

February 11, 2024

BY EMAIL TO: louis.bitonti@ontario.ca

Attention: Louis Bitonti
Provincial Land Use Plans Branch
777 Bay Street, 13th Floor
Toronto, Ontario
M5G 2E5

The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario
M5G 2E5

Dear Minister Calandra:

Re: ERO No. 019-7731
Ministry Reference No. 20-OP-238506
Approval to Amend the City of Toronto's Official Plan
Official Plan Amendment 653
Site Specific Employment Conversions and Policies
39 Wynford Inc.
39 Wynford Drive, Toronto

Please be advised that Aird Berlis LLP are counsel to 39 Wynford Inc. (the “**Owner**”), the owner of 39 Wynford Drive in the City of Toronto (the “**Subject Site**”). The Subject Site is a 1.62 hectare property located at the southeast corner of Wynford Drive and Gervais Drive, approximately 240 metres east of Don Mills Road. A map showing the location of the Subject Site is found in Figure 1, below.

(i) Description of Subject Site

The Subject Site currently contains a 4-storey office building and surface parking lots, with vehicular access taken from Wynford Drive. The existing floor space index (“**FSI**”) of the Subject Site is 0.39 times the area of the lot, which represents a significant underutilization of a property of this size and in this location.

To the north of the Subject Site are an office building, a medical office building, and a Presbyterian Church, with heights ranging from 2-storeys to 3-storeys. To the east are large institutional uses, including the Aga Khan Museum and Park, the Ismaili Centre of Toronto, and the Japanese Canadian Cultural Centre. To the south are an 8-storey commercial office building with an attached 1-storey pavilion at the corner of Gervais Drive and Eglinton Avenue East, a currently vacant site at 1200 Eglinton Avenue East, and various constructed and approved residential

condo buildings on the south side of Eglinton Avenue East with heights ranging from 28-storeys to 37-storeys. Finally, to the west of the Subject Site, beyond Gervais Drive, is a 1-storey commercial building containing a large format grocery store (Real Canadian Superstore), a gas station (Esso), and a coffee and bake shop (Tim Hortons).

The Subject Site is located in close proximity to transit, being approximately 120 metres from the Aga Khan Park & Museum Station (at the Don Valley Parkway southbound exit ramp and Eglinton Avenue East) along the future Eglinton Crosstown Light Rail Transit line (the “**Crosstown LRT**”). In addition, the Subject Site is also approximately 320 metres from the Science Centre Station (at Don Mills Road and Eglinton Avenue East), which connects into both the Crosstown LRT as well as the under construction Ontario Line subway. The Subject Property represents an important opportunity for greater intensification and is appropriate for mixed use development.



Figure 1 – Subject Site

The Subject Site is currently identified as *Employment Areas* in Map 2 (Urban Structure) of the Toronto Official Plan (the “**OP**”). Importantly, the Subject Site is not located within a Provincially Significant Employment Zone (“**PSEZ**”).

(ii) History of Wynford Conversion Request

In 2013, the City of Toronto completed its first Municipal Comprehensive Review (“**MCR**”) of *Employment Areas* designated lands in the Toronto OP, which resulted in Official Plan

Amendment No. 231 ("**OPA 231**"). OPA 231 proposed to redesignate the Subject Site from *Employment Areas* to *General Employment Areas*. Through the 2013 MCR process, the Owner filed an employment areas conversion request for the Subject Site, proposing that the property be redesignated from *Employment Areas* to *Mixed Use Areas*. The Owner's conversion request was refused by the City of Toronto. As a result, the Owner appealed OPA 231 to the Ontario Municipal Board (now the Ontario Land Tribunal) and its appeal remains active.

Notwithstanding their appeal of OPA 231, on July 21, 2021 the Owner, through its planning consultant Bousfields Inc. ("**Bousfields**"), filed an employment areas conversion request for the Subject Site as part of the City's current MCR process (the "**Wynford Conversion Request**"). The Wynford Conversion Request, like their previous conversion request in 2013, again proposed the Subject Site be redesignated from the City's in-force *Employment Areas* designation to *Mixed Use Areas* under the Toronto OP. The Wynford Conversion Request is known municipally as Conversion Request No. 32.

