



BOUSFIELDS INC.

January 31, 2023

File No. 2320

Rally Holdings Inc.

Dear Client:

**Re: 885 Don Mills
Employment Conversion Request**

We are writing to provide you with our opinion as to the planning merits that would support the conversion of the lands located at 885 Don Mills Road from *General Employment* to a designation that would permit higher-density residential mixed-use development (herein referred to as the "Subject Site"). The site includes the following addresses (an aerial photo of the Subject Site is attached hereto as **Attachment A**):

Summary Site Statistics, Official Plan Designations and Zoning

- *Site Area (full assembly) – 9,000 square metres*
- *Site Frontage – 16 metres on Gervaid Drive*
- *Existing Office Building Area (5,575 sm or 60,000sf)*

Official Plan

- Employment Areas (Map 2, Urban Structure);
- General Employment Area (Map 20, Land Use);
- Higher Order Transit Corridors (Map 4 – Higher Order Transit Expansion Element along the Don Mills corridor);

Site and Area Specific Policy (SASP) 92:

- Requires a traffic study for office development.

Zoning (Zoning By-law 569-2013)

- The site is not zoned within 569-2013

Zoning (former City of North York Zoning By-law 7625)

- Industrial-Office Business Park Zone (MO). Permits a range of non-residential uses, including a Hotel.

The Subject Site is located proximate to several transit stations, including within a 500-metre radius of the Science Centre Station on Line 5 of the TTC (i.e. the Eglinton Crosstown LRT), located to the south at Eglinton Avenue East and Don Mills Road, which is also the terminus station of the planned Ontario Line), as well as along a

Higher Order Transit Expansion Element along the Don Mills corridor and immediately abutting the Science Centre Major Transit Station Area (“MTSA”) to the south (SASP 683) and Aga Khan Park and Museum Station Area (“MTSA”) located east of Don Mills Road and north of Eglinton Avenue East (SASP 684).

The Subject Site is not within a *Provincially Significant Employment Zone* per the 2019 Growth Plan, as amended.

Description of Surrounding Context

The Subject Site encompasses approximately 1 hectare within the Don Mills Office Area of Employment east of Don Mills Road (as identified within the City’s Future of Toronto Employment Areas report).

To the west (across Don Mills) is the large former Celestica site, which has now been converted into a high-density mixed-use area. The proposed development is a new community consisting of office buildings, and commercial and retail space with a range of building types including tall, mid-rise, and low-rise townhouses. Also, a new community centre, public road, open space, and parks are proposed.

To the east of the Subject Site, is a Place of Worship (at 50 Gervais), and a range of office, institutional (including the Aga Khan Museum) and industrial uses east to the Don Valley Parkway (“DVP”).

To the south of the site is self-storage facility, medical building and place of worship, followed by the Loblaws Supercentre, which is subject to an application to convert to permit mixed use development. On the opposite side of Eglinton Avenue East is a residential neighborhood with a mix of low-rise and high-rise buildings including semi-detached houses and up to 20 storey apartment buildings, with proposals over 50 storeys.

To the north, on the opposite side of Canadian Pacific Railway, are commercial and residential detached and townhomes in the Banbury Don Mills neighbourhood, with parks, schools and institutions lying just south of Don Mills Collegiate Institute.

The evolution of the larger Don Mills Crossing area towards a higher density mixed use community has been influenced by new planning approaches which encourage a mix of uses and encouraging access by way of modes of transportation other than the automobile. This has resulted in approvals for a mix of uses at the intersection of Don Mills and Eglinton to the south through the Don Mills Crossing Secondary Plan. The direction of that plan, and similarly what is being requested herein, is to provide a significant employment component, but to complement that with residential uses and

an improved public realm (i.e. new parks space) to provide for residential closer to employment uses as well as to provide employment opportunities that are nearby the significant investment in transit (both the Eglinton Crosstown LRT and the Ontario Line Science Centre Subway Station and Bus Terminal, about 350 metres to the south).

