



Kagan | Shastri
DeMelo | Winer | Park
LAWYERS | LLP

IRA T. KAGAN
General: 416.368.2100 Ext. 226
Direct: 437.781.9549
ikagan@ksllp.ca

File No. 19163

January 17, 2023

Posted to the ERO

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

Dear Minister Clark:

Re: Our client: Leslie Lakeshore Developments Inc.
Subject Property: 731 Eastern Avenue, Toronto, PIN 21053-0066 (LT)
ERO Posting 019-5868
MMAH Reference No. 20-OP-222176
City of Toronto OPA 591

We are the solicitors for Leslie Lakeshore Developments Inc. with respect to its property at 731 Eastern Avenue (the “Subject Property”). Included as Attachment 1 is an aerial image of the Subject Property. Despite our client’s request to the City of Toronto, as far back as 2012 (10 years ago), that the property be redesignated from only employment uses to mixed-use, OPA 591 maintains an employment land use designation on the Subject Property.

THE REQUESTED MODIFICATIONS

For the detailed and comprehensive reasons provided below, **our client respectfully request that you modify and approve OPA 591 by redesignating the Subject Property from *General Employment Areas* to *Mixed-Use Areas*. Our client also requests that you modify OPA 591 to include site-specific policies, in the form of a SASP (Site and Area Specific Policy), to guide the development.** These policies, included as

Yorkville Office:
188 Avenue Road,
Toronto, ON., M5R 2J1
P. 416.368.2100 | F. 416.368.8206 | ksllp.ca

Downtown Office:
250 Yonge Street, Ste 2302
P.O. Box 65,
Toronto, ON., M5B 2L7
P. 416.368.2100 | F. 416.368.8206 | ksllp.ca

Attachment 2, use the SASP format as this is the traditional approach that the City of Toronto uses when it implements this type of employment land conversion.

The requested land use modification would be to section (k), page 4 of OPA 591, which is the chart of employment land conversion properties. The modification would be as follows:

Municipal Address/Location	Land Use Designation	OPA 591 Land Use Change(s)
731 Eastern Avenue PIN 21053-0066 (LT)	General Employment Areas	Mixed Use Areas

The requested SASP modification would be to:

- a) 'Appendix 2: Maps 13 to 23 Land Use Plan Redesignation' to add the Subject Property to the Appendix, A, and to
- b) Section K (on page 53) 'Chapter 7, Maps 24 to 34, Site and Area Specific Policies, are revised to add the lands shown in the table below ' by adding SASP 798 as follows.

SASP	Municipal Address/Location
798	731 Eastern Avenue PIN 21053-0066 (LT)

The proposed SASP is included as Attachment 1 to this letter. The essential elements of the SASP are:

1. Permission for up to 1,600 residential units. Through the rezoning process, the precise urban form and zoning performance standards will be established.
2. The replacement of 3,000 m² of General Employment uses, which is no less than the amount of non-residential gross floor area that exists today. These replacement uses would include retail, service commercial and office uses, all of which are appropriate for the area and complementary to the future redevelopment. This provision of the SASP ensures that there is no net loss, and the real potential for a net gain, of employment uses on the Subject Site. It

should be noted that the SASP requires that the vast majority of this replacement non-residential gross floor area be provided in the first phase of the development.

3. A mix of tenure (rental and ownership) is encouraged.
4. The mixed-use development will be family friendly with at least 5% of the units being 3-bedrooms and at least 20% of the units being 2-bedroom or more; and
5. At least 5% of the residential dwelling units will be provided as affordable rental or ownership units.

DETAILED LAND USE PLANNING ANALYSIS BY GOLDBERG GROUP

Attached to this letter as Attachment 3, is a comprehensive planning analysis prepared by Mr. Michael Goldberg, Principal of Goldberg Group, one of the foremost and most-respected land use planners in the province. Mr. Goldberg has been the planner for the Subject Site for approximately 10 years and is thus, very familiar with it. Mr. Goldberg's letter undertakes the detailed analysis required by the *Provincial Policy Statement* (the "PPS") and *A Place to Grow: The Growth Plan for the Greater Golden Horseshoe* (the "Growth Plan") It details how the requested modification would be 'consistent' with the PPS and the Growth Plan, in particular but not limited to the employment land conversion policies in both documents. As Mr. Goldberg's analysis is very comprehensive, I will not repeat it here. There is no doubt, however, that the requested modification meets the test of consistency and conformity, as required by section 3 of the Planning Act.

While Mr. Goldberg's planning analysis also deals with the employment conversion policies in the City's Official Plan, those policies are not, strictly, applicable to OPA 591 since OPA 591 is an amendment to the City's Official Plan. Moreover, those City Official Plan policies pre-date the current version of the PPS and the Growth Plan and have this never been brought into conformity with those higher-level provincial documents. Land Use Planning in Ontario is a top-down approach and thus decade old and potentially outdated policies in the City's Official Plan do not and cannot override policies in the higher-level PPS or Growth Plan. Nevertheless Mr. Goldberg does examine City of Toronto Official Plan policies.

SUBJECT PROPERTY AND SURROUNDING AREA

The Subject Property is located at the northwest corner of Lakeshore Boulevard East and Leslie Street. The Subject Site is approximately 1.44 ha in area with large frontages facing both Lakeshore and Leslie and a smaller frontage facing Eastern Avenue (at the northwest portion of the Subject Site). Vehicle access is through a signalized intersection on Leslie (shared with the Loblaws site across the street to the east) and from an unsignalized driveway on Eastern Avenue (close to the intersection with Mosley Street).

The Subject Site is currently improved with solely retail uses being a combined one-storey Tim Hortons/Wendy's restaurant (including a drive-thru) and an approximately 2900 m² Fresh Co. supermarket. Both were constructed approximately 20 years ago. The majority (remainder) of the site is used for surface parking. An aerial image of the property is included as Attachment. 2. It is readily evident from the aerial image that the Subject Property is developed at a very low density and is very much under-utilized.

The intersection of Lakeshore and Leslie has evolved in the last decade into a node of retail and service commercial land uses serving the broader residential and employment community. A short distance to the east, east of Coxwell Avenue, is the residential community developed by Tribute Communities. An established residential community exists on the north side of Eastern Avenue. Surrounding land uses are as follows

To the east: The Loblaws site across the street includes a large freestanding supermarket surrounded by considerable surface parking.

To the southeast: The southeast corner of the Leslie Street and Lakeshore Boulevard East intersection includes a recently constructed TTC storage facility (Leslie Barns), south of which is a large site of City infrastructure used as Ashbridges Bay Wastewater Treatment Plant.

To the south: The south side of the site is bordered by Lakeshore Boulevard East, a 6 lane arterial road (Major Street) divided in each direction by a landscaped median. The southwest corner of the Leslie Street and Lakeshore Boulevard East intersection is an open-air retail commercial plaza containing among other things, a Canadian Tire, a Farm Boy supermarket, a Shoppers Drug Mart, and an LCBO.

To the north: Immediately north of the site is an older 2 and 3-storey office building, north of which is Mosley Street and Eastern Avenue. Eastern Avenue

is a 2-lane Major Street with existing bicycle lanes. North of both Mosley Street and Eastern Avenue are generally low-rise residential dwellings designated in the Official Plan as Neighbourhoods. Eastern Avenue and Mosley Street are the current boundary between the Neighbourhoods and Employment Area land use designations. In the pocket or triangle of lands between Mosley Street and Eastern Avenue, west of Leslie Street, is a small gas bar (Amco Petroleum), and approximately 26 single and semi-detached dwellings.