Following the approval by the City of the first tranche of employment conversion requests on July 22, 2022 through Official Plan Amendment No. 591 ("**OPA 591**"), the Owner made a submission to the Ministry of Municipal Affairs and Housing (the "**Minister**") dated May 16, 2023 in support of its conversion request.

On July 19, 2023, City Council considered Item PH5.3, which included a Final Report from City Planning staff with recommendations on the final tranche of the MCR conversion requests including the Wynford Conversion Request. City Council adopted Official Plan Amendment 653 ("**OPA 653**"), which partially approved the Wynford Conversion Request by converting the Subject Site as well as the abutting property to the south at 15 Gervais Drive from *Employment Areas* (as shown on Map 2) and *General Employment Areas* (as shown on Map 20) to *Regeneration Areas* with an accompanying new Site and Area Specific Policy 828 ("**SASP 828**"). SASP 828 imposes certain requirements and restrictions on the future redevelopment of the Subject Property, including that residential uses are not permitted prior to the completion of a local area study that culminates in the adoption of a further Secondary Plan or Site and Area Specific Policy. On September 6, 2023, City Council adopted OPA 653 as By-law 822-2023. OPA 653 is now before the Minister for approval.

(iii) Request to Minister for Modification to OPA 653

The Minister is now seeking public comments on OPA 653 through the Environmental Registry of Ontario (the "**ERO**"). This consultation process for OPA 653 is known as ERO No. 019-7731 and Ministry Reference No. 20-OP-238506.

We are writing on behalf of the Owner to respectfully request the Minister exercise its authority and modify OPA 653 with respect to the Subject Site. In support of this proposed modification to OPA 653 requested by the Owner, we have included a **Planning Addendum Letter** prepared by the Owner's expert land use planning consultants Bousfields and included here as **Appendix "A"**.

More specifically, the Owner requests that the Minister modify paragraph E) (iv) of OPA 653 by amending the proposed SASP 828 as shown in the proposed revised SASP (the "**Modified SASP**") provided as Attachment "1" to the Planning Addendum Letter included here as Appendix "A". The Modified SASP has been amended to redesignate the Subject Site, as well as 15 Gervais

Drive, to *Mixed Use Areas*. The Modified SASP further amends the proposed policies of SASP 828 to facilitate new development on the Subject Site without the need to complete a time-consuming and unnecessary local area study, while maintaining appropriate requirements for the maintenance of non-residential uses, affordable housing, and protections to ensure the compatibility of new development with surrounding employment uses. For the reasons more particularly set out below, the Modified SASP represents good planning and provides a policy framework that appropriately facilitates this conversion and supports the provision of much needed transit-oriented development within direct proximity to both the new Aga Khan Park & Museum Station Crosstown LRT station and the Science Centre Station on the under construction Ontario Line.

Therefore, as described above, the Owner respectfully requests the Minister modify OPA 653 to change the redesignation of the Subject Site from *Regeneration Areas* to *Mixed Use Areas*, to be supported by the Modified SASP policy framework included here as Attachment “1” to the Planning Addendum Letter in Appendix “A”.

(iv) Concerns with Proposed OPA 653 and Proposed SASP 828

OPA 653 as adopted by City Council proposes to redesignate the Subject Site and 15 Gervais Drive from *Employment Areas* (as shown on Map 2) and *General Employment Areas* (as shown on Map 20) to *Regeneration Areas* with an accompanying new SASP 828. OPA 653 additionally removes the Subject Site and 15 Gervais Drive from the currently applicable Site and Area Specific Policy 394 – “Business Parks along the Don Valley Parkway Corridor” (“**SASP 394**”), while imposing the new SASP 828. SASP 828 permits the Subject Site and 15 Gervais Drive to contain all uses permitted under the *General Employment Areas* and *Regeneration Areas* designations, including interim uses, with the exception of residential uses, overnight accommodations, and livework uses, prior to the completion of a future local area study, which will result in a new Secondary Plan or Site and Area Specific Policy to guiding development on the lands. The balance of SASP 828 sets out the requirements of the local area study, including a required to secure a minimum amount of affordable housing.

