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File No.: 527471-53

CONFIDENTIAL AND WITHOUT PREJUDICESENT VIA EMAIL: Cameron.McKeich@toronto.ca and Adrienne.deBacker@toronto.ca

Mr. Cameron McKeich and
Ms. Adrienne deBacker
City Solicitors
City of Toronto Legal Services
Planning & Administrative Tribunal Law Section
55 John Street, 26th Floor
Metro Hall
Toronto, Ontario
M5V 3C6

Dear Mr. McKeich and Ms. deBacker:

**Re: Samuel Sarick Limited
1911 and 1921 Eglinton Avenue East
Official Plan Amendment 231 ("OPA 231")
Site and Area Specific Policy**

We are counsel for Samuel Sarick Limited ("**Sarick**"). Please circulate this letter and the enclosed redline copy of SASP 777 to the Planning and Housing Committee in anticipation of its June 1, 2023 Committee meeting and/or to City Council in anticipation of its June 14 - 16, 2023 Council meeting.

On June 7, 2022, we provided a draft Site and Area Specific Policy ("**SASP 777**") to City legal, for the lands municipally known as 1911 and 1921 Eglinton Avenue East (the "**Subject Lands**") for consideration, which resulted in a settlement in principle of the Sarick appeal of Official Plan Amendment 231 ("**OPA 231**").

Since that time City Staff reviewed the second batch of Employment Area Conversion Requests and are providing recommendations to the Planning and Housing Committee meeting scheduled for June 1, 2023. The recommended conversions are subject to draft Official Plan Amendment No. 644 ("**OPA 644**") and contain policies that apply to the "Lands Generally South of Eglinton Avenue within the Golden Mile Secondary Plan, East of 1891 Eglinton Avenue East to Birchmount Road (excluding 1911 and 1921 Eglinton Avenue East)". The applicable policies are contained in SASP 798. We understand that the Subject Lands are not included in SASP 798 because they are the subject of an appeal of OPA 231 and are instead included in SASP 777. We note that a conversion request was previously filed with the City in August 2021 with respect to the Subject Lands, out of an abundance of caution.

Zaanouni Law Firm & Associates ► LuatViet ► Fernanda Lopes & Associados ► Guevara & Gutierrez ► Paz Horowitz Abogados ► Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

We reviewed SASP 798 and request that SASP 777 be modified to reflect the policies and rates outlined in the proposed SASP 798. In particular, as it relates to minimum affordable housing rates for total new residential, the 10 percent employment GFA and 10 percent other non-residential GFA considerations. We ask that rates for affordable housing and composition of the developable GFA be amended as attached to ensure a comprehensive and harmonized approach to the development of the lands south of Eglinton Avenue and within the Golden Mile Secondary Plan as a whole.

We understand the OPA 644 will be sent to the Ministry of Municipal Affairs and Housing following City Council adoption. We would ask that any modifications to SASP 798 by the Minister are appropriately reflected in SASP 777, as applicable.

If you have any questions, please contact the undersigned.

Yours truly,

Dentons Canada LLP



Katarzyna Sliwa
Partner

Enclosure: Redline Copy of SASP 777

Copy. Client

**Modification to OPA 231
Toronto Official Plan**

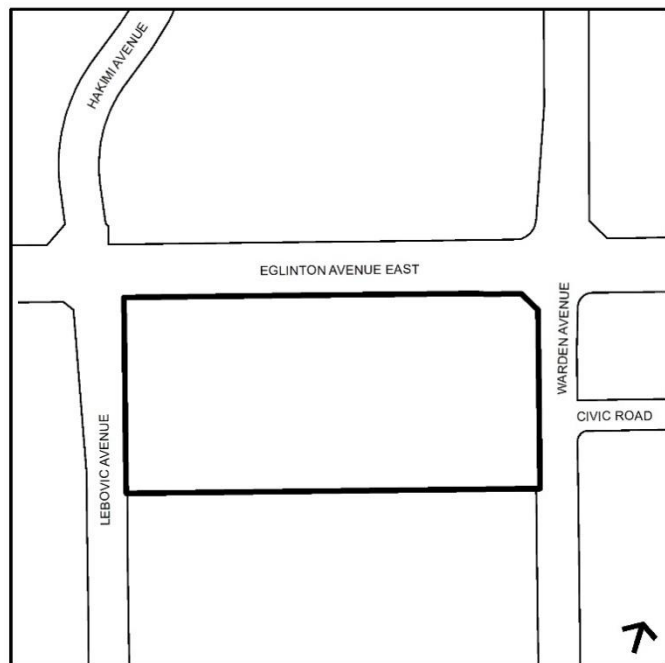
1911 and 1921 Eglinton Avenue East

Official Plan Amendment No. 231 is modified as follows:

1. Map 2, Urban Structure, is amended by deleting *Employment Areas* on the lands known municipally in 2022 as 1911 and 1921 Eglinton Avenue East.
2. Map 20, Land Use Plan, is amended by re-designating the lands municipally known in 2022 as 1911 and 1921 Eglinton Avenue East from *Employment Areas* (identified as *General Employment Areas* in OPA 231) to *Regeneration Areas*.
3. Map 31, Site and Area Specific Policies is modified so that the lands municipally known as 1911 and 1921 Eglinton Avenue East are not subject to Site and Area Specific Policy 129.
4. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 777 with the following text and map:

777. 1911 and 1921 Eglinton Avenue East

1. All uses permitted under the *General Employment Areas* designation and *Regeneration Areas* designation, including interim uses (including the consideration of major retail developments with 6,000 square metres or more of retail gross floor area in accordance with Policies 4.6.5 and 4.6.6 of the Official Plan and relevant Public Realm and Built Form policies), with the exception of residential, overnight accommodation, and live-work uses, are permitted on the lands prior to the completion of the studies identified in Policy 7 (the “*Regeneration Area Studies*”).



