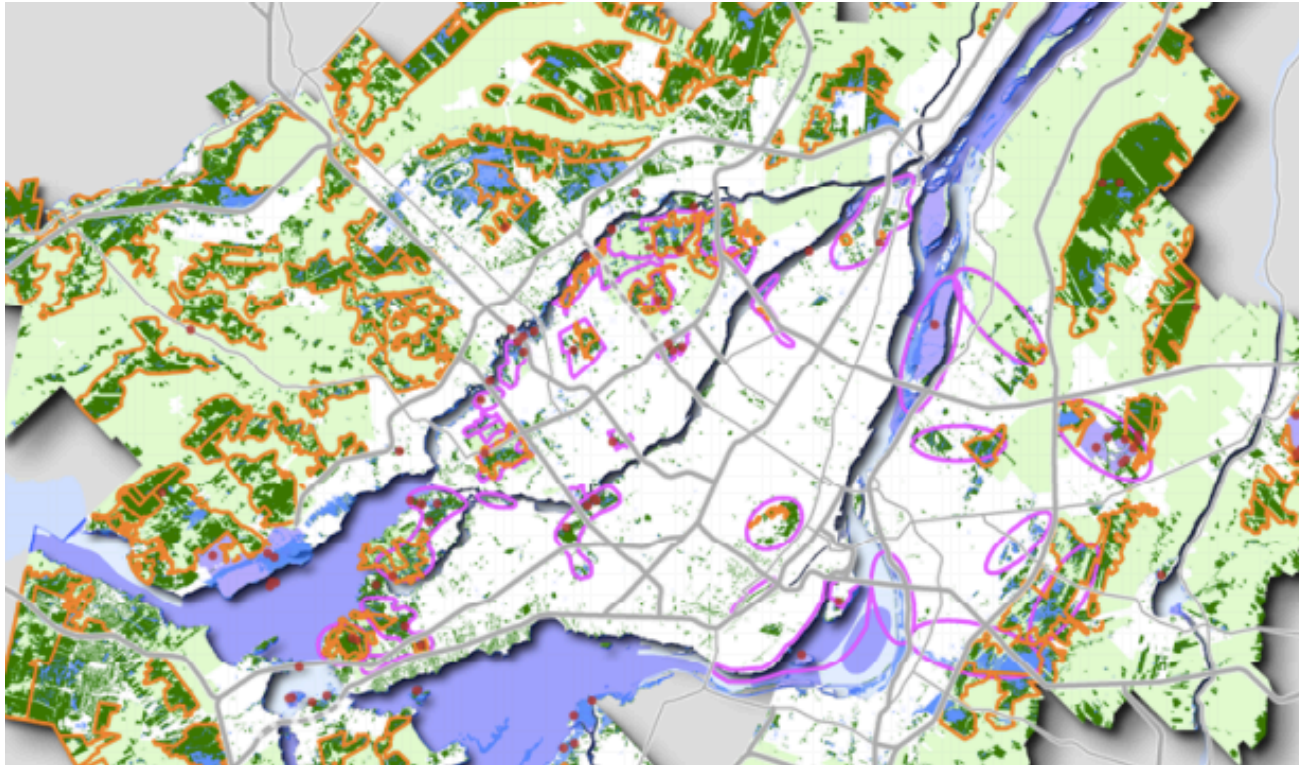
Even though this exercise was aimed at regional partners, they, in turn, requested input from municipalities so they could participate. Therefore, the majority of regional and municipal partners collaborated on this exercise that contributed to the PMAD and its action plan.

Moreover, this qualitative characterization, inspired by the objectives and criteria proposed in the PMAD, also contributed to the discussion of the CMM's administration with regard to implementing a technical and financial assistance program to support TOD planning.

In the end, this exercise, which continues to evolve, will contribute to PMAD implementation efforts, including detailed planning and the follow-up of TOD zones. Data on the subject will be updated over time to reflect the measures implemented and the modifications to these environments.

“...The majority of regional and municipal partners collaborated on this exercise that contributed to the PMAD and its action plan.”

