

February 3, 2023

Hon. Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street  
Toronto, Ontario  
M7A 2J3

**Attention: Alejandra Perdomo, Municipal Services Office – Central Ontario**

Dear Minister Clark:

**Re: City of Toronto Official Plan Amendment No. 591  
ERO No. 019-5868  
MMAH Reference No. 20-OP-222176  
Southeast Quadrant of Eglinton Avenue East and Warden Avenue, Toronto**

We are counsel to 1941 Eglinton East Holdings Inc., the owner of lands municipally known as 1941 Eglinton Avenue East in the City of Toronto (“1941 Eglinton”). 1941 Eglinton is located within the block southeast of the intersection of Eglinton Avenue East and Warden Avenue, bounded by Warden Avenue on the west, Eglinton Avenue East on the north, Prudham Gate on the east and Civic Road on the south (the “SE Eglinton/Warden Block”). Although this submission is being made on behalf of 1941 Eglinton East Holdings Inc., our client has the support of all other private landowners within the SE Eglinton/Warden Block, and we have been coordinating directly with the owner of 1923 Eglinton Avenue East, Gateway Tower GP Inc.

**We are writing to request that, as part of your approval authority, you modify City of Toronto Official Plan Amendment No. 591 (“OPA 591”) by redesignating the SE Eglinton/Warden Block from “General Employment Areas” to “Mixed Use Areas”.**

More specifically, we request that you:

- (a) Modify the table in clause k) of OPA 591 by adding the following row:

Block bounded by Warden Avenue, Eglinton Avenue East, Prudham Gate and Civic Road	General Employment Areas		Mixed Use Areas
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- (b) Modify Map 2 – Urban Structure in Appendix 1 of OPA 591 by removing the SE Eglinton/Warden Block from the “Employment Areas”, as shown on **Attachment 1** to this submission; and
- (c) Modify Map 20 – Land Use Plan in the City’s Official Plan by redesignating the SE Eglinton/Warden Block from “*General Employment Areas*” to “*Mixed Use Areas*” on a map to be added to Appendix 2 of OPA 591, as shown on **Attachment 2** to this submission.

### **Description of the SE Eglinton/Warden Block**

The SE Eglinton/Warden Block is approximately 4 acres (1.6 ha) in size and is comprised of four privately owned parcels of land, as well as a Metrolinx electrical substation on the east side of Warden Avenue. 1941 Eglinton is occupied by an automobile dealership and is the largest parcel of land within the SE Eglinton/Warden Block. To the immediate east of 1941 Eglinton is 1957 Eglinton Avenue East, which is also occupied by an automobile dealership. Combined, 1941 Eglinton and 1957 Eglinton Avenue East comprise the vast majority of the SE Eglinton/Warden Block. Meanwhile, a restaurant is located at 1923 Eglinton Avenue East, at the southeast corner of the intersection of Eglinton Avenue East and Warden Avenue, and a paint supply store is located south of the Metrolinx substation, at the northeast corner of Civic Road and Warden Avenue, at 793 Warden Avenue. It is estimated that there are currently approximately 100 jobs within the SE Eglinton/Warden Block across the four privately owned parcels of land.

The SE Eglinton/Warden Block is currently heavily automobile-oriented and very low-density, being comprised of extensive surface parking and outdoor automobile display areas, with a relatively poor pedestrian realm. **Figures 1 and 2**, below, illustrate the existing land use context of the SE Eglinton/Warden Block, together with the surrounding area.



