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City of Toronto
City Planning Division
Strategic Initiatives, Policy & Analysis
Metro Hall, 55 John Street, 22nd Floor
Toronto, Ontario, M5V 3C6

Attention: Kerri A. Voumvakis, Director and Jeffrey Cantos, Project Manager

Dear Ms. Voumvakis and Mr. Cantos,

**Re: Employment Land Conversion Request
1941 Eglinton East Holdings Inc.
Relating to the Block Bounded By: Eglinton Avenue East; Warden Avenue; Civic
Road; and Prudham Gate.**

Goldberg Group was retained by 1941 Eglinton East Holdings Inc. (1941 Eglinton), the owner of the property municipally known as 1941 Eglinton Avenue East in the City of Toronto to provide land use planning advice and to provide this Employment land conversion request for the captioned lands, bounded by Eglinton Avenue East, Warden Avenue, Civic Road, and Prudham Gate in the Golden Mile Secondary Plan (GMSP) area of the former City of Scarborough (the Subject Block).

This conversion request seeks the redesignation of the Subject Block from *General Employment Areas to Mixed Use Areas* in the City of Toronto Official Plan (City OP). This letter, together with the attached materials, will address the planning merits of this request, and in particular, will address the 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:

- an outline of the Provincial and municipal policies applicable to this consideration;
- a summary of the City's process regarding employment land conversion requests ("ELCR"); and
- an analysis of the proposed conversion in the context the applicable Provincial and municipal policies.

This conversion request is supported by the following studies and correspondence:

- Economic Implications Study, prepared by Altus Group, dated July 26, 2021;
- Servicing Brief, prepared by SCS Consulting Group Ltd, dated July 14, 2021;
- Compatibility and Mitigation Study for Air Quality, Dust, Odour, and Noise, prepared by SLR Consulting (Canada) Ltd., dated July 28, 2021;
- Transportation Considerations Report, prepared by BA Group, dated July, 2021;
- Comment Letter on the Draft Golden Mile Secondary Plan prepared by Goldberg Group, dated July 7, 2020;
- Letter from Davies Howe LLP, Employment Land Conversion Request, dated July 29, 2021;
- Letter from Davies Howe LLP, Golden Mile Secondary Plan – Final Report and Supplementary Report, dated October 6, 2020; and
- Letter from Davies Howe LLP, Proposed Modifications to Draft OPA 499 (Golden Mile Secondary Plan), dated August 10, 2020.

It is important to note that this Employment land conversion request is being made parallel with the appeal of the Golden Mile Secondary Plan (OPA 499) by 1941 Eglinton. The Golden Mile Secondary Plan planning process culminated in the City Council adoption of OPA 499 on October 30, 2020. 1941 Eglinton actively participated in the public planning process that preceded the Council adoption of OPA 499. In particular, this firm made a written submission to Scarborough Community Council (SCC) dated July 7, 2020, and 1941 Eglinton's solicitor (Mark Flowers of Davies Howe LLP) subsequently made a written submission to SCC dated October 6, 2020. In addition, on behalf of 1941 Eglinton, Mr. Flowers of Davies Howe LLP made oral submissions to SCC regarding draft versions of OPA 499 at its meetings on July 17, 2020 and October 16, 2020. In both the Written Submissions and the oral submissions to SCC, 1941 Eglinton objected to some of the policies and land use designations of the proposed GMSP as related to the Subject Block. Unfortunately, those concerns were not addressed in the adopted version of OPA 499 and 1941 Eglinton appealed certain parts of OPA 499, including the proposed land use designations of the Subject Block.

A main theme of concern and objection of 1941 Eglinton during the OPA 499 planning process was that the Subject Block was not redesignated to *Mixed Use Areas* or otherwise designated to permit mixed use redevelopment. 1941 Eglinton continues to pursue its appeal of OPA 499, parallel with this Employment land conversion request. This Employment land conversion request is therefore being made as a means of cooperation with the City and out of an abundance of caution.

The summary conclusion of our planning opinion is, for the reasons set out in this planning letter, that this proposed Employment land conversion request is consistent with the policy directions set out in the Provincial Policy Statement 2020, and it conforms with the Growth Plan and the City OP.

The Subject Block and Its Area Context

The Subject Block is a city block bounded by Eglinton Avenue East; Warden Avenue; Civic Road; and Prudham Gate (**Attachments 1 & 2**). This block occupies approximately 1.62 ha (4 ac). This land is currently occupied by a combination of low-rise and low intensity service commercial uses in the form of a freestanding restaurant, two car dealerships, a vacant site owned by Metrolinx, and a small property at the northeast corner of Civic Road and Warden Avenue used as a sales outlet for finish Master (Automotive and Industrial Paint) (**Attachment 3**).

All of the uses within the Subject Block are developed as very low intensity automobile-oriented uses with considerable paved parking and service areas surrounding the buildings and limited, if any, landscaping on these properties. It is estimated that approximately 100 +/- employees are currently employed within this block.

The corner of Eglinton Avenue East and Warden Avenue, next to the Subject Block, is the location of a planned Light Rapid Transit (LRT) station of the Eglinton Crosstown LRT (the "ECLRT"), both of which are now under construction. This new ECLRT line and the adjacent LRT station are projected to be operational in 2022. This LRT station has far-side platforms with access to each platform from the adjacent north/south pedestrian crossing at the signalized intersection. This staggered configuration means the westbound platform will be located west of the intersection, and the eastbound platform will be situated east of the intersection.

Surrounding the Subject Block are further land uses and built forms supportive of the current suburban retail and service commercial uses and character of the area (**Attachment 5**). This includes:

- To the west:
 - Along the south side of Eglinton Avenue East, extending from Warden Avenue to west of Lebovic Avenue, are retail and service commercial plazas, single storey bank branches, institutional uses, including court buildings, big box/large format retail outlets and automobile dealerships. Immediately west of Scarborough Toyota, at the southeast corner of Eglinton Avenue East and Pharmacy Avenue (1891 Eglinton Avenue East) is a large plant occupied by Flexible Packaging Corp (**Attachment 5**). In 2012 - 2013, with the positive recommendation of City staff, Official Plan Amendment (OPA) 231 converted the Eglinton Avenue frontage of this property, extending southerly for approximately two thirds of this site's depth, from *Employment Areas* to *Mixed Use Areas*. As part of the OPA 231 process, Site and Area Specific Policy (SASP) 435 was applied to that site. SASP 435 indicates:

"SASP 435 (1891 Eglinton Avenue East)

- a) Development of lands for residential uses on the Mixed Use Areas-designated portion of the site will include employment uses including office space having a minimum gross floor area of 6,000 square metres or 5 per cent of the total gross floor area of residential uses, whichever is smaller.

- b) Employment uses on the portion of the site designated General Employment Areas, shown as "Parcel A", will be compatible with adjacent residential uses.
 - c) A feasibility analysis and impact assessment as per Section 4.10.3 of the province's D-6 Guidelines for Compatibility Between Industrial Facilities and Sensitive Land Uses is to be completed and necessary mitigation measures are to be incorporated into the development design for residential and other sensitive uses, to the satisfaction of the City."
- Along the north side of Eglinton Avenue East, extending west from Warden Avenue, is a five storey office building at the northwest corner of Eglinton Avenue and Warden Avenue surrounded by considerable surface parking. West of this, extending to Pharmacy Avenue, are many free-standing commercial buildings and big box retail plazas with large amounts of surface parking.
 - To the north:
 - At the northeast corner of Eglinton Avenue East and Warden Avenue is the existing Cosmetica Laboratories plant (1960 Eglinton Avenue East), comprised of a 2-storey office building, north of which is a large single storey plant building together with surface loading and parking areas. 1960 Eglinton Avenue East is currently under application proposing a 2,600-unit mixed-use development with building heights ranging from 30 to 45 storeys and a Floor Space Index ("FSI") of 5.3 times the lot area.
 - To the west of Cosmetica Laboratories, at the northwest corner of Eglinton Avenue East and Warden Avenue, is a development proposal at 1940 Eglinton Avenue East.
 - The development applications for 1940 Eglinton Avenue East propose the mixed-use redevelopment of the property, including new public streets and parkland, and multiple mid-rise and tall buildings with heights ranging from eight to 40 storeys. The total proposed GFA is 346,678 square metres (FSI of 4.47 times the lot area) of which 320,669 square metres (92%) are residential, 19,113 square metres (6%) are retail, and 6,896 square metres (2%) are for office uses. The proposal includes a total of 3,888 residential units.
 - Further west, at 1900 Eglinton Avenue East, which has frontages on Eglinton Avenue East, Hakimi Avenue, and Ashtonbee Road, is a large-scale redevelopment proposal that includes a mix of uses, new public streets, and parkland
 - Similar to the development proposal at 1940 Eglinton Avenue East, multiple mid-rise and tall buildings are proposed, with building heights that range from 8 to 39 storeys. The total proposed GFA is 492,651 square metres (FSI of 4.28 times the lot area.), of which 39,396 square metres (8%) is retail and 453,255 square metres (92%) is residential. A total of 5,529 residential is proposed.
 - To the east of Cosmetica Laboratories, extending to Birchmount Road, are a variety of large format retail uses and two, three storey office buildings at 2200-2206 Eglinton Avenue East at the northeast corner of Thermos Road and Eglinton Avenue East.

This property is the subject of an an Official Plan Amendment application to permit a mixed-use development including new public streets, parkland, a variety of residential uses, and the retention of the existing office building and parking structure at 2206 Eglinton Avenue East. The development proposal includes eight tall buildings ranging in height from 30 to 46 storeys, with a total GFA of approximately 287,000 square metres (includes the retention of the 14,190 square metre, seven - storey office building noted above. The proposed roads include a new east/west mid-block public street with a right-of-way width of 27 metres (consistent with plan for new roads in OPA 499), as well as new mid-block north/south private street segments.