+ PMAD – Conservation Potential



+ PMAD – Woodland and forest corridors

OBJECTIVE 3.1

Protect 17% of Greater Montréal's surface area

In Greater Montréal, the protection of woodlands, forest corridors and wetlands is an essential condition for maintaining the region's biodiversity. In addition, the presence of forest cover is a major contributor to Greater Montréal's attractiveness and its citizens' quality of life.

Woodlands represent added value for the metropolitan region due to their rarity and recreational and ecological potential. They help protect soil from water and wind erosion; control surface and sub-surface water; protect the ecological balance by maintaining habitats that encourage biological, wildlife and plant diversity; and safeguard the potential of maple syrup production, recreational and tourism activities, and landscapes.

In 2005, the CMM created the Programme d'acquisition et de conservation des espaces boisés (Green Fund). The main objective of the Green Fund is to support local and regional initiatives to acquire and protect woodland areas. Since it is important to interconnect these wooded parcels, primarily to promote interactions between the species that inhabit them, in 2008 the CMM Planning Commission recommended adding 52 forest corridors (25,373 ha) to the list of spaces already eligible for the acquisition program.

The program has already acquired and protected 155 hectares of woodland areas at a total cost of \$11.6 million, \$1.8 million of which came from the CMM. Although the program stipulates equal investment from all parties, it has been shown that this type of program can expect to have a significant leverage effect.

Recent acquisitions of natural environments in Greater Montréal (Anse-à-l'Orme, île Charron and the Brossard woods) confirm the Québec government's intention to get involved in preserving natural environments in southern Québec. In accordance with the 2011-2015 Strategy for Protected Areas, the government is indicating that its involvement will be reinforced through collaboration with land use and planning bodies. Even though other modes of governance exist, the CMM favours acquiring woodland areas to ensure their conservation. To financially support municipal and RCM projects to acquire natural environments in need of protection, the CMM, in collaboration with the Québec government, would like to provide Greater Montréal's Green Fund with stable, long-term financing. Several measures have been suggested to the government, most notably a proposal to increase the park contributions of real estate developers from 10% to 15%. This extra 5% would be dedicated to the protection of natural environments. A "Financing" working group will then be set up, in collaboration with several partners, to create and operate a metropolitan woodland acquisition fund.

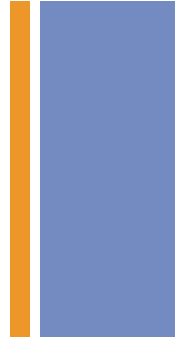
Even though natural environments do not directly increase municipal tax revenues, a recent study published by Québec en forme (March 2011) discusses the economic benefits of green spaces, recreational facilities and urban developments that encourage walking. It is henceforth recognized that the higher tax assessments of property located near protected natural sites, as well as the economic activity likely to be generated by enhancement initiatives, can help compensate host municipalities.

+ PMAD (Continued)

Under its *Policy on the Protection and Enhancement of Natural Habitats*, the City of **Montréal** has identified ten "ecoterritories" of natural spaces located in both protected environments (larges parks, nature reserves, etc.) and in sites slated for development. The City's approach is to integrate natural spaces into the urban fabric and include conservation costs in the construction costs of housing projects.

With a view to maximizing future residents' access to natural spaces and helping developers earn more on their investment, the City is encouraging a denser use of land in these ecoterritories while reducing tree removal, protecting wetlands, etc. This approach makes it possible to preserve strategic land at a time when space for urban development is increasingly hard to find. Since 2004, these ecoterritories have been the site of numerous conservation projects.

+ PMAD (Summary)



■ TOD Zones

- Each TOD zone has a minimum density threshold that was determined specifically for that TOD Zone
- A TOD Zone MUST be planned according to the minimum density threshold and consistently with the characteristics of Transit Oriented Development

■ Woodland and Forest Corridor

- Despite the fact that this “status” was applied to the land, it was still, thereafter, identified as a TOD zone in the PMAD (even following input from Regional and Municipal partners)
- Unless land is permanently protected, it is not exempt from the minimum density threshold of the TOD zone
- Yale’s land is not permanently protected as is the case for APAW’s land, Beaconsfield’s land and Ducks Unlimited’s land within the Angell Woods area.
- Woodland and forest corridors must be acquired to be permanently protected. It cannot be a forced Private Park / Private Green Space or identified as “Conservation”

