

February 9, 2024

Hon. Paul Calandra
Minister of Municipal Affairs and Housing
777 Bay Street - 17th Floor
Toronto, Ontario
M7A 2J3

Dear Minister Calandra,

Re: Re: Toronto Official Plan Amendment 653
ERO Number 019-7731
Ministry Reference Number 20-OP-238506

Toronto Official Plan Amendment 653 - Conversions
Request for Modifications to Permit Mixed Use Development
McCowan Major Transit Station Area
4570 Sheppard Avenue East

We act for 2546229 Ontario Ltd. with respect to the lands at 4570 Sheppard Avenue East. The subject lands are within Site and Area Specific Policy 793 established by Toronto Official Plan Amendment 653.



We are writing to request that the policy be modified to designate the lands Mixed Use Areas (in part) to allow development to proceed and achieve intensification in a Major Transit Station Area. This submission is also accompanied by a planning opinion from Bousfields, a Land Use Compatibility Study from GHD, and a Noise and Vibration Study from Valcoustics.

City of Toronto Official Plan Amendment 653 adopts conversions to a number of locations across the City. Many of the sites in Official Plan Amendment 653 received full conversions to mixed use designations. However, some (like 4570 Sheppard Avenue East) were only converted to “Regeneration Area” - a kind of planning purgatory where the City agrees that mixed use designation is ultimately appropriate, but then wraps the property in procedural red tape in the form of a requirement for a secondary plan development process to be completed before any applications for housing can be entertained. The Regeneration Area designation is tantamount to imposing a five to ten year delay and enormous process costs on future residential development.

We are requesting that the Minister modify Official Plan Amendment 653 to designate lands in Site and Area Specific Policy 793 as Mixed Use Areas to benefit from opportunities to deliver meaningful housing in the unique geography and built-environment of the McCowan Major Transit Station Area. This Major Transit Station Area represents the terminus on one of the Province’s four major Subway expansion projects, the core of Ontario’s unprecedented transit investment.

Such modification will help to accelerate the process of approving intensification applications. It will deliver housing and economic activity consistent with the provincial vision, with less excessive process, and in a faster time frame.

The proposed designation of the lands as Regeneration Area, as adopted by the City in Official Plan Amendment 653, will result only in effectively freezing the lands in their current vacant state for many years, and subject them to a substantial process delay through an unnecessary Secondary Plan process. It will cause substantial financial costs, raising housing prices and limiting the supply of housing at this critical Major Transit Station Area at the terminus of one of the Province’s key four priority subway expansion projects.

Modification of the policy to designate part of the lands as Mixed Use Areas will allow the delivery, at a much earlier date, of a critical amount of housing at a key Major Transit Station Area where the Province is investing literally billions of dollars in transit infrastructure - in the McCowan Major Transit Station Area.

We are requesting that the following modifications be made to Official Plan Amendment 653:

1. Modify paragraph (B) by redesignating “4630 and 4570 Sheppard Avenue east (portion of)” from *General Employment Areas* to *Mixed Use Areas* and *General Employment Areas* on Map 19, Land Use Plan.

2. Modify Tile 14, appended to the amendment as Appendix 2, to modify the land use designation on the southern portion of the lands at 4630 and 4570 Sheppard Avenue East from *Regeneration Areas* to *Mixed Use Areas*.

3. Modify footnote 3 to paragraph (B) to read as follows:

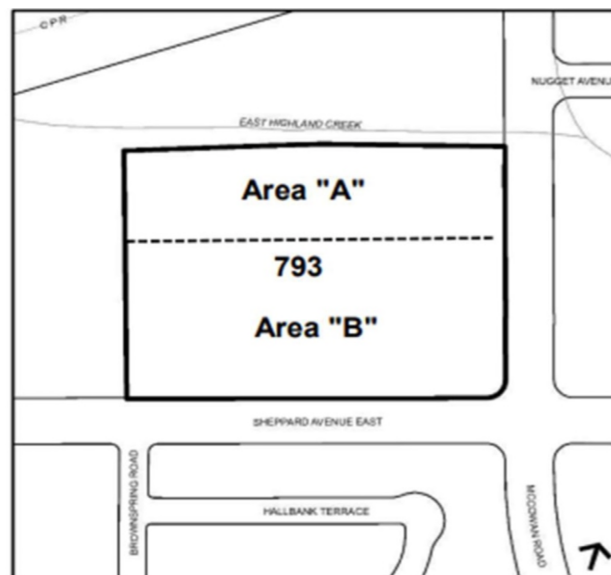
“The boundaries of the land use designations on map 2, Urban Structure and Map 19, :and Use Plan respecting the lands at 4630 and 4570 Sheppard Avenue East are general and adjustments to the boundaries may be made through the submission of a Zoning By-law Amendment application.”