In principle, the Owner is pleased that City Council, by adopting OPA 653 and SASP 828, acknowledged the appropriateness of the conversion of the Subject Site through the MCR process. However, a conversion to *Mixed Use Areas* as requested in the Wynford Conversion Request and the accompany supporting material is more appropriate redesignation for the Subject Site, rather than the *Regeneration Areas* designation and the proposed new SASP 828 adopted by City Council through OPA 653. Approval of a *Mixed Use Areas* designation would permit the same amount and type of non-residential uses that exist on the Subject Site today, while providing greater certainty regarding both the designation and permissions applicable to the property. Furthermore, proposed SASP 828 requires that a future local area study be undertaken, which has the potential to result in significant delays in implementing the accepted conversion of the Subject Site. Finally, and most concerning, SASP 828 as proposed states that following the outcome of the future local area study, some or all of the Subject Site may again be designated as *General Employment Areas*. This policy is inappropriate, as it results in significant uncertainty regarding the outcome of the MCR process for the Subject Site, and puts off determination of appropriate land use designation for these lands despite acceptance of the principle of conversion by City Council.

The Subject Site is also included in the delineated boundaries of the Aga Khan Park & Museum Station Major Transit Station Area (“**MTSA**”), which was approved by City Council on July 22, 2022 as Site and Area Specific Policy No. 684 (“**SASP 684**”) in Official Plan Amendment No. 575 (“**OPA 575**”). This MTSA is required to meet a minimum density target of 200 residents and jobs per hectare. As noted above, the Subject Site is within easy walking distance to the new Aga Khan Park & Museum Station for the Crosstown LRT, and the inclusion of this property within the MTSA further supports conversion of the Subject Site to *Mixed Use Areas* to support greater mixed use intensification on the currently underutilized site. SASP 684 and OPA 575 are currently before the Minister for review and approval.

In addition to the above, the Owner remains concerned with the proposed SASP 828 policies that require a significant percentage of the total net gross floor area (“**GFA**”) of the lands be comprised of uses permitted in *Core Employment Areas*, whereas the lands currently do not contain this more stringent *Employment Areas* designation. This policy may jeopardize the viability of the residential development on the Subject Site, given the potential land use compatibility issues that could arise from uses encouraged in the *Core Employment Areas* designation. This is especially inappropriate in a location that is near significant higher order transit and that is in a position to optimize the use of existing and planned higher order transit. Lastly, the percentages and tenure of affordable housing proposed in the policies of SASP 828 exceed the limits supported by the Province in the proposed amendment to O. Reg. 232/18 – Inclusionary Zoning, which would establish an upper limit on the number of units required to be affordable at five (5) percent and the maximum affordability period of twenty-five (25) years.

Further, the Province has recently made significant changes to the definitions of “Area of Employment” in the *Planning Act* and has proposed corresponding changes to the definition of “Employment Areas” in the proposed new Provincial Planning Statement. Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023* (“**Bill 97**”), amended subsection 1(1) of the *Planning Act* to add the following new definition for “Area of Employment”:

“area of employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:
 - i. Manufacturing uses.
 - ii. Uses related to research and development in connection with manufacturing anything.
 - iii. Warehousing uses, including uses related to the movement of goods.
 - iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
 - v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
 - vi. Any other prescribed business and economic uses.

2. The uses are not any of the following uses:

i. Institutional uses.

ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv; (“zone d’emploi”)

Similarly, the new Provincial Planning Statement proposes the following nearly identical definition of “Employment Area”:

Employment area: means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. Uses that are excluded from *employment areas* are institutional and commercial, including retail and office not associated with the primary employment use listed above.