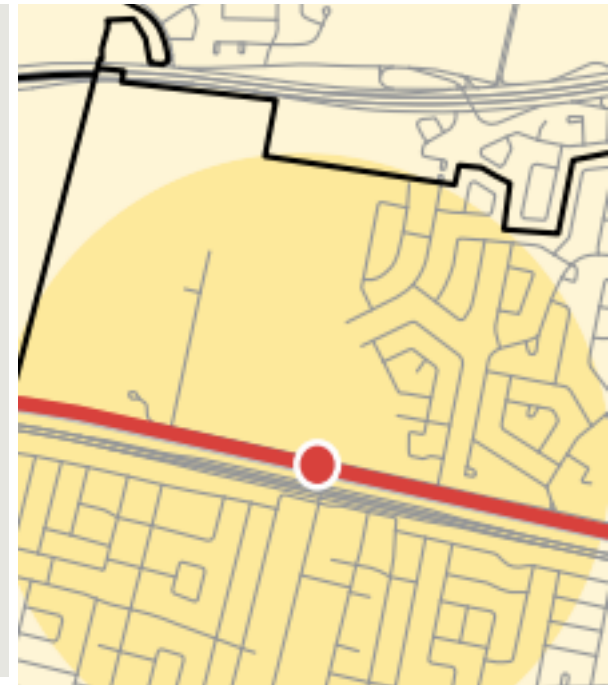
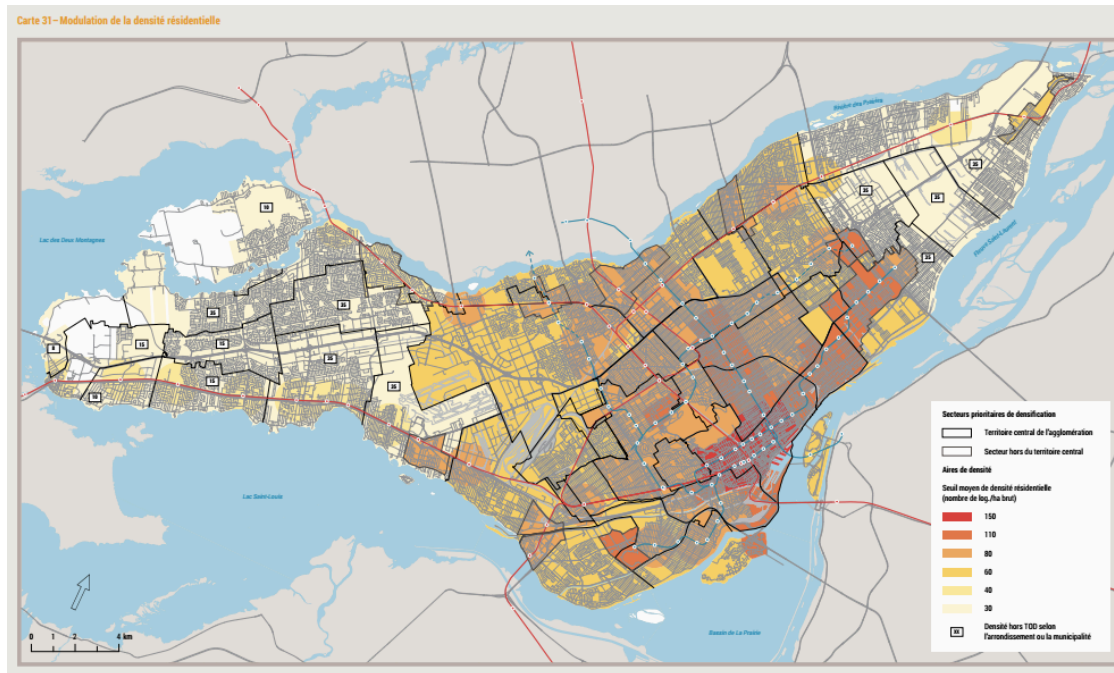
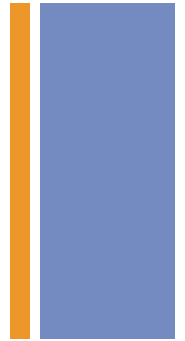
+ SAD Definitions



