



SENT BY EMAIL: phc@toronto.ca

June 30, 2023

Attention: Nancy Martins, Committee Administrator

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

Dear Ms. Nancy Martins,

Re: Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review - Final Report Request No. 058 - 4186 and 4190 Finch Avenue East, Toronto

This letter is prepared on behalf of Torgan Construction Limited (Torgan), the owner of the property municipally known as 4186-4190 Finch Avenue East in the City of Toronto (the subject site). Goldberg Group was retained by the owner to provide land use planning advice with regards to the Employment Lands Conversion Request (ELCR) No. 058 relating to the subject site, as filed on July 30, 2021 requesting the lands be converted from *General Employment Areas* to *Mixed Use Areas*.

In this letter, we provide our planning comments regarding proposed Official Plan Amendment No. 653. For the reasons set out below, we fundamentally disagree with the recommended approach of OPA 653. Our client's position, supported by our planning opinion, is that the most appropriate designation for the subject site is *Mixed Use Areas* which this letter recommends to Planning and Housing Committee and to City Council, as part of any decision to adopt OPA 653.

Background

The subject site is located at the northwest corner of Finch Avenue East and Midland Avenue and is comprised of 2.05 ha (5.06 ac) of land. It is currently occupied by a medical office building at the southeast corner of the site, considerable surface parking at the centre of the site, and an "L"-shaped single storey plaza occupying the northern and western portions of the site which include a number of restaurant tenants. This letter follows Staff reports, correspondence, and meetings with City Staff, cataloguing the ELCR (Request No. 058) of 4186-4190 Finch Avenue East, as detailed below:

- July 29, 2021 – A formal Employment Area Conversion Request (Request No. 0.58) relating to the subject site was filed, requesting the lands be converted from *General Employment Areas* to *Mixed Use Areas*. Other filed materials include a Planning Opinion Letter, prepared by Goldberg Group and Compatibility & Mitigation Study prepared by RWDI, Conceptual Architectural Plans, prepared by Diamond Schmitt, Transportation

Impact Assessment, prepared by Lea Consulting and Landscape Plans, prepared by Studio TLA.

- December 21, 2021 – The City released a *Preliminary Staff Assessment of the Employment Area Conversion Request (Group 1)* requiring further analysis to inform a recommendation of the ELCR (Request No. 058) related to the subject site.
- Several meetings were held between City Staff and the Owners and its consultants. Very little information or opinions were provided by City staff concerning the direction of their recommendations concerning this conversion request.
- June 16, 2023 – The City released *Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review - Final Report*, recommending that the subject site lands be retained as *General Employment Areas*.

Request for Conversion

We received and reviewed *Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review - Final Report*, recommending the lands be retained as *General Employment Areas*. Respectfully, we disagree with this and support our client's position, that the most appropriate designation for the subject site is *Mixed Use Areas*.

The subject site is approximately 275 m from the Finch/Midland Go Station which will give direct rapid transit access to Downtown Toronto and Union Station. As such, the subject site is located within a *Major Transit Station Area (MTSA)* as defined by the Growth Plan, which directs additional residential units to support existing and planned rapid transit service and would further support the recent Provincial and City policy initiatives promoting increased housing supply, at a faster rate, in locations well serviced by transit. The area is also serviced by existing surface transit routes feeding into the existing subway system. A combination or mix of employment, residential and commercial uses are ideal for this strategic and important location.

The subject site is a large and underutilized commercial site located at an arterial edge of the Employment Area, designated by the Province as a *provincially significant employment zone (PSEZ)* with frontage on two busy arterial roads supporting existing surface transit, and residential uses to the south and east. All of the lands to the south and east of the subject site are designated as *Neighbourhoods* in the City OP, with the exception of a small area at the southwest corner of Finch Avenue East and Midland Avenue that is designated as *Mixed Use Areas*. The lands to the north are commercial plazas and the lands to the west include a 5-storey commercial office building. The properties located north and west of the subject site are employment uses that are compatible with a *Mixed Use Areas* designation. This includes low-intensity office, retail and service commercial uses. A fully mixed use project can be accommodated on the subject site without compromising the long-term viability of the remaining *Employment Areas*, while complimenting the nearby *Neighbourhood* and *Mixed Use Areas* lands to the south and east.

