

May 29, 2023

By E-Mail to *phc@toronto.ca*

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

Attention: Nancy Martins, Committee Administrator

Dear Ms. Martins:

**Re: Our Plan Toronto: Recommendations on Forty-Five Employment Area
Conversion Requests - Final Report
Agenda Item: PH4.5
Submission on behalf of 1941 Eglinton East Holdings Inc.**

Background

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, which is located within the Golden Mile Secondary Plan (“GMSP”) area. More specifically, 1941 Eglinton Avenue East is located within the block southeast of the intersection of Eglinton Avenue East and Warden Avenue, bounded by Warden Avenue on the west, Eglinton Avenue East on the north, Prudham Gate on the east and Civic Road on the south (the “SE Eglinton/Warden Block”).

Although this submission is being made on behalf of 1941 Eglinton East Holdings Inc., our client has the support of all other private landowners within the SE Eglinton/Warden Block, and we have been coordinating directly with the owner of 1923 Eglinton Avenue East (*i.e.* Gateway Tower GP Inc.).

By way of background, 1941 Eglinton actively participated in the public planning process that led to City Council’s adoption of Official Plan Amendment No. 499 (“OPA 499”) and the GMSP in October 2020. Through that process, 1941 Eglinton maintained that the SE Eglinton/Warden Block should be redesignated from *Employment Areas* to *Mixed Use Areas*. When City Council did not do so, 1941 Eglinton appealed portions of OPA 499 and the GMSP to the Ontario Land Tribunal, and that appeal remains outstanding.

Further, in July 2021, 1941 Eglinton submitted a request for an employment land conversion through the City's Municipal Comprehensive Review ("MCR") process, which was supported by various reports addressing land use planning, economic implications, land use compatibility, transportation and servicing matters, and again requesting that the SE Eglinton/Warden Block be redesignated to *Mixed Use Areas*.

Staff Report and Draft OPA 644 and SASP 798

We have reviewed the final report of the Chief Planner and Executive Director, City Planning, dated May 17, 2023 (the "Staff Report"), together with the related draft Official Plan Amendment No. 644 ("OPA 644"), which includes a proposed Site and Area Specific Policy No. 798 ("SASP 798") for lands on the south side of Eglinton Avenue East within the GMSP, including the SE Eglinton/Warden Block.

Although our client fully supports the staff recommendation to remove the SE Eglinton/Warden Block from the *Employment Areas* on Map 2, Urban Structure of the City's Official Plan through OPA 644, we do not support the recommendation to redesignate the SE Eglinton/Warden Block to *Regeneration Areas* and the proposed SASP 798. Rather, we maintain that the SE Eglinton/Warden Block should be redesignated to *Mixed Use Areas*.

On page 21 of the Staff Report, City staff comment that the "[*Regeneration Areas*] designation is generally applied to sites that were not planned for residential uses, and the Official Plan policies require that a Secondary Plan be approved to set the framework for growth on the lands prior to development proceeding".

In response to the above comment, we note that there are several instances in the City of Toronto in which employment lands, which were not previously planned for residential uses, are redesignated to *Mixed Use Areas*, rather than *Regeneration Areas*, including examples within Official Plan Amendment No. 591, which was adopted by City Council last year as part of the first group of conversion requests considered by Council through the current MCR process. Further, another example is within the GMSP itself, where the lands at the southeast corner of Eglinton Avenue East and Pharmacy Avenue were redesignated from *Employment Areas* to *Mixed Use Areas* through City-initiated Official Plan Amendment No. 231. In addition, whereas the staff comment above refers to the need for a Secondary Plan to be approved where lands are designated *Regeneration Areas*, the SE Eglinton/Warden Block is already within a City-initiated Secondary Plan; namely, the GMSP.

City staff also recommend a redesignation to *Regeneration Areas* based on the following statements in the Staff Report:

The use of *Regeneration Areas* as an interim designation allows for a comprehensive approach to planning for these large areas, such as the provision of consolidated park land, instead of piecemeal planning on a site-by-site application basis. It also provides more robust opportunities for discussions with all stakeholders, including public consultation and the identification of community priorities.