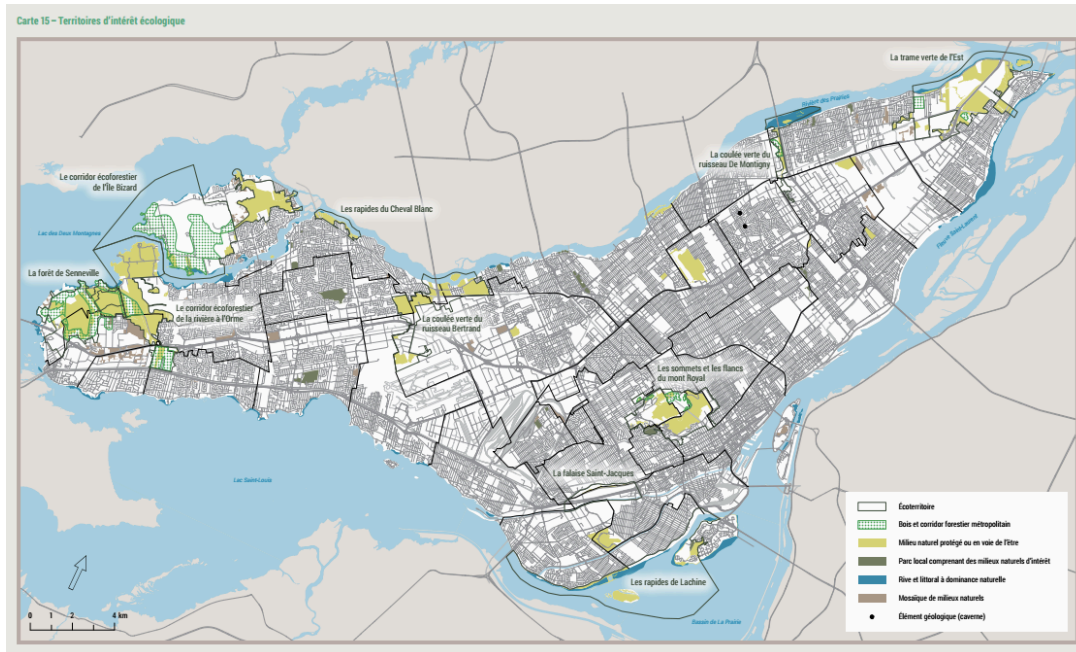
Conservation

Le territoire de l'agglomération comprend des grands parcs, des parcs locaux ainsi que des aires protégées par des organismes non municipaux qui présentent des éléments d'intérêt écologique, paysager et patrimonial à préserver et à mettre en valeur. La grande affectation « Conservation » vise la protection des écosystèmes sensibles et le rehaussement de la biodiversité, tout en permettant, pour la population, un accès qui favorise l'appréciation des paysages et du patrimoine naturel ainsi que la pratique d'activités récréatives à faible impact.