- To the south:
 - Along the south side of Civic Road between Warden Avenue and Manville Road, are a City water tower at the southeast corner of Warden Avenue and Civic Road, east of which are low scale automotive uses with surface parking and storage of vehicles.
 - Along the south side of Civic Road between Manville Road and Sinnot Road is the East Toronto Detention Centre.
- To the east
 - Along the south side of Eglinton Avenue East, between Prudham Gate and Sinnot Road, there are 1 – 2 storey automotive related uses, large surface parking lots and some single storey restaurant buildings surrounded by surface parking.
 - Along the south side of Eglinton Avenue East between Sinnot Road and Birchmount Road is a large site occupied by the Scotiabank Eglinton Campus.

Policy Context of the Subject Block and Surrounding Area

The Subject Block is designated as *General Employment Areas* on Map 20 of the City OP (**Attachments 6**). The *General Employment Areas* land use designation is applied to the south side of Eglinton Avenue East from Birchmount Road to the east, which is the east boundary of the proposed GMSP area, up to but not including 1891 Eglinton Avenue East, which is located at the southeast corner of Eglinton Avenue East and Pharmacy Avenue. As mentioned, 1891 Eglinton Avenue East was redesignated as part of OPA 231 from *Employment Areas* to *Mixed Use Areas*, is now subject to SASP 435 (mentioned above), and is not proposed to be amended as part of proposed OPA 499. The lands on the south side of Eglinton Avenue East, west of Pharmacy Avenue, which is the Eglinton Square indoor mall, are also designated as *Mixed Use Areas*. All of the north side of Eglinton Avenue East extending from Birchmount Road to Victoria Park Avenue is designated as *Mixed Use Areas* in the City OP.

Map 2 - Urban Structure of the City OP (**Attachment 7**) identifies all of the Eglinton Avenue East frontage between Victoria Park Avenue and Birchmount Road as *Avenues*, but for the lands identified along the south side of Eglinton Avenue East as *Employment Areas* and the above described Eglinton Avenue frontage lands of 1891 Eglinton Avenue, which is designated on Map 20 as *Mixed Use Areas* and subject to SASP 435.

Prior to 2012, the *Avenues* designation applied to both sides of Eglinton Avenue East (**Attachment 7**), including the Subject Block. In 2012 - 2013, the *Avenues* overlay on the south side of Eglinton Avenue East between Pharmacy Avenue and Birchmount Road was removed from Map 2 as part of OPA 231.

Map 3 of the City OP identifies both Warden Avenue and Eglinton Avenue East as *Major Streets*. Maps 4 and 5 identify Eglinton Avenue East as a *Transit Corridor* and *Transit Priority Segment*. This is in recognition of the construction of the ECLRT along Eglinton Avenue.

The Subject Block is also within a large area defined by Site and Area Specific Policy 129 (“SASP 129”), applying to lands north and south of Eglinton Avenue East between Victoria Park Avenue and Birchmount Road. The policies of SASP 129 permit retail and service uses, including stand-alone retail stores and/or “power centres”. This SASP reflects the large amount of stand-alone big box retailing that currently exists along this stretch of Eglinton Avenue. The boundaries of the SASP 129 are proposed to be amended through OPA 499 and would no longer apply to the Subject Block and other areas.

Proposed Golden Mile Secondary Plan (GMSP) (OPA 499)

The GMSP process was initiated by the City in May 2016 to develop a vision and comprehensive planning framework for the Golden Mile area, which generally extends just west of Victoria Park Avenue to the west, Birchmount Road to the east, Ashtonbee Road to the north and the south boundary of Eglinton Square Mall and Civic Road to the south (**Attachment 8**). The proposed GMSP (OPA 499) was the subject of a staff report at the Scarborough Community Council meeting on June 19, 2020. At that meeting, the Community Planning report dated May 27, 2020, included the draft OPA 499 and a recommendation that it be considered at a Statutory Public Meeting on July 17, 2020, which was adopted, with the public meeting continued on October 16, 2020. Ultimately, OPA 499 was adopted by City Council on October 30, 2020, and was subsequently put under appeal by many parties, including by 1941 Eglinton.

OPA 499 contains proposed amendments to the City OP and new policies that include:

- Map 20, Land Use Plan, is amended in certain locations;
- Chapter 7, Site and Area Specific Policies, is amended to delete SASP 129 for lands within the GMSP;
- Map 3, Right-of-Way Widths Associated with Existing Major Streets, is amended to widen certain segments of roadways, including widening Eglinton Avenue East from 36 m to 43 m and widening Warden Avenue from 30 m to 36 m within the GMSP area; and
- Chapter 6, Secondary Plans, is amended by adding Section 45, the Golden Mile Secondary Plan.

The policies of OPA 499 provide the vision of significant reurbanization and transformation of the Eglinton Avenue corridor arising from the completion of the ECLRT. The ECLRT will travel in a dedicated transit right-of-way and will include five LRT transit stations within the boundaries of the GMSP area. According to the OPA 499 background documents, the ECLRT is considered a

“catalyst to aid in transforming the GMSP 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 vision is for a connected, accessible, diverse, complete and liveable mixed-use community, emerging as an urbanized node for southeast Toronto, subordinate in scale and massing to the Scarborough Centre.

OPA 499 identifies Districts and Character Areas that are planned to accommodate a balance of residential, commercial, employment and community uses with a comfortable and attractive public realm. OPA 499 emphasizes multi-modal transportation, anchored by the ECLRT, which is part of the proposed new identity of the area. The level of density is planned to promote a transit-supportive environment, increasing transit ridership and optimizing significant public investment in the ECLRT. Policy 3.1 of OPA 499 identifies five transit nodes centred upon the ECLRT stations, as one type of urban structural element functioning as the foundation of the planning framework of the GMSP area.

Map 45-3 Character Areas (**Attachment 8**) locates the Subject Block within Character Area 7 – Employment Area. Proposed Policy 3.10 states:

“Development in the Employment Area will provide mid-rise buildings with employment uses, as well as commercial uses at grade along Eglinton Avenue East. Development will provide public realm improvements including a new park.”

The north side of Eglinton Avenue East across from the Subject Block is within the Mixed Use Transit Nodes Character Area, to which proposed Policy 3.5 applies:

“Development in the Mixed Use Transit Nodes will be designed as the centre of activity along Eglinton Avenue East. Development will contribute to the creation of a green and vibrant commercial main street along the ECLRT corridor. Development will also provide a series of parks of varying sizes and functions, as well as a mix of tall and mid-rise buildings. This Character Area will include buildings with some of the greater heights in the Plan Area, located near the ECLRT stops. Development surrounding the ECLRT stops will be designed with architecture, landscape and public art of the highest quality to accentuate these places as the arrival points along the ECLRT corridor.” (emphasis added)

Map 45-5 Development Density (**Attachment 9**) permits a maximum FSI of 2.5 on the Subject Block. By comparison, the proposed density permitted on the north side of Eglinton Avenue East is 3.2 in the vicinity of the planned transit station at the intersection of Eglinton Avenue East and Warden Avenue and 3.0 to the east of the transit station.

Map 45-13 Building Types and Heights in Character Areas (**Attachment 10**) designates the Subject Block for mid-rise buildings (5-11 storeys). By contrast, the north side of Eglinton Avenue East opposite the Subject Block is designated for a mix of tall buildings and mid-rise buildings (max. 30 storeys).

The Subject Block is at a planned LRT station, at a busy mixed use corridor/arterial edge location, occupying considerable frontage along Eglinton Avenue East, and with Civic Road effectively functioning as a defined southerly land use border/boundary of the Employment Land conversion request and the OPA 499 area. **Attachments 6 & 8** of this planning letter indicates that Civic

Road and the southern limit of the Subject Block is coincident with the southern boundary of the OPA 499 area, where all the lands south of this, for a considerable distance and quantity of land, remain as Employment Areas.

The subject Employment land conversion request is limited and defined, supported by the planning merits and attributes of this edge location, as differentiated from the lands to the south. Therefore, in our opinion, this request does not represent a precedential conversion request for the remainder of this Employment Area, south of Civic Road. In our opinion, it is appropriate to recognize such an edge location as distinct from the remaining interior of the Employment Area by permitting a broader range of uses, including residential uses, along the corridor at rapid transit station areas, with high-density mixed use development to replace the under-utilized suburban highway service commercial uses within the Subject Block. Evolving from this would be a transit supportive, mixed use character, which better utilizes and makes a much more efficient use of the considerable public investment in this new and transformative public transit along Eglinton Avenue East. The alternative, which is currently expressed in OPA 499, is to provide for a mid-rise Employment permission on the Subject Block, which in practical terms will not be acted upon into the foreseeable future, leaving the low-rise, low-intensity and under-utilized service commercial uses remaining on the Subject Block. Such an outcome, in our opinion, would be contrary to Provincial policies expressed in the PPS 2020 and the Growth Plan.

As the Provincial policy documents reviewed below direct, this is an excellent candidate site where the City policies should seek to achieve a high density mixed-use land use, utilizing the land and new infrastructure efficiently, optimally, and cost-effectively. The low height, limited range of land uses, and the lower density proposed on the Subject Block in OPA 499, in our opinion, under-utilize the lands should these policies come into effect.

A broader range of uses, including residential uses, are appropriate at this edge location, combined in one or more mixed use buildings, supporting the planning objectives of the PPS, the Growth Plan and the general objectives of OPA 499.

As such, we believe that there is a need to revise the City OP and OPA 499. The Subject Block should be permitted to have residential uses, with similar height and density permissions as would apply across the street on the north side of Eglinton Avenue East. We also think that the maximum height and density currently proposed by OPA 499 is too low, reflecting mid-rise density for a tall building area. The ultimate density permitted should be design driven, subject to the availability of appropriate supporting infrastructure. The lower levels of new mixed use buildings could be used for a range of employment, commercial, community and residential uses, with residential towers above. In our opinion, this is the most effective land use planning strategy to leverage the significant public investment in rapid transit infrastructure along this corridor.

Potential Development Scenario for the Subject Block

The consulting team supporting 1941 Eglinton has considered two mixed use development scenarios for the purpose of conceptually illustrating the type and mix of land uses that could potentially be implemented on the Subject Block. The development scenarios are general and conceptual and similar in character with the type and scale of mixed use development planned currently along Eglinton Avenue East in the GMSP area, including on the north side of Eglinton Avenue East immediately opposite the Subject Block.