4. E) Chapter 7 Site and Area Specific Policies is amended as follows:

...

(ii) Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy 793, and the associated map below, for the lands known municipally in 2022 as 4630 Sheppard Avenue East & 4570 Sheppard Avenue East, as follows:

793. 4630 and 4570 Sheppard Avenue East



a) Area “A” will remain designated as *General Employment Areas* and the southern boundary of this designation will be determined through a Zoning By-law Amendment in accordance with the provisions set out below.

b) Area “B” is designated as *Mixed Use Areas*.

c) All uses permitted under the *General Employment Areas* designation and the *Mixed Use Areas* designation on Area “B”, including interim uses, with the exception of residential uses, overnight accommodations, and live-work uses, are permitted on the lands prior to the completion of the studies and plans described in paragraphs d), i), j), and k) below.

d) Sensitive land uses will be located, designed and buffered to mitigate impacts from, be compatible with, and not impede the continuation of and the expansion of nearby employment uses, including concrete batching operations, and any new employment uses within the surrounding *Core* and *General Employment Areas*. If sensitive land uses are proposed on lands labeled Area “B”, they may be permitted through a Zoning By-law Amendment application if it can be established that compatibility and mitigation concerns are adequately addressed. Council may approve such a Zoning By-law Amendment application if it is satisfied, having regard for applicable environmental regulations and guidelines and receiving or securing necessary technical studies, that compatibility will be achieved and maintained between any proposed land use and lands designated as *General* or *Core Employment Areas* with regard to noise, dust, odour and air quality so as to achieve the goals of:

i) Preventing undue adverse impacts from proposed land use on the concrete batching facilities and other lands designated *General* or *Core Employment Areas*;

ii) Preventing the potential for undue adverse impacts on the new land uses from the concrete batching facilities and other lands designated as *General* or *Core Employment Areas*;

iii) demonstrating that no adverse impact will result on surrounding *Employment Areas* and compliance to all Provincial and municipal policies and guidelines, including the D-Series Guidelines and Environmental Noise Guidelines NPC-300, as amended or replaced, and that such analysis shall included noise, air quality, and lighting studies; and

iv) identifying the influence area of all stationary noise sources and resulting mitigation measures.

e) The Zoning By-law for the lands may include phasing requirements.

f) Any new development containing residential units on the lands will secure a minimum amount of affordable housing as follows:

i) if a condominium development is proposed, a minimum of 7 per cent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 per cent of the total new residential gross floor area shall be secured as affordable rental housing;

ii) the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit;

iii) the unit mix of affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families; and

iv) if a purpose-built rental development is proposed there is no requirement for affordable rental housing.

g) The provision of affordable housing required by policy f) shall be secured through one or more agreements with the City.

h) If an Inclusionary Zoning By-law takes effect and becomes applicable to any development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy f) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of policy f) above.

i) Prior to the enactment of a Zoning By-law Amendment for the lands, the following plans, strategies and guidelines may be required:

i) A Land Use Plan that delineates the boundaries between *Mixed Use Areas* and *General Employment Areas*. The Land Use Plan will:

A) inform building heights and densities across the lands;
B) determine the minimum employment gross floor area, which will exceed the existing employment gross floor area; and
C) determine the list of permitted non-residential uses as well as maximum percentages of these uses that contribute to the employment gross floor area.

ii) A Phasing Strategy and Implementation Plan to provide for the sequencing of development, including the provision of infrastructure and services.

A) the Phasing Strategy must set out the amount of non-residential gross floor area to be constructed in each phase, prior to, or concurrent with residential gross floor area to provide a balance of employment and residential growth in all phases of development.

iii) A Community Services and Facilities Strategy that identifies community space and facilities needs and sets out priorities to support growth which may include potential locations and phasing as well as opportunities for co-location.

iv) A Block Context Plan that applies the City's "Complete Streets" principles and establishes a network of public streets, development blocks, pedestrian and cycling facilities and connections, and parks and open spaces that contributes to a safe, comfortable and connected public realm.

v) A Parks and Open Space Plan that identifies locations of new public parks.

vi) Urban Design Guidelines that set out the framework for the appropriate built form.

vii) An Infrastructure Master Plan that identifies water, sanitary, stormwater and hydro infrastructure requirements and development strategy.

viii) A Green Infrastructure Strategy that includes consideration of low impact development, stormwater management systems, and trees.

ix) A Transportation Analysis that includes consideration of the Nugget Avenue extension and the impacts of the change in use on goods movement in the larger area of employment.

x) A Commercial Demand Analysis that considers market needs in the area for commercial non-residential space, such as office and retail uses, which are compatible with sensitive uses and can inform the level of employment gross floor area required to meet the demand.

j) As part of a complete Zoning By-law Amendment application for the lands, a Rail safety and Rail Mitigation Report shall be submitted, peer reviewed and implemented to the City's satisfaction, and reviewed by the applicable rail operator.

k) As part of a complete Zoning By-Law Amendment application, a Compatibility/Mitigation Study shall be submitted that will be peer reviewed, at the applicant's expense, and implemented to the City's satisfaction.

l) Class 4 Designation

The lands designated as Mixed Use Areas are designated a Class 4 area under Ministry of Environment Guideline NPC-300.