To the West: West of the site is a General Employment Areas site, owed by General Motors (GM) and recently approved for office, auto retail, service and a R & D facility. A new north south municipal road forms part of that approval that will travel along the east boundary of the GM site, parallel and adjacent to the subject site, which road will connect with Lakeshore Boulevard East in the south and with Eastern Avenue in the north. The buildings and structures on the GM site have been demolished although construction has not commenced.

Located at the edge of the 'South of Eastern Employment District', the Subject Site is located very close to parks, the Downtown, transit, the lakefront and other shopping areas.

The Subject Site is surrounded by either retail or low-rise office uses to the east and north, and retail to the immediate south at the southwest corner of Lake Shore Boulevard East and Leslie Street. Since 2003, the subject site has only been used for very low intensive retail commercial purposes. The GM use to the immediate west is an Employment Area use comprised of offices, auto retail, service, and R & D facilities, including an intervening and adjacent north south public road, all of which, are uses inherently capable of being compatible with a mixed-use redevelopment of the Subject Site. Such a situation has occurred and is likely to continue to occur often in the City of Toronto.

Significantly, the Subject Site is not located within a Provincially Significant Employment Zone ("PSEZ") although the employment lands to the west are. Given the location of the Subject Site and its current uses, this is not surprising.

THE SUBJECT SITE HAS BEEN ON THE RADAR FOR YEARS

The City and owners/residents in the area of the Subject Site have been aware of our client's employment conversion request since 2012. The 2012 request was public and dealt with in staff reports.

Additionally, when the City of Toronto refused the employment land conversion request in 2012 when it adopted OPA 231, our client appealed that decision to the Ontario Municipal Board (as it then was). Despite the passage of approximately 10 years, that appeal has not yet been scheduled for a hearing. Through the multi-year Ontario Land Tribunal appeal process, the public and neighbours had the opportunity to participate in the hearing. None have chosen to do so and certainly none oppose the conversion through the hearing process.

If you agree to modify OPA 591 to designate the Subject Site to Mixed Use Areas and to add the SASP, then our client will immediately withdraw its appeal of OPA 231.

PLANNING MERITS OF THE REQUEST

As mentioned above and as detailed, comprehensively in Mr. Goldberg's planning analysis:

1. The Subject Site is not within a PSEZ.
2. The proposed modification and thus employment land conversion
 - a. Is consistent with the PPS;
 - b. Conforms with the Growth Plan; and
 - c. Achieves many objectives of the City of Toronto Official Plan
3. Notwithstanding the Subject Site's as-of-right zoning for many years which permits a range of employment uses, with a density for those uses of up to 5 times FSI, these other employment uses have not materialized. If there was a market for such high-density employment uses on the Subject Site, then one would have expected them to materialize by now.
4. The proposed modification and employment land conversion would result in a far more efficient use of a site within the Built-Up Area in close proximity to existing and planned public service existing facilities and ample retail facilities.
5. The Subject Site is within 1.3 km of the planned East Harbour Transit Hub and related transit infrastructure investment in the area.
6. The proposed modification and employment land conversion would nevertheless preserve, at a minimum, the amount of existing non-residential

gross floor area post-redevelopment and ensure that it is replaced early in the redevelopment. In other words, there would be no net loss of jobs and potentially an increase in the number of jobs.

7. The proposed modification and employment land conversion would allow for a significant number of new residential units which will aid in the Province's goal of building 1.5M homes within the next decade. The Subject Site could make this contribution sooner rather than later since it would only require a rezoning and site plan approval; and
8. The proposed modification and employment land conversion would require the provision of a mix of unit types and tenure as well as requiring affordable rental and ownership units.

The last decade in Toronto has seen many new format mixed use developments, where retailers no longer command surface parking, enabling the land to be better utilized by locating parking underground and by stacking and mixing of commercial and residential uses. This is an effective manner to enable the intensification of a site and includes all forms of commercial uses, together with residential uses. Toronto has been very successful with this mixed-use approach in other former employment areas such as Liberty Village and in other mixed-use projects throughout the City. It worked there and it can work here.

Metrolinx together with private landowners, and the City, are actively planning for the East Harbour Transit Hub ("EHTH"), which will be located approximately 1.3 km west of the subject site, at the intersection of Eastern Avenue and the southerly extension of Broadview Avenue. This new EHTH will be a multi-modal transit hub, including the convergence and connections to GO Transit, the approved and under construction Ontario Line subway line, and a future streetcar connection along the extended Broadview Avenue. A significant Transit-Orientated Community ("TOC") is actively being planned for this area, in recognition of this significant rapid transit infrastructural investment. In April 2021, the Province identified the planned East Harbour Transit Hub as one of the first two TOCs.

The redesignation of the Subject Site to *Mixed Use Areas*, would bring both jobs and additional residential population within a close proximity to the EHTH. The Subject Site is approximately 1,300 m (1.3 km) from the EHTH along Eastern Avenue, which street is supported by surface transit, bike lanes and pedestrian sidewalks. There will also be drop off and pick up facilities designed in the EHTH. The EHTH will provide direct rapid transit access to the GO Transit network, Union Station in Downtown Toronto, and beyond. The Subject Site is exceptionally well positioned to provide,

relatively quickly, both jobs and new residential units, in close proximity to this important and significant rapid transit infrastructural investment.

The requested *Mixed-Use Areas* designation would enable the redevelopment of the Subject Site at higher densities thus making more efficient use of this clearly under-utilized site. Given its context, the redevelopment can be designed in a compatible manner with the remaining Employment Area to the west (i.e. the GM site), without prejudicing or jeopardizing the ongoing function or future employment development of the remaining Employment Area to the west.

Optimization of land and infrastructure involves the balance of maximizing the capability of the site within its physical and policy context. The context of the Subject Site supports the introduction of compatible land uses at a more intense level of development. As noted earlier, the Subject Site is not within a PSEZ and is, rather at the edge of the Employment Area with clean and compatible approved Employment Area uses on the GM site to the immediate west. Across the street to the east and south are retail and service commercial uses that are supportive of a mixed-use development on the Subject Site. The Subject Site is within walking distance to parks, recreation, shopping and services. This proximity promotes the use of active transportation options such as walking and cycling which are obvious planning 'goods'.

As noted earlier, the Subject Site is located at the edge of the South of Eastern Employment District. As Mr. Goldberg notes, large sites in this area have been devoted solely to retail and service facilities. There has been a complete lack of demand for traditional employment uses on the Subject Site and there is no good reason to believe that this will change anytime soon.

As Mr. Goldberg notes, the public interest very much supports a *Mixed-Use Areas* designation for the Subject Property to permit a broader range of uses and additional population. This will, Mr. Goldberg opines, contribute to a more complete community, supporting alternative transportation modes to the automobile, and supporting significant rapid transit infrastructure just west of the subject site at the EHTH.

The 'do nothing' alternative, however, of maintaining the Subject Site's current land use designation is to continue the clearly under-utilization in terms of land use, density, built form and infrastructure perspectives. Such an outcome is clearly not in the public interest.