The first development scenario is based on a lower Floor Space Index (FSI) of 3.2 times the lot area, consistent with the proposed OPA 499 permissions across the street. The resulting GFA is 51,910 square metres, with 46,720 square metres allocated as residential GFA, a distribution of 640 residential dwelling units and 5,190 square metres of GFA of non-residential, or 10% of the development scenario, which could include office, retail, service commercial, restaurants, community uses, and other non-residential uses.

The second development scenario is based on a higher FSI of 5.0 times the lot area which exceeds the currently adopted OPA 499 permissions across the street. The resulting GFA is 81,365 square metres, with 73,175 square metres allocated as residential GFA, a distribution of 994 residential dwelling units and 8,190 square metres of GFA is non-residential, or roughly 10% of the scenario, with the same potential non-residential uses as above.

If this Employment land conversion request is approved, the ultimate intensity, height, and form of use will be determined through other *Planning Act* processes.

The City's Municipal Comprehensive Review (MCR) Process of its Employment Lands

The City's MCR process for its *Employment Area* land review commenced on August 4, 2020 and the City's deadline for Employment land conversion requests is August 3, 2021. The intent of this MCR is to ensure that the City OP is up to date with the most current versions of the PPS and Growth Plan. The Province has set a deadline of July 1, 2022, for Ontario municipalities to complete their MCRs.

As part of any Employment land conversion request, the Province and the City wish to ensure that policies of the most current PPS, Growth Plan and City OP concerning employment conversions have been satisfactorily addressed. The remaining portions of this planning letter undertake to address these Provincial and City policies.

The City OP *Employment Area* policies relating to Employment land conversions were updated by OPA 231, as approved by Order of the Local Planning Appeal Tribunal (LPAT) on May 8, 2020. It is important to note that while these policies are the latest City adopted policies, these policies implement the Growth Plan 2006, not the Growth Plan 2020. As such, while the City OP policies will be reviewed in this letter report, it remains imperative that this Employment land conversion request be reviewed through the lens of the most current PPS and Growth Plan policies of 2020.

The formal City's ELCR process also requires applicants to pay a \$20,000 ELCR review fee, which we understand will be invoiced to the entity making the Employment land conversion request, following its formal filing with the City.

Policy Context

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 use 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)
- 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)
 - 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).
 - 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).

The approach of this planning letter is to review this Employment land conversion request 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 summary in relation to the subject Employment land conversion request in relation to the PPS 2020.

The above policies, in combination, strongly supports and directs, in our opinion, the broadening of the range of land uses within the Subject Block. It directs the optimization of the infrastructure of this area. As indicated above, the Subject Block is at an arterial edge location, with a defined southerly land use boundary in the form of Civic Road. A combination or mix of employment, residential and commercial uses are ideal for this strategic and important location, at an ECLRT station, along the Eglinton Avenue East corridor.

Importantly, a fully mixed use project can be accommodated on this site without compromising the long-term viability of the remaining *Employment Area* south of Civic Road. A very good example of where this has already been implemented is at 1891 Eglinton Avenue East (southeast corner at Pharmacy Avenue), where the City converted the Eglinton Avenue frontage portion of that property from *Employment Areas* to *Mixed Use Areas*, as part of OPA 231 and applied SASP 435 to that site. The southern portion of that property was not converted and remains as *Employment Areas*. Also, OPA 499 identifies a new east west road that connects with Pharmacy Avenue, reinforcing the southern boundary of a *Mixed Use Areas* fronting onto Eglinton Avenue East and the *Employment Areas* designation to the south. The 1891 Eglinton Avenue East site is also at a planned LRT station, with Employment lands and uses immediately to the south.

Similar land use planning principles that were applied to 1891 Eglinton Avenue could similarly be applied to the Subject Block. This illustration assists in a reasonable and appropriate application of the PPS policies to the Subject Block.

The Subject Block is not within a *provincially significant employment zone*. The lower priority Employment corridor that applies to the Eglinton corridor for solely Employment uses supports the mixing of uses by adding residential use permission to the Subject Block, as suggested by many Provincial policies cited above.

An opportunity remains to achieve a fully integrated combination of uses by including both residential and employment uses within the Subject Block. The lower base levels of a tall building on this site could include commercial and office uses, as are intended now in OPA 499. The public interest benefit of this Employment land conversion request is achieving similar, if not greater, employment usage of the lands, as is now intended, when compared to the current employment uses within the Subject Block, which includes approximately 100 +/- employees within the Subject Block.

Fully integrated mixed use buildings at this location would not, in our opinion, adversely affect the overall viability of the nearby *Employment Areas* to the south. It could achieve similar employment levels, better optimize the use of the land and new infrastructure (including the ECLRT) and incentivize the realization of the vision.

Mixed-use development (including residential uses) on the Subject Block would be consistent with PPS policies that promote compact, mixed-use intensified, transit-supportive development and encourage the provision of residential uses in locations well-served by public transit to meet long-

term housing needs. In our opinion, this would be supportive of the overall policy thrust embodied in the PPS policies.

It is notable that the update to the PPS, issued on May 1, 2020, added the words “and broader mixed uses” to policy 1.3.1a, a clear indication that at the Provincial level, policies to promote economic development and competitiveness envision a broader mix and range of uses, in conjunction with employment and institutional uses. In our opinion, at the local level, our suggested nature of mixed-use development on the Subject Block would promote economic development and prosperity at this rapid transit station area, and would support and optimize the significant public expenditure made by the Province to this corridor, by constructing the ECLRT.

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*. Like 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. In particular, a significant policy amendment made to the 2020 Growth Plan is Section 2.2.4 (Transit Corridors and Station Areas), subsection 9(a) which states:

9. “Within all major transit station areas, development will be supported, where appropriate, by:
 - a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels; (emphasis added)

The 2019 version of the same Growth Plan policy stated in 2.2.4.9(a), the following:

9. “Within all major transit station areas, development will be supported, where appropriate, by:
 - b) planning for a diverse mix of uses, including second suites and *affordable* housing, to support existing and planned transit service levels; (emphasis added)

As shown, the Subject Block is within an area that would meet the definition of a *major transit station area (MTSA)* and, therefore, within an area to where the Growth Plan directs additional residential units to support existing and planned rapid transit service.

The Subject Block 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 land 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*;

By definition, mixed use development on the Subject Block would represent *intensification* within a *strategic growth area*, along a *Priority Transit Corridor*, and within a *major transit station area*, which according to Section 7 of the Growth Plan, are defined terms, as follows:

“*Intensification*: The development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.”

“*Strategic Growth Areas*: Within *settlement areas*, nodes, corridors and other areas that have been identified by municipalities or the Province to be the focus for accommodating *intensification* and higher-density mixed uses in a more *compact built form*. *Strategic growth areas* include *urban growth centres*, *major transit station areas*, and other major opportunities that may include infill, *redevelopment*, *brownfield sites*, the expansion or conversion of existing buildings, or *greyfields*. Lands along major roads, arterials, or other

areas with existing or planned *frequent transit* service or *higher order transit* corridors may also be identified as *strategic growth areas*.”

Priority Transit Corridors: Transit corridors shown in Schedule 5 or as further identified by the Province for the purpose of implementing this Plan.

Major Transit Station Area: “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 metres radius of a transit station, representing about a 10-minute walk.”

In addition, the Subject Block is also located along a *Higher Order Transit* corridor which is subject to *Frequent Transit*, defined as follows:

Higher Order Transit – Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. *Higher order transit* can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way.”

Frequent Transit – A public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.”

Section 2.2.4.9 (a) states:

“9. Within all *major transit station areas*, development will be supported, where appropriate, by:

- a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels; (emphasis added)

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.”

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:

1. “Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
 - a) 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:

- i. 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 co-ordinated to implement this Plan.
2. 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:
 - a) 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;
 - b) providing sufficient *infrastructure* capacity in *strategic growth areas*;
 - c) identifying the full life cycle costs of *infrastructure* and developing options to pay for these costs over the long-term; and
 - d) 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.
2. All decisions on transit planning and investment will be made according to the following criteria:
 - a) aligning with, and supporting, the priorities identified in Schedule 5;
 - b) 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;
 - c) increasing the capacity of existing transit systems to support *strategic growth areas*;
 - d) 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;
 - e) facilitating improved linkages between and within municipalities from nearby neighbourhoods to *urban growth centres*, *major transit station areas*, and other *strategic growth areas*;

- f) increasing the modal share of transit; and
- g) contributing towards the provincial greenhouse gas emissions reduction targets.”

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)

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

Policy 2.2.5.10 of the Growth Plan is similar to Policy 1.3.2.5 of the PPS. As noted above, broadening the range of land uses permitted within the Subject Block could increase the amount of employment on the Subject Block, and the overall viability of the adjacent *employment area* is not anticipated to be adversely affected due to the Subject Block’s location on the arterial edge, its physical separation from the remaining *employment area* by Civic Road, and the nature of the surrounding employment uses.

The need to enable a broader range of uses arises from the public interest objective to see this *major transit station area* site develop for intensified uses, that contributes to a more complete community along Eglinton Avenue East. The 2020 amended Policy 2.2.4.9 (a) (Transit Corridors and Station Areas) expressly contemplate “additional residential units” on the Subject Block, by virtue of it being in a *major transit station area*, and as a means of supporting development within such *MTSAs*. Without development taking place, the policies are not implemented.

The alternative of maintaining the Subject Block 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, including significant public investment in transportation and transit infrastructure.

From a population perspective, adding residential uses on the Subject Block will contribute to satisfying housing needs for projected population growth while providing increased employment opportunities in the area. In 2020, there is no longer a need to make the two land uses mutually exclusive in a location such as the Subject Block. The subject block is located within a *major transit station area (MTSA)*, is served by rapid transit stations, 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 Block, implementing the “*intensification* first” approach of the Growth Plan, and contributing to a complete community.