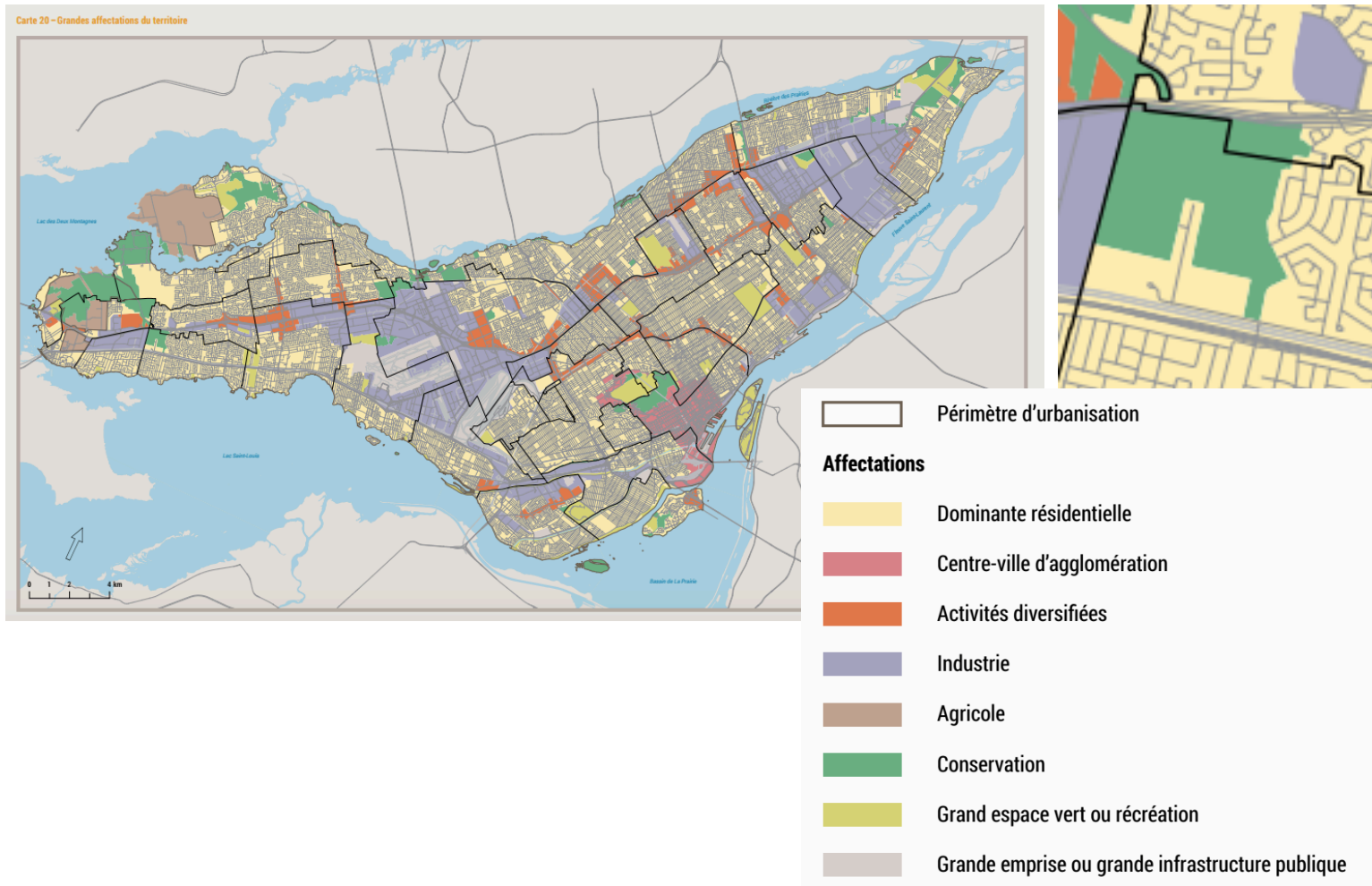
+ SAD – Recognition of TOD



+ SAD – Recognition as “bois et corridor forestier métropolitain”



+ SAD – “Grandes Affectations”



+ SAD



- SAD recognizes that Yale's land falls entirely within a TOD area in accordance with the PMAD (Map 30, 31)
- SAD identifies Yale's land as an environmentally valuable area that should be protected from development in its entirety (Map 3, Map 15, Map 19, Map 32)
- SAD provides for the partial development (roughly 10%) of the Land (Map 20 "Grandes Affectations" and Map 2 "Terrains a construire et a transformer")

+ Discordance of Plans



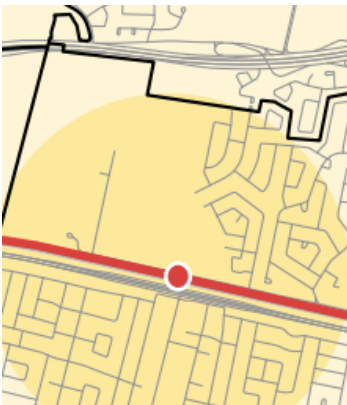
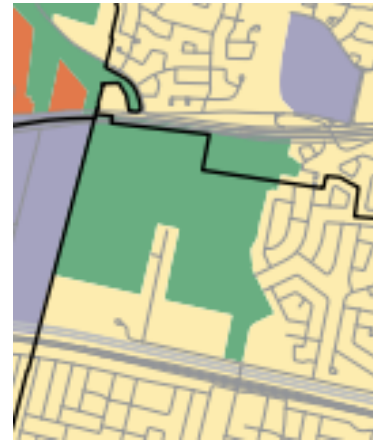
Map 2



