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Our File No.: 093299-2

May 31, 2023

Via Email (phc@toronto.ca)

City Clerk
c/o Nancy Martins, Administrator
Planning and Housing Committee
10th Floor, West Tower City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Committee Members:

**RE: Our Plan Toronto: Recommendations on Forty-Five Employment Area Conversion Requests
- Final Report City of Toronto Official Plan Review
PH 4.5
20 Leslie Street, Toronto**

This submission is being made on behalf of our client (20 Leslie ST LP) who owns 20 Leslie Street (the "**Property**"). It is located in the mixed use area east of the Don River and just north of the waterfront, more specifically west of Leslie Street and to the south of Mosley Street; with frontage on both. For context purposes it is located directly west of Conversion Request # 55 located at 17 Leslie Street.

By way of background, our client formally submitted this conversion request by letter dated November 15, 2022 to the Director, Strategic Initiatives, Policy & Analysis (package attached).

We were informed by City staff it was too late and the package was returned in an apparent desire to remove any record of the request. In any event, we did not understand the Staff position to refuse to consider the merits of the request given City staff were still reviewing requests and completing the MCR. In any event, given the recent proposed Provincial changes (detailed below), we believe that a review of this request should take place under the proposed new Provincial Planning framework so that the Minister can be provided with a thorough review of the (delayed) MCR recommendations within the context of the proposed Provincial policy as well as current policy.

In this light, the purpose of this letter is to specifically request that:

- a) the Committee direct the Chief Planner and Executive Director of Community Planning to immediately commence a parallel review of the Official Plan, including conversion requests both new and existing that consider recent Provincial direction as expressed through the proposed new Provincial Planning Statement ("**PPS 2023**") and the implementing revisions to the *Planning Act* as set forth in Bill 97; and
- b) the Committee Members consider our client's Property in light of the above and direct City Planning to redesignate the Property "Mixed Use", as consistent with the evolving Provincial Policy in order to assist the City in creating *complete communities* as defined by the Province.

To assist the Committee Members in considering our client's submission we are providing you with the relevant background information related to:

- i) the present and future Provincial and Municipal Comprehensive Review ("**MCR**") process; and
- ii) our client and its mixed use, complete community proposal.

Combining these two would lead the City towards truly achieving a vibrant bold waterfront neighbourhood that is part of a well-connected, mixed use community.

BACKGROUND

i) Status of Present Conversion Request Process

Further to our client's (above) request that the Committee direct City Planning staff to commence new conversion request reviews in line with recent Provincial direction as expressed through Bill 97 (which we note the Committee is considering in item PH 4.8 also on this Committee's Agenda), it would be beneficial to review the history and status of the existing conversion process. It will detail how the City's actions to date need to be expeditiously updated to align with Provincial Direction or City staff and Committee time and resources will be wasted.

As you may recall, on October 15, 2019, the Planning and Housing Committee considered a report from the Chief Planner that described the requirements for the Growth Plan 2019 conformity exercise and MCR. The Committee requested the Chief Planner report on a work program for the completion of the required conformity exercise.

On June 29, 2020, Council adopted a recommended approach and work plan for the Growth Plan conformity exercise and MCR. Council authorized the commencement of the MCR on August 4, 2020.

On February 2, 2022, Council considered a report that provided an update on the Growth Plan conformity exercise and MCR and, among other matters, **adopted a recommendation requesting the Minister grant an extension to the July 1, 2022 Provincial conformity deadline.** Despite the fact that the Minister did not grant the requested extension, City Staff did

not complete the MCR process by July 1, 2022. To date, City staff indicate they are not going to consider the Province's new policy direction.

We highlight that even the first group of requests the City has considered through OPA 591 (since August 9, 2022) have not been approved or refused by the Province. In fact, the Minister formally suspended the 120-day time period to make a decision on the Council-adopted 30+ conversion requests. To date, the City has not received a decision on OPA 591. We highlight for you that the Provincial actions fit in with its very recent planning release expressed through Bill 97. The Province has shown no intention to consider the existing requests under a "dated" planning regime which will be updated in fall of 2023.

Most significantly, on April 6, 2023, the Province introduced new policy and legislative changes as part of its ongoing effort to address both housing supply and affordability. The Province introduced two key components:

- 1) Bill 97 – An Act to amend various statutes with respect to housing and development; and
- 2) the proposed PPS 2023.

A City Planning report regarding the proposed PPS 2023 is actually at this same Planning and Housing Committee. The proposed PPS 2023 is intended to replace the PPS 2020 and Growth Plan 2020 with a new document with which all land use matters must be consistent. We highlight the City's own Planning Report states:

" the proposed new policy and legislative changes, including the proposed new *Planning Act* definition for “areas of employment” are likely to have implications for Employment Areas planning in the future".