Eglinton Crosstown and Ontario Line

The Subject Site is within an approximate 500 metres radius of an Eglinton Crosstown LRT Station (Line 5) to the south. The Eglinton Crosstown LRT is a \$5.3 billion transit investment by the Government of Ontario to expand transit in the City. It is a 19-kilometre light rail rapid transit route that will include a planned grade-separated station at Don Mills Road and Eglinton Avenue (i.e., “Science Centre Station”). The Crosstown will span across much of the City, from Kennedy Station to Mount Dennis (Weston Road) by 2022, with a further extension west to Renforth Drive (where it will connect to the Mississauga Transitway) having been recently designated as a priority transit project by the Province and the City which is estimated to be completed by 2030-2031. It will also link to 54 local bus routes, three TTC interchange subway stations and GO Transit.

The Ontario Line is a planned new Subway line extending through the City’s downtown terminating at the Eglinton Avenue and Don Mills Road intersection (Science Centre Station and bus terminal). As noted above, the Subject Site is within an approximate 350 metre radius of the Science Centre Subway Station and 450 metres radius of the Aga Khan Park and Museum LRT Station, making the Don Mills Crossing area and the Subject Site accessible from a transit perspective, as the area evolves from its automobile-oriented past.

Vision for the Subject Site

The vision includes a mixed-use development that would contribute to the creation of a complete community, including employment, housing, retail, and service uses, as well as new park space. The mixed-use vision for the site would be compatible with the mixed-use Don Mills Crossing Secondary Plan area to the south and existing residential lands to the north. A range of housing types, tenure, and affordability will be provided including units sized for larger households.

Growth Plan Policy Considerations

On May 16, 2019, a new Growth Plan (A Place to Grow: The Growth Plan for the Greater Golden Horseshoe) came into effect, replacing the Growth Plan for the

Greater Golden Horseshoe, 2017. All decisions made on or after this date in respect of the exercise of any authority that affects a planning matter must conform with the 2019 Growth Plan, subject to any legislative or regulatory provisions providing otherwise. Subsequently, on August 28, 2020, the 2019 Growth Plan was amended by Growth Plan Amendment No. 1.

There are several changes from the previously applicable Growth Plan that are relevant to the Subject Site. One significant change was the identification of 29 Provincially Significant Employment Zones (“PSEZ”). These zones are defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. These zones can consist of employment areas or mixed-use areas with a significant number of jobs. As noted above, the Subject Site is not located within a PSEZ.

In terms of the criteria for the conversion of employment areas to non-employment uses, Policy 2.2.5.9 of the Growth Plan states that:

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.*

Following therefrom, Policy 2.2.5.10 states that:

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 unless the part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.

As the Subject Site is not located in a PSEZ, it could be converted outside of a municipal comprehensive review. However, since the City has initiated its municipal comprehensive review as of August 4, 2020, a conversion of employment areas to permit additional non-employment uses would need to be considered in accordance with the criteria referenced above.

The Subject Site responds well to the criteria set out in Policy 2.2.5.9, as follows:

- The proposed conversion would facilitate a higher density of employment and population in very close proximity to new transit (LRT, Subway, and potential Regional Rail) and contribute to new ridership from population and jobs for those stations;
- The development of the Subject Site would accommodate a significant number of jobs and not adversely affect the viability of the employment area.
- The adjacent properties include storage facilities, places of worship and office uses that would not result in any land use compatibility conflicts with the introduction of sensitive uses on the Subject Site.

As part of the updated Growth Plan (2019), as amended, the definition of a Major Transit Station Area has been revised to comprise a 500 to 800-metre radius from a transit station. The definition is as follows:

“The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.”

As noted, the Subject Site is within an approximate 350 metre radius of the Eglinton Crosstown LRT and Subway Station at Don Mills Road and Eglinton Avenue and is located along a Higher Order Transit Corridor Expansion Element identified along the Don Mills Corridor on Map 4 of the Official Plan. The site is also located to the immediate north of the Science Centre MTSA (SASP 683 of OPA 575) and northwest of the Aga Khan Park and Museum Subway (SASP 684 of OPA 575).