THE PROPOSED SASP

The proposed SASP is carefully structured to provide the following obvious land use planning benefits:

1. Permission for up to 1,600 residential units. Through the rezoning process, the precise urban form and zoning performance standards will be established.
2. The replacement of 3,000 m² of General Employment uses, which is no less than the amount of non-residential gross floor area that exists today. These replacement uses would include retail, service commercial and office uses, all of which are appropriate for the area and complementary to the future redevelopment. This provision of the SASP ensures that there is no net loss, and the real potential for a net gain, of employment uses on the Subject Site. It should be noted that the SASP requires the vast majority of this replacement non-residential gross floor area be provided in the first phase of the development.
3. A mix of tenure (rental and ownership) is encouraged.
4. The mixed-use development will be family friendly with at least 5% of the units being 3-bedrooms and at least 20% of the units being 2-bedroom or more; and
5. At least 5% of the residential dwelling units will be provided as affordable rental or ownership units.

CONCLUSION

For all of the reasons our client respectfully requests that you modify and approve OPA 591 as detailed in this letter. Thank you.

KAGAN SHASTRI DeMELO WINER PARK ^{LLP}

A handwritten signature in cursive script that reads "Ira Kagan". The signature is written in black ink and is positioned below the firm name.

Ira T. Kagan

Enclos: Aerial Image (Attachment 1); SASP (Attachment 2); Goldberg Group planning analysis (Attachment 3)

Cc: Clients
Michael Goldberg (Goldberg Group)

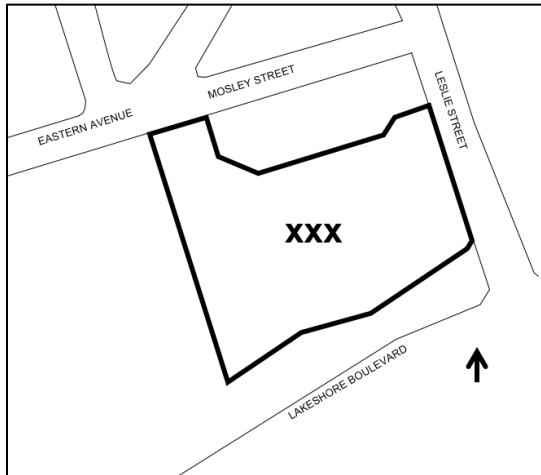
Please reply to the: Yorkville Office



Attachment 1: Draft Site and Area Specific Policy – OPA 591

Chapter 7 Site and Area Specific Policies, is amended as follows:

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy **XXX** for the lands known municipally in 2022 as 731 Eastern Avenue, as follows:

XXX. 731 Eastern Avenue

A mixed-use and mixed-income development is permitted provided that:

- A. A minimum of 3,000 square metres of employment gross floor area is developed that will be:
 - i. Comprised of *General Employment Areas* uses that are compatible with residential uses; and
 - ii. Developed prior to, or concurrent with, residential uses.
- B. The following employment uses are encouraged:
 - i. A variety of employment types, including a range of employment unit sizes and value-added creative uses.
- C. The non-residential gross floor area is constructed in each phase, prior to or concurrent with residential gross floor area to provide a balance of employment and residential growth in all phases of development, provided that:
 - i. The first phase of development includes a minimum of 75 percent of the employment gross floor area specified in Policy A above and the balance is provided in future phases.
- D. All uses permitted under the *Mixed Use Areas* designation are permitted on the lands.

- E. New development containing residential dwelling units on the lands will be subject to the following requirements:
- i. A minimum of five (5.0) percent of the total new residential dwelling units shall be secured as affordable rental housing or affordable ownership units;
 - ii. The affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and
 - iii. The unit mix of the affordable dwelling units shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.
 - iv. At least 20 percent of the total number of dwelling units will be two or more bedroom units, with 25 percent of these units being three bedrooms representing 5 percent of the overall units.
- F. If an Inclusionary Zoning By-law takes effect and becomes applicable to any development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy E) will no longer apply.
- G. Maximum density for the land shall be 8.0 FSI, and with a maximum of 1,600 residential units.
- H. One or more individual tall buildings shall be permitted. No building shall exceed a height of 85 metres, excluding mechanical penthouse structures.
- I. Development of the lands will be planned comprehensively and may be developed and constructed by phase and occur incrementally.

GOLDBERG GROUP LAND USE PLANNING AND DEVELOPMENT
2098 AVENUE ROAD, TORONTO, ONTARIO M5M 4A8



SENT BY EMAIL: Alejandra.Perdomo@ontario.ca

January 8, 2023

Municipal Services Office – Central Ontario
777 Bay Street, 16th Floor
Toronto, ON
M7A 2J3

Attention: Alejandra Perdomo

**Re: Planning Justification Letter
Proposed Modification of OPA 591
Redesignation of 731 Eastern Ave., Toronto to Mixed Use Areas
Leslie Lakeshore Developments Inc.**

We are the planning consultants representing Leslie Lakeshore Developments Inc. (Leslie Lakeshore), the owner of the property municipally known as 731 Eastern Avenue (the subject site), located at the northwest corner of Lakeshore Boulevard East and Leslie Street in the City of Toronto (City).

On July 22, 2022, Official Plan Amendment 591 (OPA 591), amending the City of Toronto Official Plan (City OP) related to its Employment Area policies and designations was adopted by Council and enacted as By-law 1106-2022. This amendment represents the Council approval of some Employment Area conversion requests by redesignating either *General Employment Areas* and/or *Core Employment Areas* to *Mixed Use Areas* and *Regeneration Areas*.

This letter seeks to provide a Planning Justification for and our opinion of the planning merits of, the Leslie Lakeshore requested modification of OPA 591 to include the subject site within OPA 591 and thereby redesignate it from *General Employment Areas* to *Mixed Use Areas*. This letter, together with the attached materials, will address the planning merits of this request, and in particular, will address the Employment Area conversion policies set out in Section 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan"), and Section 2.2.4.17 of the City OP.

This letter provides:

- A background overview of the subject site context and Employment Area request history; and
- An outline and analysis of the Provincial and municipal policies applicable to this request.

Attachment 1 to this letter, is the Draft Site and Area Specific Policy (SASP) to be added to OPA 591 by way of Ministerial Modification. In our opinion, this is an appropriate and suitable Planning Act means to implement this Employment Area conversion request.

The Site and its Surrounding Context

The subject site is approximately 1.44 ha with large frontages facing Lakeshore Boulevard East and Leslie Street, and a small amount of frontage facing Eastern Avenue, at the northwest portion of the subject site. Access to the subject site is from Leslie Street at a signalized intersection shared with the Loblaws site across the street to the east, and from an unsignalized access off Eastern Avenue, in proximity to Mosley Street.

Some of the notable surrounding uses include the following:

To the east: The Loblaws site across the street includes a large freestanding supermarket surrounded by considerable surface parking.

To the southeast: The southeast corner of the Leslie Street and Lakeshore Boulevard East intersection includes a recently constructed TTC storage facility (Leslie Barns), south of which is a large site of City infrastructure used as Ashbridges Bay Wastewater Treatment Plant.

To the south: The south side of the site is bordered by Lakeshore Boulevard East, a 6 lane arterial road (Major Street) divided in each direction by a landscaped median. The southwest corner of the Leslie Street and Lakeshore Boulevard East intersection is an open-air retail commercial plaza containing among other things, a Canadian Tire, a Farm Boy supermarket, a Shoppers Drug Mart, and an LCBO.