This new definition for areas of employment is a logical recognition that industrial and other specialized economic lands have different requirements and needs than office, retail and institutional lands. Industrial lands do need protection. However, the Province has recognized that maintaining areas that are primarily office and retail (with extensive areas of surface parking) which abut low rise residential areas such as this neighbourhood, as detailed on the aerial photo below, are different than industry and do not need blanket "protection" as exists today. Specifically, the Province is proposing to amend the policy direction of Employment Areas.

The proposed PPS 2023 includes a new definition of Employment Areas to match the *Planning Act* definition change proposed in Bill 97. The new definition for Employment Areas scopes the protected land uses by excluding institutional and commercial uses (i.e., retail and office not associated with the manufacturing, research and development, warehousing, and goods movement) through proposed policy 2.2.1.b.2. As such, the conversion of existing commercial and retail with extensive surface parking lots for residential uses is now being encouraged. This is dramatically different to how the City is considering conversions from these office areas to mixed use areas today.

Also relevant in the context of our client's Property is the fact that the new PPS 2023 will not carry forward with the Provincially Significant Employment Zone ("PSEZ") classification.

Similarly, expressed through the new planning regime release of April 6, 2023, the Province announced its intention to remove the PSEZ framework.

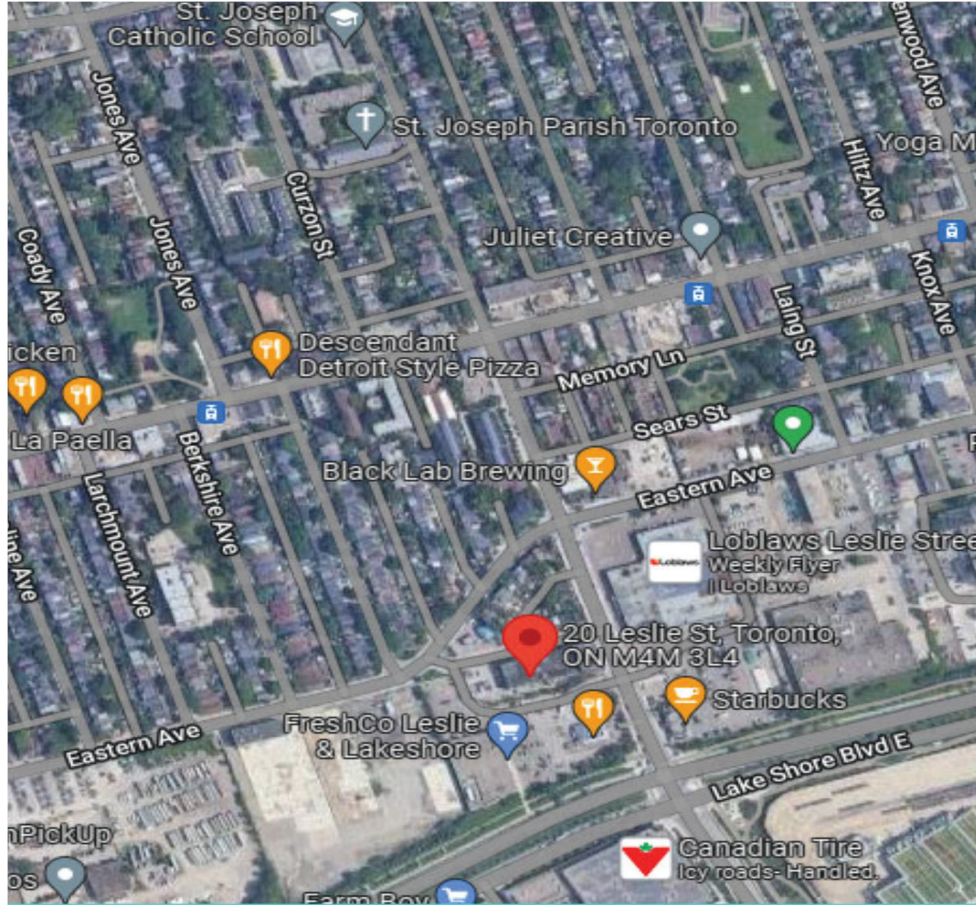
The significance of these changes are, as noted above, recognized by Staff and we believe it would be prudent for the Planning and Housing Committee to direct immediately commencing a parallel review of the adopted Official Plan, including conversion requests both new and existing, that consider recent Provincial Policy direction to assist both the Province and City to deliver housing in a timely manner.

ii) Context of 20 Leslie Street conversion request

By way of background, as noted above, our client formally submitted this conversion request by letter dated November 15, 2022 to the Director, Strategic Initiatives, Policy & Analysis (package attached).