These additional modifications will allow residential and mixed use intensification to take place.

In the alternative, we are requesting that this matter be referred to the Ontario Land Tribunal for a hearing to determine the appropriate designation and policies for these key lands.

Full Conversion of the Site at 4570 Sheppard East Will Not Close A Single Business or Cause Any Job Losses As Site is Vacant - Regeneration Area Designation is Not Appropriate in Planning Terms

Since the 4570 Sheppard Avenue East site is currently vacant, its full conversion to Mixed Use Areas will not cause the closure or relocation of any existing business, and will not result in a single job loss. On the contrary, full conversion will result in significant new jobs on site, and in a significant addition to the supply of new homes - all in an ideal transit-related location.

A key element of the planning logic underpinning Regeneration Area designations is that such areas are undergoing transition away from traditional employment (manufacturing and warehousing). The intention is to allow the interim operation of many of the transitional uses - which are often declining, or more marginal enterprises taking advantage of low rents in existing older buildings.

No such transitional use situation applies in the case of 4570 Sheppard Avenue East. The lands are currently vacant. Full conversion to mixed use will not close a single business. No jobs will be lost. The transitional use planning logic that underpins the Regeneration Area designation concept simply does not apply to this location. The only consequence of the Regeneration Area designation is to delay new housing and jobs for years, while significantly adding to the cost of the housing when it will eventually be built. Moving directly to a Mixed Use Areas designation is the logical planning approach for the 4570 Sheppard East site.

McCowan Major Transit Station Area Represents a Logical Location for Residential Intensification as the Terminus of One of Toronto's Two Largest Subway Lines - Major Intensification is Required to Optimize Public Investment in Infrastructure

The McCowan Major Transit Station Area is based around what will be the terminus station of the TTC's Line 2, at Sheppard Avenue. Sheppard/McCowan is the end point of Ontario's 7.8 kilometre Scarborough extension on Line 2 - which will extend all the way to Kipling Avenue in Etobicoke when it is completed.



Figure 7: Proposed Scarborough Subway Extension (★- Subject Land)

The forecast cost of the 3 station Scarborough Subway extension of Line 2 was \$5.5 billion, when announced in 2018. With that amount of public investment in this priority transit infrastructure, and at this key terminus location of Line 2, it is essential from a provincial planning policy perspective to make efficient use of that public investment.

Policy 1.1.1 e) of the Provincial Policy Statement speaks in particular to the need for the “optimization of transit investments” when making land use planning decisions.

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1. Healthy, liveable and safe communities are sustained by:

...

e) 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;

To implement the policy statement above, and optimize the massive transit investment in the TTC Subway Line 2, it is essential to establish meaningful opportunities for residential intensification at the McCowan Major Transit Station Area.

Current Minister Has Publicly Committed to Delivering Residential Intensification Along Transit Lines - Designating 4570 Sheppard Avenue East (in part) as Mixed Use Area Will Allow this to Happen in the McCowan Major Transit Station Area

The current Minister has indicated that the Province will be looking to Major Transit Station Areas to be the locations where increased densities can deliver the significant new housing that the Province is seeking to achieve. As the Minister has said, “There has to be an expectation that we will build more density” in such Major Transit Station Areas.

The Minister has emphasized, in particular, the importance of making provision for significant residential development in locations where the Province is making significant investment in transit infrastructure. There is no location more representative of such investment than the McCowan Major Transit Station Area, which serves as the terminus of the Scarborough Subway extension, which is currently under construction.

The lands covered by Site and Area Specific Policy 793 (4630 and 4570 Sheppard Avenue East) represent some of the best potential for this Major Transit Station Area to achieve new housing intensification. The vacant status of 4570 Sheppard East, in particular, represents an opportunity to move forward on such construction on an early basis. However, in order to do so, the lands must be designated as Mixed Use Areas.

Major Transit Station Areas Have Been Established in the Planning Act as Locations Where the Province Envisions Intensification and Concentrations of Population and Jobs that Will be Transit-Reliant

Previous provincial Governments amended the Planning Act introducing sections 16 (15) and (16) which provide for the establishment of Protected Major Transit Station Areas. Among other things, these sections include provisions requiring the establishment of minimum densities in these areas. To reflect the priority that the Province places on the importance of delivering growth in the Protected Major Transit Station Areas, the statute does not permit appeals to the Tribunal of any of the minimum density policies. The policy direction inherent in these changes has been maintained by the current Government.