Map 3



Map 20



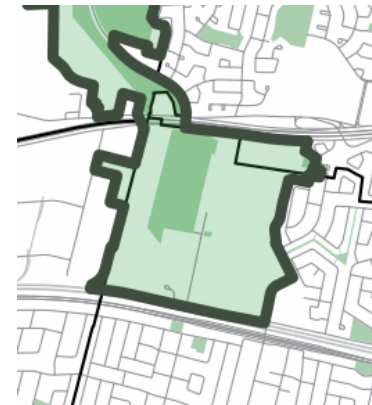
Map 30,31



Map 32



Map 15



Map 19

+ SAD vs. PMAD



- The SAD is bound to respect the orientations of the PMAD.
- Unless the intention of the SAD is to have the minimum density requirements of the entire TOD area concentrated in the area labeled “Dominante Residentielle”, which is, for all intents and purposes, impossible, the TOD Zone minimum density threshold is dismissed in favor of conservation.

+ Calculations (for illustration)



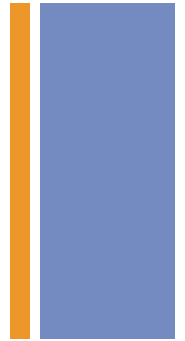
- Vacant land in the TOD area is approximately 80 hectares, 32 Hectares of which is Yale's land.
- Minimum 40 dwellings/hectare = minimum of 3,200 households, of which roughly 1,280 would be on Yale's land.
- Based on Map 2 – “Les Grandes Orientations”, almost 90% of the land is identified as conservation.
- To attain the TOD minimum density, 1,280 households would need to be developed on a total area of approximately 3.2 hectares. (400 dwellings per hectare)
- This goes completely against the urban fabric of the city of Beaconsfield. (Compare to Le Triangle: 100 dwellings per hectare)

+ SAD



- Whereas the PMAD seems to focus more on the importance of transit oriented, sustainable urban growth, the SAD appears to be overfocused on the conservation of our land and does not respect the orientations of the PMAD with respect to our land.

+ Problem with the proposed SAD



- **The PMAD clearly establishes that conservation of ecologically valuable land should be acquired to ensure protection – Land Use Policies and Zoning bylaws cannot have the effect of stripping landowners rights for Public Interest.**
- **This orientation is consistent with laws that protect property rights which are sacred in our Province and for which the action of expropriation was created.**
- The land has considerable urban value if allowed to be developed
- Yale is eager to develop the land in accordance with a Sustainable TOD approach. This would require the use of most of Yale's land to attain the minimum density threshold provided by the PMAD.

+ Recommendations



- **The SAD MUST adhere to the orientations of the PMAD.**
- **All of the maps MUST be cohesive and consistent. They must provide for a clear identification of what the PMAD and SAD orientations are for the land and not offer contradictory land uses.**
- **The land MUST be identified as a TOD zone to be developed with a minimum density of 40 dwellings per hectare in accordance with the PMAD.**
- **The land MUST NOT be identified as “conservation” as it is not eligible for such classification due to it being privately held land that is not subject to permanent legal protection.**
- **Alternatively, if the land is identified for “conservation”, it MUST be expropriated with compensation.**

+ Discordance of Plans



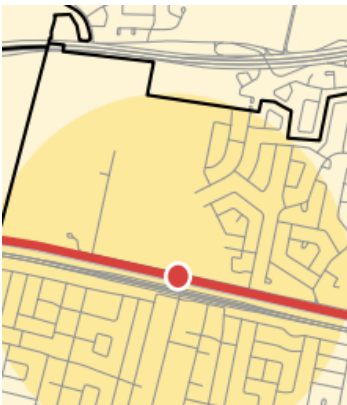
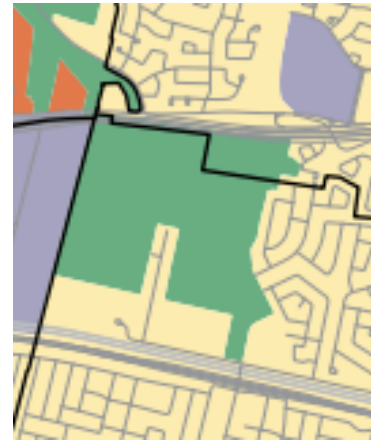
Map 2