The Subject Block is strategically located, and a genuine opportunity exists to optimize the range of uses and the utilization of the site. The alternative of maintaining the lands solely for

employment uses would likely result in the Subject Block not redeveloping into the foreseeable future. With the current uses of the Subject Block being restricted to solely employment uses, as proposed by OPA 499, within a 5 to 11 storey building, and with a maximum density of only 2.5 FSI, the Subject Block may not be sufficiently incentivized to redevelop, and even if it did, these restrictions would be significantly under-utilizing the land use and density potential appropriate for the Subject Block, given its strategic location.

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 20 (Land Use Plan) (**Attachments 5 & 6**). Additionally, the Subject Block is located at the corner of two *Major Streets* and along a *Transit Corridor Expansion Element* on Map 4 (Higher Order Transit Corridors).

The non-policy text in Chapter 4.6 of the Official Plan provides the following description of *General Employment Areas*:

“*General Employment Areas* are generally located on the periphery of *Employment Areas* on major roads where retail, service and restaurant uses can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the broader public. Retail uses on the periphery of *Employment Areas* frequently serve as a buffer between industries in the interior of *Employment Areas* and nearby residential areas.”

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 purpose of this Employment land conversion request is not to eliminate or reduce the business and/or economic activity on the Subject Block, but rather to increase and intensify it, in a more compact, mixed use, and transit supportive urban form.

Through the collective work that forms this Employment land conversion request, 1941 Eglinton addresses the City OP policies guiding the consideration of this Employment land conversion request of the Subject Block. In this regard, Section 2.2.4.15 of the City OP include 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 and employment related uses, are promoted and encouraged, in an intensified compact form on the Subject Block.

We also conclude that, based on our review of the Growth Plan 2020, an Employment land conversion for the Subject Block can appropriately be implemented as part of the OPA 499

process and need not be confined to only a MCR process. As such, this Employment land conversion request is made as a means of cooperation with the City and out of an abundance of caution. It is also made without prejudice to the ongoing pursuit of 1941 Eglinton's appeal of OPA 499, as set out in the accompanying letter from Mr. Flowers of Davies Howe LLP.

Section 2.2.4.17 of the City OP also sets out the City OP criteria upon which consideration will be made of Employment land conversion requests. As such, 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.

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

1. Is there is a need for the conversion?

The need for the employment lands conversion on the Subject Block is predicated on the inability of a solely employment use permission to satisfy the policy imperatives and requirements of the PPS and the Growth Plan. In other words, if the low-rise, low-intensity under-utilized Subject Block remains solely with employment use permissions, then there will be little, if any, incentive for the lands to practically redevelop. In such a circumstance, the existing uses and use of land would likely remain as is, which in our opinion, is inconsistent with the PPS and does not conform with Growth Plan.

In this circumstance, and at this point, there is a need to permit a broadened range of uses, including residential, to enable and incentivize the redevelopment of the Subject Block. Without redevelopment there is no implementation of the PPS and Growth Plan policies. There is no doubt that leaving the lands, and the existing land uses as is, will not contribute to the achievement of minimum density targets set out in the plan. All opportunity is promoted, encouraged and needed to create a policy environment aimed at achieving the multitude of

goals set out in the various planning documents, including the PPS, the Growth Plan, and the City OP. As Section 2.2.4.6 of the Growth Plan indicates:

- “6. Within *major transit station areas* on *priority transit corridors* or subway lines, land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited.”

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

A report dated July 26, 2021, prepared by Altus Group for 1941 Eglinton, addresses the economic implications of an ELCR for the Subject Block. This report concludes that maintaining the *General Employment Areas* designation on the Subject Block will be a significant barrier to achieving transit-supportive density in the area around the new LRT station.

The Altus Group report notes that the barrier to significant new office development in the area is based on office rents, which are not high enough relative to construction costs to make new office development viable in this area. The opening of the Golden Mile LRT station is unlikely to result in rent increases that would be large enough to make new office development viable.

A report prepared by urbanMetrics in 2016 on behalf of the City, as part of the GMSP study process, also indicated that low office rents and high construction costs constrain new office development in this area.

Although it is anticipated that there will be significant demand for more 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 within, and on the periphery of, *Downtown Toronto*, where office rents are at a level that support new office construction. The Golden Mile area will not likely be able to compete with these areas for significant new office construction.

However, if this Employment land conversion request is approved, the residential component of high-density mixed use development on the Subject Block could support some amount of new office space in the redevelopment.

High-density mixed-use development permissions for the Subject Block would make a significant, positive contribution towards the achievement of transit-supportive mixed use density around the nearly completed Golden Mile station and Eglinton Avenue East and Warden Avenue. The alternative would likely result in the *status quo* on the Subject Block, and the maintenance of low-scale, large-format suburban commercial uses and built form on this arterial edge location.

The Altus Report notes that from a population perspective, adding residential permissions on the Subject Block 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 can be provided concurrently with the provision of increased employment uses on the Subject Block, both of which will assist in meeting demand for non-residential space and housing within a *major transit station area*.

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

The report from Altus Group indicates that maintaining the Subject Block with a *General Employment Areas* designation is not required for the employment purposes permitted by the City OP. The report notes that there is a forecast decrease in the amount of employment on lands designated for the uses permitted in the *General Employment Areas* designation. Further, the Subject Block is currently generating only approximately 100 jobs in a combination of retail (including automobile dealerships) and service commercial uses. These types of uses could locate in a mixed use redevelopment of the Subject Block, or elsewhere, and it is anticipated that a mixed use redevelopment of the scale contemplated in the two conceptual scenarios would likely generate more employment on the Subject Block than currently exists.

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

The report from Altus Group concludes that there is sufficient employment lands in Toronto to achieve the forecasted growth in employment in Toronto to 2051. In fact, if this Employment land conversion request is approved, high-density mixed use development will likely assist in accommodating employment growth by providing a net gain in jobs per hectare on the Subject Block. The non-residential component of a mixed use project on the Subject Block (street-related retail and service commercial uses and general offices) will likely be required of new development on the Subject Block, which is expected to add significantly to the 100 +/- jobs that currently exist on the Subject Block.

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 Block is not expected to adversely affect the overall viability of the *Employment Area*, including the employment uses on the nearby lands that are maintained as *Employment Areas*. The lands designated as *Employment Areas* south of Civic Road, or to the east and west of the Subject Block along the south side of Eglinton Avenue East, do not include employment uses that are likely to create significant negative impacts, such as large-scale manufacturing or logistics facilities that may require separation from sensitive uses, including residential uses. The uses to the east and west of the Subject Block are primarily retail, automotive sales, offices, and institutional uses.

SLR Consulting Ltd. was retained by 1941 Eglinton to conduct a Compatibility/Mitigation Study for the ELCR, focusing on air quality, odour, dust, noise, and vibration, pursuant to the City's requirements under the "Compatibility/Mitigation Study" Terms of Reference in OPA 231. The assessment considered air quality, odour, and dust emissions, as well as noise and vibration from nearby industrial and commercial users and surrounding roadways. The assessment included a review of any major industrial facilities in the area.

Based on the review completed by SLR, the proposed *Mixed Use Areas* designation is anticipated to be compatible with the surrounding land uses.

Air Quality and Odour

The SLR study found that, from an air quality perspective, no adverse impacts from industrial sources in terms of air quality contaminants, dust, and odours are anticipated and no significant air quality mitigation measures are required. The study found that there may be the potential for odour impacts from a nearby asphalt plant, although minor mitigation measures, such as façade and ventilation system designs, can be used to minimize the potential for adverse effects. The study notes that additional analysis should be completed at later stages in the planning process, as part of zoning by-law amendments, or site plan approval applications, to determine the extent of any required mitigation.

The SLR study concludes that the requirements of the MECP Guideline D-6 are met and the ability of employment users to obtain and/or maintain the permits and approvals required from the Ministry of Environment, Conservation & Parks remains.

Noise and Vibration

In terms of the potential for noise and vibration impacts, the study does not anticipate undue noise and vibration impacts from nearby employment/industrial uses on more sensitive land uses on the Subject Block.

Transportation sources of noise and vibration from adjacent roadways and the ECLRT were also considered. The study concludes that a detailed roadway and light-rail noise assessment may be required when proposed buildings are subject to detailed design review. With the inclusion of potential mitigation measures such as upgraded glazing/barriers and warning clauses, adverse noise impacts on the proposed mixed use development are not anticipated.

Further, adverse vibration impacts from LRT activity on the existing Eglinton Crosstown line are not anticipated. Feasible vibration mitigation measures exist that can be included in the building foundation design in the unlikely event that vibration guideline limits are exceeded.

The SLR study generally concludes that applicable guidelines and policies regarding air quality, odour, dust, noise, and vibration are met. The mixed use development of the Subject Block is unlikely to result in:

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

Minimum Intensification and Density Targets

The Altus Group report concludes that the redesignation of the Subject Block from *General Employment Areas* to *Mixed Use Areas* and permissions for high-density mixed-use development will not hinder the ability of the City to achieve the 2051 employment forecast in the Growth Plan. As noted above, the study finds that future employment growth in Toronto will be focused in the major office sector, primarily in the *Downtown* (and periphery), and other designated *Urban Growth Centres* in the Toronto.

In fact, the redesignation of the subject lands to permit high-density mixed-use development will assist in achieving, and exceeding, the minimum density target in the Growth Plan for MTSAs on a new LRT line.

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

There is sufficient existing and planned *infrastructure* and *public service facilities* to accommodate the proposed mixed use redevelopment of the Subject Block.

Servicing

SCS Consulting Group Ltd. was retained by 1941 Eglinton to prepare a Servicing Brief, dated July 14, 2021, to determine whether sufficient servicing capacity exists to support the proposed Employment land conversion request.