At the time the Planning Act changes were presented to the Legislature, the Minister outlined the objectives as follows:

“To make the best possible use of our government’s transit investments and to help support municipal control over local planning, we are proposing a new planning tool that municipalities can use. This tool would allow municipalities to designate and zone protected major transit station areas. The province or an approval authority would approve these policies when they’re being put in place and whenever they are being changed. When the municipality designates these areas, there would be no appeal of the official plan policies on the number of residents and jobs in the area or on building densities and heights. Once designated, the municipality would zone for density and height requirements meant to support transit service.”

“There would only be limited opportunities to appeal the zoning requirements. Zoning would need to conform with the provisions and standards set out in the official plan and provincial plans and policies. Municipalities would be able to plan for and develop transit-supportive densities to ensure that they have residents close to transit to encourage the transit ridership that makes the operation of transit cost-effective.”

The clear intention of the new statutory provisions was to smooth the way for the intensification of areas around transit stations. This was seen both as a sound planning approach that will reduce congestion, and a way to encourage use of public transit. This was also seen as a way of ensuring that public investment in transit infrastructure was then used efficiently by ensuring development in the vicinity of stations.

Provincial Growth Plan Emphasizes that the Policy Direction of Major Transit Station Areas is to Deliver a “High Level of Employment and Residential Densities”

The Growth Plan for the Greater Golden Horseshoe even more clearly establishes that the provincial objective behind the establishment of Major Transit Station Areas is to achieve intensification and mixed use development around transit stations.

Policy 2.2.4 specifically addresses Transit Corridors and Transit Stations. Policy 2.2.4.8 requires that all Major Transit Station Areas “be planned and designed to be transit supportive”. The Growth Plan defines transit supportive as: “Relating to development that makes transit viable and improves the quality of the experience using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. ...”. The clear policy objective is to see higher densities encouraged through the use of minimum density designations.

However, the City of Toronto’s approach in Official Plan Amendment 653, delaying development in the McCowan Major Transit Station Area through use of the Regeneration Area designation, cannot be considered in any way to be encouraging meaningful mixed use intensification and the higher densities of development contemplated by the Growth Plan.

Ontario's Housing Action Plan Highlights the Importance of Higher Densities Around Transit Stations

The current Government has been moving aggressively to address the housing supply crisis in Ontario. Throughout, the Government has emphasized the importance of development around transit stations to deliver meaningfully to the supply of housing, in the right places.

In November 2022, the Minister released an updated version of the Provincial Housing Supply Action Plan, entitled "More Homes Built Faster". The plan includes the following:

"Density near transit hubs"

"Adding more basement apartments will help, but we need to enable more density to truly address the housing crisis. The logical place to put more housing is near major transit hubs, so people can easily get to work, school and back home. Once the minister approves the key development policies for major transit hubs, we're proposing to require municipalities to update their zoning by-laws within one year to help get shovels in the ground faster."

The province has stated clearly that intensification at Major Transit Station Areas is "the logical place to put more housing".

The section from the Housing Supply Action Plan also emphasizes the role of the Minister in ensuring that the "key development policies for major transit hubs" are in place. As such, it is important for the Minister to exercise his powers of modification when considering policies like those in Toronto Official Plan Amendment 653 to ensure housing intensification is able to happen in major transit station areas.

It is also significant that the Housing Supply Action Plan identifies the need for official plan policies and zoning to be in place quickly to "get shovels in the ground faster" in delivering housing at transit station areas. The approach of the City, through the Regeneration Area designation and resulting delays, seeks to do exactly the opposite. Toronto is creating a situation where the further Secondary Official Plan process (and the years of related studies) are required even before applications for the development can be made.

The hoped for transit supportive development approvals can be achieved only years after the Secondary Plan process contemplated by the Regeneration Area designation is complete, further delaying the delivery of that housing supply. Simply put, the City's Official Plan Amendment 653, Site and Area Specific Policy 793, creates a need for additional process, rather than achieving the provincial objective of moving towards residential intensification allowing the construction of housing to proceed with less red tape and process delays.

McCowan Major Transit Station Area has Unusual Geography and Local Built Environment - 4570 Sheppard Avenue East is Well-Positioned to Aid in Achieving Intensification Objectives of this MTSA

The McCowan Major Transit Station Area has unique and unusual geography. The amount of land with residential intensification potential is limited by the fact that the McCowan Station is located at the corner of a large Provincially Significant Employment Zone.