Figure 1 – SE Eglinton/Warden Block Context

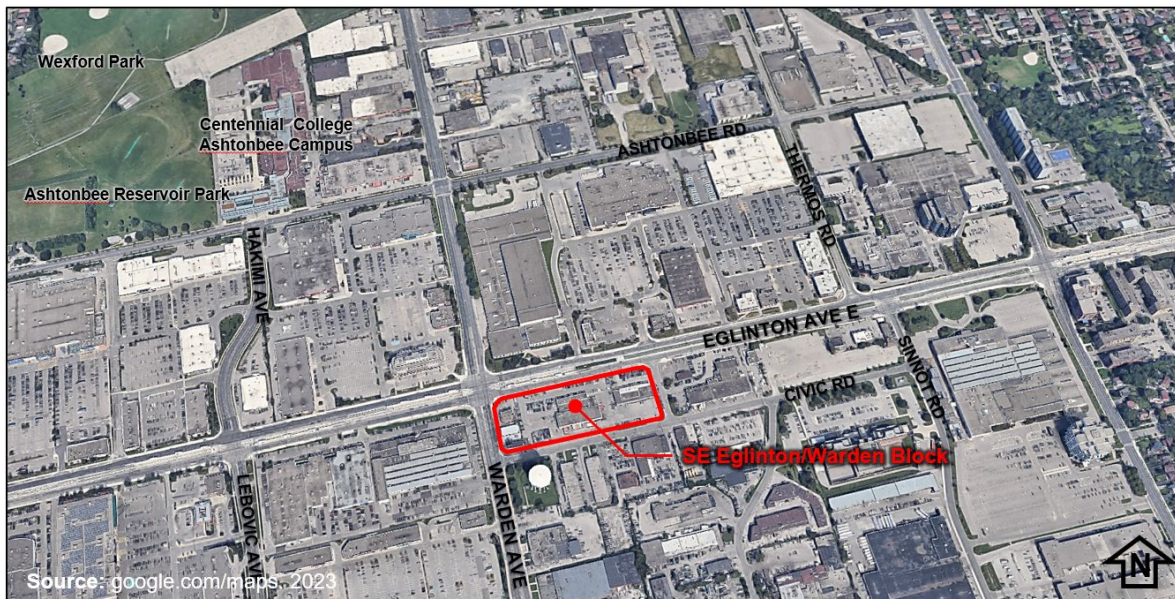


Figure 2 – SE Eglinton/Warden Block Surrounding Area

### Eglinton Crosstown LRT

The intersection of Eglinton Avenue East and Warden Avenue, adjacent to the SE Eglinton/Warden Block, is the location of the Golden Mile Light Rapid Transit (LRT) station of the Eglinton Crosstown LRT (the “ECLRT”), which is nearing completion, with



the new ECLRT line and the adjacent LRT station expected to be operational later this year. The ECLRT represents a massive public investment in transit infrastructure along the Eglinton Avenue corridor, reported at more than \$5 billion, and is expected to act as a catalyst to transform the Eglinton Avenue corridor in the “Golden Mile” area, including in the vicinity of the SE Eglinton/Warden Block, into a mixed-use transit-oriented community. It is also noted that Warden Avenue at this location is identified as a “Transit Priority Segment”, making the intersection of Eglinton Avenue East and Warden Avenue one of the most prominent transit-oriented nodes in this portion of the city.

### **City of Toronto Official Plan Designation**

The SE Eglinton/Warden Block is currently designated as *General Employment Areas* on Map 20 – Land Use Plan of the City of Toronto Official Plan. However, as illustrated on **Figure 3**, below, the lands immediately across the street, on the north side of Eglinton Avenue East, east of Warden Avenue, are designated *Mixed Use Areas*. It makes no sense to distinguish the north side of Eglinton Avenue East from the south side in this manner. Rather, both sides of Eglinton Avenue East at this important location should be designated *Mixed Use Areas*.