In addition, our client also made a request of the Province to remove the PSEZ that applies to it by submission dated December 5, 2022. By email response from the Province dated April 6, 2023 we were informed that the Province was proposing to remove all PSEZs and considering specific other avenues for protection for industrial lands that require such protection. This protection would not be extended to office lands which our client presently has located on its Property.

In order to highlight the details of our client's proposal, we will first detail the "physical" relationship between our client's property and the Neighbourhood.

Figure 1. Air Photo of our client's site and neighbourhood

The Property is approximately 3,900 m² in size and as shown on the attached air photo contains a dated, non-descript brick office building with no unique characteristics. To the north of the subject site, there are ten two-storey semi-detached dwellings fronting onto the northern side of Mosley Street. Those properties are located within an area designated as "Neighbourhoods" as detailed on Map 21 of the City of Toronto Official Plan. A gas station is also located at the junction of Mosley Street and Eastern Avenue.

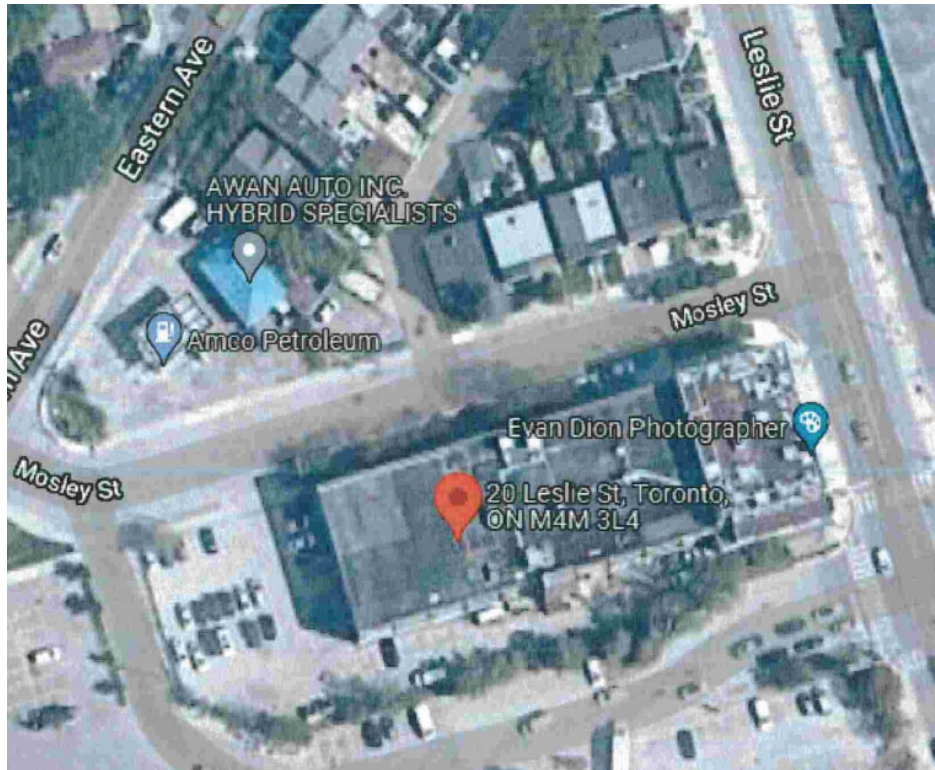
Looking eastward down Mosley Street with houses to the north and Loblaw's to the east (Conversion Request #55). To the immediate east of the Property on the other side of Leslie Street, there are low rise retail and café uses (Loblaw's and Starbucks) with associated surface parking lots. A supermarket (FreshCo) and a coffee shop (Tim Hortons) with associated surrounding parking lots are located to the immediate south and west of the Property, across from the private street.

Neither the Property nor the area are thriving as an Employment Area as defined by the City's own Official Plan and, importantly, will not realistically be doing so in the future. Neither the Property, nor the immediate area, are appropriate for reverting to an industrial or other pure economic style

use given that the property is a small island site, located immediately adjacent to a residential area and surrounded by surface parking and large scale retail uses.

The area is, however, ripe for conversion to a modern mixed-use style of development, which can house jobs while also delivering necessary housing. Maintaining the existing designation will only serve to stifle improvements from taking place and unnecessarily limit housing in urban areas with good access to infrastructure. It is the goal of our client to spark this revitalization.

Figure 2. The Property



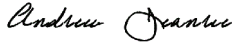
The highest and best use of the Property would be better served as mixed use development. Converting the Property to a mixed use development will allow the site to maximize its potential and the use of the extensive municipal infrastructure in the area, in sharp contrast to the existing state of the Property (and the area). A vibrant mixed use district will, in turn, further support the intensification of the employment uses in the area – as noted previously, employment, retail and institutional uses thrive in vibrant complete communities.