2. No form of residential or overnight accommodation will be permitted in *General Employment Areas* or *Regeneration Areas* prior to the completion of the *Regeneration Area Studies*.

3. Residential overnight accommodation and live-work uses will only be permitted after the completion of the *Regeneration Area Studies* and:

a) Where applicable, the applicant and/or Owner has made a contribution to the East-West street, south of Eglinton Avenue East, connecting Pharmacy Avenue to Birchmount Road, to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning, including any required easements, setbacks, right-of-way conveyances, or financial contributions;

b) The applicant and/or Owner has provided the required right-of-way widening on Eglinton Avenue East to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning; and

c) the Owner has submitted a Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water, and has secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in those reports.

Policy 3 a) above does not waive any of the Owners' rights in accordance with the Expropriations Act, R.S.O. 1990, c. E.26, as amended from time to time or any other legislation

4. New development containing residential units on the site will secure a minimum amount of affordable housing, as follows:

a) if a condominium development is proposed, a minimum of ~~57~~ percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of ~~75~~ percent of the total new residential gross floor area shall be secured as affordable rental housing; or

~~b) if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;~~

c) 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; and

d) 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.

5. 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 4a) will increase by 1.5 percent per year and affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.

6. The provision of affordable housing required by Policy 4 shall be secured by entering into a Municipal Housing Project Facility Agreement with the City or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing and any contributions thereto as applicable.

7. In addition to the matters identified in Official Plan Policy 2 of Section 4.7, *Regeneration Areas*, the framework for development on this site, will include the following reports and studies, to the satisfaction of the City, which may be filed with the site-specific development application(s):

- a) A Land Use Plan that provides for the redesignation of *Regeneration Areas* lands to *Mixed Use Areas* and/or *General Employment Areas* and/or *Parks* as appropriate. The Land Use Plan will:
 - I. include a minimum of **ten percent** of the total developable gross floor area as employment gross floor area and a further minimum of **ten percent of** the total developable gross floor area as **employment and/or other non-residential** gross floor area at full build out of all the lands;
 - II. include a minimum of residential developable gross floor area ratio to the **employment/non-residential** gross floor area, to be confirmed through the *Regeneration Area Studies*; and,
 - III. determine the list of permitted **employment/non-residential** uses **as well as maximum percentages of these uses**, that contribute to the **employment/non-residential** gross floor area.
- b) A Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, City Planning, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.
- c) Urban Design Policies and Guidelines that set out the framework for the appropriate public realm and built form, including but not limited to:
 - I. Streets and streetscape, Privately-Owned Publicly-Accessible Spaces ("POPS"), midblock connections, public art and heritage interpretation;
 - II. Requirements for built form, including setbacks, active at-grade uses; at-grade outdoor amenity spaces; vehicular access; parking and servicing areas; views and vistas; variety, variation, and transition in scale; base building and building heights; shadow impact on the public realm; tall building, mid-rise building, and low-rise building design; design excellence; and sustainability measures.

- d) A Phasing Strategy and Implementation Plan to provide for the sequencing of development, including:
 - I. The construction of **employment**/non-residential gross floor area to be constructed, concurrent with **employment**/residential gross floor area to provide a balance of employment and residential growth of development. A portion of the **employment**/non-residential space may be provided as a later phase of development, provided the Owner demonstrates that sufficient land will be made available such that, at full build-out of the lands, the twenty per cent **employment/non-residential** gross floor area will be accommodated;
 - II. the provision of servicing and transportation infrastructure and services.
- e) A Structure Plan, including cross-sections, 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;
- f) A Multi-Modal Transportation Impact Study ("MMTIS") and a comprehensive Travel Demand Management ("TDM") plan;
- g) An Infrastructure Master Plan, including public utilities plan, that identifies such infrastructure as water, sanitary, stormwater and hydro infrastructure requirements and a development strategy;
- h) A Green Infrastructure Strategy that includes consideration of low-impact development, stormwater management systems, and measures to protect and ensure long term maintenance of trees;
- i) An Energy Strategy to address energy conservation including peak demand reduction, resilience to power disruptions and small local integrated energy solutions that incorporate renewable, district energy, combined heat and power or energy storage to address the City’s targets of carbon reduction; and,
- j) 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.

8. A Holding (H) provision may be placed on the lands until matters set out in this policy or conditions set out in a site specific zoning by law are satisfied.

9. Following the completion and approval of the studies identified in Policy 7, amendments to the Golden Mile Secondary Plan may be required to implement the Regeneration Area Studies and may require amendments to the Official Plan. Development for residential, overnight accommodation and live-work uses will not be permitted to proceed prior to the

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approval of amendments to the Golden Mile Secondary Plan and any other amendments required to the Official Plan to implement the Regeneration Area Studies, which would permit such uses.