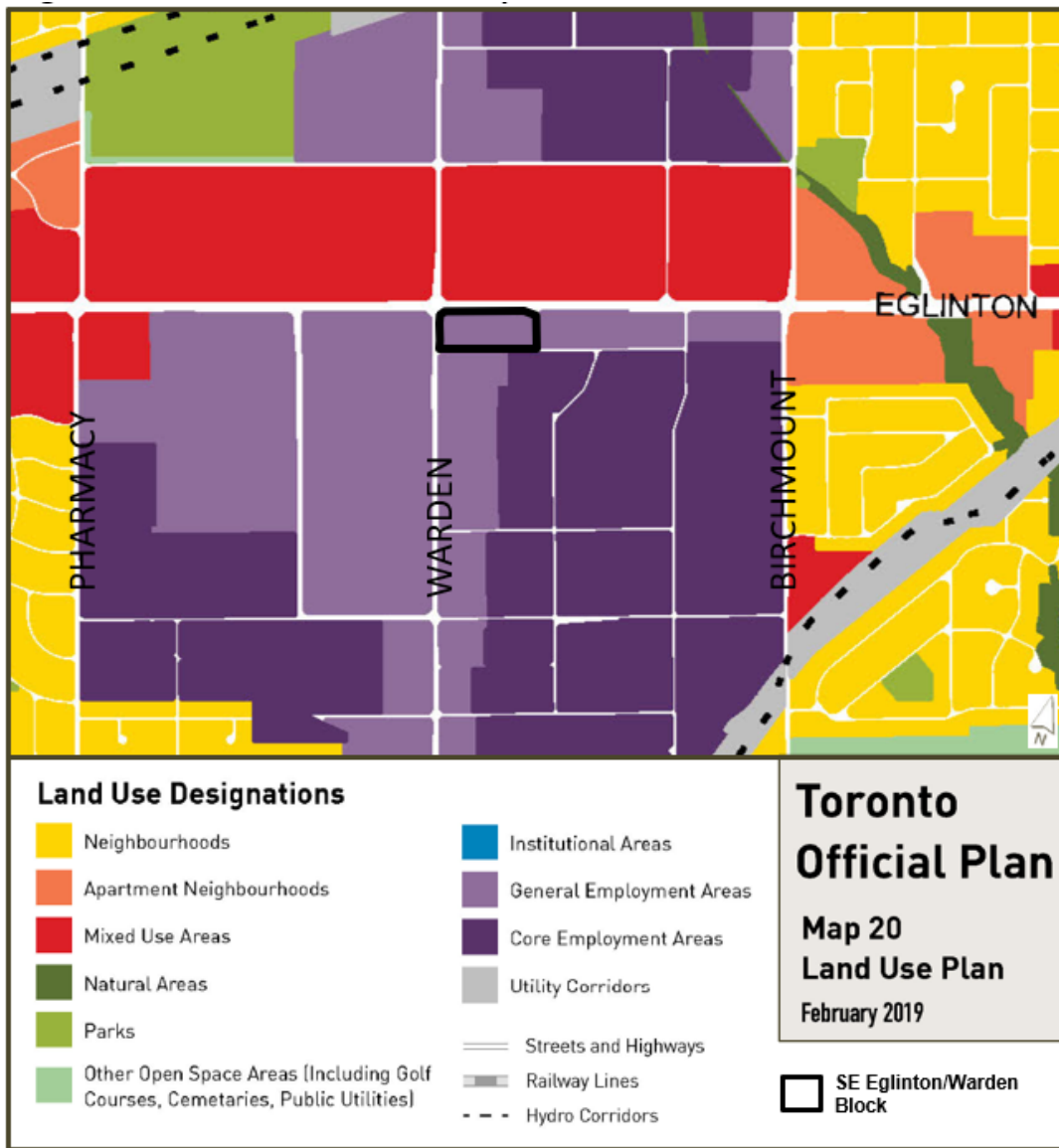


Figure 3 – Toronto Official Plan – Map 20 – Land Use Plan

**Golden Mile Secondary Plan**

The SE Eglinton/Warden Block is also located within the City-initiated Golden Mile Secondary Plan (Official Plan Amendment No. 499), which was adopted by City Council on October 30, 2020.

As clear evidence of the evolving nature of the Golden Mile Secondary Plan area, section 2 of the Secondary Plan, as adopted by City Council, includes the following statements as part of the vision for the area:

The Golden Mile functions as a western gateway to the former City of Scarborough. Once a prominent employment area known as the “Golden Mile of Industry”, the Golden Mile has undergone several periods of growth. The Plan Area is approximately 113 hectares in size and is planned to undergo significant change in the coming years with the construction of the Eglinton Crosstown Light Rail Transit (“ECLRT”), which will introduce five surface transit stops to the Plan Area. The ECLRT will be a catalyst to aid in transforming the Plan Area’s current landscape of auto-oriented retail and industrial uses into a mixed-use, transit-oriented community, while maintaining and enhancing the existing employment uses in the Plan Area.