Please be advised that our client welcomes further discussion with City staff. We thank you for the opportunity to comment on this important matter and request notification of any future meetings or decisions relating to the Conversion Land review.

Yours truly,

BENNETT JONES LLP

Per:

DocuSigned by:

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Andrew Jeanrie

Attachement, November 2022 Request for Conversion

c.c.: Client



Andrew Jeanrie
Partner
Direct Line: 416.777.4814
e-mail: jeanriea@bennettjones.com

November 15, 2022

Via E-Mail (kerri.voumvakis@toronto.ca) and Delivered

Kerri Voumvakis
Director, Strategic Initiatives, Policy & Analysis
City of Toronto, City Planning Division
22nd Floor, Metro Hall
55 John Street
Toronto, ON M5V 3C6

Dear Ms. Voumvakis:

**Re: Request for Employment Lands Conversion
No. 20 Leslie Street, Toronto**

We are the solicitors for 20 Leslie Street Inc., the owner of a 3,913 m² site municipally known as No. 20 Leslie Street (the "**Property**"). It is located west of Leslie Street and to the south of Mosley Street; with frontage on both.

As detailed on the survey that is include dint this submission the Property is currently occupied by a part three-storey, part two-storey brick building located adjacent to Leslie Street and Mosley Street, with limited parking spaces to the south and west sides of the building and a private street framing the west and southern property boundaries.

We have provided an aerial photo below to give the context of the Property and the abutting residential neighbourhood.

The purpose of this letter is to submit herewith our client's formal request as part of the City's ongoing municipal comprehensive review process and City of Toronto Official Plan Policy 2.2.4.17 to redesignate the Property from "General Employment Areas" to "Mixed-Use Areas" or "Regeneration Areas" to permit the redevelopment of this isolated, underutilized site into a more productive and contributing space for use and integration into the neighbourhood.



LOCATIONAL DETAILS

The Property is approximately in 3,900 m2 in size and as shown on the attached air photo contains a dated, non-descript brick industrial/employment building with no unique characteristics. To the north of the subject site, there are ten two-storey semi-detached dwellings fronting onto the northern side of

Mosley Street. The properties are located within an area designated as "Neighbourhoods" as detailed on Map 21 of the City of Toronto Official Plan. A gas station is also located at the junction of Mosley Street and Eastern Avenue.



Looking eastward down Mosley Street with houses to the north and Loblaw's to the east.

To the immediate east of the Property on the other side of Leslie Street, there are low rise retail and café uses (Loblaws and Starbucks) with associated surface parking lots.

A supermarket (FreshCo) and a coffee shop (Tim Hortons) with associated surrounding parking lots are located to the immediate south and west of the Property, across from the private street.

The neighbourhood is not thriving as an Employment Area as defined by the City's own Official Plan and, importantly, nor would it realistically be doing so in the future. Neither the Property, nor the immediate area, are appropriate for reverting to an industrial or other pure employment style use given that the property is a small island site, located immediately adjacent to a residential area.

The area is, however, ripe for conversion to a modern mixed-use style of development, which can house jobs while also delivering necessary housing. Maintaining the existing designation will only serve to stifle improvements from taking place. It is the goal of our client to spark this revitalization.

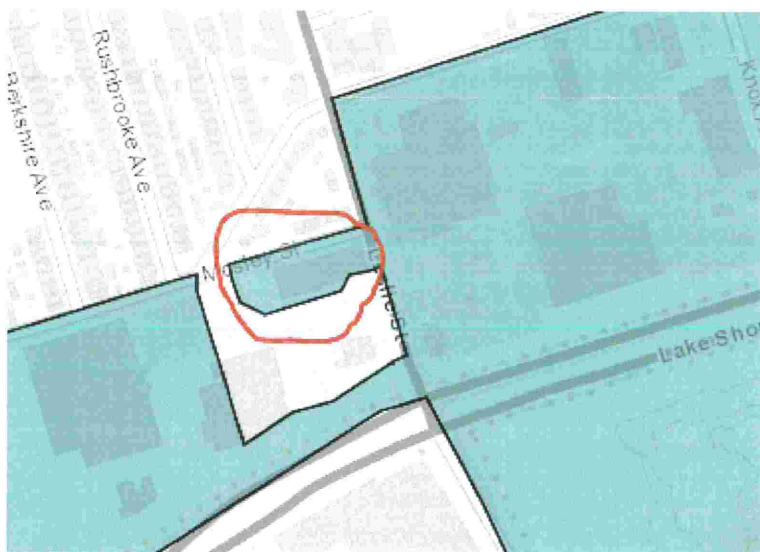
EVALUATION OF THE CONVERSION REQUEST

There are two general considerations by which a conversion request is evaluated. The first is meeting the Provincial *Planning Act* requirements. With the Provincial "top down" planning hierarchy, the City has specific tests by which it must formally evaluate requests. The second is a consideration of the contextual relationship of the Property to the neighbourhood and uses within and abutting the

Property. On a grander level, Employment Areas also must not only consider their role within the City and the region, but also within the Province.