The intention of these new definitions of “Area of Employment” / “Employment Area” is explained in an accompanying document titled “Proposed Approach to Implementation of the proposed Provincial Planning Statement” dated April 6, 2023 (“**Implementation Guideline**”). It explains that the intention of the new definition is to exclude institutional and commercial uses (including retail and office) from being designated as “Area of Employment” / “Employment Area” in municipal official plans. This will function to have “Area of Employment” / “Employment Area” designations scoped to only those employment uses that cannot locate in mixed-use areas and require protection against conversion (such as heavy industry, manufacturing, and large-scale warehousing).

The Subject Site, as a standalone office use, is precisely the type of lands that are intended to be excluded from the proposed new definitions of “Area of Employment” / “Employment Area”. This form of office use does not require the same protection from conversion as more intensive forms of employment uses, such as industrial and manufacturing operations. As noted above, the Subject Site is currently surrounded by other existing office and commercial use, and as a result the proposal to convert this property for mixed use development, including for residential uses, would be compatible with surrounding land uses and would not negatively affect the viability of any other employment uses in the vicinity of the Subject Site. Therefore, the new statutory definition of “Areas of Employment” and the definition and policies for “Employment Areas” in the proposed new Provincial Planning Statement both provide further support for the Wynford Conversion Request to redesignated the Subject Site as *Mixed Use Areas*.

SASP 828, as currently proposed, would stipulate that the greater of 15% of the total gross floor area (“**GFA**”) or 1.0 times the site area must be comprised of non-residential uses, of which at least 51% must be comprised of compatible uses permitted in the City’s *Core Employment Areas* designation, with this non-residential GFA to be developed prior to or concurrent with any residential development. This proposed minimum non-residential requirement has become even more problematic in recent months since Bill 97 and the City’s response to the new definition of “Areas of Employment” in the *Planning Act*. City staff are now proposing further Official Plan Amendment 680 (“**OPA 680**”) which, if adopted, would limit permitted office uses in *Core Employment Areas* to those associated with primary employment uses such as manufacturing, warehousing, or research and development. Should OPA 680 come into effect, it is difficult to

conceive of compatible non-residential uses that would be appropriate for the Subject Site and that comply with SASP 828.

(v) Requested Modifications to OPA 653

For the reasons set out above, the Owner respectfully requests that the Minister exercise his discretion to modify paragraph E) (iv) of OPA 653 as follows:

1. OPA 653 should be modified to redesignate the Subject Site from *General Employment Areas* to *Mixed Use Areas* (as opposed to *Regeneration Areas*);
2. SASP 828 should be modified by:
 - a. deleting policies a), b), and d) requiring the completion of a further local area study with various component plans and strategies, and the adoption of a further Secondary Plan or Site and Area Specific Policy prior to residential uses being permitted on the Subject Site;
 - b. maintaining policy c) but deleting sub-policies i) and ii) which unnecessarily restrict the type of non-residential uses that might be accommodated and which are incompatible with the City's proposed OPA 680 (which would significantly limit permitted office uses in *Core Employment Areas*);
 - c. amend policy e) to reduce the affordable housing period in sub-policy ii) from 99 to 25 years;
 - d. amend policy f) by introducing an end date of January 1, 2030 for the annual 1.5% increase in the affordable housing requirement; and
 - e. amend policy h) to delete the language at the end of that policy which states that SASP 828 would prevail over the City's inclusionary zoning by-law in the event of a conflict, to make it clear that the Subject Site is subject to the same affordable housing requirements as other properties that fall within the City's inclusionary zoning by-law.

The above changes are shown in the Modified SASP included as Attachment "1" to the Planning Addendum Letter included as Appendix "A" to this submission.

(vi) Conclusion

We thank you for the opportunity to make this submission requesting the Minister amend OPA 653 regarding the Wynford Conversion Request.

For the reasons outlined above, the proposed OPA 653 as adopted by City Council fails to support significant mixed use development on the Subject Site, which is located within a Council-adopted MTSA and is in close proximity to significant new transit infrastructure, by designating the lands as *Regeneration Area* rather than *Mixed Use Areas* and requiring the completion of a local area study, all of which will delay any new development. Furthermore, the accompanying SASP 828 as adopted by Council provides overly restrictive policies that require affordable housing in

amounts and tenures that greatly exceed the requirements established in the *Planning Act* and the City's own inclusionary zoning by-law and which impose requirements to include *Core Employment Area* uses that will not be compatible with, and may in fact prevent, both the existing office uses and intended future residential development.