Using background materials including the Golden Mile Master Servicing Plan, prepared by Cole Engineering, dated December 2019, and servicing infrastructure drawings obtained from the City of Toronto, the SCS study came to the following conclusions:

- The existing storm sewer system adjacent to the site has sufficient capacity to service a mixed use development on the Subject Block, which will include on-site stormwater management controls implemented for the project.
- The existing sanitary and combined sewer system adjacent to the Subject Block has considerable residual capacity to accommodate mixed use development on the property, subject to further detailed analysis, including an updated Info Works model that would be submitted as part of a zoning amendment application for the development. If deficiencies exist due to the connection from the existing building to the combined sewers, further sanitary capacity can be made available if the existing storm connections are disconnected from the combined system and outlet to the dedicated storm sewer system.
- The existing watermain network adjacent to the Subject Block and a robust water system in the GMSP area are sufficient to accommodate redevelopment, subject to further detailed analysis. A detailed water analysis at the zoning amendment stage will determine if any external water infrastructure upgrades are required.

Transportation

BA Group was retained to review the transportation considerations associated with the Employment land conversion request to redesignate the lands from *General Employment Areas* to *Mixed Use Areas*.

In a report dated July 27, 2021, BA Group concludes that the proposed Employment land conversion request is appropriate from a transportation perspective given that mixed use redevelopment on the Subject Block, at the densities noted above, will have a minimal traffic impact, or potentially a beneficial impact on future traffic operations in the area.

The conclusion is based on a traffic analysis indicating that a mixed use redevelopment at an FSI of 5.0 times the lot area will generate about the same amount of vehicular peak hour traffic that an as-of-right development, with only commercial uses. A mixed use redevelopment at an FSI of 3.2 times the lot area would generate less vehicular peak hour traffic than a redevelopment in accordance with the current proposed policies of OPA 499.

Finally, the BA Group report concludes that the site is extremely well positioned to benefit, and take advantage of, the planned ECLRT, and the active transportation improvements for pedestrians and cyclists under the GMSP.

Community Services and Facilities

The GMSP provides for new community services and facilities, as well as new parks and open space, which is consistent with provincial and municipal objectives to achieve complete communities.

Mixed-use development on the Property will make use of existing community services and facilities in the area, as well as those planned under the GMSP. This redevelopment may also contribute to the provision of these services and facilities through development charges, community benefit charges, and potential additional development requirements, such as parkland dedication. This will be determined at later *Planning Act* stages.

The Final Report regarding the GMSP, dated June 25, 2020, provides for:

- Revitalization and expansion of existing facilities and community agency spaces that serve the area;
- Revitalization and expansion of existing community centres, and the provision of a new community recreation centre within the GMSP area;
- New child care facilities; and
- New school(s).

Nine new parks are planned for the GMSP area to support planned growth. The GMSP provides for the strategic location of these parks to achieve an even distribution and integration with the public realm network. This may be augmented should this Employment land conversion request be granted.

Conclusions and Recommendations

As noted above, 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.

We understand that an invoice for the \$20,000 Employment Areas Conversion Request User Fee will be emailed after a conversion request number has been assigned by the City. Please forward the invoice to:

1941 Eglinton East Holdings Inc.
c/o Mr. Nick Sgro
1941 Eglinton Ave East
Toronto, Ontario, M1L 2M4
Tel: 647-789-3978
Email: nsgro@bell.net

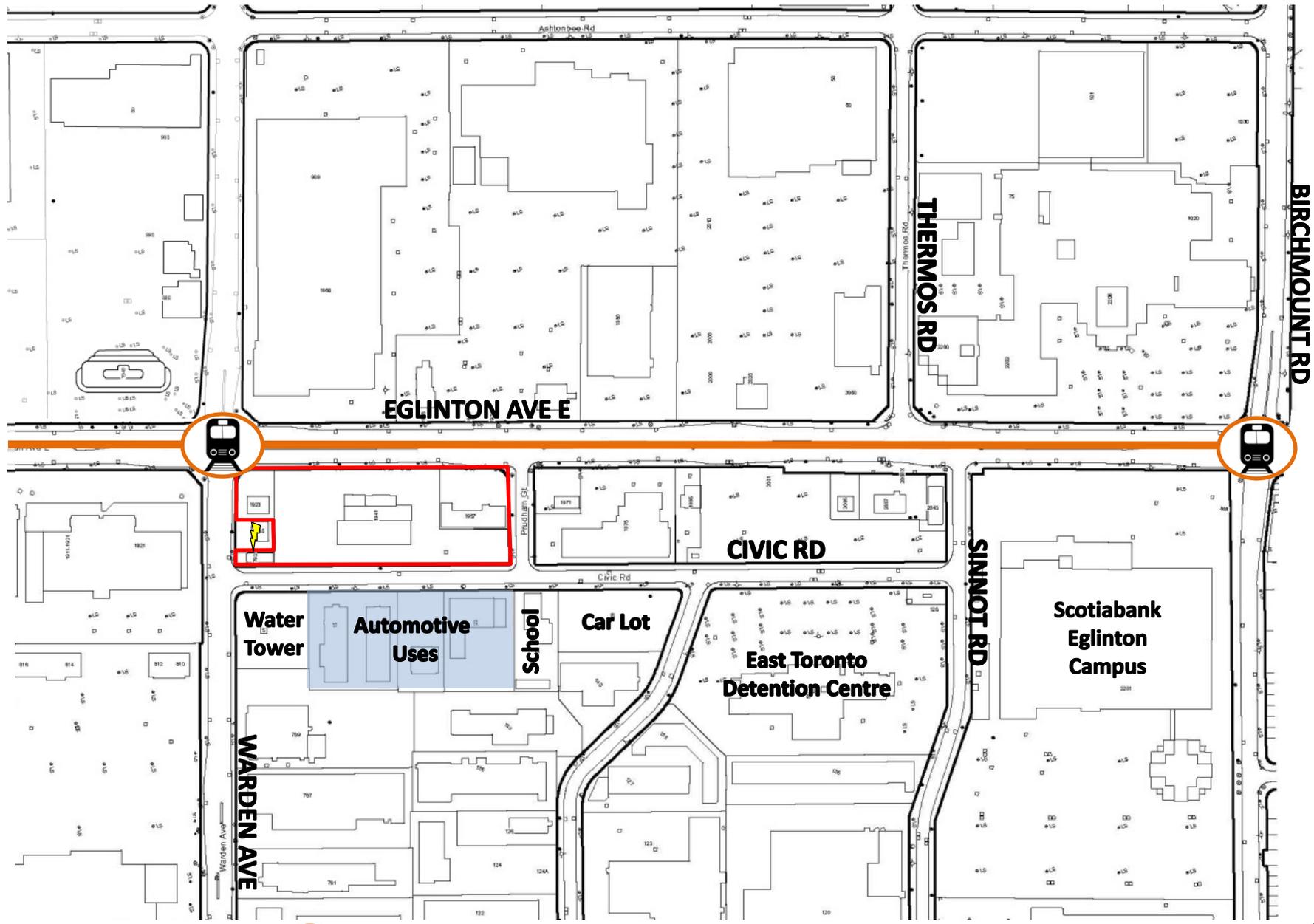
We will make ourselves available should you have any questions or require additional information. Please contact the undersigned at any time.

Yours very truly,
GOLDBERG GROUP



Michael S. Goldberg, MCIP RPP
Principal

Cc: Clients
Mark Flowers, Davies Howe LLP

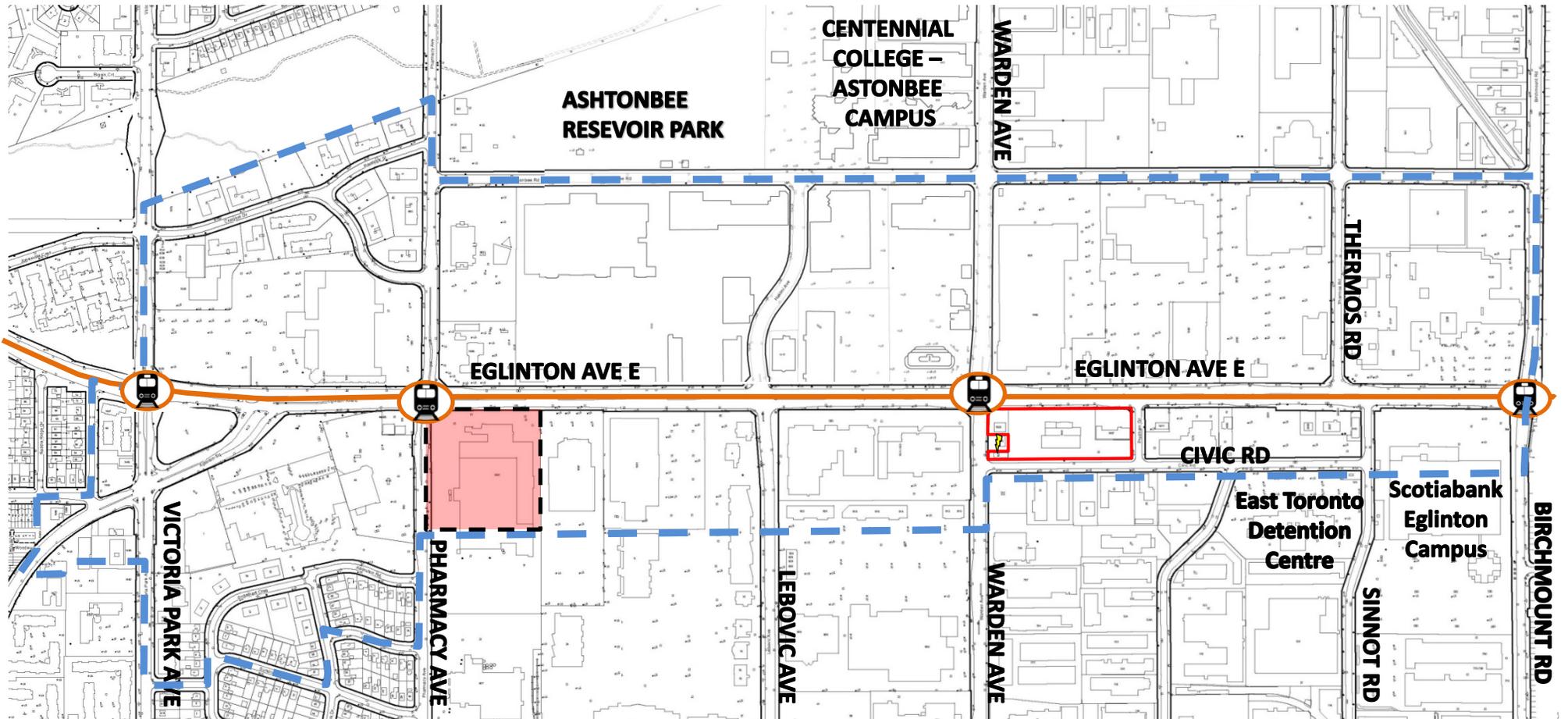


-  Subject Block
-  Eglinton LRT Line

-  Proposed Eglinton LRT Stop
-  Eglinton Crosstown LRT Electrical Substation



ATTACHMENT 1 - LOCATION MAP



Source: City of Toronto Property Data Maps

-  Eglinton LRT Line
-  Eglinton Crosstown LRT Electrical Substation
-  Proposed Eglinton LRT Stop
-  Converted to Mixed-Use Areas by OPA 231
-  Golden Mile Secondary Plan Boundary
-  Subject Block