The Plan establishes a vision for the Plan Area as a connected, accessible, diverse, complete and livable mixed-use community. A balance of residential, commercial and employment uses will be supported by community services. An improved network of parks, open spaces and pedestrian amenities will introduce greenery, landscaping and welcoming public spaces across the Plan Area and invite residents, workers and visitors to explore and interact within its neighbourhoods. Immediately identifiable as a distinct place, the Plan Area will be both a community and a destination where people can live, work, shop and play, while maintaining its role as an important economic driver within the east end of Toronto. Over time, the Golden Mile will emerge as an urbanized node for southeast Toronto, subordinate in scale and massing to the Scarborough Centre.  
[emphasis added]

Likewise, as part of the “Guiding Principles” for the Golden Mile area, policy 2.3.1 of the Secondary Plan states as follows:

Creating a Complete and Liveable Community:

The Plan Area will be a liveable, vibrant neighbourhood with a range of parks and open spaces, a diverse mix of housing types, forms, and affordability, different scales of commercial uses, a range of employment uses, community service facilities, and a high-quality parks and public realm network, while retaining its historical identity as a commercial retail centre in the broader Golden Mile area.

In keeping with the above vision and guiding principles, the Golden Mile area is currently subject to numerous development applications, many of which are for proposed high-density mixed-use developments with a significant number of new residential units, particularly on the north side of Eglinton Avenue East given its existing *Mixed Use Areas* designation.

Although the SE Eglinton/Warden Block is proposed to be designated as “Employment Areas” and located within the “Employment District” in the Golden Mile Secondary Plan, these proposed designations are not in effect, as 1941 Eglinton East Holdings Inc. appealed the designations to the Ontario Land Tribunal and that appeal remains outstanding.

## **Employment Conversion Request for the SE Eglinton/Warden Block and Supporting Documents**

As part of the City's current Municipal Comprehensive Review ("MCR") process, 1941 Eglinton East Holdings Inc. submitted an employment land conversion request to the City in July 2021, requesting that the SE Eglinton/Warden Block be designated "*Mixed Use Areas*". A number of supporting studies were included with that request, including an extensive and comprehensive letter prepared by our client's planning consultant, Goldberg Group, that provided a planning justification for the proposed redesignation. A copy of the Goldberg Group letter is attached to this submission for reference.

The conclusions of the Goldberg Group planning justification letter were as follows:

... the Subject Block is located in a Strategic Growth Area and a Major Transit Station Area and is served by a Higher Order Transit line and Frequent Transit along a Priority Transit Corridor. The Eglinton Avenue East corridor, on which the Subject Block is located, is planned to evolve and transform from its current context dominated by low-scale, large format retail commercial uses and a suburban built form, to a dense, urban mixed-use community served by the ECLRT. In our opinion, that vision should include permission for high-density mixed-use development on the Subject Block given its location at an ECLRT station and other locational attributes referred to in this planning letter.

Treating this block different than the sites immediately across the street, on the north side of Eglinton Avenue East, would represent a missed opportunity and result in an under-utilization of the Subject Block contrary to the PPS and the Growth Plan. The arterial edge location and the clear physical southern boundary of Civic Road, with Mixed Use Areas to the north and Employment Areas to the south, offers the opportunity for a mixed residential/commercial land use solution for the Subject Block that is fitting for the function of this location on the Eglinton corridor, without any anticipated adverse impacts to the remaining Employment Area to the south.

In view of the foregoing, we request that positive consideration be given to this Employment land conversion request to enable a broader mix of uses on the Subject Block, including residential, in a high-density and tall building form, with height and density permissions similar to those that may be achieved on the north side of Eglinton Avenue East, immediately opposite the Subject Block. We are of the opinion that the strategic location and rapid transit infrastructure at the corner of Eglinton Avenue East and Warden Avenue will likely support greater levels of height and density than what is currently contemplated in the adopted OPA 499, which is currently under appeal.

In addition, our client retained SLR Consulting (Canada) Ltd. ("SLR") to prepare a Compatibility and Mitigation Study, dated July 2021, which was submitted to the City in support of the employment land conversion request.