Therefore, as described above, the Owner respectfully requests the Minister modify OPA 653 to change the redesignation of the Subject Site from *Regeneration Areas* to *Mixed Use Areas*, to be supported by the Modified SASP policy framework included here as Attachment "1" to the Planning Addendum Letter in Appendix "A".

Should you have any questions about the above, please do not hesitate to contact me or the Owner's planning consultant, Mike Dror of Bousfields, at 416-947-9744 ext. 241 or mdror@bousfields.ca.

Yours truly,

AIRD & BERLIS LLP



ALEXANDER J. SURIANO

Encls.

Cc: Client
Mike Dror, MCIP, RPP, Bousfields Inc.



BOUSFIELDS INC.

Project No. 23249

February 11, 2024

Via Digital Delivery

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

Dear Minister Calandra:

Re: ERO Number 019-7731, Ministry Reference Number 20-OP-238506
City of Toronto Official Plan Amendment No. 653
Conversion Request No. 39 (39 Wynford Avenue)
Planning Addendum Letter

This letter is being provided as an addendum letter to our July 21, 2021 letter in support of the original conversion request (the "Bousfields Report") made to the City of Toronto with request to the subject site at 39 Wynford Avenue in Toronto. The subject site is a 1.62 hectare property located at the southeast corner of Wynford Drive and Gervais Drive, approximately 240 metres east of Don Mills Road. An aerial photo of the subject site is provided below.



Issues with OPA 653

While Official Plan Amendment No. 653 (OPA 653) would convert the subject site along with the abutting property at 15 Gervais Drive by redesignating them from *General Employment Areas* to *Regeneration Areas*, it would also introduce a Site and Area Specific Policy No. 828 (SASP 828) that includes:

- prescriptive requirements related to the proportion and types of required non-residential uses;
- onerous requirements for a local area study that does not provide certainty that high-density housing would be permitted on the subject site; and
- punitive affordable housing requirements that exceed the City of Toronto's City-wide inclusionary zoning requirements established through Inclusionary Zoning By-law 941-2021 and the Province's proposed amendments to O.Reg. 232/18.

Proposed Revisions to OPA 653

In this regard, **Attachment 1** to this report includes recommended revisions to OPA 653 and SASP 828 that would:

- redesignate the subject site to *Mixed Use Areas*, rather than *Regeneration Areas*;
- remove the prescriptive non-residential use requirements while maintaining a requirement to provide a minimum of 15 percent of the total GFA, or 1.0 times the site area, whichever is greater, as non-residential GFA;
- remove the requirement for local area study, which is unnecessary given the detailed analysis provided in the Bousfields Report, as well as the recent Don Mills Crossing Secondary Plan study which included the subject site (though ultimately excluded it from the Secondary Plan boundary);
- maintain the on-site affordable housing requirements requested by the City but reduce the period of time for securing affordable rents of ownership prices from 99 to 25 years, in accordance with the proposed cap in the Province's proposed amendments to O.Reg. 232/18;
- ensure that the affordable housing requirements do not continue to increase after January 1, 2030 if a rezoning application has not been filed prior to January 1, 2025, in line with the City's own Inclusionary Zoning By-law 941-2021; and
- maintains protections for surrounding employment uses by continuing to require a compatibility/mitigation study and for sensitive land use to be located, designed and buffered to mitigate impact from surrounding employment.

Updated Policy & Legislative Framework

Since the submission of the original conversion request, a number of changes have occurred to the policy and regulatory framework that further support the conversion of the subject site to permit residential uses, and specifically to *Mixed Use Areas* to facilitate the development of those uses in a timely manner.