To the north: Immediately north of the site is an older 2 and 3-storey office building, north of which is Mosley Street and Eastern Avenue. Eastern Avenue is a 2 lane Major Street with existing bicycle lanes. North of both Mosley Street and Eastern Avenue are generally low-rise residential dwellings designated in the Official Plan as *Neighbourhoods*. Eastern Avenue and Mosley Street are the current boundary between the *Neighbourhoods* and Employment Area land use designations. In the pocket or triangle of lands between Mosley Street and Eastern Avenue, west of Leslie Street, is a small gas bar (Amco Petroleum), and approximately 26 single and semi-detached dwellings.

To the West: West of the site is a *General Employment Areas* site, owed by General Motors (GM) and recently approved for office, auto retail, service and a R & D facility. A new north south municipal road forms part of that approval that will travel along the east boundary of the GM site, parallel and adjacent to the subject site, which road will connect with Lakeshore Boulevard East in the south and with Eastern Avenue in the north. The buildings and structures on the GM site have been demolished although construction has not commenced.

The subject site is currently developed in a suburban styled retail commercial plaza, with a freestanding Tim Hortons/Wendy's restaurant building, including a drive through element, and a one-storey supermarket of approximate 2,900 m² (32,216 ft²) (Fresh Co.). These uses and buildings were constructed in 2003. The current uses on site were approved by the Ontario Municipal Board (OMB), which authorized Leslie Lakeshore's site-specific Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications seeking to use the Employment Area site for retail and service commercial purposes. The site has been used exclusively for retail and service commercial purposes, together with a large surface parking area

since the OPA and ZBA approvals, although the remains designated *Employment Area* in the City's OP. As such, the site is currently developed in a low intensity, automobile orientated use, suburban plaza format.

In view of the above, the site is surrounded by either retail or low-rise office uses to the east and north, and retail to the immediate south at the southwest corner of Lake Shore Boulevard East and Leslie Street. Since 2003, the subject site has only been used for very low intensive retail commercial purposes since its OPA and ZBA was approved. Also, the GM use to the immediate west is an *Employment Area* use comprised of offices, auto retail, service, and R & D facilities, including an intervening and adjacent north south public road, all of which, are uses capable of being compatible with a mixed use redevelopment of the subject site.

The subject site is not within a *Provincially Significant Employment Zone (PSEZ)* although the lands to the west are in a *PSEZ (Attachment 2)*.

The 2012 Municipal Comprehensive Review (OPA 231)

Leslie Lakeshore has been actively seeking from the City, the redesignation of its land for over a decade. In May 2012, as part of the City of Toronto's Municipal Comprehensive Review (MCR) of its *Employment Area* policies of the City OP, Leslie Lakeshore filed a request to redesignate the subject site from *Employment Areas* to either *Regeneration Areas* or *Mixed Use Areas*, aimed at broadening the range of uses permitted on the subject site, including residential usage. In support of this request, supporting documentation was filed, including a land use planning review (Goldberg Group), employment land conversion (IBI Group), and land use compatibility (Terrapex Environmental Ltd).

On December 18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) and on July 9, 2014, the Ministry of Municipal Affairs and Housing approved OPA 231, with modifications. OPA 231 redesignates the site "*General Employment Areas*", contrary to the request of Leslie Lakeshore. On July 29, 2014, on behalf of the owners, Brattys LLP filed an appeal of OPA 231 with the Ministry of Municipal Affairs and Housing (MMAH).

OMB Appeal Process (2014-2020)

In an effort to facilitate discussion with City Staff on possible settlement of the OPA 231 appeal for the subject site, correspondence was sent on September 17, 2018 from Robert Sabato of CRAFT Development Group to Jeffrey Cantos, a policy planner at the City of Toronto. A subsequent meeting on October 5, 2018, was held with City Legal, Planning Staff, CRAFT, Patricia Foran (Craft's then Counsel), and Michael Goldberg of Goldberg Group. Subsequent to this meeting, notwithstanding requests for a response, none was received from the City.

Following the Growth Plan amendment in May 2019, the owners contemplated filing an application on the subject site. A pre-application consultation meeting request was filed in February 2020 to discuss the filing of a private Official Plan and Zoning By-law Amendment applications for the subject site. Due to the pandemic, the meeting was held virtually on September 25, 2020. It was resolved by the owners following that meeting that the OPA and ZBA applications would not be filed. As such, the site specific OPA 231 appeal remains unresolved, waiting for the Ontario Land Tribunal (OLT) to schedule a site specific hearing. It also appears that City staff are not prepared to support an employment land conversion for the subject site, at least at this time.

The City's 2020 Current Municipal Comprehensive Review (MCR 2020)

The City established a deadline of August 3, 2021 for owners seeking an Employment Area conversion to submit one. The owners of the subject site elected not to file an Employment Area conversion request for this site, as part of the City's current MCR 2020 process, for a variety of reasons including:

1. It still had an unresolved and outstanding appeal of the 2012 MCR through OPA 231;
2. City staff continued to not support the employment land conversion of the subject site; and
3. The owner was advised that in order to even consider a fresh employment land conversion request in the 2020 MCR that it would have to withdraw its appeal of OPA 231 (which it was not prepared to do unless and until its land were converted).

Therefore, by virtue of the current status of the City's 2020 MCR process with City's adoption of OPA 591, and the Minister's current consideration of OPA 591, the 2020 MCR for many sites will be resolved before the unresolved appeals of OPA 231, which includes the subject site. For the subject site, this will therefore involve an unresolved planning process, extending back approximately a decade back to 2012.

The East Harbour Transit Hub and Related Transit Infrastructure Investment in the Area

Metrolinx together with private landowners, and the City, are actively planning for the East Harbour Transit Hub (EHTH), which will be located approximately 1.3 km west of the subject site, at the intersection of Eastern Avenue and the southerly extension of Broadview Avenue. This new EHTH will be a multi-modal transit hub, including the convergence and connections to GO Transit, the approved and under construction Ontario Line subway line, and a future streetcar connection along the extended Broadview Avenue. A significant Transit-Orientated Community (TOC) is actively being planned for this area, in recognition of this significant rapid transit infrastructural investment. In April 2021, the Province identified the planned East Harbour Transit Hub as one of the first two Transit-Oriented Communities.

The redesignation of the subject site to Mixed Use Areas, as requested, would bring non-residential and additional residential population within close proximity to the EHTH. The subject site is approximately 1,300 m (1.3 km) from the EHTH along Eastern Avenue, which street is supported by surface transit, bike lanes and pedestrian sidewalks. There will also be drop off and pick up facilities designed in the EHTH. The EHTH will provide direct rapid transit access to the GO Transit network, Union Station in Downtown Toronto, and beyond.

The subject site is very well positioned to augment and to provide in the short term, non-residential jobs and residential population, in close proximity to this important and significant rapid transit infrastructural investment.