The conclusions of the SLR report were as follows:

A compatibility/mitigation assessment has been completed, examining the potential for air quality, dust, odour, and noise and vibration impacts from surrounding roadways and nearby industrial land uses to affect the [SE Eglinton/Warden Block].

The assessment has included a review of the major industrial facilities in the area.

The potential for air quality impacts on a mixed-use redevelopment on the Project site, including dust and odour have been assessed. Based on the results of our studies adverse air quality impacts from industrial sources are not anticipated at the Project site. The requirements of MECP Guideline D-6 are met. No air quality mitigation measures are required.

With the inclusion of the applicable warning clause measures discussed in this report, the Project site will not affect the industrial facilities' compliance with applicable Provincial environmental policies, regulations, approvals, authorizations, and guidelines, including the City's Noise Bylaw. The requirements of MECP Guideline D-6, Regulation 419/05, and Publication NPC300 can be met. As the applicable policies and guidelines can be met, the mixed-use redevelopment of the Project site is:

- Unlikely to result in increased risk of complaint and nuisance claims;
- Unlikely to result in operational constraints for the major facilities;
- Unlikely to result in constraints on major facilities to reasonably expand, intensify or introduce changes to their operations.

In reply to the SLR report, the City provided peer review comments, and SLR responded to those peer review comments in a letter dated July 28, 2022, which has been provided to the City. Copies of the July 2021 SLR Compatibility and Mitigation Study and the SLR response to the City's peer review comments are attached to this submission for reference.

1941 Eglinton East Holdings Inc. also retained Altus Group Economic Consulting to prepare a report entitled: *Economic Implications of Mixed-use Development in the Golden Mile*, a copy of which is attached to this submission for reference. The conclusions of that report included the following:

The existing density within walking distance of the intersection of Warden Avenue and Eglinton Avenue East is well below the recommended minimum density for LRT stations. Preserving the subject lands for mid-rise office development that is unlikely to materialize in the foreseeable future would be a barrier to the achievement of transit-supportive density in the area around the new LRT station.



High-density mixed-use development of the subject lands would make a significant, positive contribution towards the achievement of transit-supportive density around the planned Warden LRT station.

High-density mixed-use redevelopment of the subject lands will make a substantial contribution towards the provision of new infrastructure and public service facilities planned for the Golden Mile area and the City as a whole through development charges, community benefit charges, parkland contributions and other potential development contributions.

With respect to transportation considerations, BA Consulting Group Ltd. was retained by our client and prepared a report dated July 2021, a copy of which is attached to this submission for reference. That report included the following conclusions:

Based on the findings and analyses contained herein, the proposed conversion of the block bounded by Eglinton Avenue East, Warden Avenue, Civic Road and Prudham Gate from employment areas to mixed use is appropriate from a transportation perspective on the following basis:

- the conversion of the site to mixed use development with an FSI of 3.2 will generate less vehicular peak hour traffic as compared to the employment scenario considered in the [Golden Mile Secondary Plan (“GMSP”)] and therefore will have a minimal traffic impact, or potentially even a beneficial impact on future traffic operations in the area compared to the base GMSP;
- the conversion of the site to mixed use development with an FSI of 5.0 will generate a comparable amount of peak hour traffic as compared to the employment scenario considered in the GMSP and therefore will have a minimal traffic impact compared to the base GMSP provisions;
- the site is extremely well positioned to benefit and take advantage of the planned Crosstown LRT;
- the site is extremely well positioned relative to planned pedestrian and cycling improvements through the GMSP which are important considerations for mixed use developments; and
- there is new road infrastructure (future O’Connor Drive extension) planned in the area which will provide additional circulation routes that will benefit the site.

Lastly, SCS Consulting Group Ltd. was retained to prepare a servicing brief in support of the proposed redesignation of the SE Eglinton/Warden Block to *Mixed Use Areas*. That servicing brief, dated July 14, 2021, is attached to this submission for reference, and includes the following conclusion:

In conclusion, the subject lands have:

- An existing storm sewer system adjacent to the site with sufficient capacity, along with other on-site stormwater management controls, to accommodate any redevelopment opportunity;
- An existing sanitary and combined sewer system adjacent to the site with considerable residual capacity to accommodate re-development, subject to further detailed analysis; and
- An existing watermain network adjacent to the site and a robust water system in the Golden Mile study area to accommodate re-development, subject to further detailed analysis.