It is staff's opinion that re-designating *Employment Areas* directly to *Mixed Use Areas* limits staff and Council's ability to fully consider the necessary components of complete communities, with the necessary infrastructure to service increased residential population. A *Mixed Use Area* designation would not enable staff the ability to broadly consult and undertake a scoped study before introducing residential uses on lands that did not previously have these permissions.

With respect, the above statements are misguided. First of all, the statements ignore the reality that the SE Eglinton/Warden Block is already within the GMSP, which represents a comprehensive planning framework for an area of more than 100 ha, much of which is already designated *Mixed Use Areas*, and was subject to an extensive public consultation process spanning several years. Secondly, redesignating employment lands directly to *Mixed Use Areas* does not limit the City's ability to "fully consider the necessary components of complete communities, with the necessary infrastructure to service increased residential population". Needless to say, before any residential development could occur on the SE Eglinton/Warden Block, further planning applications would be required to be submitted and approved, including zoning by-law amendment and site plan control applications. Through those applications, the City would be able to require appropriate additional studies to ensure necessary infrastructure is or will be in place to service any proposed residential development.

In our view, the staff recommendation for the "interim" designation of *Regeneration Areas* for the SE Eglinton/Warden Block is unnecessary and inappropriate, and will only serve to further delay the potential redevelopment of the block from its current low-density, auto-oriented condition to higher-density mixed-use development. Likewise, a *Regeneration Areas* designation will simply: i) delay the realization of the City's vision for the GMSP area to "transform ... the current landscape of auto-oriented retail and industrial uses into a mixed-use, transit-oriented community"; ii) delay the delivery of desperately needed additional housing units to address the current housing supply and housing affordability crisis; and iii) and delay the introduction of additional ridership to support the massive investment in public transit infrastructure in the form of the Eglinton Crosstown LRT and the Golden Mile Major Transit Station that is located immediately adjacent to the SE Eglinton/Warden Block.

With respect to proposed SASP 798, we note that City staff are recommending a series of policies to secure a minimum amount of affordable housing in new residential development. In our view, these policies are not necessary, as the City has already established an inclusionary zoning regime through the adoption of Official Plan

Amendment No. 577 and the enactment of By-law No. 941-2021 in November 2021, which would apply to lands within the GMSP area.

SASP 798 also proposes to require that a minimum total of 20% of developable gross floor area (“GFA”) be employment and/or non-residential GFA. Although 1941 Eglinton supports mixed-use redevelopment on the SE Eglinton/Warden Block, the proposed requirement for a minimum of 10% employment GFA and another 10% employment or other non-residential GFA is, in our view, inappropriate and unnecessarily restrictive, particularly given that the GMSP already includes a policy requiring a minimum amount of non-residential development within the Mixed Use Transit Nodes (and elsewhere); namely, to support the economic function of the GMSP area, policy 4.5 requires “a minimum of 10 per cent of the gross floor area of the development as non-residential uses in one or multiple buildings”. Consequently, we see no reason why the SE Eglinton/Warden Block should be subject to more onerous requirements for mixed-use development than would apply to lands literally across the street, on the north side of Eglinton Avenue East.

Requested Amendments to OPA 644

Accordingly, we request that OPA 644 be amended as follows:

1. Amend the table in Item B) to identify the SE Eglinton/Warden Block as being redesignated from *General Employment Areas* to *Mixed Use Areas*;
2. Amend the proposed SASP 798 in Item C) by removing the SE Eglinton/Warden Block and amending the title of the proposed SASP accordingly;
3. Amend the table in Item D) by removing the SE Eglinton/Warden Block from the description of the Municipal Address/Location for SASP 798; and
4. Amend Appendix 2, Tile 22, by identifying the SE Eglinton/Warden Block as *Mixed Use Areas*.

Conclusion

We thank you in advance for your consideration of this submission.

Kindly ensure that we receive notice of any decision(s) of the Committee and/or City Council regarding this matter.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Client
Jonathan Rubin, Gateway Tower GP Inc.
Michael Goldberg, Goldberg Group