The 4570 Sheppard Avenue East site is tucked into the southwest corner of a Provincially Significant Employment Zone. The lands across Sheppard to the south are residential. The lands to the west are occupied by a paramedic services station and a fire station. The result is that this location is well-suited to accommodate considerable intensification in the major transit station area without adversely affecting the major employment area further to the north and east. The subject lands, and the 4630 Sheppard Avenue East Canadian Tire site next door at the corner of McCowan and Sheppard, together, are ideally suited to contribute to fulfilling provincial objectives for intensification at this particular major transit station area.

There are limitations to the opportunities to achieve meaningful intensification in appropriate locations in this Major Transit Station Area. The key location to achieve intensification in the area is composed of these two parcels on the north side of Sheppard, west of McCowan, and in close proximity to the subway station at McCowan and Sheppard.

Development Concept for 4570 Sheppard Avenue East Would Provide 837 Jobs

The current 4570 Sheppard Avenue East site is vacant, and no jobs exist on site - despite the employment designation. This has been the case for several years.

However, the development proposal for 4570 Sheppard Avenue East includes an office building at the north end of the site, providing an appropriate non-sensitive use relationship to the neighbouring ready-mix industrial site.

The proposed office building would be 10 storeys in height. It is forecast to accommodate 837 jobs, in this mixed use development, in close proximity to the subway. Once the subway extension is in place, it is anticipated that such office use here may be viable in a mixed use development.

That 837 jobs forecast is considerably more than the complete absence of any jobs under the current condition, or the 178 jobs that might be produced should the site be developed for retail uses similar to the current development next door to the east.

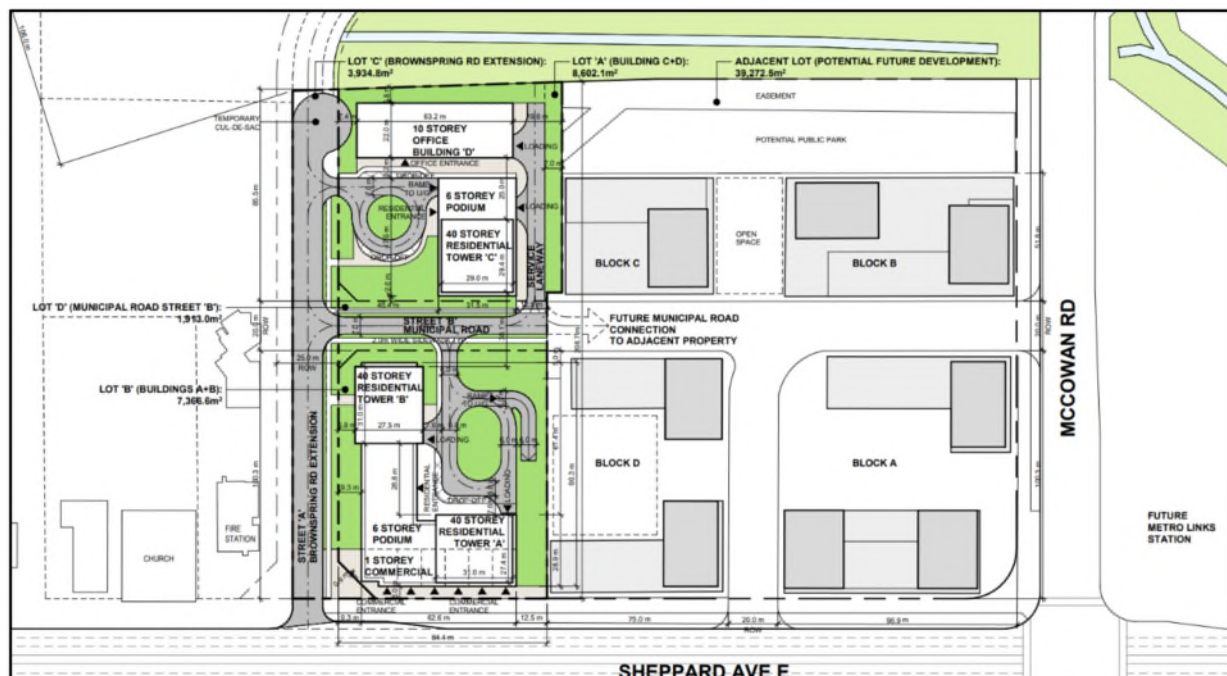


Figure 11: Conceptual Site Plan

4570 Sheppard East Site Offers Potential to Deliver Significant Housing Supply - Development Concept Delivers 1,515 Units of Housing

The proposed development concept offers the potential for a significant addition of new housing supply in an ideal location - in a Major Transit Station Area. The proposal would ultimately yield a total of approximately 1,515 residential units. About 10%, or 151 units, are anticipated to be three bedroom, suitable for larger families.