Mixed use development (including residential uses) on the subject site would be consistent with PPS policies that promote compact, mixed use intensified, transit-supportive development and encourage the provision of residential uses in locations well-served by public transit to meet long-term housing needs. The site is currently very under-utilized, and approving this Employment

Conversion Request is the first planning step toward achieving an optimized use of this strategically located, well configured and sized parcel.

Although the subject site is located within a PSEZ, the Growth Plan suggests that the introduction of residential uses in a PSEZ may be supportable if they will co-exist with nearby employment uses and maximize opportunities for intensification around *MTSA*. This ELCR supports such a development on the subject site.

Adding residential permissions on the subject site will contribute to satisfying housing needs for the projected population growth in Toronto, in which City Council pledged 285,000 new homes by 2031 in response to Province-wide housing targets. This additional housing can be provided concurrently with the provision of increased employment uses on the subject site, all of which will assist in meeting demand for non-residential space and housing in this *MTSA*.

Previous letters are attached, addresses the planning merits of this request, and in particular, addresses the Employment Area conversion policies set out in Section 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan"), and Section 2.2.4.17 of the City OP.

Concluding Remarks

In December 2021, City staff reported on the subject conversion request (among others) and concluded that additional work was necessary before a conclusion could be drawn. This conclusion contrasted with other conversions request City Reports, where the City concluded in its summary review of other sites that the other site(s) were not recommended for conversion and should stay as Employment Area. This gave an indication that the City staff were positively considering the subject conversion request.

The Owners and its consultants have met with the City Community Planning and Policy staff on three occasions. Very little information or opinions were provided by City staff concerning the direction of their recommendations concerning this conversion request.

This Employment Area conversion request seeks to have the land redesignated, from *General Employment Area* to *Mixed Use Area*. We conclude, for all the reasons stated, that there is compelling land use planning merit in this request. We also conclude that this conversion request is consistent with the PPS, is in conformity with the Growth Plan and the City OP, and to do nothing in the circumstance, would be inconsistent with the PPS. Maintaining the subject site as *General Employment Areas*, would represent a missed opportunity and result in an under-utilization of the subject site that is low-intensity, low-rise, single purpose destinations, which maintains increased automobile dependency, and reduces the opportunity on this site for contemporary planning, urban design and community building. Permitting mixed use on this site at intensified levels is achievable, without compromising the viability of the remaining Employment Area to the north and west.

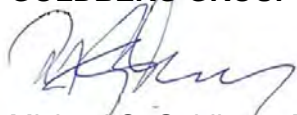
The staff recommendations to maintain the site as an employment area site, would destine the subject site to its status quo built form and use. The existing single storey plaza, occupied by primarily restaurant tenants and considerable surface parking, would continue into the foreseeable future without any redevelopment being initiated by the owners. That in our opinion, would represent a missed opportunity, to fulfill the many Provincial and City policy objectives on this site.

A win-win option would be to approve the redesignation to *Mixed Use Areas*, thereby achieving a mix of residential, commercial and employment uses on site at a higher density. The do-nothing approach of the staff recommendations defeat the laudable contribution this site could lend toward optimizing the considerable public investment in rapid transit to this immediate area.

In view of the foregoing, we respectfully request that the owner's request for *Mixed Use Areas* be forwarded to Council for approval.

We thank you for the opportunity to provide comments and will make ourselves available should you have any questions or require additional information. Please contact the undersigned at 416-322-6364 ext. 2100 any time.

Yours very truly,
GOLDBERG GROUP



Michael S. Goldberg, MCIP RPP
Principal

Cc: Clients
Councillor Nick Mantas

Attachments: Planning Opinion Letter, prepared by Goldberg Group, dated July 29, 2021

Attachment 1



SENT BY EMAIL: Kerri.Voumvakis@toronto.ca and Jeffrey.Cantos@toronto.ca

July 29, 2021

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

Dear Ms. Voumvakis and Mr. Cantos,

**Re: Employment Lands Conversion Request
Torgan Construction Limited
4186 and 4190 Finch Avenue East, Toronto**

Goldberg Group was retained by Torgan Construction Limited (Torgan), the owner of the property municipally known as 4186-4190 Finch Avenue East in the City of Toronto (the Subject Property), to provide land use planning advice and to provide this Employment Land Conversion Request ("ELCR") for the Subject Property.