Policy Context of this Current Request to Modify OPA 591

Provincial Policy Statement, 2020 (PPS)

The PPS, which came into effect on May 1, 2020, provides policy direction on matters of provincial interest and all planning decisions "shall be consistent with" the PPS. Relevant policies of the PPS 2020 include, as follows:

- The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

There is no implied priority in the order in which the policies appear (Part III: How to Read the PPS)

- Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region (Part IV: Vision for Ontario's Land Use Planning System (Part IV, paragraph 5).
- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (1.1.1a);
- Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (1.1.1b);
- Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e);
- Settlement areas shall be the focus of growth and development (1.1.3.1);
- Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - e) Support *active transportation*;

- f) Are *transit-supportive*, where transit is planned, exists or may be developed (1.1.3.2a, b, e & f);
- Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated (1.1.3.2);
 - Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3);
 - *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures (1.2.6.1);
 - Planning authorities shall promote economic development and competitiveness by:
 - a) providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet the long-term needs (1.3.1a);
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1b);
 - c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4 (1.3.1d);
 - At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas (1.3.2.2);

- Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas (1.3.2.3);

- Planning authorities may permit conversion of land within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion (1.3.2.4);
- Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment use provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:
 - a) There is an identified need for the conversion and the land is not required for employment purposes over the long term;
 - b) The proposed uses would not adversely affect the overall viability of the employment area; and
 - c) Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses (1.3.2.5);
- Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - b) permitting and facilitating:
 - 1. All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
 - 2. All types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
 - c) directing the development of new housing toward locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
 - d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and public service facilities, and support the use of *active transportation* and transit where it exists or is to be developed;
 - e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (1.4.3b, c, d & e);
- Before consideration is given to developing new *infrastructure* and *public service facilities*:

a) the use of existing *infrastructure* and *public service facilities* should be optimized (1.6.3a);

- *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs (1.6.7.1);
- Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible (1.6.7.2);
- A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation* (1.6.7.4);
- Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs (1.6.8.1);
- Major goods movement facilities and corridors shall be protected for the long term (1.6.8.2);
- Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities (1.6.8.3);

- The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible (1.6.8.4);
- Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:
 - a) their long-term operation and economic role is protected; and
 - b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6 (1.6.9.1);
- Long-term economic prosperity should be supported by:
 - b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
 - c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
 - e) encouraging a sense of place, by promoting well-designed built form and....
 - g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support movement of goods and people; (1.7.1 (b), (c), (d), (e), and (g));
- Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (1.8.1e); and
 - The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies...

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan (4.6).

Planning Analysis of the PPS and this Employment Conversion Request

The approach of this planning letter is to review this conversion in the context of the entire PPS, as that is the intended manner in which its policies are to be applied and integrated into official plans. Also, as Section 4.6 of the PPS directs, the most current policies of the PPS direct that official plans shall be kept up-to-date with this PPS; meaning the PPS 2020. This is of paramount importance and prevails over any municipal policies that are not consistent with this version of the PPS. Having undertaken a review of the entire PPS, we offer the following planning summary in relation to this Employment Area conversion request.

Notwithstanding the subject site's as-of-right zoning for many years to permit a range of other employment uses, with a density for those uses of up to 5 times FSI, these other employment uses have not materialized on this site. Instead, the site has been used for the last 20 years as a suburban format shopping plaza, with low intensity, single storey retail and service uses, surrounded by considerable surface parking. In my opinion, in the circumstance of this site in 2023, this reflects a very under-utilized state on the subject site.

A *Mixed Use Areas* designation for the subject site, would enable the reuse and reurbanization of this under-utilized site. Should this conversion be granted, the outcome in our opinion, would provide jobs, and new residential population, including affordable housing, to utilize the land and infrastructure available to this site. Given its context, this can be designed in a compatible manner with the remaining Employment Area to the west (GM site), without prejudicing or jeopardizing the ongoing successful implementation and ongoing functioning of the remaining Employment Area to the west.

Optimization of land and infrastructure, involves the balance of maximizing the capability of the site within its physical and policy context. In other words, consideration needs to be undertaken of the opportunities and constraining elements of the site and area context. The physical context of the subject site supports the introduction of compatible land uses at a more intense level of development. The subject site is not within a Provincially Significant Employment Zone (PSEZ). The site is at the edge of the Employment Area with clean and compatible approved Employment Area uses on the GM *General Employment Area* site to the immediate west. Across the street to the east and south are retail and service commercial uses, that would be supportive of a mixed use development, including residential on the subject site. The subject site is within walking proximity to parks, recreation, shopping and services. This proximity promotes the use of active transportation options such as walking and cycling, leading to a supportive, integrated, more complete community.

Importantly, the recent identification of the East Harbour Transit Hub (EHTH) together with the commencement of construction of the Ontario Line brings rapid transit to within a very close and convenient location just west of the subject site along Eastern Avenue. Enabling the subject site to be used for both some employment and additional and new residential purposes, including affordable residential units, would augment the ridership using the EHTH.

Mixed-use development (including residential uses) on the subject site would be consistent with PPS policies that promote compact, mixed-use, intensified, transit-supportive development and encourage the provision of residential uses in settlement areas to meet long-term housing needs. In our opinion, this would be supportive of the overall policy thrust embodied in the PPS policies.

The alternative of leaving the subject lands as is, in an Employment Area designation, would likely do nothing but enable the existing underutilized state of the site to persist, which in my opinion, is contrary to, and inconsistent with, the overall policies of the PPS.

The Growth Plan 2020

A Place to Grow: Growth Plan for the Greater Golden Horseshoe derives its authority from the Places to Grow Act, 2005, became effective on May 16, 2019, and was amended by Amendment 1 which took effect on August 28, 2020.

Many of the Provincial policy themes enunciated in the PPS are reflected, and further articulated, in the Growth Plan. This document therefore is a further expression and articulation of Provincial policy and is a Provincial Plan, pursuant to Section 3 of the *Planning Act*. Similar to the PPS, the Growth Plan must be read in its entirety and there is no implied priority in which the policies appear.

The Growth Plan generally aims to, among other things, create complete communities that offer more options for living, working, shopping and playing; provide greater choice in housing types to meet the needs of people at all stages of life; and reduce traffic gridlock by improving access to a greater range of transportation choices.

Similar to the PPS, the Growth Plan encourages compact, vibrant complete communities, optimizing the use of land and infrastructure in order to support growth in a compact and efficient form. The 2020 Growth Plan updated the previous Growth Plan by strengthening and reinforcing the Provincial policy direction of promoting intensification and optimization of the land base and of available and planned infrastructure.

The subject site is located within the area identified as “built-up area”, which encompasses the whole of the City of Toronto. Section 1.2.1 of the Growth Plan includes Guiding Principles. Some of the key principles include:

- “Support the achievement of *complete communities* that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Prioritize *intensification* and higher densities in *strategic growth areas* to make efficient use of land and *infrastructure* and support transit viability.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.”

Section 2 of the Growth Plan relates to “Where and How to Grow”. The following quotes from that section capture important policy directions of the Growth Plan supporting this Employment Area conversion request:

“This Plan is about accommodating forecasted growth in *complete communities*. These are communities that are well designed to meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, *public service facilities*, and a full range of housing to accommodate a range of incomes and household sizes. *Complete communities* support quality of life and human health by encouraging the use of *active transportation* and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the *GGH* to reduce the need for long distance commuting. They also support climate change mitigation by increasing the *modal share* for transit and *active transportation* and by minimizing land consumption through *compact built form*.”

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investment in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options...”

“This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to *major transit station areas* and other *strategic growth areas*, including *urban growth centres*, and promoting transit investments in these areas. To optimize provincial investments in *higher order transit*, this Plan also identifies *priority transit corridors* and the Province expects municipalities to complete detailed planning for *major transit station areas* on these corridors to support planned service levels.”