Official Plan Amendment No. 575

The subject site is located within the proposed Aga Khan and Science Centre Protected Major Transit Station Areas (“PMTSAs”), as delineated by SASPs 683 and 684 of Council-adopted Official Plan Amendment No. 575 (OPA 575). SASPs 683 and 684 provide that existing and permitted development within the PMTSAs are planned for a minimum population and employment target of 200 residents and jobs combined per hectare. OPA 575 is awaiting approval by MMAH.

Given the subject site is located within two draft-delineated PMTSAs with minimum densities of 200 residents and jobs combined per hectare, it is important to optimize lands uses on the subject site.

Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023 and draft Provincial Planning Statement

On April 6, 2023, the Minister of Municipal Affairs and Housing introduced Bill 97, the *Helping Homebuyers, Protected Tenants Act, 2023* and a new (draft) Provincial Planning Statement (PPS) that would supersede and replace the existing and in-force Provincial Policy Statement and Growth Plan. Bill 97 received Royal Assent on June 8, 2023.

Among a number of changes to the Planning Act (and other Acts), Bill 97 would amend the definition of “area of employment”, most notably to exclude institutional and commercial uses, including office and retail uses that are not associated with manufacturing, research and development, warehousing and goods movement from the list of uses considered to form part of an area of employment. It should be noted that although Bill 97 received Royal Assent, the amended definition of “area of employment” has not yet been proclaimed into force.

Once in force, the existing office use on the subject site would not be consistent with the definition of “area of employment” proposed by Bill 97.

Similarly, the draft PPS proposes to amend the definition of “area of employment” to be consistent with the definition established by Bill 97. Another proposed change includes the allowance of conversions or removals of employment areas to be considered at any point, not just during a municipal comprehensive review. Other proposed amendments as part of the draft PPS include the removal of Provincially Significant Employment Zones (PSEZs).

The proposed document was available for public comment on the Environmental Registry of Ontario (ERO) until August 4, 2023 and may be subject to further changes as a result of the comments received. The Ministry was previously targeting final policies to be released in the fall of 2023, and a new timeline has not yet been made available.

Revisions to O.Reg. 232/18

In October 25, 2022, the Province posted proposed amendments to O.Reg. 232/18 to the ERO, with a commenting period which ended on December 9, 2022. The amendments have not yet been approved.

The proposed amendments would establish an upper limit on the number of units that would be required to be set aside as affordable, set at 5% of the total number of units (or 5% of the total gross floor area of the total residential units, not including common areas). It would also establish a maximum period of twenty-five (25) years over which the affordable housing units would be required to remain affordable. Amendments would also prescribe the approach to determining the lowest price/rent that can be required for inclusionary zoning units, set at 80% of the average resale purchase price of ownerships units or 80% of the average market rent (AMR) for rental units. These proposed amendments would only apply on lands within PMTSAs, such as the proposed Aga Khan and Science Centre PMTSAs.

Analysis

Except as noted below, the analysis and conclusions set out in the Bousfields Report continue to apply. Specifically, the subject site represents an opportunity to provide increased transit-supportive employment and residential intensification.

Based on the criteria set out in the 2020 PPS Policy 1.3.2.4, the 2019 Growth Plan Policy 2.2.5.9, the City’s municipal comprehensive review (MCR) process, the employment conversion policies of the City’s Official Plan as introduced in OPA 231, and the significant transit investment in proximity to the site (including the Eglinton Crosstown and the planned Ontario Line), it is our opinion that the subject

site meets the criteria for a conversion to non-employment uses. In our opinion, the proposal offers a unique opportunity to create a complete mixed-use community containing new housing, employment and community amenities that fits harmoniously with the planned high-rise mixed use residential development context emerging in the Don Mills Road and Eglinton Avenue East area.

In our opinion, as summarized in the Bousfields Report, it would be appropriate to redesignate the subject site to a *Mixed Use Areas* designation with the revised SASP 828 found in **Attachment 1**, requiring the replacement of the existing employment uses and allowing for the introduction of additional new employment uses, along with a high-density residential uses and open space uses. It is our opinion that the proposed conversion would be compatible with surrounding land uses, would not negatively affect the viability of any other employment uses in the vicinity, and would be consistent with the policy direction set out in the PPS and Growth Plan and the City's Official Plan.