Please accept this letter as Torgan's formal conversion request for a redesignation of the Subject Property from *General Employment Areas* to *Mixed Use Areas* in the City of Toronto Official Plan (City OP). This letter, together with the attached materials, address the planning merits of this request. This letter addresses: i) the conversion policies set out in Section 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan); and ii) the requirements and policies described in the City of Toronto's Official Plan (City OP) policies 2.2.4.14 to 2.2.4.18, in accordance with Attachment 3 to the approved work plan for the City's municipal comprehensive review.

This letter provides:

- an outline of the applicable Provincial and municipal policies applicable to this consideration;
- a summary of the City's process regarding ELCRs, and
- an analysis of the proposed conversion in the context of the applicable Provincial and municipal policies.

This conversion request is supported by the following studies:

- Land-use Compatibility/Mitigation Study, prepared by RWDI, dated July 27, 2021, and

- Transportation Impact Assessment, prepared by Lea Consulting, dated July 2021.

For the reasons set out in this letter, it is my professional planning opinion that this proposed ELCR is consistent with the policy directions set out in the Provincial Policy Statement 2020, and it conforms with the Growth Plan 2020 and the City OP.

The Subject Property and Its Area Context

The Subject Property is located on the northwest corner of Finch Avenue East and Midland Avenue in the former City of Scarborough (**Attachment 1 & 2**). It is a relatively flat, rectangular parcel with a site area of 20,550 square metres, and considerable frontages of 158 metres and 126 metres along Finch Avenue East and Midland Avenue, respectively.

The Subject Property is currently occupied by a combination of low-rise and low intensity uses. There is a four-storey medical office building at the southeast corner of Subject Property, oriented towards the Finch and Midland intersection. Along the west and north sides of the Subject Property are two, single-storey, retail and service commercial plazas. Between the plaza and the office building is a large surface parking lot servicing the existing uses.

About 300 metres west of the Subject Property, adjacent to the Stouffville GO rail corridor, is the planned Finch-Kennedy Station, one of five new stations that comprise the SmartTrack/GO Station Program (**Attachments 3 & 4**). The SmartTrack/GO Station Program was initiated by the City of Toronto in 2015 and is currently being undertaken jointly by the City and Metrolinx. The overall strategy for the SmartTrack/GO Station Program is to leverage existing heavy rail infrastructure in Toronto to improve the City's rapid public transit network. The planned Finch-Kennedy Station will sit between the Milliken GO Station to the north (at Steeles Avenue East) and Agincourt GO Station to the south (at Sheppard Avenue East). The construction of the Finch-Kennedy Station supports the conversion request set out herein, which, if approved, will permit an intensification and optimization of the Subject Property.

A road-rail grade separation will be built, allowing the rail corridor to cross over Finch Avenue East. Four entrances will be provided at each corner of the grade separation to provide access to the station's two-sided platforms, on the west and east sides of the rail corridor. Each entrance will be equipped with stairs, elevators, and bicycle parking facilities connected to multi-use paths accessing future bike lanes on Finch Avenue East.

Access to Finch-Kennedy Station by vehicle will be provided via a new access road connecting to Finch Avenue East, opposite Baylawn Drive, approximately 230 metres east of the rail corridor. Pedestrian pickup/drop-off will be provided along the south side of the access road. TTC busses will connect with the station at stops in lay-bys on the north and south sides of Finch Avenue East.

Surrounding the Subject Property are further land uses and built forms that are oriented towards either the Employment Area to the north and west, or the residential neighbourhoods to the east and south. This includes:

- To the west:

Between the planned Finch-Kennedy SmartTrack/GO station and the west side of the Subject Property are low intensity, single-storey commercial buildings, including a large public storage facility, and a 5-storey office building known as the First Professional Centre, abutting the Subject Property's west side.

- To the north:

To the north of the Property is the Sky City Shopping Centre, a large retail facility with two rows of single-storey retail buildings, along the north and south sides of the property, oriented in an east-west direction, with a large surface parking area in between.

- To the east

To the east and northeast of the Subject Property, on the east side of Midland Avenue, are the fenced rear lots of single detached dwellings that are oriented towards the low-rise neighbourhood to the east.

- To the south:

To the south of the Subject Property is a combination of low-rise office/commercial buildings, rental townhouses, and a linear park (East Highland Creek Trail) which terminates at Finch Avenue opposite the Subject Property. To the southwest are the fenced rear lots of single detached dwellings that are oriented towards the low-rise neighbourhood to the south.