Before the residential component can proceed, a conversion from the existing employment designation will still be required. Such a conversion is being actively sought by the owners. This submission seeks a Mixed Use Areas designation on the lands to facilitate the residential intensification of the site.

The requested modifications to the Official Plan Amendment will lay the groundwork to facilitate the construction of housing which will offer an opportunity for new homes for 1,515 families, and a healthy addition to the supply of housing in the province.

Area Has Community Services and Infrastructure to Support New Intensified Residential Development

In addition to the nearby future McCowan subway station, a bus route runs in front of the site on Sheppard. Long term planning suggests that the Sheppard Subway line will eventually be extended to intersect with Line 2 at McCowan Station. Currently, a number of bus routes run along McCowan. The Province foresees the location becoming a broader transit hub for routes to further destinations - transit connections to the GO bus service, Durham Region Transit bus service and local TTC bus connections.

The McCowan Major Transit Station Area enjoys many amenities and community services.

Local schools include CD Farquharson Jr. PS, St. Elizabeth Seton Catholic School, and White Haven PS.

A cluster including St. Bartholomew Catholic School, Alexander MacKenzie PS, Agincourt Collegiate, the Agincourt Tennis Club, The Agincourt Lawn Bowling Club, Agincourt Arena, and the Agincourt Recreation Centre, is located about 600 metres from the site. The recreation centre, recently rebuilt after a fire, includes a swimming pool, waterslide, sauna, hot tub, multi-purpose rooms, craft rooms, and a kitchen.

The area has an abundance of park and recreation offerings starting with Farquharson Park (featuring five ball diamonds), McDairmid Woods park (with tennis courts), Snowhill Park, White Haven Park (with playground and splash pad), and Commander Park Arena (with two ice rinks).

Abundant shopping (including major supermarkets and drug stores), restaurant and service offerings can be found nearby along Sheppard Avenue and McCowan Road. The Scarborough Town Centre Regional Shopping Centre is a short distance to the south, at McCowan and the 401.

The future residents of the McCowan Major Transit Station Area can expect to enjoy active and varied lifestyles in a positive complete community.

4570 Sheppard Avenue East Satisfies the Growth Plan Criteria for Conversion

In order to facilitate the development of the land to deliver residential intensification, a Mixed Use Areas designation is required. This submission is requesting a modification to the Site and Area Specific Policy Area 793 to designate the subject lands as Mixed Use Areas. This would be a full conversion of the southern portion of the land from employment. (It is important to observe that the Regeneration Area designation also represents a conversion - however, it wraps the conversion in years of red tape and duplicative process requirements). Conversion is permitted under the Growth Plan in the context of a Municipal Comprehensive Review. Toronto OPA 653 is an amendment that is part of the Municipal Comprehensive Review Process.

Policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe sets out the tests for approval of a conversion:

- A) need
- B) lands not required for purpose designated
- C) sufficient lands maintained in municipality for forecast employment growth
- D) proposed uses will not affect the overall viability of employment area
- E) Infrastructure and public services are available

The 4570 Sheppard site satisfies the required provincial criteria for approval of conversion.

NEED - There is a clearly demonstrated need for additional housing. Ontario is undergoing a serious housing supply crisis - which is reflected in escalating housing prices. This site is well-located to contribute to satisfying the need for housing.

LAND NOT REQUIRED FOR EMPLOYMENT - The subject lands have not functioned as an employment use for many years. The site is currently vacant. The lands are no longer contemplated or required for employment uses. The conversion of the site will not result in the displacement of a single manufacturing or warehousing business or job. In fact, approval of the conversion will actually dramatically increase the number of jobs on site. At the same time, it will be adding considerable housing potential - which would create additional population, which in turn will result in additional community-based jobs. The conceptual development plans associated with this conversion request will accommodate approximately 837 jobs - a significant increase from the vacant condition on the site today.

SUFFICIENT OTHER LANDS MAINTAINED FOR EMPLOYMENT - While the subject lands are not appealing to prospective employers, there are abundant other lands in Toronto that can better serve that purpose. The Toronto Planning Staff recommendations in the municipal comprehensive review have identified that much land can be converted away from employment without adversely affecting the overall supply of appropriately located employment lands to meet the needs of the market. If the 4570 Sheppard lands remain designated as employment, they will likely still not develop to meet the need for employment lands, as the site is apparently not what the market is seeking. Thus, there are sufficient and more appropriate lands available in Toronto to meet employment needs to the Growth Plan 2051 horizon and beyond.