ATTACHMENT 2 - LOCATION MAP OF THE GOLDEN MILE SECONDARY PLAN



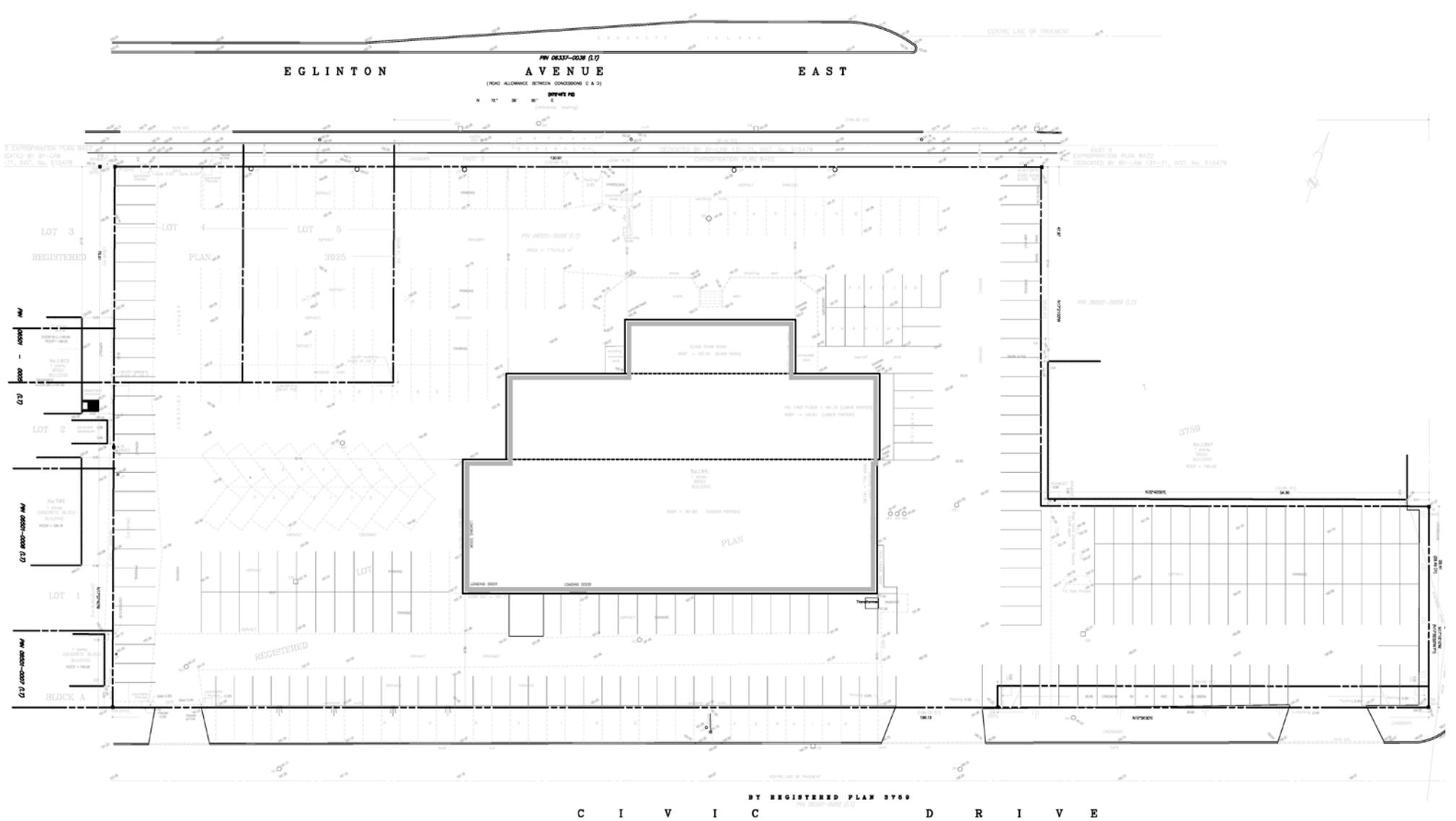
 Subject Block



Source: Google Maps 2020

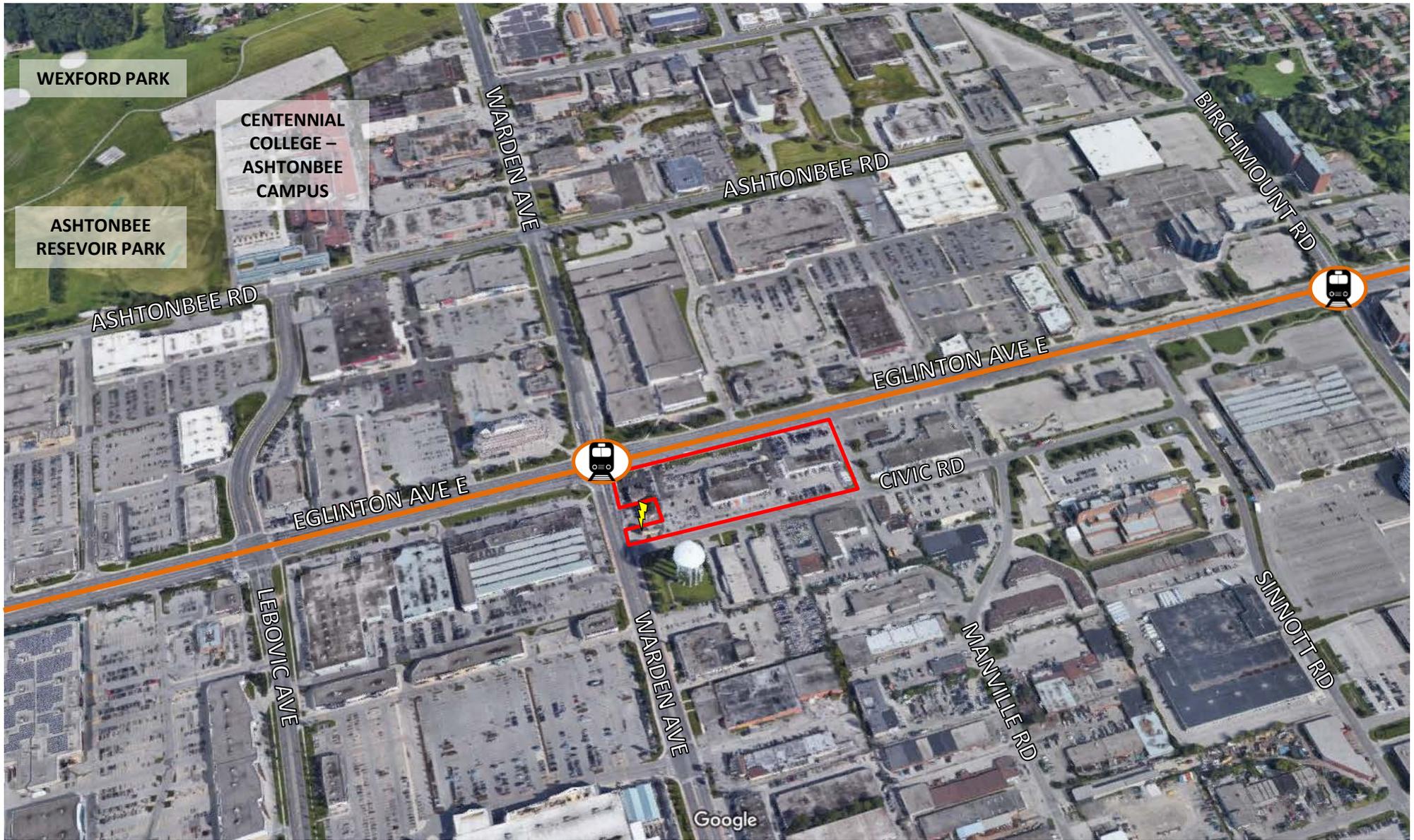
ATTACHMENT 3 - 3D AIR PHOTO of SUBJECT SITE