Policy Context of the Subject Property and Surrounding Area¹

The Subject Property is identified on Map 2 – Urban Structure of the City OP as *Employment Area* and on Map 19 it is designated as *General Employment Areas* (**Attachments 5 & 6**). The *General Employment Areas* land use designation applies to the north and west of the Subject Property, in the area known in the City of Toronto as the Milliken Employment District. This area is generally bounded by Steeles Avenue East to the north, Midland Avenue to the east, Finch Avenue East to the south, and Kennedy Road to the west.

All of the lands to the south and east of the Subject Property are designated as *Neighbourhoods* in the City OP, with the exception of a small area at the southwest corner of Finch Avenue East and Midland Avenue that is designated as *Mixed Use Areas*.

Map 3 of the City OP identifies both Finch Avenue East and Midland Avenue as *Major Streets*, with right-of way widths of 36 metres and 27 metres respectively.

Potential Development Scenario for the Subject Property

Torgan's objective in making this ELCR is to optimize the use of the Subject Property by substantially redeveloping the low-rise and low-intensity retail and restaurant plaza with a high-rise, transit supportive, mixed use development, containing retail and service commercial, residential, parkland and open space, and office uses. The existing medical office building would be retained, and additional office space would be contained within the redevelopment portion of the site.

A conceptual mixed use development scenario for the Subject Property was prepared by a team of consultants supporting this ELCR, including Diamond Schmitt Architects and Studio TLA,

¹ *Italicized* and capitalized terms have the meanings given to them in the City OP unless otherwise defined herein.

landscape architects. The development scenario was prepared to conceptually illustrate the type and mix of land uses that could reasonably be implemented on the Subject Property (**Attachment 7 & 8**).

The development scenario is conceptually similar in character to the type and scale of mixed use developments that are currently being planned in the immediate vicinity of new *major transit stations* around Toronto. It is designed with a mix of residential, retail and service commercial uses, and office uses (both retained and new office areas) in buildings with mid-rise and tall building elements. An open space system has been shown which includes a public parkland dedication component plus a Privately Owned and Publicly Accessible (POPS) open space area adjacent to the public park. Wide sidewalks have been provided to enable pedestrian connectivity throughout the site and to off-site public sidewalks. There is significant potential to activate the sidewalk area with outdoor patios for the restaurants. The private street system enables necessary and appropriate vehicular access, and provides a street frontage to the ground floor retail and service uses. Parking will be primarily underground although some parking adjacent to the private streets will be provided to support the at-grade retail and service the commercial component.

The intent is to replace the single-storey, low-intensity plazas, which rely solely on a large surface parking area, with a truly mixed use, transit supportive development that adds new office space to the office component that already exists on-site. The proposed buildings will offer people who live and work on the Subject Property with easy and proximal access to the planned SmartTrack/GO station.

The intent is also to illustrate a redevelopment that would incentivize the redevelopment and efficient utilization of this currently under-utilized, suburban-scale, retail/service commercial plaza and surface parking lot, conceived and built in the 1980s. This form of development is not currently consistent with, nor conforms with the policy imperatives of the Provincial Policy Statement 2020 (PPS) and does not conform with the Growth Plan (2020).

Leaving the site with its solely employment-related land use permissions would likely result in the status quo of land utilization into the foreseeable future, due to the insufficient incentive provided in that option, to intensify this fully tenanted retail plaza. With no new mixed use construction there will be no implementation of the PPS nor the Growth Plan policy imperatives.

The development scenario provide in **Attachment 7** includes a mix of land uses including office (both new and existing), residential, and retail uses. Three new buildings are proposed for the Subject Property, in addition to the existing office building at the southeast corner of the Subject Property, which is planned to be maintained.

At the southwest corner of the Subject Property is a 28-storey tower sitting above an articulated podium with seven and 11-storey elements fronting Finch Avenue East (Building 1). To the north of Building 1, at the northwest corner of the Subject Property, is a 48-storey residential tower joined to Building 1 by a one-storey connection (Building 2). To the east of Building 2, along the north lot line, is a 31-storey tower also sitting above a podium with seven and 11-storey elements (Building 3).

Retail and service commercial uses are proposed at grade in Buildings 1 and 3, to replace much of the retail and restaurant space that currently exists on the property.

In addition to the existing office space in the building to be maintained at the southeast corner of the Subject Property, new office space is proposed within the podium element of Building 1, substantially increasing the amount of Employment floor space that currently exists.