### **Redesignation of the SE Eglinton/Warden Block to *Mixed Use Areas* Conforms to the Growth Plan**

As confirmed in both the Goldberg Group planning justification letter and the Altus Group Economic Implications report, the redesignation of the SE Eglinton/Warden Block to *Mixed Use Areas* would conform to the Growth Plan for the Greater Golden Horseshoe, including the employment land conversion requirements of policy 2.2.5.9.

In summary:

1. There is a need for the conversion of the SE Eglinton/Warden Block to *Mixed Use Areas* to optimize the more than \$5 billion public investment in the ECLRT, including the Golden Mile Station at the intersection of Eglinton Avenue East and Warden Avenue. Further, there is no realistic market prospect for the development of new major office buildings at this location for the foreseeable future. Moreover, additional residential units that would be permitted through a *Mixed Use Areas* designation would assist the City in achieving both the Growth Plan's 2051 population forecast and the Province's 2031 housing target for the City of Toronto in an area that is already planned for high-density mixed-use development.
2. The SE Eglinton/Warden Block is not required over the long-term for the employment purposes for which it is currently designated. First, the combination of the forecast decrease in Employment Land Employment and policies to increase employment densities in Employment Areas will reduce the need for land in Employment Areas. Second, as noted above, approximately 100 people work in the existing businesses within the block, and the redesignation of the SE Eglinton/Warden Block will not result in a loss of employment. On the contrary, it is anticipated that high-density mixed-use redevelopment of the block will accommodate at least as many jobs as exist today, with the potential for significantly more jobs.

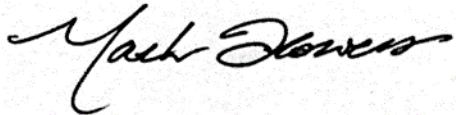
3. The requested redesignation of the SE Eglinton/Warden Block to permit high-density mixed-use development will not hinder the ability of the City to achieve the City's 2051 employment forecast in the Growth Plan. As noted above, it is expected that the block would accommodate at least as many jobs as currently exist, with the potential for significantly more employment. It is also anticipated that the introduction of a substantial number of residential units within the SE Eglinton/Warden Block under a *Mixed Use Areas* designation would support additional employment opportunities within the broader Golden Mile area.
4. A mixed-use redevelopment of the SE Eglinton/Warden Block, including residential and other potential sensitive uses, will not adversely affect the overall viability of the surrounding employment area, primarily to the south of Civic Road. This was confirmed in the SLR Compatibility and Mitigation Study. Mixed-use redevelopment of the SE Eglinton/Warden Block would also not adversely affect the minimum intensification and density targets of the Growth Plan. On the contrary, mixed-use redevelopment would constitute intensification and would assist the City in achieving the minimum densities associated with the Golden Mile LRT Station, which the City has delineated as a proposed Protected Major Transit Station Area centred on the intersection of Eglinton Avenue East and Warden Avenue.
5. As confirmed in the BA Group transportation report and the SCS servicing brief, there is sufficient existing or planned infrastructure to accommodate mixed-use redevelopment of the SE Eglinton/Warden Block. With respect to public service facilities, the Golden Mile Secondary Plan contemplates an increase of such facilities in the vicinity as the area transitions to a complete mixed-use community with a substantial residential population. It is also noted that new mixed-use development on the SE Eglinton/Warden Block would contribute to those required facilities and services through development charges, community benefit charges, potential on-site parkland contribution, etc.

## **Conclusion**

For all of the above reasons, we reiterate our request that as part of your anticipated approval of OPA 591 you modify the document to redesignate the SE Eglinton/Warden Block from "*General Employment Areas*" to "*Mixed Use Areas*".

We look forward to receiving your decision regarding OPA 591. In the meantime, please do not hesitate to contact us if you have any questions regarding this submission or if you require any additional information.