Provincial Policy Statement (PPS), 2020 Considerations

On February 28, 2020, the province issued the Provincial Policy Statement, (2020), which replaced the Provincial Policy Statement, (2014). The new PPS policies took effect on May 1, 2020, and, in accordance with Section 3 of the Planning Act, all decisions affecting land use planning matters made after this date are required to be consistent with the PPS.

Among other matters, the PPS, 2020 includes additional policies related to addressing a changing climate and supporting green infrastructure, enhancing land use compatibility policies for sensitive land uses, increasing minimum requirements for housing land supply, and clarifying policies related to market-based housing by adding a reference to affordable housing (i.e., Policies 1.4.3 and 1.7.1).

We note that the PPS, 2020 also includes additional language that encourages transit-supportive development. In particular, Policy 1.2.1 (which replaces Policy 1.1.1) provides that healthy, liveable, and safe communities will be sustained by 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.

With respect to land use compatibility, the policies of Section 1.2.6 provide that development of sensitive uses minimize or mitigate any potential adverse effects from odor, noise, and other contaminants, to ensure the long-term operational and economic viability of major facilities, including industrial uses. In this respect, a land use compatibility and mitigation studies would be required prior to any new development.

Regarding the conversion of employment areas to non-employment uses, Policy 1.3.2.4 states that:

Planning authorities may permit conversion of lands 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.

Following therefrom, Policy 1.3.2.5 provides that, 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 uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant 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.

As noted earlier, the Subject Site is not a PSEZ and therefore could be converted pursuant to Policy 1.3.2.5, however, the City has commenced its Official Plan review and therefore the conversion could be sought now pursuant to Policy 1.3.2.4.

Official Plan Amendment 231

The City-Initiated Official Plan Amendment 231 (OPA 231) was adopted by Council on December 18, 2013 and is now largely in effect as it relates to the Subject Site. It is noted that the proposed office replacement policies are still under appeal. OPA 231 was part of a five-year review of the City's Official Plan and consisted of an employment lands review for all lands that are designated *Employment Areas* across the City of Toronto. Through OPA 231, the City established two *Employment Areas* designations: *Core Employment Areas* and *General Employment Areas*. As a result of OPA 231, the Subject Site is designated *General Employment Areas*.

As per Policy 4.6.3 of OPA 231, *General Employment Areas* are places for business and economic activities generally located on the peripheries of *Employment Areas* where, in addition to all the uses permitted in *Core Employment Areas* (i.e. manufacturing, warehousing, wholesaling and offices, among others), retail and service uses, and restaurants may also be permitted.

The Subject Site is also subject to SASP 92, which requires a traffic study be undertaken to lift a holding symbol before additional office space is permitted.

While the permissions of *General Employment Areas* are generally more flexible, residential uses are currently not permitted.

Growth Plan Conformity and Municipal Comprehensive Review - Work Plan

On June 29, 2020, City of Toronto Council adopted the recommendations of the "Growth Plan Conformity and Municipal Comprehensive Review – Work Plan Report" (dated May 19, 2020). The report outlines City Planning staff's recommended approach and work plan that will ultimately result in Official Plan Amendments required to align the Official Plan with the Growth Plan (2019).

The report includes recommendations regarding an employment lands strategy which will be undertaken to satisfy the Growth Plan (2019) requirements to complete the conformity exercise and Municipal Comprehensive Review (“MCR”). In Attachment 3, the report lists the Conversion and Removal Policies for *Employment Areas* to be applied, in addition to those set out in the Growth Plan (2019). The commencement date for the MCR was August 4, 2020, and the window for employment conversion requests closes on August 3, 2021. Notwithstanding that this request is being submitted after the conclusion of that deadline, there is no legislative deadline and the subject request should be considered in our opinion.

Based on Policies 2.2.4.14 to 2.2.4.16 in Attachment 3, permitting residential uses on the Subject Site would represent the introduction of a use that is otherwise not permitted in an *Employment Area*, and would therefore necessitate the conversion of land.