The total proposed GFA is 109,663 square metres (not including the required common indoor amenity area of 2,447 square metres), which results in a proposed FSI of 5.3 times the lot area. In contrast, the existing GFA is 9.995 square metres, or an FSI of 0.5 times the lot area. This is a clear demonstration that the current site is underutilized, particularly on a site with planned rapid transit in close walking proximity.

The office component of the project will have a GFA of 9,394 square metres, including the existing office GFA of 5,583 square metres, increasing the amount of employment GFA on the property by about 68%.

The retail GFA will be 2,741 square metres, for a total non-residential GFA of 12,135 square metres.

The residential component of the project will have a GFA of 95,081 square metres (not including the required common indoor amenity area of 2,447 square metres) and approximately 1,240 residential units with a mix of unit sizes and layouts.

A large public park is proposed at the centre of Subject Property. At 14.6 percent of gross site area, the park is sized to meet the parkland dedication requirements of Section 42 of the Planning Act and Chapter 415 of the City of Toronto Municipal Code.

This conceptual redevelopment option was developed for illustration purposes and demonstrates a practical, appropriate and desirable redevelopment of this site. Should the ELCR be granted, redevelopment will be subject to further Planning Act applications such as zoning by-law amendment and site plan approval applications. The more fine-grained determination of standards and form will be established at that time.

The City's Municipal Comprehensive Review (MCR) Process of its Employment Lands

The City's MCR for its *Employment Area* land review process commenced on August 4, 2020 and the City's deadline for ELCRs is August 3, 2021. The intent of this MCR is to ensure that the City OP is up to date with the most current versions of the PPS and Growth Plan. The Province has set a deadline of July 1, 2022, for Ontario municipalities to complete their MCRs.

As part of any ELCR, the Province and the City wish to ensure that policies of the most current PPS, Growth Plan and City OP concerning Employment land conversions have been satisfactorily addressed. The remaining portions of the planning letter undertake to address these important Provincial and City policies.

It is important to note that the City OP *Employment Area* policies regarding Employment land conversions were updated by OPA 231, as approved by Order of the Local Planning Appeal Tribunal (LPAT) on January 20, 2020. While these policies are the latest City approved policies, they implement the Growth Plan 2006, not the Growth Plan 2020. As such, while the City OP policies will be reviewed in this letter report, it remains imperative that this ELCR be reviewed through the lens of the most current PPS and Growth Plan policies of 2020.

The formal City's ELCR process also requires applicants to pay a \$20,000 ELCR review fee, which we understand will be invoiced to the entity making the ELCR, following its formal filing with the City.

Policy Context

Provincial Policy Statement, 2020 (PPS)

The PPS, which came into effect on May 1, 2020, provides policy direction on matters of provincial interest and mandates that all planning decisions shall be consistent with the PPS. Relevant policies of the PPS 2020 include the following:

- The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

There is no implied priority in the order in which the policies appear (Part III: How to Read the PPS)

- Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region (Part IV: Vision for Ontario's Land Use Planning System (Part IV, paragraph 5).
- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; (1.1.1a)
- Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (1.1.1b);
- Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e);

- Settlement areas shall be the focus of growth and development (1.1.3.1);
- Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - e) Support *active transportation*;
 - f) Are *transit-supportive*, where transit is planned, exists or may be developed; (1.1.3.2a, b, e &f)
- Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated (1.1.3.2)
- Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3);
- *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety , and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures; (1.2.6.1)
- Planning authorities shall promote economic development and competitiveness by:
 - a) providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet the long-term needs (1.3.1a);
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1b);
 - c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4 (1.3.1d);
- At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas (1.3.2.2).

- Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential use and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.
- Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas (1.3.2.3);
- Planning authorities may permit conversion of land within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion (1.3.2.4);
- Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment use provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:
 - a) There is an identified need for the conversion and the land is not required for employment purposes over the long term;
 - b) The proposed uses would not adversely affect the overall viability of the employment area; and
 - c) Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses (1.3.2.5);
- Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - b) permitting and facilitating:
 - 1. All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
 - 2. All types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
 - c) directing the development of new housing toward locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;

- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and public service facilities, and support the use of *active transportation* and transit where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (1.4.3b, c, d & e);
- Before consideration is given to developing new *infrastructure* and *public service facilities*:
 - a) the use of existing *infrastructure* and *public service facilities* should be optimized; (1.6.3a)
- Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible. (1.6.7.2)
- A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*. (1.6.7.4)
- Long-term economic prosperity should be supported by:
 - b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
 - c) optimizing the long-term availability and use of land, resources, *infrastructure* and public service facilities;
 - d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
 - e) encouraging a sense of place, by promoting well-designed built form and....
 - g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support movement of goods and people; (1.7.1 (b), (c), (d), (e), and (g)).
- Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (1.8.1e).
- The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies...