PROPERTY STATUS

In evaluating requests for employment conversions from a *Planning Act* perspective, we first note that while the Property is part of a Provincially Significant Employment Zone, this appears to be an anomaly which we are discussing with the Province. As detailed on the excerpt below from the Provincial mapping, the Property is a small island, surrounded by roads, and is closer to the residential area immediately north of it than it is to the Provincially Significant Employment Zone ("PSEZ") lands across Leslie to the east of it. The lands north, west and south are not part of the PSEZ. Removing our client's Property will have no impact on the health of the Provincially Significant Employment Zones as our client request not result in the introduction of sensitive land uses any closer to the PSEZ lands than is the case today. Furthermore, the PSEZ lands to the east consist of low density retail uses, not heavy industrial style uses.



Provincially Significant Employment Zone mapping excerpt

CONTEXTUAL MUNICIPAL ROLE

As described above, the Property is found within what can be characterized as an isolated "part" of an Employment Area that is ripe for a transformation into a new, vibrant mixed-use area. Located to the north of the Property are lands that are designated "Neighbourhoods" and uses include homes and schools. To the south, west and east of the Property are lands designated "General Employment", but the uses are grocery stores, restaurants and retail, all uses that would typically be found in the "Mixed-Use Area" designation or "Regeneration Area" designation which our client is requesting for its Property.

More particularly, the future use of the Property is envisioned as a lively mixed-use site, which will include employment use, residential space and could include community space including open space.

Building off this vision, the Property can become an exciting catalyst for regeneration of the employment lands into a strong mixed-use area and hub for the larger community.

EXCLUSION REQUEST

We understand that conversion requests will be assessed, both cumulatively and individually, by considering a number of conversion criteria. These criteria can be categorized into the following general themes:

- I) Demonstrating a need for a conversion in order to meet the City's allocated population forecast;

It goes without saying that with increased immigration and the allocation of residential growth numbers by the Province to the City that an intensified form of residential development is desirable and required for the City to meet its obligations. Sites such as the Property and its surrounding area, will be key catalysts in not only meeting these obligations but continuing the City's transformation into one of the world's most vibrant urban centres.

- II) If the City will be able to meet their allocated employment forecast;

The requested conversion will not remove or discontinue a current "functioning" employment use. The Property and surrounding area are not functioning as a thriving Employment Area today, nor are they a candidate for the sort of "sheltered" (as in uses that need to be separated from sensitive land uses) employment uses like industrial, so there will be no decrease in defacto Employment Area lands. Just as importantly though, the switch of this Property to a more appropriate designation will increase the likelihood of stable jobs through a "Mixed-Use Areas" or "Regeneration Area" designation. As has been demonstrated in other areas of the City, the transformation of Employment Area Lands that have fallen out of industrial uses into mixed use areas will lead to more jobs and housing in those same areas. We also believe that the type of uses that would be attracted will fit successfully within the neighbourhood.

The requested exclusion of the Property from remaining within the "General Employment Use" designation will in no way prejudice the ability of the City or the broader region to respond to future needs for employment lands. The Property is insignificant in size, is cut off from the remainder of the employment area and plays, at best, a very limited theoretical role today. As noted above, the conversion to a mixed-use area, in fact, could lead to more employment opportunities on the site than trying to constrain the area with single purposes employment uses.

- III) Whether or not the conversion would adversely affect the employment area related to:

- Land use compatibility, size of employment area, ability to provide opportunities for similar or related employment; and

As demonstrated above, this part of the City has already evolved from being a consolidated Employment Area and the conversion of this Property will not destabilize what exists already. In fact, as it relates to land use compatibility, the proposed mixed-use designation will be more compatible with the surrounding uses (within the institutional, employment and residential areas) than the majority of the Employment Area uses currently designated for the Property would be.

IV) Whether there is sufficient hard and soft infrastructure to accommodate the proposed use(s).

The lack of success of the former uses on the Property cannot be attributed to insufficient hard or soft infrastructure. In fact, from a local perspective the Property is well served by transit with comprehensive public transit infrastructure and local oriented road system. In terms of water and sewer any redevelopment options can be successfully serviced. Our client's servicing engineer has confirmed that the redevelopment options that are being considered would have less impact on servicing than many manufacturing uses which could be constructed on the Property if this area of the City was in fact desirable for that type of development.

Please find enclosed:, a copy of this submission (letter and survey) on a USB key.