Policy 2.2.4.17 provides that “the City will assess requests to convert lands within *Employment Areas*, both cumulatively and individually, by considering whether or not the request meets the following criteria.

Accordingly, we are providing our responses to the criteria and justification for the conversion of the Subject Site:

a) *There is a demonstrated need for the conversion(s) to:*

1. *Meet the population forecasts allocated to the City in the Growth Plan for the Greater Golden Horseshoe; or*
2. *To mitigate existing and/or potential land use conflicts;*

The proposed conversion of the Subject Site would facilitate a higher form and density of employment and population in proximity to existing and planned transit stations and would contribute new ridership in the form of residents and employees in the area. Importantly, the introduction of a compatible range and mix of uses at greater densities would not result in a reduction in the number of jobs, as the new employment would be provided for on the site.

In terms of mitigation of existing and/or potential land use conflicts, the surrounding uses are self-storage, office, retail, and place of worship uses. Therefore, there would not be any direct land-use compatibility conflicts to be resolved by including residential uses on the Subject Site, as there are no noxious uses adjacent to, or in proximity to, the Subject Site. In addition, as part of a development application, a compatibility and mitigation assessment will be prepared as required to examine the potential for air quality, dust, odor, and noise impacts from surrounding land uses. It is noteworthy that

there are already approved residential development to the west, as well as within the Celestica site.

- 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;

The proposal will provide for a range of employment uses on the Subject Site. In my opinion a higher-density form of employment, complemented by new housing, would be well-suited to this location given its proximity to the Don Valley Parkway, the Science Centre Subway Station and bus terminal on the Eglinton Crosstown LRT, nearby cultural facilities, and services (i.e. grocery store, trails and parks).

- 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:

1. *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;*
2. *prevention or mitigation of adverse effects from noise, vibration, and emissions, including dust and odour;*
3. *prevention or mitigation of negative impacts and minimization of the risk of complaints;*
4. *ability to ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines;*
5. *ability to provide appropriate buffering and/or separation of employment uses from sensitive land uses, including residential;*
6. *ability to minimize risk to public health and safety;*

These polices (i.e.(d)(1 to 6)) pertain to land use compatibility between sensitive land uses and non-sensitive employment uses. In this respect, the adjacent properties do not present any concerns from a land use compatibility standpoint. It is anticipated that there will be no negative impacts on this use and that the proposal would be compatible. Based on our review of the Provincial “Access Environment” website, it

appears that there is one certificate of approval for an exhaust system at 60 Gervais Drive, which is also subject of a conversion request to the City.

While consideration of noise and air quality impacts would be considered at a detailed level at the development stage through the completion of a Compatibility and Mitigation Study, the surrounding uses are not of a type that would result in any undue impacts that would result in incompatibly of uses.

7. reduction or elimination of visibility of, and accessibility to, employment lands or uses.

The use of the Subject Site for a mix of office, retail and residential development would not reduce or eliminate the accessibility of the employment lands. Rather, the proposed conversion would provide for an increase in the number of jobs on the Subject Site through the inclusion of retail space and provision of employment space. The current large surface parking areas and office uses and would be better optimized with a higher density and mix of uses.

8. impact upon the capacity and functioning of the transportation network and the movement of goods for existing and future employment uses;

It is not anticipated that a higher density of development on the Subject Site would result in impacts on the functioning of the transportation network and the movement of goods. The Subject Site has excellent access to major arterial roads (Eglinton Avenue and Don Mills Road), the DVP and public transportation. In this regard, the Subject Site will be located within 350 metres of the Eglinton LRT and immediately abutting the Higher Order Transit Expansion Element identified in the Official Plan along the Don Mills corridor.

9. removal of large and/or key locations for employment uses;

While the Subject Site is developed office, there is a very large amount of surface parking, and the site is highly underutilized. It is located on the eastern edge of the Employment Area with Mixed Use areas to the west within the Celestica development. The proposal will facilitate higher-density employment and residential development in proximity to transit and to other community services and facilities and cultural uses and trails.