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan (4.6).

The planning justification set out herein supports Torgan's Employment conversion request, having considered the entire PPS in an integrated manner, as is the intended manner in which its policies are to be applied. Also, as section 4.6 of the PPS directs, official plans shall be kept up-to-date with the PPS, meaning the PPS 2020. This is of paramount importance and prevails over any municipal policies that are not consistent with the 2020 version of the PPS. Having undertaken a review of the entire PPS, we offer the following summary of the subject ELCR in relation to the PPS 2020.

In my opinion, the policies identified above strongly support and direct the broadening of the range of land uses on the Subject Property to optimize the use of infrastructure in this area.

A combination or mix of employment, residential and commercial uses are ideal for this strategic and important location near the proposed Finch-Kennedy SmartTrack/GO station. The Subject Property is at an arterial edge location of the *Employment Area*, with frontage on two busy arterial roads supporting existing surface transit, and residential uses to the south and east. North and west of the Subject Property are employment uses that are compatible with the mix of uses that are proposed for the Subject Property. This includes low-intensity office, retail and service commercial uses.

Importantly, a fully mixed use project can be accommodated on this site without compromising the long-term viability of the remaining *Employment Area*.

Although the Subject Property lies within a *provincially significant employment zone*, many Provincial policies cited above support a mix of uses on this site as a means to provide optimized and transit supportive uses and density. The current use and land use permissions do not achieve that.

An opportunity exists to achieve a fully integrated combination of uses by including both residential and employment uses within the Subject Property. The lower base level of Building 1 includes new office and retail uses. The public interest benefit of this ELCR is achieving significantly greater employment usage of the Subject Property, when compared to the current employment uses on the Subject Property.

A mixed employment and residential redevelopment scenario would be compatible with existing employment uses within the *provincially significant employment zone* to the north and west, as well as the low-density residential neighbourhood to the south and east.

In my opinion, fully integrated mixed use buildings at this location would not adversely affect the overall viability of the nearby *Employment Areas* to the north and west. It will achieve significantly greater employment levels, better optimize the use of the land and new infrastructure (including the SmartTrack/GO station) and incentivize the realization of the vision.

Mixed use development (including residential uses) on the Subject Property would be consistent with PPS policies that promote compact, mixed use intensified, transit-supportive development and encourage the provision of residential uses in locations well-served by public transit to meet

long-term housing needs. In my opinion, this would be supportive of the overall policy thrust embodied in the PPS policies.

It is notable that the update to the PPS, issued on May 1, 2020, added the words “and broader mixed uses” to policy 1.3.1a, a clear indication that at the Provincial level, policies to promote economic development and competitiveness envision a broader mix and range of uses, in conjunction with employment and institutional uses. In my opinion, at the local level, our suggested nature of mixed-use development on the Subject Property would promote economic development and prosperity at this rapid transit station area, and would support and optimize the significant public expenditure made by the Province to this corridor, by constructing the Finch-Kennedy SmartTrack/GO station and its related access, drop off, and pedestrian connection facilities. The PPS directs that this *infrastructure* to be optimized and utilized efficiently.

The Growth Plan 2020

A Place to Grow: Growth Plan for the Greater Golden Horseshoe derives its authority from the Places to Grow Act, 2005. The most recent version of the Growth Plan became effective on May 16, 2019, with Amendment 1 taking effect on August 28, 2020.

Many of the Provincial policy themes enunciated in the PPS have been carried forward and further articulated in the Growth Plan. The Growth Plan is a further expression of Provincial policy and is a Provincial Plan, pursuant to Section 3 of *the Planning Act*. Like the PPS, the Growth Plan must be read in its entirety and there is no implied priority in which the policies appear.

The Growth Plan generally aims to, among other things, revitalize downtowns to become vibrant and convenient centres, create complete communities that offer more options for living, working, shopping and playing; provide greater choice in housing types to meet the needs of people at all stages of life; curb urban sprawl; protect farmland and green spaces; and reduce traffic gridlock by improving access to a greater range of transportation choices.