**GOLDBERG
GROUP**



ATTACHMENT 4 – SURVEY/ SITE PLAN – 1941 EGLINTON AVE E





 Subject Block
 Eglinton LRT Line

 Proposed Eglinton LRT Stop
 Eglinton Crosstown LRT Electrical Substation

Source: Google Maps 2020



ATTACHMENT 5 - 3D AIR PHOTO, AREA CONTEXT

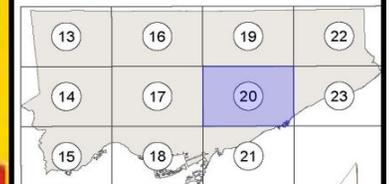


Toronto Official Plan

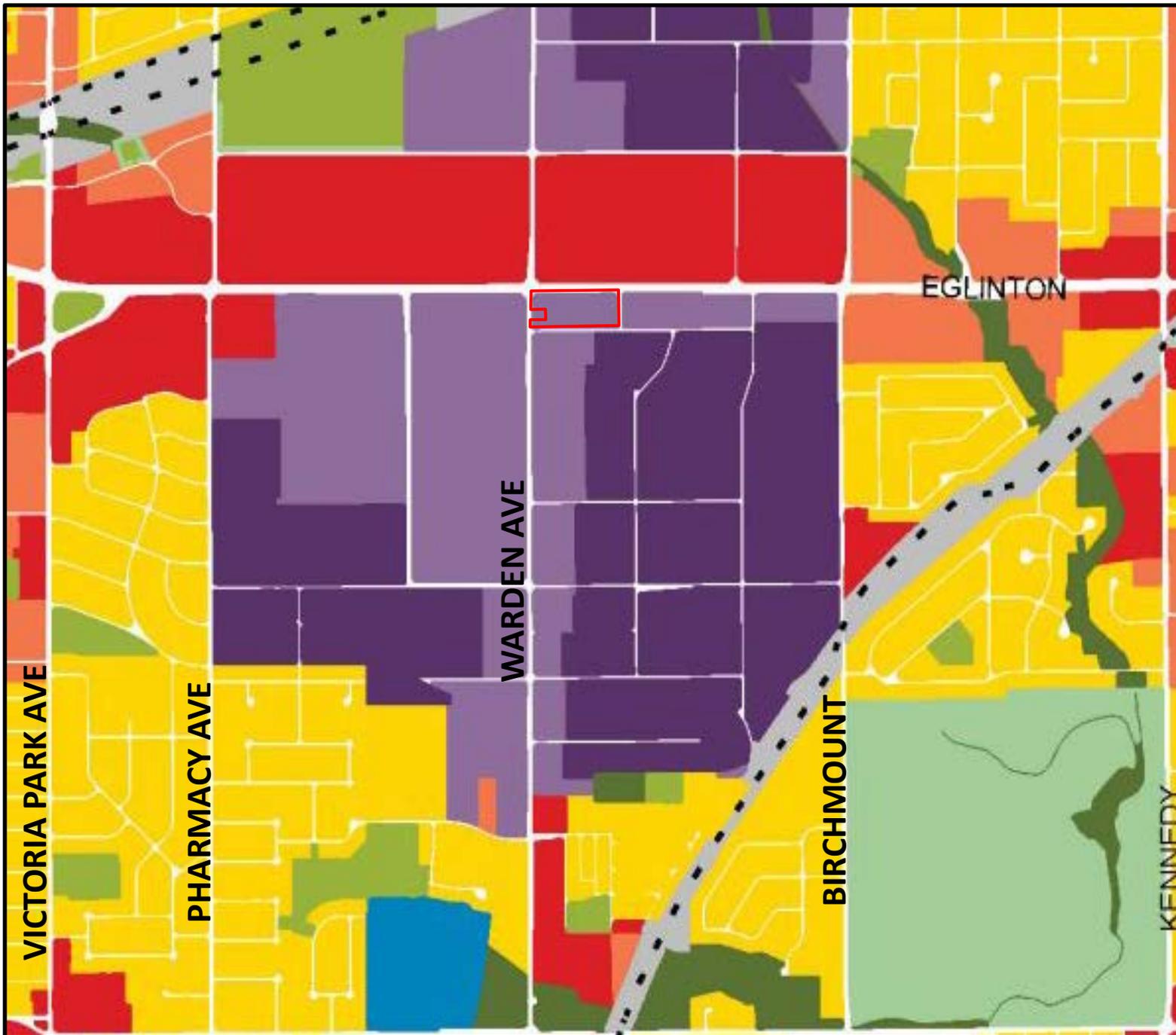
Map 20
Land Use Plan
February 2019

Land Use Designations

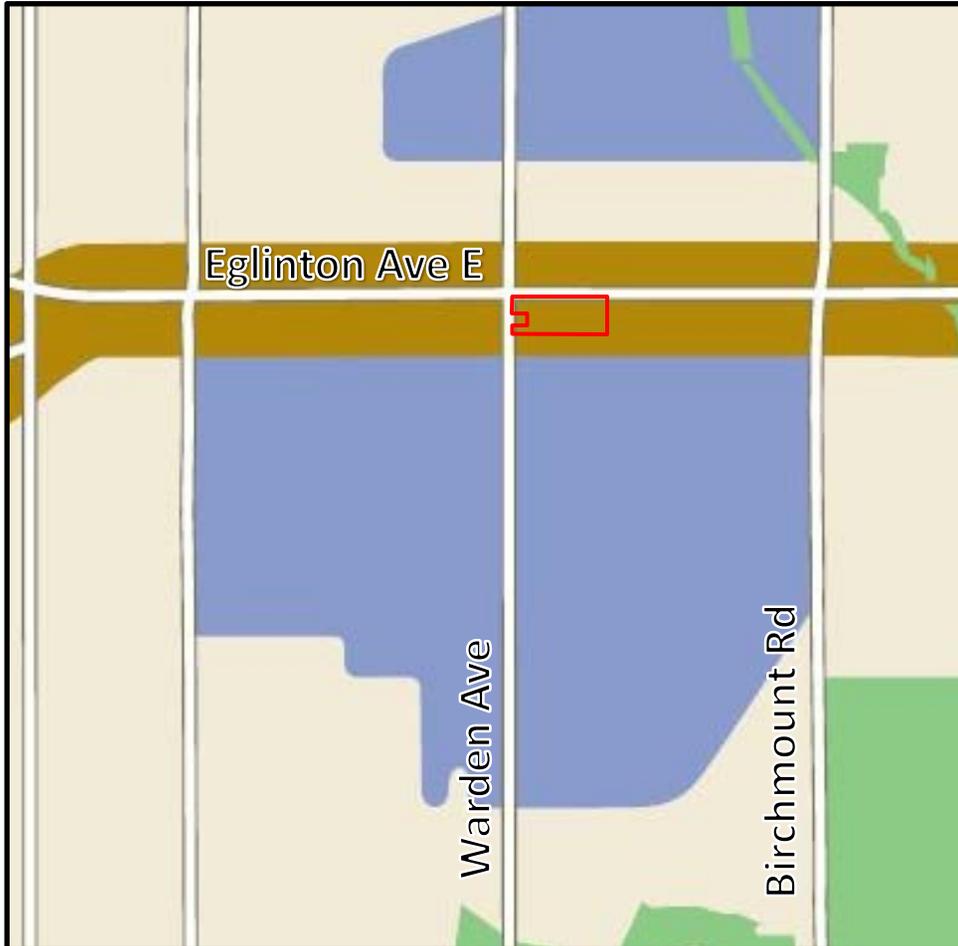
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Natural Areas
- Parks
- Other Open Space Areas (Including Golf Courses, Cemeteries, Public Utilities)
- Institutional Areas
- Regeneration Areas
- General Employment Areas
- Core Employment Areas
- Utility Corridors
- Subject Block
- Railway Lines
- Hydro Corridors



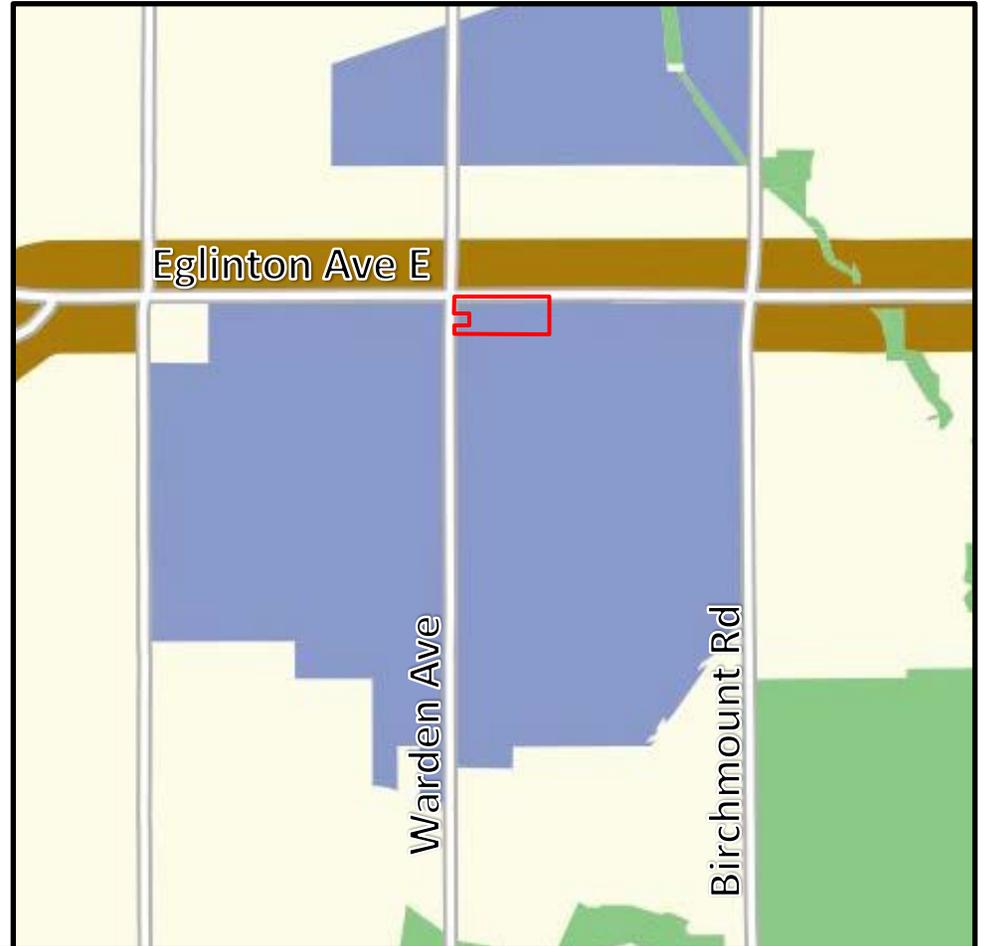
Key Map



URBAN STRUCTURES – MAP 2 (2010 VERSION)



URBAN STRUCTURES – MAP 2 (2019 VERSION)



Avenues

Centres

Employment Areas

Downtown and Central Waterfront

Green Space System

Greenbelt Protected Countryside

Greenbelt River Valley Connections

Subject Block

Not to Scale



DRAFT

Exact locations of streets will be determined through subsequent Environmental Assessment study and/or review and approval of development applications or other implementation mechanisms deemed appropriate by the City.