“It is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development

while also providing flexibility for local decision-makers to respond to housing need and market demand. This Plan's emphasis on optimizing the use of the existing urban land supply represents an *intensification* first approach to development and city-building, one which focuses on making better use of our existing *infrastructure* and *public service facilities*, and less on continuously expanding the urban area."

Policy 2.2.1.2 relates to managing growth and indicates that growth will be accommodated by:

- "2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*, and
 - iii. can support the achievement of *complete communities*.
 - b) within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;

Section 2.2.6.1 a)i. of the Growth Plan also speaks to housing and the need to "identify a diverse range and mix of housing options and densities, including second units and *affordable* housing to meet projected needs of current and future residents".

Section 2.2.5 of the Growth Plan contains employment policies that are similar to the PPS.

Policy 2.2.5.1 states:

"Economic development and competitiveness in the GGH will be promoted by:

- a) making more efficient use of existing *employment areas* and vacant and underutilized employment lands and increasing employment densities;
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- c) planning to better connect areas with high employment densities to transit; and
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment."

Section 2.2.5 8 states:

"The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize

and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.”

As in the PPS, the Growth Plan include policies that enable the conversion of lands within *employment areas*. Policy 2.2.5.9 states:

“The conversion of lands within *employment areas* to non-employment uses may be permitted only through a *municipal comprehensive review* where it is demonstrated that:

- a) There is a need for the conversion;
- b) The lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
- c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
- d) The proposed uses would not adversely affect the overall viability of the *employment area* or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and
- e) There are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed uses.”

Policy 2.2.5.10 states:

“Notwithstanding policy 2.2.5.9, until the next *municipal comprehensive review*, lands within existing *employment areas* may be converted to a designation that permits non-employment uses, provided the conversion would:

- a) Satisfy the requirements of policy 2.2.5.9 a), d) and e);
- b) Maintain a significant number of jobs on those lands through the establishment of development criteria; and
- c) Not include any part of an employment area identified as a *provincially significant employment zone*.”

Policy 2.2.6.1 states:

- d) “Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
- e) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
- f) identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;”

Policy 3.2.1 (Integrated Planning) states:

- “1. *Infrastructure* planning, land use planning, and *infrastructure* investment will be coordinated to implement this Plan.
- g) Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:
 - h) leveraging *infrastructure* investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
 - i) providing sufficient *infrastructure* capacity in *strategic growth areas*;
 - j) identifying the full life cycle costs of *infrastructure* and developing options to pay for these costs over the long-term; and
 - k) considering the impacts of a changing climate.”

Policy 3.2.3 (Moving People) states:

- “1. Public transit will be the first priority for transportation *infrastructure* planning and major transportation investments.
- l) All decisions on transit planning and investment will be made according to the following criteria:
 - m) aligning with, and supporting, the priorities identified in Schedule 5;
 - n) prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;
 - o) increasing the capacity of existing transit systems to support *strategic growth areas*;
 - p) expanding transit service to areas that have achieved, or will be planned to achieve, *transit-supportive* densities and provide a mix of residential, office, institutional, and commercial development, wherever possible;
 - q) facilitating improved linkages between and within municipalities from nearby neighbourhoods to *urban growth centres*, *major transit station areas*, and other *strategic growth areas*;
 - r) increasing the modal share of transit; and
 - s) contributing towards the provincial greenhouse gas emissions reduction targets.”

Policy 3.2.4.2 (Moving Goods) states:

“1. The Province and municipalities will work with agencies and transportation service providers to:

- a) co-ordinate, optimize, and ensure the long-term viability of major goods movement facilities and corridors;
- b) improve corridors for moving goods across the GGH in accordance with Schedule 6;
- c) promote and better integrate multimodal goods movement and freight-supportive land use and transportation system planning; and...”

Policy 5.2.5.2 (targets) states:

- “1. The minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan.” (emphasis added)

Planning Analysis of the Growth Plan in Relation to this Employment Conversion Request

As previously noted, no portion of the subject site is identified as a *provincially significant employment zone*.

The subject site is located at the edge of the South of Eastern Employment District where sizable sites have been devoted solely to retail and service facilities, catering to frequent and infrequent shopping needs of the community, clustered at the signalized intersection of Lakeshore Boulevard East and Leslie Street. There has been, and will likely continue to be, a lack of demand for the traditional employment uses on this site.

The need to enable a broader range of uses arises from the public interest objective to see additional population brought to this area, in an intensified manner, aimed at contributing to a more complete community, supporting alternative transportation modes to the automobile, and supporting significant rapid transit infrastructure just west of the subject site at the EHTH.

The alternative of maintaining the subject site for solely employment uses is to under-utilize the site from land use, density, built form and infrastructure perspectives. The opinions expressed in this planning letter support the policy imperatives of the Growth Plan of protecting for employment growth, while supporting complete communities, and optimizing the use of existing and planned infrastructure. In our opinion, this strikes an appropriate and balanced consideration of the land use resolution for this site.

From a population perspective, adding residential uses on the subject site will contribute to satisfying much needed housing for projected population growth while providing increased employment opportunities in the area. The subject site is located within an area well serviced by existing and planned public transit, and is well served by existing and planned shopping, services, places of employment and community facilities, in close walking proximity. The requested amendment to the City OP is intended to better utilize and optimize the subject site, implementing the “*intensification first*” approach of the Growth Plan, and contributing to a complete community.

The alternative of maintaining the lands solely for employment uses would likely result in the subject site not redeveloping into the foreseeable future. With the current uses of the subject site being limited to solely low-intensity retail and service commercial uses, the subject site may not be sufficiently incentivized to redevelop. The Growth Plan seeks to optimize land use and leverage the significant public expenditure into public transit infrastructure. Approving this Employment Area conversion request is a means to implement these policies.

In my opinion, this is Employment Area conversion request is an appropriate and suitable Planning Act means to resolve the long standing land use request for this site, first commenced in 2012, with the approval and the appeal of OPA 231.

City of Toronto Official Plan (City OP) Policies

The Subject Block is identified in the City OP as *Employment Areas* on Map 2 (Urban Structure Plan) and designated *General Employment Areas* on Map 21 (Land Use Plan).

The policy text in Chapter 2.2.4.1 (Employment Areas: Supporting Business and Employment Growth) of the City OP provides the following description of *Employment Areas*:

1. *Employment Areas*, as shown on Map 2, are comprised of both *Core Employment Areas* and *General Employment Areas*, as shown on Maps 13 to 23 inclusive. *Employment Areas* are areas designated in this Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Section 4.6.1 to 4.6.3 of the City OP provide a description of *General Employment Areas*, as follows:

- *Core Employment Areas* are places for business and economic activities. Uses permitted in *Core Employment Areas* are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities, and vertical agriculture (policy 4.6.1).
- The following additional uses are permitted provided they are ancillary to and intended to serve the Core Employment Area in which they are located: parks, small-scale restaurants, catering facilities, and small-scale service uses such as courier services, banks and copy shops. Small scale retail uses that are ancillary to and on the same lot as the principal use are also permitted. The Zoning By-law will establish development standards for all these uses (policy 4.6.2).
- *General Employment Areas* are places for business and economic activities generally located on the peripheries of Employment Areas. In addition to all uses permitted in Policies 4.6.1 and 4.6.2, permitted uses in a *General Employment Area* also include restaurants and all types of retail and service uses (policy 4.6.3).