We look forward to meeting with the City to discuss this matter in further detail. We are also happy to provide such additional information as would reasonably assist the City in evaluating this matter. Please feel free to reach out to myself, or Robert Blunt, the land use planner assisting me with this matter at 416.777.7490.

Yours truly,

BENNETT JONES LLP



Andrew Jeanrie

Enclosure

Cc: Client

Janani Mahendran, City Planning



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December 5, 2022

Via E-Mail: growthplanning@ontario.ca

Minister Steve Clark
Ministry of Municipal Affairs and Housing
c/o Provincial Land Use Plans Branch
College Park
13th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Minister Clark:

**Re: Request for Removal of Lands from a Provincially Significant Employment Zone
No. 20 Leslie Street, Toronto
ERO 019-6177**

We are the solicitors for 20 Leslie Street Inc., the owner of a 3,913 m² site municipally known as No. 20 Leslie Street (the "**Property**") in the City of Toronto. It is located in the mixed use area east of the Don River and just north of the waterfront, more specifically west of Leslie Street and to the south of Mosley Street; with frontage on both.

The purpose of this letter is to:

- a) formally respond to the Province's review of the policies in A Place to Grow ("**APTG**") and the Provincial Policy Statement ("**PPS**") through ERO 019-6177; and
- b) submit our client's request to remove the Property from the Province's list of areas characterized as being "Provincially Significant" in terms of employment. More particularly, we are asking the Minister to consider removing the Provincially Significant Employment Zone ("**PSEZ**") classification from the Property.

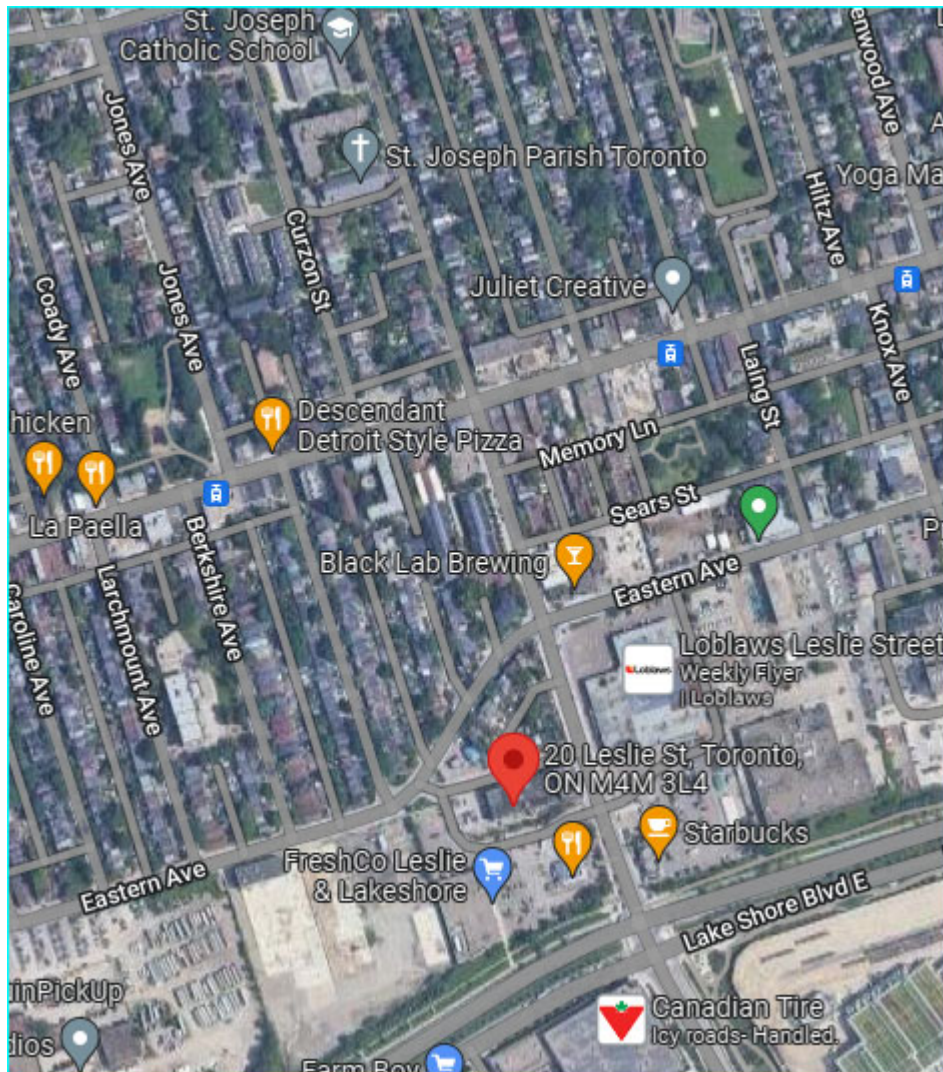
Our client sees their response and request (as expressed above) as being timely in terms of supporting the Province's goals as expressed through Ontario's More Homes Built Faster: Ontario's Housing Supply Action Plan. More particularly, the response and request will assist Toronto to promptly convert lands within employment areas to new residential and mixed-use development in a manner that, in the long term, may even create more employment as well. We demonstrate below that the Property does not have a regional or provincial role in terms of employment, but could play a role in providing housing.