Should you require and additional information or clarification, please do not hesitate to contact me.

Yours very truly,
Bousfields Inc.



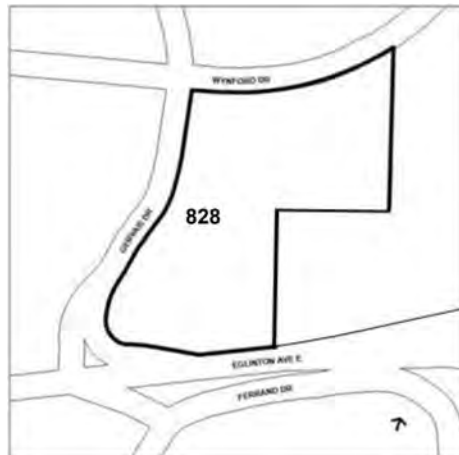
Mike Dror, MCIP, RPP

Attachment 1:

Proposed Modifications to OPA 653

- Modify (B) with respect to conversion requests 015 and 032 by deleting the words “Regeneration Areas” in the column titled “OPA 653 Land Use Change(s)” and inserting the words “Mixed Use Areas”
- Modify Official Plan Land Use Designations (Tile 21) in Appendix 2 to OPA 653 to redesignate the subject site and the lands at 15 Gervais Drive to Mixed Use Areas.
- Modifying SASP 828 as follows:

828. Eglinton Avenue East and Gervais Drive



- A minimum of 15 percent of the total gross floor area on the lands, or 1.0 times the site area, excluding lands conveyed to the City or other public body for new parks, open spaces, natural areas, streets and/or lanes, whichever is greater, will be non-residential gross floor area.
- Any new development containing residential units on the lands will secure a minimum amount of affordable housing as follows:
 - if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum

Deleted: <#>All uses permitted under the General Employment Areas designation and Regeneration Areas designation, 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 a local area study that results in a Secondary Plan or Site and Area Specific Policy.

No form of residential uses and/or live-work uses will be permitted in General Employment Areas or Regeneration Areas, prior to the adoption of a Secondary Plan or Site and Area Specific Policy.

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be developed prior to or concurrent with any residential uses on the lands in accordance with the Phasing Strategy and Implementation Plan in Policy d) ii) below.

The local area study leading to the Secondary Plan or Site and Area Specific Policy will result in the following:

→ A Land Use Plan that provides for the redesignation of Regeneration Areas lands to Mixed Use Areas, Apartment Neighbourhoods, General Employment Areas, and/or Parks and Open Space as appropriate. The Land Use Plan will:

determine building heights and densities across the lands to be included within the Secondary Plan or Site and Area Specific Policy;

determine the list of permitted non-residential uses as well as maximum percentages of these uses that contribute to the employment gross floor area;

built form policies that outline the location, scale and massing of new development; and

compatibility between the lands and nearby land uses.

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

of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; and

- ii) the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least ~~25~~ years from the date of first residential occupancy of the unit;
 - iii) the unit mix of the 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.
- c) Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required in Policy e) will increase by 1.5 percent per year until January 1, 2030. Affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.
- d) The provision of affordable housing required by Policy e) and Policy f) and shall be secured through one or more agreements with the City.
- e) If an Inclusionary Zoning By-law takes effect and becomes applicable to any development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy e) and Policy f) will no longer apply.
- f) Conditions to be met prior to the removal of a holding ("H") provision shall include the following:
- i) Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and
 - ii) The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.

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- g) As part of a complete Zoning By-law Amendment application, a Compatibility/Mitigation Study will be submitted and peer reviewed, at the applicant's expense, to the City's satisfaction, that identifies any necessary mitigation measures to be incorporated into the development design.
- h) Sensitive land uses, including new residential uses will be located, designed and buffered to mitigate impacts from, be compatible with, and not impede the continuation of and the expansion of existing employment uses, and any new employment uses within the surrounding General Employment Areas.'