

June 30, 2022

Email: phc@toronto.ca

Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Members of Council:

**Re: Item PH35.16
Draft Official Plan Amendment 544 - Lower Density Target MTSA
1125A, 1131 and 1131A Leslie Street, Toronto**

We represent Rowbry Holdings Limited with respect to the lands municipally known as 1125A, 1131 and 1131A Leslie Street, Toronto (the “Property”).

On January 6, 2022, we filed a written submission to City staff outlining our concerns with the proposed Sunnybrook Park Major Transit Station Area (“MTSA”) included as part of Official Plan Amendment 544 (OPA 544/SASP 640) to lower the density target for this area.

Having reviewed the Final Report, dated June 22, 2022 and draft Official Plan Amendment 544 (OPA 544) to be considered by the Planning and Housing Committee at its meeting on July 5, 2022, our client continues to have serious concerns with the proposed delineation of the MTSA and the proposed lowering of the density target for this area.

Background

The Property is approximately 4.8 acres with significant frontage along Leslie Street. The Property has exceptional access to higher order transit as it is located within 800 metres of the Sunnybrook Park Crosstown station and the Science Centre Crosstown/Ontario Line station.

The Property is part of a larger remnant employment area where a number of conversions have been approved and is currently under utilized with a 1-storey service commercial building and 6-storey office building. Constructed about 40 years ago, the existing buildings no longer meet today’s office space standards, including with respect to layout, design, ceiling heights, and efficiency, which contributes to the declining function of the employment area along Leslie Street.

On July 30, 2021, our client submitted an employment conversion request for the Property, together with the owners of the lands located at 1125, 1135 and 1355 Leslie Street, as part of the City’s municipal comprehensive review (#68). A planning report prepared by MHBC Planning, a Compatibility & Mitigation Study, prepared by SLR Consulting (Canada) Ltd., and a Block Context Plan prepared by Sweeny&Co Architects were filed in support of the conversion request and a new community plan for the lands north of the Sunnybrook Park station, which includes multiple landownerships. In further support of the conversion request, the landowners will be filing a public realm plan, prepared by NAK Design Strategies, next week. The requested conversion would

allow for the revitalization of the area and include a mix of residential and non-residential (employment) uses in support of transit infrastructure investment.

Sunnybrook Park MTSA

City staff has identified the Sunnybrook Park MTSA as an MTSA that cannot meet the Growth Plan (2019) density targets and are recommending that the City request a lower density target from the Minister of Municipal Affairs and Housing. More specifically, City staff are recommending a lower density target of 65 people and jobs per hectare, reduced from 160 people and jobs per hectare as required by the Growth Plan.

In our opinion, the policy tests under Policy 2.2.4.4 of the Growth Plan to justify a lower density target request for the Sunnybrook Park MTSA have not been met. As identified in the Staff Report, dated September 30, 2021, the policy tests are:

1. Where it can be demonstrated that development is prohibited by provincial policy or severely restricted on a significant portion of the lands within the delineated areas; or
2. Where it can be demonstrated that there are a limited number of residents and jobs associated with the built form, but a major trip generator or feeder service will sustain high ridership at the station.

City staff have relied on policy test 1 to support the lower density target for the Sunnybrook Park MTSA on the basis that the delineated area includes “a significant overlap with the Green Space System” and that “[w]alkability and connections to developable land is impacted by natural ravine slopes, floodplains, and the presence of large parks and open space.” Respectfully, it is our opinion that the analysis is flawed.

The Staff Report indicates that the draft MTSA delineations are based on a walkshed analysis and that lands within a 10 minute walking distance have been included. However, the proposed delineated area of the Sunnybrook Park MTSA fails to include the Property, which is within an 800 metre walking distance to the station. The Property fronts directly onto Leslie Street where there is an existing sidewalk on the east side of the street that provides a direct pedestrian connection from the station to the Property. This is particularly relevant as City staff, in delineating MTSA boundaries, has indicated that it is relying upon existing sidewalks, trails and pathways to determine the 800 metre walking distance.

Given that the green space system to the west of the Property is not developable, the City should include the Property within the delineated area in order to help achieve the Growth Plan density target of 160 people and jobs per hectare. In accordance with policy 2.2.4.2 of the Growth Plan, the City is required to delineate the boundaries of MTSA's in a transit supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station. Furthermore, policy 2.2.4.6 goes so far as to prohibit land uses and built form that would adversely affect the achievement of the prescribed density targets in the Growth Plan.

Draft OPA 544 also fails to adequately recognize that the northeast quadrant of Eglinton Avenue East and Leslie Street, inclusive of the Property, is the only area of the MTSA where intensification can occur and can be optimized in order to meet the provincial density target.

Accordingly, it is our opinion that the proposed exclusion of the Property from the Sunnybrook Park MTSA delineated boundary and the proposed request for the lower density target for this MTSA do not conform with the policies of the Growth Plan.

We ask that City Council send the draft OPA back to staff to reconsider its approach to the proposed Sunnybrook Park MTSA and the corresponding SASP 640 (Major Transit Station Areas – Sunnybrook Park Stop). We believe that this MTSA, if delineated in accordance with Growth Plan directives, can achieve densities significantly greater than currently proposed and meet the provincial density target.

We ask to be notified of any decision made by City Council in connection with this matter.

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani

MB

cc: Client