

March 24, 2022

By Email to *phc@toronto.ca*

City of Toronto, Planning and Housing Committee
Toronto City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Nancy Martins, Committee Secretariat

Dear Members of Planning and Housing Committee:

**Re: Our Plan Toronto: Draft Major Transit Station Area Delineations
Committee Agenda Item: PH32.7**

Introduction

We are counsel to 1941 Eglinton East Holdings Inc. (“1941 Eglinton”), the owner of the lands municipally known as 1941 Eglinton Avenue East, which is located on the south side of Eglinton Avenue and east of Warden Avenue, within the area subject to the City of Toronto’s Official Plan Amendment No. 499 (“OPA 499”) and the proposed Golden Mile Secondary Plan (the “GMSP”). 1941 Eglinton is one of many appellants to OPA 499 and the GMSP, which is currently before the Ontario Land Tribunal (the “Tribunal”).

1941 Eglinton represents the interests and has the support of all of the other private landowners within the approximate 4 acre block bounded by Warden Avenue, Eglinton Avenue East, Prudham Gate and Civic Road (the “Subject Block”), which is immediately adjacent to the Golden Mile LRT stop at the intersection of Eglinton Avenue East and Warden Avenue.

1941 Eglinton has been pursuing a *Mixed Use Areas* designation for the Subject Block since 2020, and continues to be actively involved in all processes to achieve that objective, including the Tribunal proceedings regarding OPA 499 and the GMSP. However, our client has continually been faced with delays and deferrals.

As discussed below, 1941 Eglinton fully supports the proposed inclusion of the Subject Block within a delineated major transit station area, but notes that there is an incorrect statement in the staff report regarding the means by which the Growth

Plan for the Greater Golden Horseshoe (the “Growth Plan”) allows conversions of employment areas to permit residential uses and other non-employment uses. More specifically, the report states that the “only” means to convert employment areas is through a Municipal Comprehensive Review (“MCR”), ignoring the explicit permission in the Growth Plan to convert employment areas for non-employment uses outside of a MCR, provided the lands do not form part of a provincially significant employment zone (“PSEZ”). The Subject Block does not form part of a PSEZ and, as noted, is located immediately adjacent to a major transit station.

Background

The lands within the Subject Block are currently designated *General Employment Areas* in the City’s Official Plan, and that land use designation is proposed to be retained in OPA 499, and reinforced through the proposed identification of the Subject Block as part of an “Employment District” and “Employment Area” on Maps 45-2 and 45-3 of the GMSP, respectively, all of which remain under appeal.

The Subject Block is located adjacent to a higher order transit corridor along Eglinton Avenue East (Eglinton Crosstown LRT), adjacent to a transit priority segment along Warden Avenue, adjacent to the major transit station at the intersection of Eglinton Avenue and Warden Avenue, immediately across the street from properties planned for high-density mixed-use redevelopment on the north side of Eglinton Avenue, and there are no major industrial uses within the vicinity. As a result, the Subject Block is an ideal location for high-density mixed-use redevelopment, including residential uses.

Accordingly, 1941 Eglinton’s primary objection to OPA 499 and the GMSP is that the Subject Block is proposed to be designated solely for employment uses, whereas these lands should be designated to permit mixed-use redevelopment, which 1941 Eglinton is actively pursuing through its appeal of OPA 499 and the GMSP.

Comments on the Staff Report Regarding Draft Major Transit Station Area Delineations

We have reviewed the report of the City’s Chief Planner and Executive Director, City Planning, dated March 4, 2022, which recommends the release of draft Official Plan Amendments for public consultation regarding the delineation of several proposed Protected Major Transit Station Areas (PMTSAs) and Major Transit Station Areas (MTSAs) throughout the City (the “Staff Report”). Included in draft Official Plan Amendment No. 570, which is appended to the Staff Report, is the proposed delineation of the Golden Mile PMTSA, with the Subject Block effectively at the centre, and having a proposed minimum population and employment target of 200 residents and jobs combined per hectare.

1941 Eglinton fully supports the inclusion of the Subject Block within a delineated major transit station area. Indeed, the policy objectives for major transit station areas, as set out in section 2.2.4 of the Growth Plan, align with 1941 Eglinton’s vision for the future redevelopment of the Subject Block. For example, Policy 2.2.4.9.a) states that development within major transit station areas will be supported by “planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels”. Likewise, Policy 2.2.4.10 stipulates that “lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities”.

The Subject Block is currently comprised of a number of low-density, automobile-oriented commercial uses, with extensive areas for vehicle parking and display. It is estimated that the present uses on the Subject Block generate approximately 100 jobs, well below the proposed minimum population and employment target identified above. By contrast, it is expected that the redevelopment of the Subject Block for high-density mixed-use development would generate a significant number of both jobs and population, which would positively contribute to the proposed minimum density target.

At the bottom of page 7 and top of page 8 of the Staff Report, under the heading “Employment Areas with Conversion Requests in MTSAs”, staff note that there are approximately 140 requests to convert land designated as *Core* or *General Employment Areas*, to permit residential and other non-employment uses, and that several of the requested “conversion sites” fall with the draft MTSAs/PMTSAs.

1941 Eglinton made one of the approximately 140 requests identified above, but did so explicitly “without prejudice” to its outstanding appeal of OPA 499, and out of an abundance of caution given the uncertainty associated with the outcome of that appeal. However, we continue to maintain that the Subject Block can and should be redesignated to *Mixed Use Areas*, or otherwise redesignated to permit mixed-use redevelopment, including residential uses, through 1941 Eglinton’s appeal of OPA 499 and the GMSP. For reference, attached is a copy of our letter that accompanied 1941 Eglinton’s request, dated July 29, 2021.