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To assist you in visualizing the location of the Property we have provided an aerial photo below:

- i) to give the setting and the relationship to the abutting residential neighbourhoods to the north and west, and the retail uses to the east and south; and
- ii) to demonstrate "graphically" the failure of the Property to meet the standards of what should in fact be characterized as being worthy of being a PSEZ.



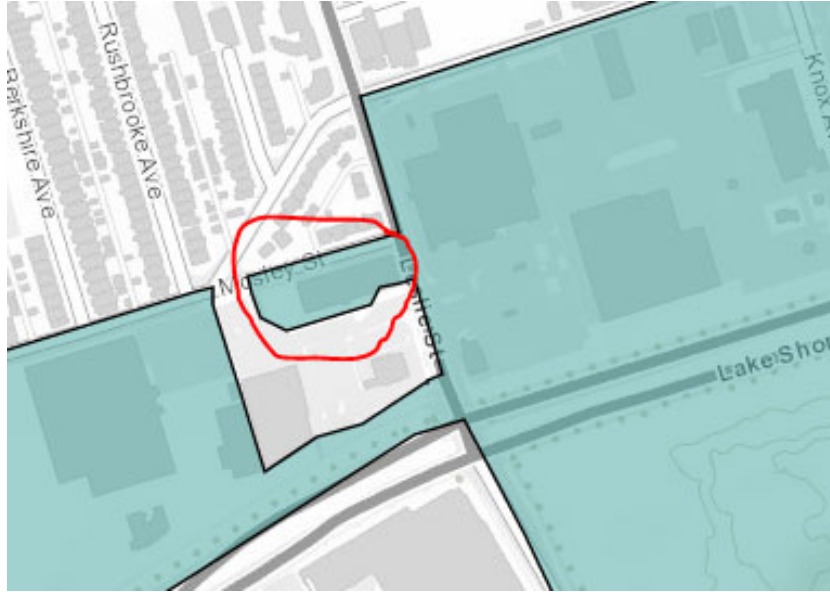
Air Photo with Property identified with red pin

To provide context to our client's request we have also included below an excerpt from the Province's own mapping that clearly shows the "appendage" categorization which would appear to have been

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"left over" when the lands that abut the Property to the west, south and north, were not placed in the PSEZ, and the lands to the east are retail.



Provincially Significant Employment Zone mapping excerpt

As detailed above on the Provincial mapping, the Property is a small island, surrounded by roads, and is closer in characteristics to the residential area immediately north of it than it is to the PSEZ lands across Leslie to the east of it. The lands north, west and south are not part of the PSEZ. Removing our client's Property will have no impact on the health of the PSEZ to the west or further east across Leslie Street as our client's request will not result in the introduction of sensitive land uses any closer to the PSEZ lands than is the case today. Furthermore, the PSEZ lands to the east consist of low density retail uses, not heavy industrial style uses.

BACKGROUND

As detailed on the survey that is included in this submission, the Property is currently occupied by a part three-storey, part two-storey brick building located adjacent to Leslie Street and Mosley Street, with limited parking spaces to the south and west sides of the building and a private street framing the west and southern property boundaries.

The Property is approximately 3,900 m² in size and, as shown on the attached air photo, contains a dated, non-descript brick industrial/employment building with no unique characteristics that would make it desirable for employment uses on a Provincial scale.