10. ability to provide opportunities for the clustering of similar or related employment uses; and

The proposed use of the Subject Site for a mix of uses, including new office uses, will provide for residents and jobs in a highly visible and accessible location. The proposed conversion would not impact the clustering of office uses in the area. In addition, the proposed conversion would complement the evolving planned context of the broader area, which includes a mix of residential, institutional, office commercial, community and recreation uses.

11. provision of a variety of land parcel sizes within the Employment Area to accommodate a range of permitted employment uses;

The continued use of the Subject Site for higher density employment complemented by new residential uses would be appropriate for the shape and size of the lot, and its location at the edge of the business park and with access to nearby transit. The proposal would not result in the fragmentation of a large parcel that would otherwise potentially be available for other employment uses such as industrial facilities. Rather the proposal presents an opportunity to develop an edge site with a development that will contribute to a complete community, including new employment, housing, community facilities, and parks.

e) The existing or planned sewage, water, energy, and transportation infrastructure can accommodate the proposed conversion(s);

The Subject Site is located within an area well served by existing transportation, water, and sewer infrastructure. As part of any development application, appropriate technical studies would be provided to confirm that these services can accommodate the proposed conversions / applications.

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;

There are a number of existing and approved community services and facilities in proximity to the Subject Site including:

- Parks: Ferrand Drive Park, Aga Khan Park, Sunnybrook Park, ET Seton Park, Wilket Creek Park, the Don Mills Trail, etc.
- Libraries: Don Mills Public Library
- Recreation Centres: Don Mills Civitan Arena
- Schools: TDSB and TCDSB schools

The Subject Site is also located near a number of institutional uses, such as the Ontario Science Centre and Aga Khan Museum; shopping uses including the Shops at Don Mills, and places of worship.

Finally, community uses were also secured, including a City-owned child-care facility and 2.5 hectares of parkland which includes a community recreation centre, as well as additional privately-owned publicly accessible open spaces, as part of the Celestica Campus approvals. Given the size of the Subject Site, it is anticipated that new parks and community space would also be provided through future development of the site.

- 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;

The Subject Site would preserve existing employment uses at this highly accessible location, located east of the intersection of Don Mills Road and Eglinton Avenue East. The site is located in proximity to the DVP, which provides access to the Greater Toronto Area, and is also located within 350 metres of the under-construction Eglinton Crosstown LRT and TTC Subway to the south. In this regard, the proposed uses would better take advantage of this location and would add more population density in a strategic location on important transportation corridors. The proposal for the redevelopment of the Subject Site will both provide employment uses on the Subject Site.

Finally, the inclusion of residential units would not impact the ability of the area to provide a high range of employment opportunities, or the function of other nearby employment uses.

- 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

The proposal will help maintain a diverse economic base as it will provide for employment uses on the Subject Site. Given the size of the site, there are opportunities to accommodate a range of uses to maintain employment within the area.

- i) Cross-jurisdictional issues have been considered.

There are no cross-jurisdictional issues to be considered for the Subject Site.

Conclusion

The Subject Site represents an opportunity to provide increased transit-supportive employment and residential intensification. Based on the criteria set out in the PPS, Growth Plan and Official Plan (as introduced in OPA 231), and the significant transit investment in proximity (including the Eglinton Crosstown and the planned Ontario Line), it is our opinion the Subject Site meets the criteria for conversion to non-employment uses. The proposed conversion offers an opportunity to accommodate a complete mixed-use community including employment and residential uses.

In summary, it is our opinion that the proposed conversion would be compatible with surrounding land uses, would not negatively affect the viability of any other employment uses in the vicinity and would be consistent with the Policy direction set out in the PPS and Growth Plan and the City's Official Plan.

If there are any questions with respect to this submission, please do not hesitate to contact the undersigned.

Yours truly,

Bousfields Inc.



Michael Bissett, MCIP, RPP