Section 2.2.4 (*Employment Areas: Supporting Business and Employment Growth*) of the City OP sets out the City OP narrative and policies for areas that are intended to be used exclusively for business and economic activity. The subject site is located at the southern edge of the Eastern

Employment District in proximity to parks, the Downtown, rapid and surface transit, the lake front and other shopping areas. It is no longer appropriate to limit the use within the subject site to solely employment uses.

The City OP policies guiding the consideration of this employment conversion commence with Section 2.2.4.15 of the City OP, including policy considerations as follows:

“The conversion of land within an *Employment Area* is only permitted through a City-initiated Municipal Comprehensive Review that comprehensively applies the policies and schedules of the Provincial Growth Plan.”

Recognizing that this City OP policy was approved implementing the Growth Plan 2006, it is imperative that the evaluation of this Employment land conversion be through the lens of the Growth Plan 2020. This means reading the Growth Plan 2020 in its entirety and appropriately applying and balancing its policies to the circumstance as a whole. As indicated earlier, we have undertaken such a review, and from a Growth Plan 2020 perspective, a mixed use development, including residential uses, is promoted and encouraged, in an intensified compact form on the subject site.

Section 2.2.4.17 of the City OP also sets out the City OP criteria upon which consideration will be made of employment conversions. Section 2.2.4.17 states:

- “17. The City will assess requests to convert lands within *Employment Areas*, both cumulatively and individually, by considering whether or not:
- a) there is a demonstrated need for the conversion(s) to:
 - i. meet the population forecasts allocated to the City in the Growth Plan for the Greater Golden Horseshoe; or
 - ii. mitigate existing and/or potential land use conflicts;
 - b) the lands are required over the long-term for employment purposes;
 - c) the City will meet the employment forecasts allocated to the City in the Growth Plan for the Greater Golden Horseshoe;
 - d) the conversion(s) will adversely affect the overall viability of an *Employment Area* and maintenance of a stable operating environment for business and economic activities with regard to the:
 - i. compatibility of any proposed land use with lands designated *Employment Areas* and major facilities, as demonstrated through the submission of a Compatibility/Mitigation Study in accordance with Policies 2.2.4.5, 2.2.4.7 and 2.2.4.8 and Schedule 3 for any proposed land use, with such policies read as applying to lands within *Employment Areas*;
 - ii. prevention or mitigation of adverse effects from noise, vibration, and emissions, including dust and odour;

- iii. prevention or mitigation of negative impacts and minimization of the risk of complaints;
 - iv. ability to ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines;
 - v. ability to provide appropriate buffering and/or separation of employment uses from sensitive land uses, including residential;
 - vi. ability to minimize risk to public health and safety;
 - vii. reduction or elimination of visibility of, and accessibility to, employment lands or uses;
 - viii. impact upon the capacity and functioning of the transportation network and the movement of goods for existing and future employment uses;
 - ix. removal of large and/or key locations for employment uses;
 - x. ability to provide opportunities for the clustering of similar or related employment uses; and
 - xi. provision of a variety of land parcel sizes within the *Employment Area* to accommodate a range of permitted employment uses;
- e) the existing or planned sewage, water, energy and transportation infrastructure can accommodate the proposed conversion(s);
 - f) in the instance of conversions for residential purposes, sufficient parks, libraries, recreation centres and schools exist or are planned within walking distance for new residents;
 - g) employment lands are strategically preserved near important transportation infrastructure such as highways and highway interchanges, rail corridors, ports and airports to facilitate the movement of goods;
 - h) the proposal(s) to convert lands in an *Employment Area* will help to maintain a diverse economic base accommodating and attracting a variety of employment uses and a broad range of employment opportunities in Toronto; and
 - i) cross-jurisdictional issues have been considered.

Planning Analysis of the City OP in Relation to this Employment Conversion Request

As there is considerable overlap of policy themes between the PPS, the Growth Plan, and the City OP, we have organized our analysis into policy themes or issues. Below is our planning assessment of these themes/issues.

1. Is there is a need for the conversion?

The need for the conversion on the subject Site is predicated on the inability of a solely employment use permission on site to satisfy the policy imperatives and requirements of the PPS and the Growth Plan. In other words, if the low-rise, low-intensity buildings on the subject site remains, with solely employment use permissions, then there will be little, if any, incentive for the lands to practically redevelop. Furthermore, as mentioned earlier in this letter, the subject site's as-of-right zoning permit a range of other employment uses, with a density for those uses of up to 5 times FSI. These other employment uses have not materialized on this site. In such a circumstance, the existing facilities will likely remain as is, which in our opinion, is inconsistent with the PPS and does not conform with Growth Plan.

There is a policy need to permit a broadened range of uses, including residential, to enable and incentivize the redevelopment of the subject site in accordance with the policies of these documents, as a whole. Without redevelopment there is no implementation of the PPS and Growth Plan policies. There is no doubt that leaving the lands, and the existing facilities as is, will not contribute to the achievement of minimum density targets set out in the plan.

In our opinion, this is an expression of need in policy terms.

A significant barrier to new employment redevelopment on this site, is that the demand for, office or other non-industrial employment uses, are not high enough, to make new employment development incentivized or viable on this site.

Although it is anticipated that there will be some demand for various types of office space in Toronto generally to meet the forecasted net increase in total employment of 282,000 jobs, such new office construction will have greater viability and likelihood within, and on the periphery of, *Downtown* Toronto, where office rents are at a level that support some new office construction. The subject site will not likely be able to compete with these areas for new office construction.

However, if this Employment Area conversion request is approved, the residential, high-density mixed use development on the subject site could support the redevelopment and construction required.

High-density mixed-use development permissions for the subject site would make a significant, positive contribution towards the achievement of transit-supportive, mixed use density, close to existing surface and planned rapid transit routes. The alternative would likely result in the *status quo* on the subject site, and the maintenance of low-scale, large-format suburban buildings with a lot of surrounding surface parking.

From a population perspective, adding residential permissions on the subject site will contribute to satisfying housing needs for projected population growth in Toronto, which is expected to be approximately 348,500 new housing units over the 2021 to 2051 period. This additional housing will assist in meeting minimum targets for housing and demand for non-residential space within the broader neighbourhood, supporting the non-residential retail and service uses close to, and within walking distance from the subject site. It is important to note that the targets in the Growth Plan are minimums.

2. Are the employment lands required over the horizon of the Growth Plan for the employment purposes for which they are designated?

Maintaining the subject site with a *General Employment Areas* designation is not required for the employment purposes permitted by the City OP. *General Employment Areas* designation of the subject site, is no longer appropriate for this site. This current commercial node is located very close to parks, the Downtown, existing and planned transit, the lake front and other shopping areas. This context, combined with the long-term lack of market for the more traditional employment uses, and the under-utilization of the subject site, begs the question about the appropriate future use of the subject site.

3. Will the municipality maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan?

We understand that there are sufficient employment lands in Toronto to achieve the forecasted growth in employment in Toronto to 2051. If this employment conversion is approved, high-density residential development will likely assist in accommodating employment growth on the subject site and other nearby lands.

4. Will the proposed uses adversely affect the overall viability of the *Employment Area* or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan?

The introduction of a *Mixed Use Areas* designation on the subject site is not expected to adversely affect the overall viability of the *Employment Area*. A mixed use residential development is capable of co-existing compatibly with adjacent lands.