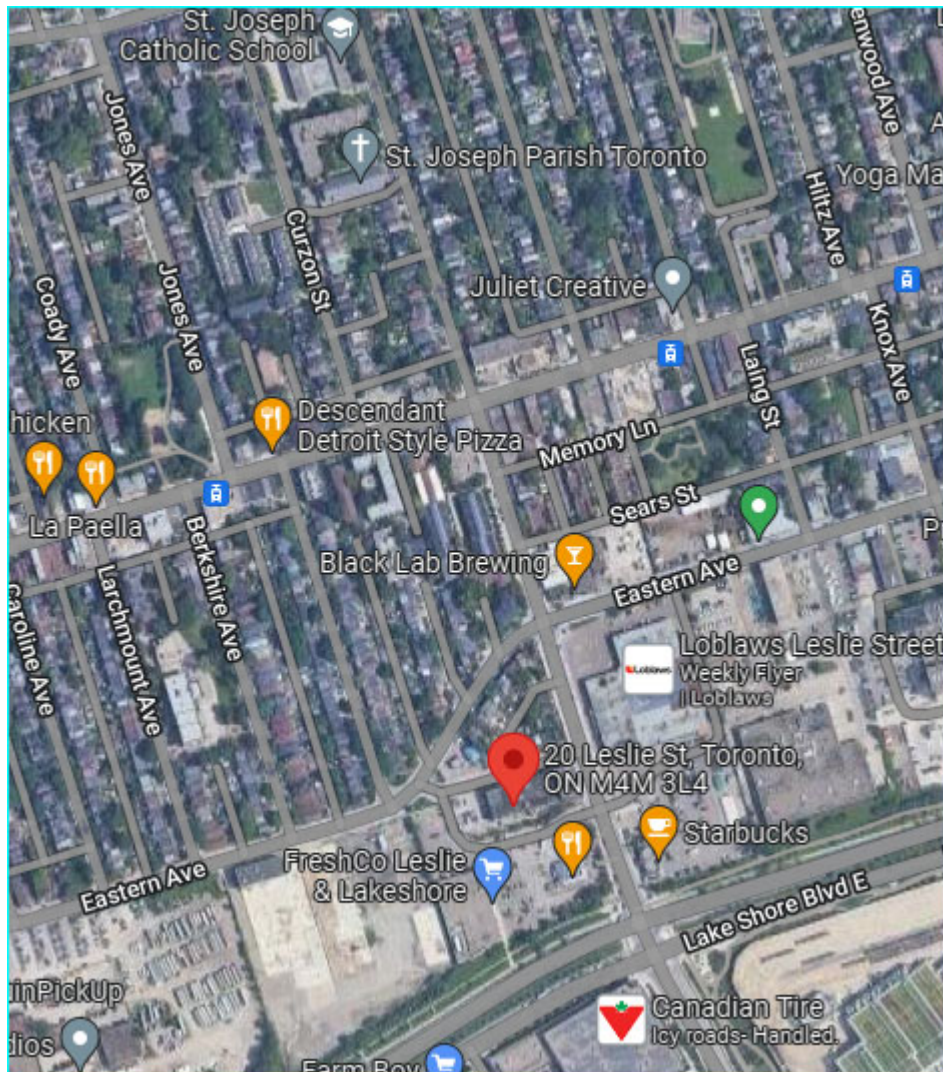
To the north of the subject site, there are ten two-storey semi-detached dwellings fronting onto the northern side of Mosley Street. The properties are located within an area designated as "Neighbourhoods" as detailed on Map 21 of the City of Toronto Official Plan. A gas station is also located at the junction of Mosley Street and Eastern Avenue.

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To the immediate east of the Property on the other side of Leslie Street, there are low rise retail and café uses (Loblaws and Starbucks) with associated surface parking lots.

A supermarket (FreshCo) and a coffee shop (Tim Hortons) with associated surrounding parking lots are located to the immediate south and west of the Property, across from the private street.



The neighbourhood is not thriving as an Employment Area as defined by the City of Toronto's own Official Plan and, importantly, nor would it realistically be doing so in the future. Neither the Property, nor the immediate area, are appropriate for reverting to an industrial or other pure employment style use given that the property is a small island site, located immediately adjacent to a residential area.

It goes without saying, **the Property is not Provincially Significant** from the standpoint of employment. However, it is ripe for conversion to a modern mixed-use style of development, which can provide jobs while also delivering necessary housing. Maintaining the existing PSEZ

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classification will only serve to stifle improvements from taking place. It is the goal of our client to spark this revitalization.

MUNICIPAL PROCESS

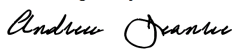
By letter dated November 15th, 2022 (attached), our client formally requested City Planning to consider redesignating the Property from "General Employment Areas" to "Mixed-Use Areas" or "Regeneration Areas" to permit the redevelopment of this isolated, underutilized site into a more productive and contributing space for use and integration into the neighbourhood. This request of the City was made as part of the City's ongoing municipal comprehensive review process.

Reading our submission will provide background details of the municipal policy context, and it is evidently clear our client's request to redesignate the Property at the municipal level is justifiable.

We would be pleased to meet with Provincial staff to discuss this request in further detail if deemed beneficial. We are also happy to provide such additional information as would reasonably assist the Province in evaluating this matter. Please feel free to reach out to myself, or Robert Blunt, the land use planner assisting me with this matter at 416.777.7490.

Yours truly,

BENNETT JONES LLP

DocuSigned by:

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Andrew Jeanrie

Enclosure

cc: Client