Map 3



Map 20



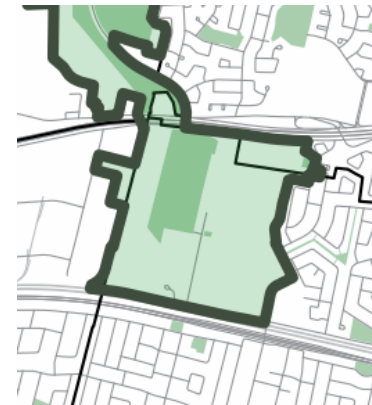
Map 30,31



Map 32



Map 15



Map 19

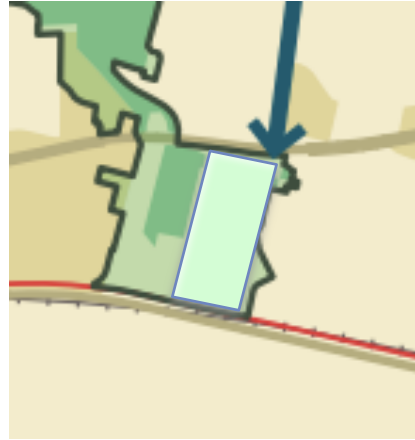
+ Proposed Modification to Plans



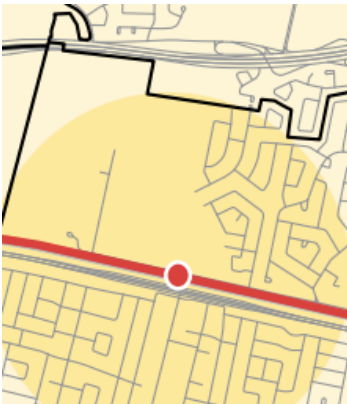
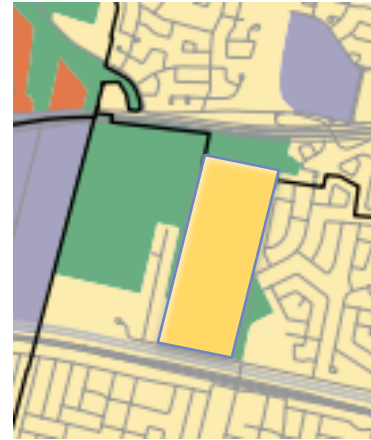
Map 2



Map 3



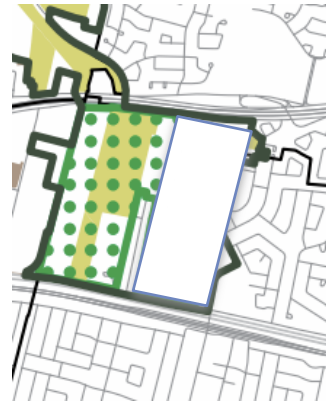
Map 20



Map 30,31



Map 32



Map 15



Map 19

The proposed modifications are illustrations as concern Yale's land, the exclusion of other land, namely that land belonging to Seda Holdings, Ducks Unlimited, APAW and the city of Beaconsfield should not be construed as a suggestion that the affections of those lands should not be modified as well.

+ Conclusion



- **MAKE THE APPLICABLE ORIENTATION AS REGARDS YALE'S LAND CLEAR IN ACCORDANCE WITH THE PMAD**
- Identify it as a TOD zone
- Adopt the SAD recognizing the entire land as “land to be built/transformed”
- Require the Municipality to adopt bylaws consistent with a TOD zone (minimum density threshold of 40 dwellings per hectare)
- Remove the “conservation” affectation.

+ Conclusions (Continued)



- Alternatively, expropriate the land with compensation.
- Identifying it as “conservation” is factual expropriation without compensation.
- The land **CANNOT** be forced into becoming a “Private Park” as a result of land use policies or municipal by-laws.