The purpose of this *Employment Area* conversion request is to seek the City OP land use permission for residential uses together with other non-residential purposes. This is the first step of many further Planning Act steps that will be necessary before the land is zoned for this purpose. In our opinion, those subsequent processes are capable of protecting the public interest related to safety, air quality, odour, noise, vibration and possibly other environmental related topic areas that may need to be explored and implemented.

Based on our review, the proposed *Mixed Use Areas* designation is capable of being compatible with the surrounding land uses. In fact, the redesignation of the subject site to permit residential mixed-use development will assist in achieving, if not exceeding, the minimum density target set out in the Growth Plan.

5. Are there existing or planned infrastructure and public service facilities to accommodate the proposed use?

Like the section above, at the later ZBA stage of approval, detailed investigations into municipal servicing, transportation, community services and facilities, and parks can and will be explored. While it is customary to defer those matters to the ZBA stage, as is the assumption of this planning letter, there is no reason to believe that this site will suffer from a lack of infrastructure or public service facilities given its location. It is very rare indeed for a redevelopment within the City of Toronto to lack infrastructure and public service facilities (existing or planned).

There is no doubt, that the redesignation of the subject site to *Mixed Use Areas* will support the significant public investment in the existing and planned transit infrastructure currently committed and being planned for the East Harbour Transit Hub area, just west of the subject site.

Proposed Draft Site and Area Policy (SASP) Implementing this Employment Area Conversion Request

Attached to this planning letter as **Attachment 1** is a proposed Draft Site and Area Policy (SASP) which we recommend be used as an implementing tool to modify OPA 591. The proposed Draft SASP includes City OP policies, specific to the subject site, which implement the following:

- 1) Adds a SASP to Chapter 7 of the City OP relating to the subject site;
- 2) Requires a minimum of 3,000 m² of employment gross floor area which replaces the retail and service commercial floor space currently located on site;
- 3) Requires that the employment floor space be developed either prior to, or concurrent with, the residential floor space and permits some phasing of the non-residential uses if required;
- 4) Housing policies are contained in the proposed SASP, mandating 5% of the total residential units to be affordable, in rental or affordable ownership units, secured for a period of 99 years as such, and a unit mix be established to achieve a balanced mix of unit types and sizes which among other things, supports the creation of affordable housing suitable for families;
- 5) If Inclusionary Zoning comes into effect, it will prevail and the other housing policies of this SASP will no longer apply;
- 6) Maximum Density for the lands shall be 8.0 FSI with up to 1,600 residential units;
- 7) One or more tall buildings shall be permitted with no building exceeding the height of 85 m.

In my opinion, together with the *Mixed Use Areas* City OP land use designation, the above related policies implement important policy imperatives of the PPS, the Growth Plan and the City OP.

Conclusions and Recommendations

This Employment Area conversion request seeks to have the land redesignated, from *General Employment Area* to *Mixed Use Area*. The PPS, the Growth Plan and the necessary conversion policies of the City OP have been reviewed in this letter. Having done so, we conclude, for all the reasons stated, that there is compelling land use planning merit in this request. We also conclude that this conversion request is consistent with the PPS, is in conformity with the Growth Plan and the City OP, and to do nothing in the circumstance, would be inconsistent with the PPS.

In my opinion, a better fit between market opportunity, land use policy and zoning permissions for this site, would include the opportunity for mixing the development of the site with residential use permission, capable of being developed with higher densities in a compact form. The context, infrastructure, and land uses, should be augmented with uses that can realistically and

appropriately realize the concept and vision of live-work-play on site, becoming a practical reality. The alternative, which is the current situation, is the segregation of single purpose land uses where low-intensity and low-rise single purpose destinations are perpetuated, which maintains increased automobile dependency, and reduces contemporary planning, urban design and community building opportunities for this site. Permitting mixed use on this site at intensified levels with achievable, without compromising the viability of the remaining employment area to the west.

This Employment Area conversion request is a continuation of a process that started for this landowner in 2012 (over a decade ago) through the City's 2012 MCR, and its appeal of OPA 231. In our opinion, the redesignation was appropriate then, and it is even more appropriate to approve now. The approval of the subject Employment Area conversion request is the most direct and efficient means to resolve this long-standing, and on-going, debate between the City and Leslie Lakeshore relating to the appeal of OPA 231.

We will make ourselves available should you have any questions or require additional information. Please contact the undersigned at any time.

Yours very truly,
GOLDBERG GROUP



Michael S. Goldberg, MCIP RPP
Principal

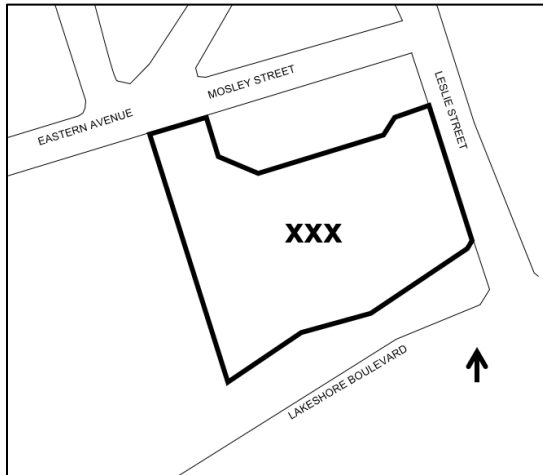
Cc: Clients

Attachment 1: Draft Site and Area Specific Policy – OPA 591

Chapter 7 Site and Area Specific Policies, is amended as follows:

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy **XXX** for the lands known municipally in 2022 as 731 Eastern Avenue, as follows:

XXX. 731 Eastern Avenue



A mixed-use and mixed-income development is permitted provided that:

- A. A minimum of 3,000 square metres of employment gross floor area is developed that will be:
 - i. Comprised of *General Employment Areas* uses that are compatible with residential uses; and
 - ii. Developed prior to, or concurrent with, residential uses.
- B. The following employment uses are encouraged:
 - i. A variety of employment types, including a range of employment unit sizes and value-added creative uses.
- C. The non-residential gross floor area is constructed in each phase, prior to or concurrent with residential gross floor area to provide a balance of employment and residential growth in all phases of development, provided that:
 - i. The first phase of development includes a minimum of 75 percent of the employment gross floor area specified in Policy A above and the balance is provided in future phases.
- D. All uses permitted under the *Mixed Use Areas* designation are permitted on the lands.

- E. New development containing residential dwelling units on the lands will be subject to the following requirements:
- i. A minimum of five (5.0) percent of the total new residential dwelling units shall be secured as affordable rental housing or affordable ownership units;
 - ii. The affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and
 - iii. The unit mix of the affordable dwelling units shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.
 - iv. At least 20 percent of the total number of dwelling units will be two or more bedroom units, with 25 percent of these units being three bedrooms representing 5 percent of the overall units.
- F. If an Inclusionary Zoning By-law takes effect and becomes applicable to any development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy E) will no longer apply.
- G. Maximum density for the land shall be 8.0 FSI, and with a maximum of 1,600 residential units.
- H. One or more individual tall buildings shall be permitted. No building shall exceed a height of 85 metres, excluding mechanical penthouse structures.
- I. Development of the lands will be planned comprehensively and may be developed and constructed by phase and occur incrementally.

Attachment 2: Provincially Significant Employment Zone (PSEZ) Map