Golden Mile Secondary Plan

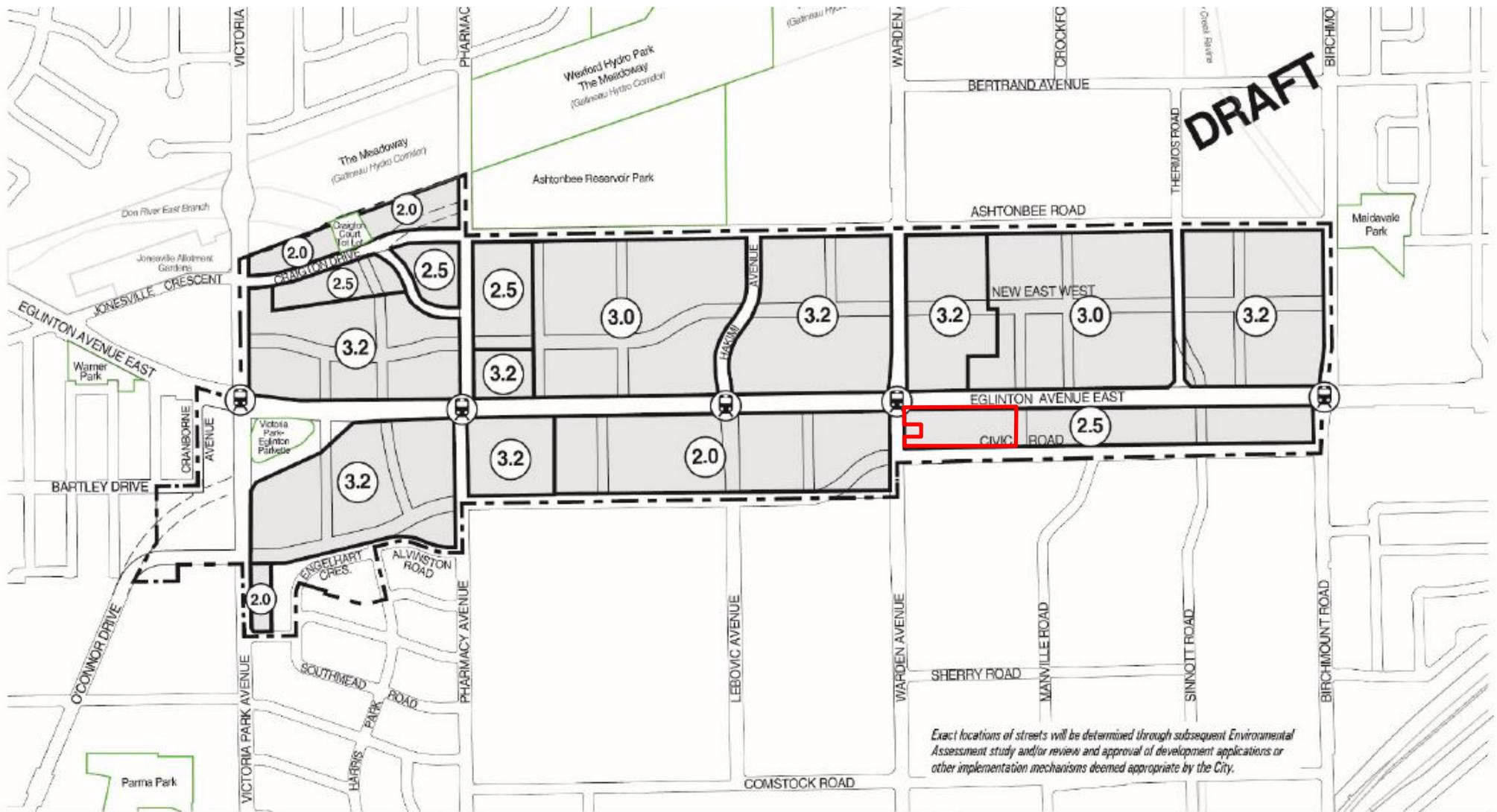
MAP 45-3 Character Areas

- Secondary Plan Boundary
- Existing Street within the Secondary Plan Boundary to be Potentially Realigned/Reconfigured
- Subject Block**
- Transit Node
- Existing Park
- 1** Golden Mile Commercial Gateway
- 2** Mixed Use Transit Nodes
- 3** East Park Mid-rise and Tall Building Community
- 4** West Park and Meadoway Transition Area
- 5** O'Connor Drive Transition Area
- 6** Ashtonbee Transition Area
- 7** Employment Area
- 8** Victoria Park Ave. / O'Connor Dr. - Emerging Main Street Area (Refer to SASP 400, Chapter 7 of the Official Plan)

Not to Scale

ATTACHMENT 8 - GOLDEN MILE SECONDARY PLAN – MAP 45-3





Exact locations of streets will be determined through subsequent Environmental Assessment study and/or review and approval of development applications or other implementation mechanisms deemed appropriate by the City.



Golden Mile Secondary Plan

MAP 45-5 Development Density

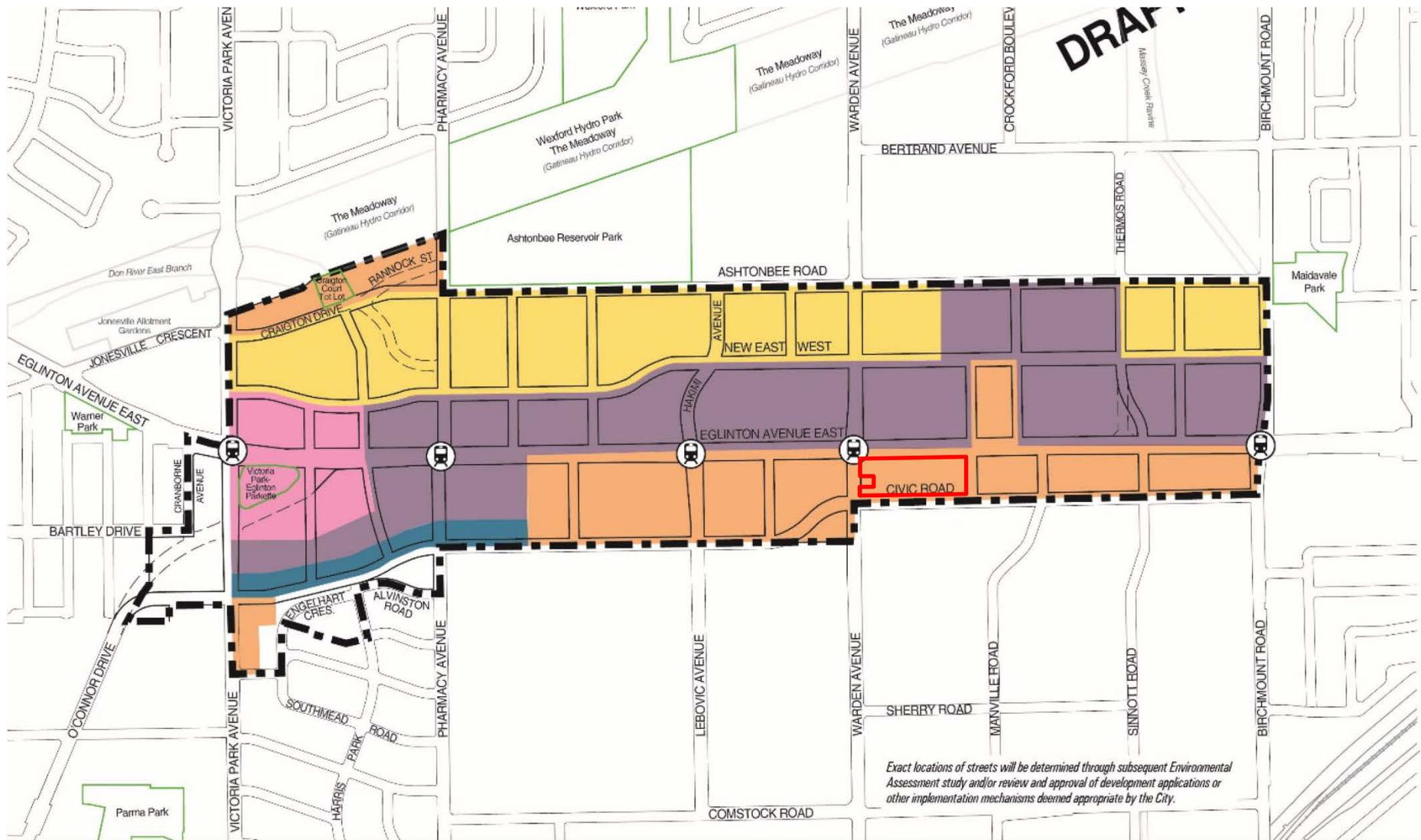
- Secondary Plan Boundary
- Existing Street within the Secondary Plan Boundary to be Potentially Realigned/Reconfigured
- Transit Node
- Maximum Permitted FSI (Gross)
- Existing Park
- Subject Block



Not to Scale

ATTACHMENT 9 - GOLDEN MILE SECONDARY PLAN – MAP 45-5





Exact locations of streets will be determined through subsequent Environmental Assessment study and/or review and approval of development applications or other implementation mechanisms deemed appropriate by the City.



Golden Mile Secondary Plan

MAP 45-13 Building Types and Heights in Character Areas

- Secondary Plan Boundary
- Existing Street within the Secondary Plan Boundary to be Potentially Realigned/Reconfigured
- Subject Block
- Transit Node
- Existing Park
- Primarily tall buildings with some mid-rise buildings (Max 35 storeys)
- Mix of tall buildings and mid-rise buildings (Max 30 storeys)
- Mix of tall buildings and mid-rise buildings (Max 25 storeys)
- Mix of tall buildings and mid-rise buildings (Max 20 storeys)
- Mid-rise buildings (5 - 11 storeys)

Not to Scale