NO IMPACT ON VIABILITY OF OTHER EMPLOYMENT AREA - The subject site conversion will in no way destabilize any other employment uses in the vicinity. The site design ensures that proposed sensitive residential uses will not compromise the Ministry of Environment's Land Use Compatibility Guidelines, if the lands were to develop for mixed use purposes including residential. A land use compatibility study from GHD has confirmed that the site can be developed with appropriate distance and mitigation from the ready-mix plant to the north. Finally, as the site is at the south west corner of the employment area, there will be no impact on the viability of the employment area in the vicinity.

SUFFICIENT INFRASTRUCTURE AND PUBLIC SERVICES - The 4570 Sheppard Avenue East site is well-served by infrastructure. In an earlier section, this submission has outlined the substantial community infrastructure in this area including schools, parks, recreation facilities, community centres, shopping and other daily consumer services. Overall, the site is well-served by infrastructure, and by public services required by residents.

In conclusion, it is clear that the proposed conversion satisfies the tests under policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe to allow conversion from employment land to other uses including residential.

Emerging Provincial Policy Reinforces That Mixed Use in the Appropriate Designation for this Site

Under the recent amendments to the Planning Act (not yet proclaimed), the definition of Employment Area is being more narrowly defined to focus protection on manufacturing and warehousing uses. Proposals for employment in office uses (such as reflected in this proposal, with the northern office building, and the proposed residential) will now be more appropriately captured through a Mixed Use Area designation, as this request proposes.

There is no suggestion from any party that the subject site should be maintained for manufacturing or warehousing.

Similarly, the proposed Provincial Planning Statement will introduce a new test for conversions. The proposed new test is clearly satisfied by this proposal:

NEED - The need for housing is clear, and especially so at this Major Transit Station location. The lands are not required for employment over the long term, as they already do not perform that function, and the location is not suitable for the type of employment contemplated by the new Employment Area definition.

IMPACT ON EXISTING EMPLOYMENT AREA AND LAND USE COMPATIBILITY - The proposed conversion will not affect the viability of the broader employment area. The new proposed provincial direction leans heavily on questions of land use compatibility. The attached GHD Land Use Compatibility report confirms that actual measurements on-site confirm that the potential compatibility consideration of greatest concern (ambient air quality) has readings well below the provincial standards. Compatibility is properly addressed.

INFRASTRUCTURE AND SERVICES - As noted above, the area is ideal for residential intensification, at a key Major Transit Station Area representing the terminus of the Scarborough Subway now under construction. In addition, the area has an abundance of services available for future residents.

The proposal for this site clearly satisfies the proposed new tests for a conversion under the emerging provincial policy framework. The most appropriate designation for this land is Mixed Use Area.

Site and Area Specific Policy 793 Should Include a Class 4 Designation

The NPC-300 Ministry of the Environment Guideline is the document that governs the regulation of Land Use Compatibility with respect to land use approvals and noise impacts. The Class 4 designation that it includes exists primarily to allow existing industries that constitute stationary noise sources, to ensure that they will be able to have objective standards to meet, in order to continue to operate - even after sensitive land uses like residential are introduced into the area. A secondary, and related purpose, is to ensure that residents in the future sensitive uses have a satisfactory and predictable noise environment, with appropriate sound levels, and desirable mitigation measures where appropriate.

The Class 4 designation was established to manage the increasing frequency of residential development in proximity to stationary industry that might produce noise - such as the adjacent concrete plant.

The following is the definition of a Class 4 area in the provincial Guideline:

"Class 4 area"

means an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- is an area intended for development with new noise sensitive land use(s) that are not yet built;*
- is in proximity to existing, lawfully established stationary source(s); and*
- has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.*

Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.

The details of NPC-300 establish that the decision to formally confer a Class 4 designation is in the full discretion of a land use planning authority such as the Minister making modifications to an Official Plan Amendment.

An Environmental Noise Feasibility Report dated July 27, 2021 was prepared by Valcoustics. The study recommended a Class 4 designation as follows:

It is recommended that the site be deemed a Class 4 receptor under MECP noise Guideline NPC-300, by the City of Toronto.

The Class 4 status is being recommended to better promote land use compatibility between the new sensitive-uses and the existing commercial/industrial uses in the area. The subject site meets the requirements from the MECP for Class 4 consideration. The Class 4 status is considered appropriate for this site.

The Class 4 designation of the site will allow for noise from stationary sources to be mitigated through attenuation measures, should that be necessary.

Regeneration Area Designation in this Key Opportunity Site in McCowan Major Transit Station Area (Site and Area Specific Policy 793) Will Only Delay Residential Intensification - Full Conversion to Mixed Use Should Proceed Now to Allow Housing to Be Built

The 4570 Sheppard Avenue East site is located a short walk from the future McCowan Station. It is logical that future residential intensification should be concentrated upon these lands, where residential development is practical, and the impact upon the employment area uses to the north and east is limited.