With that in mind, we note that, near the top of page 8, the Staff Report asserts that “the Growth Plan **only** allows conversions of employment areas to permit residential uses (and other non-employment uses) through a Municipal Comprehensive Review” (emphasis added). This statement is not correct. While we acknowledge that this is one means by which the Growth Plan contemplates that employment areas may be converted to permit non-employment uses, under policy 2.2.5.9, it is certainly not the “only” means by which to do so.

Rather, policy 2.2.5.10 of the Growth Plan explicitly states that “notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses ...”, provided that certain criteria are satisfied (emphasis added). Of note, one of the criteria under this policy is that the lands “not include any part of an employment area identified as a provincially significant employment zone”. That criterion is satisfied in this case, as the Subject Block does not form part of an identified provincially significant employment area.

We also note that in a letter addressed to all municipal councils within the Greater Golden Horseshoe, dated November 12, 2019, the Minister of Municipal Affairs and Housing identified policy 2.2.5.10 as one of a number of policies in the then new Growth Plan that would “address housing goals in a timely manner”. More specifically, Minister Clark commented that “by ensuring that municipalities do not have to wait until the next municipal comprehensive review to implement planning changes, our government aims to get shovels in the ground quicker and to have development happen sooner”.

1941 Eglinton shares Minister Clark’s desire to “address housing goals in a timely manner” and to “get shovels in the ground quicker and to have development happen sooner”, which we believe can occur by immediately resolving 1941 Eglinton’s appeal of OPA 499 and the GMSP through a recognition that the Subject Block is an appropriate and, indeed, ideal location for high-density mixed-use redevelopment, and should therefore be designated as such. Regrettably, City staff does not appear to share this desire to move forward in a timely manner, instead seeking to further delay a resolution of 1941 Eglinton’s appeal of OPA 499 and seemingly ignoring policy 2.2.5.10 of the Growth Plan.

We thank you for your consideration of this submission, and kindly ensure that we receive notice of any decision(s) of the Committee and/or City Council regarding this item.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Councillor Gary Crawford
Deputy Mayor Michael Thompson
Amanda Hill / Daniel Elmadany / Nathan Muscat, City of Toronto, Legal Services
Client
Michael Goldberg, Goldberg Group

July 29, 2021

Kerri A. Voumvakis, Director and Jeffrey Cantos, Project Manager
Strategic Initiatives, Policy & Analysis, City Planning Division
City of Toronto
22nd Floor, Metro Hall
55 John Street
Toronto, Ontario
M5V 3C6

Dear Ms. Voumvakis and Mr. Cantos:

**Re: Employment Land Conversion Request by 1941 Eglinton East Holdings Inc.
for the Block Bounded by Eglinton Avenue East, Warden Avenue, Civic
Road and Prudham Gate, City of Toronto**

We are counsel to 1941 Eglinton East Holdings Inc. (“1941 Eglinton”), the owner of lands municipally known as 1941 Eglinton Avenue East in the City of Toronto.

Through its planning consultant, Goldberg Group, 1941 Eglinton is submitting a request to the City of Toronto (the “City”) to consider an “employment land conversion” for the block bounded Eglinton Avenue East, Warden Avenue, Civic Road and Prudham Gate (the “Subject Block”). More specifically, the request is being made through the City’s ongoing Municipal Comprehensive Review (MCR) process and is to redesignate the Subject Block from *General Employment Areas* to *Mixed Use Areas* (the “Conversion Request”). We understand that 1941 Eglinton has the support of all of the private landowners within the Subject Block for the Conversion Request.

As you may be aware, 1941 Eglinton also has an outstanding appeal to the Ontario Land Tribunal (the “Tribunal”) of portions of the City’s Official Plan Amendment No. 499 (“OPA 499”), including the proposed Golden Mile Secondary Plan (OLT Case No. PL200628). Among other things, through its appeal of OPA 499, 1941 Eglinton is seeking to have the Subject Block redesignated to *Mixed Use Areas*, or otherwise redesignated to permit mixed use redevelopment, including residential uses, on the lands.

1941 Eglinton continues to maintain its position that it is entirely appropriate to pursue its objective of permitting mixed use redevelopment of the Subject Block through its appeal of OPA 499, and outside of the City’s MCR process, particularly in light of Policy 2.2.5.10 of the *Growth Plan for the Greater Golden Horseshoe, 2019*, as amended in 2020.

However, in the context of that appeal, the City has requested that 1941 Eglinton withdraw the portion of its appeal by which it seeks to redesignate the Subject Block for mixed use redevelopment, failing which the City has advised that it will bring a motion to dismiss that part of the appeal. In response, we have advised the City that 1941 Eglinton has no intention of withdrawing its appeal of OPA 499, in whole or in part, and we will vigorously defend a motion by the City to dismiss any portion of the appeal.

Having said that, 1941 Eglinton is proceeding with the Conversion Request, both in the continued hope of resolving the outstanding matter of the appropriate land use permissions for the Subject Block, and out of an abundance of caution, recognizing the uncertainty created by the City's threat of an intended motion to dismiss portions of the OPA 499 appeal.

Accordingly, the Conversion Request is expressly being made entirely "without prejudice" to 1941 Eglinton's appeal of OPA 499, and we trust that the City will consider the Conversion Request on that basis.

In the spirit of cooperation, 1941 Eglinton and its consulting team would be pleased to meet with you and/or other City staff, once you have had a chance to review the supporting materials submitted with the Conversion Request.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Amanda Hill and Daniel Elmadany, City of Toronto, Legal Services Division
Client
Michael Goldberg, Goldberg Group