Yours truly,  
**DAVIES HOWE LLP**



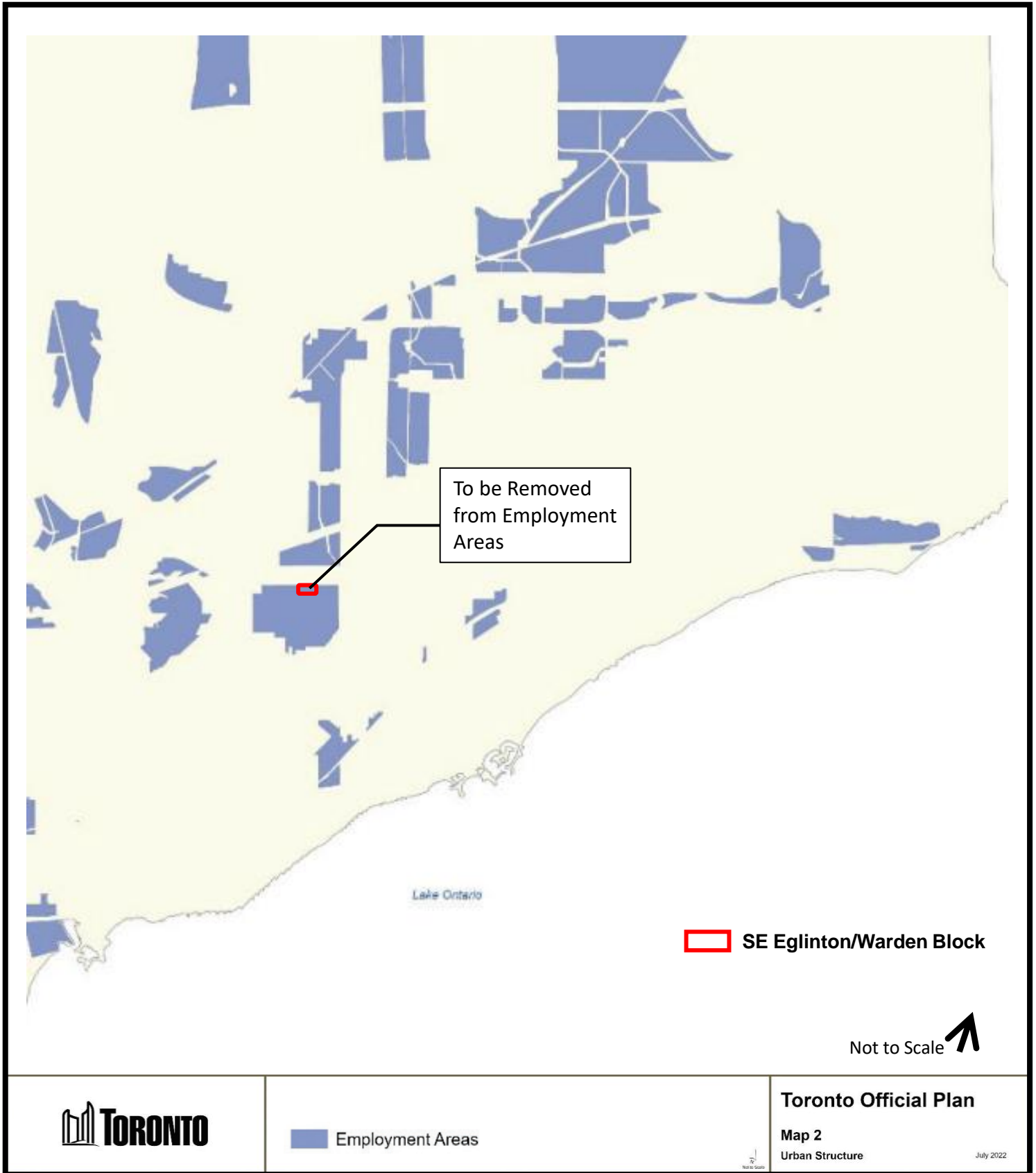
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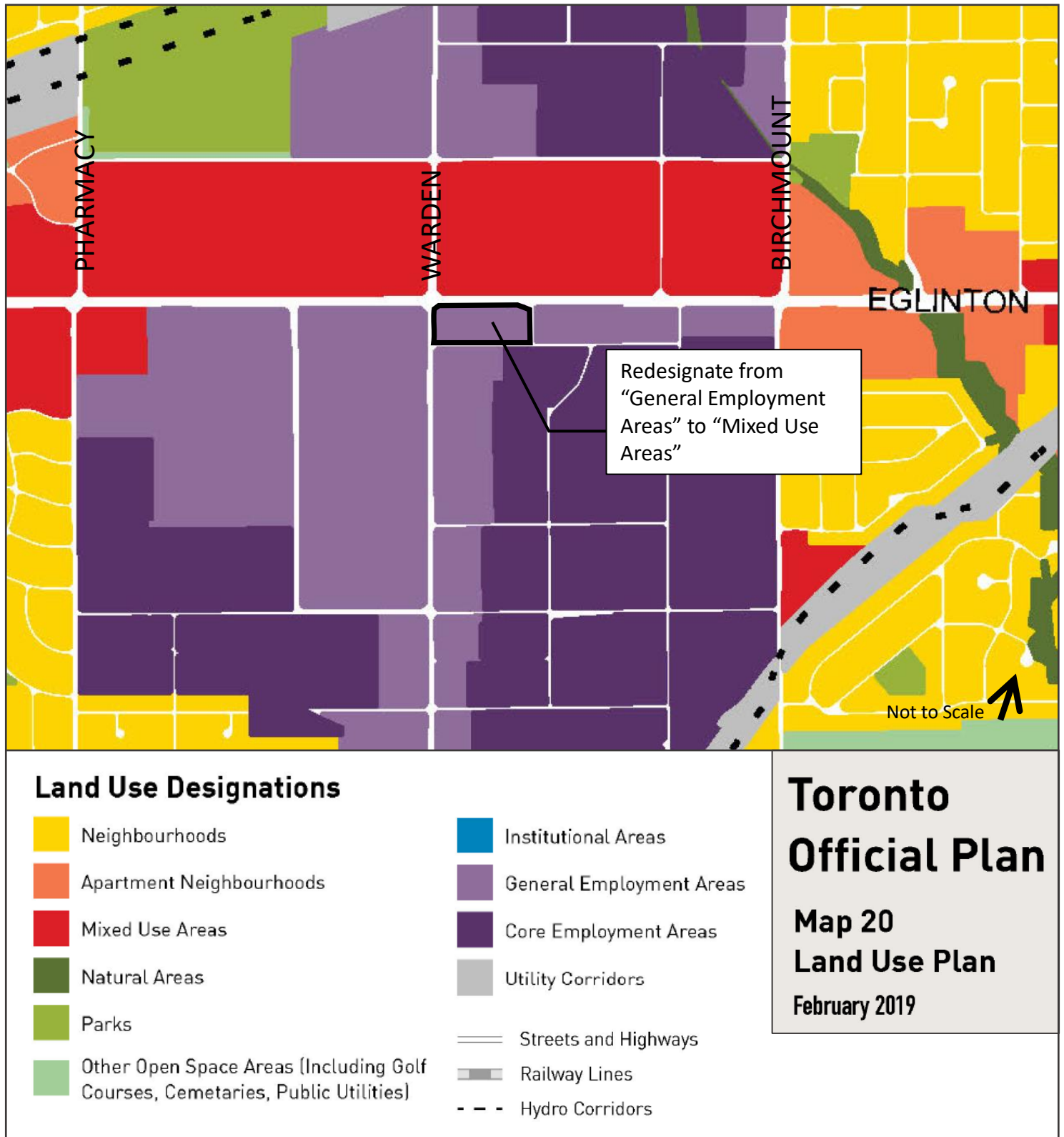
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Michael Goldberg, Goldberg Group



# Attachment 1: Modification of Map 2 – Urban Structure in Appendix 1 of OPA 591



# Attachment 2: Modification of Map 20 – Land Use Plan in the City Official Plan



  SE Eglinton/Warden Block