However, the Regeneration Area designation, (while increasing the speculative value of the land by telegraphing its future mixed use redevelopment), will actually delay the delivery of the anticipated housing. The process being established will result in extensive delays of many years:

- Regeneration Area designation effectively freezes redevelopment for the near future.
- Requirement for a Secondary Plan will result in a lengthy delay - up to five years or more BEFORE any applications on the site can be filed.
- The Secondary Plan may be appealed to the Ontario Land Tribunal, causing further delays of two to four additional years BEFORE any applications on the site can be filed.
- After the Secondary Plan is finally approved, applications for a Block Plan, Official Plan Amendment, and rezoning can finally be filed. City of Toronto Process for such applications can take two to five years.
- Once applications achieve adoption at the City, they can be appealed to the Ontario Land Tribunal, causing further delays of two to four additional years.
- Only once Tribunal approves the zoning, will the City be able to move to approve any site plan application. Again, a delay will result.

By modifying Official Plan Amendment 653 as proposed in this submission, the overall process will be reduced by an anticipated five to nine years. This will accelerate the delivery of the residential intensification and jobs on site considerably - all as a direct consequence of designating the lands as Mixed Use Area, rather than as the planning purgatory category of the Regeneration Area designation

Process Delays Resulting from Regeneration Area Designation in Official Plan Amendment 653 Deliver No Discernible Public Benefit - Yet Impose Considerable Time and Financial Costs Adversely Affecting Housing Affordability and Supply

An additional purported rationale behind designating the 4570 Sheppard Avenue East lands as Regeneration Area, instead of Mixed Use Area, is to allow for comprehensive planning of the sites. However, the additional steps and the establishment of a secondary plan requirement will deliver very little in the way of public benefit, but at the cost of enormous delays and duplicative studies. A Secondary Plan is not necessary.

- The lands are too small to require a Secondary Plan.
- There is already agreement that the lands should be ultimately developed as a Mixed Use Area.
- Planning studies for the site by the applicants (as illustrated in this submission) have identified the necessary public road system for these lands to function well.
- All the studies required for the Secondary Plan process will still be required to be undertaken to support the rezoning applications for the developments. Requiring them as part of a Secondary Plan process is an unnecessary duplication.

As a result, there is little to no discernible benefit to be gained through the delays and process occasioned by a Regeneration Area designation. On the contrary, such a designation will only create additional delays, and additional costs.

All proper planning studies and processes will be required and undertaken to support the comprehensive rezoning applications on the lands. All resulting requirements, such as phasing strategies for the development, can be secured in the zoning by-law approvals.

Minister Should Modify Toronto Official Plan Amendment 653 as Requested, and Add the Requested Additional Policy Wording - In the Alternative, The Minister Should Refer the Minimum Density Mapping and Requested Policy for OPA 653, SASP 793, to the Tribunal for a Hearing

It is clear that the City of Toronto's Official Plan Amendment 653, Site and Area Specific Policy 793 is not in conformity with the policies of the Growth Plan, as it does not properly encourage the mixed use intensification of the McCowan Major Transit Station Area.

On the contrary, the City has proposed to effectively freeze the site for many years, through the Regeneration Area designation and the consequentially required Secondary Plan process. This will actually need to be completed before the required Official Plan Amendment and rezoning applications and lengthy approval processes can be commenced, including potential exposure to appeals to the Ontario Land Tribunal. This clearly is not in conformity with provincial policy as articulated in both the Growth Plan and the Housing Supply Action Plan.

Under section 3 of the Planning Act, the Minister is required to act in conformity with Provincial Plans (including the Growth Plan) in making decisions - including exercising his powers as the approval authority for Toronto's Official Plan. Clearly, he cannot approve Official Plan Amendment 653 as adopted by Toronto Council, and still be acting in conformity with his section 3 obligations.

The Minister should exercise his authority to make modifications to the amendment as requested in this submission.

In particular, the Minister should modify Toronto Official Plan Amendment 653 by modifying Site and Area Specific Policy Area 793 as identified above in this submission.

Such modifications would ensure that a Mixed Use Areas designation is established. The outcome will be a key step towards the accelerated delivery of a meaningful increase in the housing supply.

As noted, the development concept for 4570 Sheppard Avenue East alone is currently designed to deliver 1,515 units of housing, and 837 jobs. This represents an opportunity to deliver a significant addition to the housing supply and jobs in exactly the type of location the Province has identified as ideal for new housing - a site in a new TTC Subway Major Transit Station Area - one that is the focus of a significant provincial investment, and will serve as the busy terminus hub of the TTC Line 2 subway.

In the alternative, in the event that the Minister is not prepared to make the requested modifications, we request that the Minister refer the question of the appropriate policies for Official Plan Amendment 653, SASP 793 to the Ontario Land Tribunal for a hearing.

Yours truly,

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