Similar, to the PPS, the Growth Plan encourages compact, vibrant complete communities, optimizing the use of land and infrastructure in order to support growth in a compact and efficient form. The 2020 Growth Plan updated the previous Growth Plan by strengthening and reinforcing the Provincial policy direction of promoting intensification and optimization of the land base and of available and planned *infrastructure*. In particular, a significant policy amendment made to the 2020 Growth Plan is Section 2.2.4 (Transit Corridors and Station Areas), subsection 9(a) which states:

9. “Within all major transit station areas, development will be supported, where appropriate, by:
 - a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels; (emphasis added)

The 2019 version of the same Growth Plan policy stated in 2.2.4.9(a), the following:

9. “Within all major transit station areas, development will be supported, where appropriate, by:
 - b) planning for a diverse mix of uses, including second suites and *affordable* housing, to support existing and planned transit service levels; (emphasis added)

As shown, the Subject Property is within a *major transit station area (MTSA)* and therefore, within an area for which the Growth Plan directs additional residential units to support existing and planned rapid transit service.

The Subject Property is also located within the area identified as “built-up area”, which encompasses the whole of the City of Toronto. Section 1.2.1 of the Growth Plan includes Guiding Principles. Some of the key principles include:

- “Support the achievement of *complete communities* that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Prioritize *intensification* and higher densities in *strategic growth areas* to make efficient use of land and *infrastructure* and support transit viability.
- Support a range and mix of housing options, including second units and *affordable housing*, to serve all sizes, incomes, and ages of households.”

Section 2 of the Growth Plan relates to “Where and How to Grow”. The following quotes from that section capture important policy directions of the Growth Plan. In my opinion, these policies support Torgan’s ELCR:

“This Plan is about accommodating forecasted growth in *complete communities*. These are communities that are well designed to meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, *public service facilities*, and a full range of housing to accommodate a range of incomes and household sizes. *Complete communities* support quality of life and human health by encouraging the use of *active transportation* and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the *GGH* to reduce the need for long distance commuting. They also support climate change mitigation by increasing the *modal share* for transit and *active transportation* and by minimizing land consumption through *compact built form*.”

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investment in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting more diverse range and mix of housing options...”

“This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to *major transit station areas* and other *strategic growth areas*, including *urban growth centres*, and promoting transit investments in these areas. To optimize provincial investments in *higher order transit*, this Plan also identifies *priority transit corridors* and the Province expects municipalities to complete detailed planning for *major transit station areas* on these corridors to support planned service levels.”

“It is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision-makers to respond to housing need and market demand. This Plan’s emphasis on optimizing the use of the existing urban land supply represents an *intensification* first approach to development and city-building, one which focuses on making better use of our existing *infrastructure* and *public service facilities*, and less on continuously expanding the urban area.”

Policy 2.2.1.2 relates to managing growth and indicates that growth will be accommodated by:

“2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*, and
 - iii. can support the achievement of *complete communities*.

- b) within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;

Mixed use development on the Subject Property would represent *intensification* within a *strategic growth area*, and within a *major transit station area*, which according to Section 7 of the Growth Plan, have the following meanings:

“*Intensification*: The development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.”

“*Strategic Growth Areas*: Within *settlement areas*, nodes, corridors and other areas that have been identified by municipalities or the Province to be the focus for accommodating *intensification* and higher-density mixed uses in a more *compact built form*. *Strategic growth areas* include *urban growth centres*, *major transit station areas*, and other major opportunities that may include infill, *redevelopment*, *brownfield sites*, the expansion or conversion of existing buildings, or *greyfields*. Lands along major roads, arterials, or other areas with existing or planned *frequent transit* service or *higher order transit* corridors may also be identified as *strategic growth areas*.”

Major Transit Station Area: “The area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a

major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 to 800 metres radius of a transit station, representing about a 10-minute walk.”

Section 2.2.4.9 (a) states:

“9. Within all *major transit station areas*, development will be supported, where appropriate, by:

- a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels; (emphasis added)

Section 2.2.6.1 a) i. of the Growth Plan also speaks to housing and the need to “identify a diverse range and mix of housing options and densities, including second units and *affordable* housing to meet projected needs of current and future residents”.

Section 2.2.5 of the Growth Plan contains employment policies that are similar to the PPS. Policy 2.2.5.1 states:

“Economic development and competitiveness in the GGH will be promoted by:

- a) making more efficient use of existing *employment areas* and vacant and underutilized employment lands and increasing employment densities;
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- c) planning to better connect areas with high employment densities to transit; and
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.”

As in the PPS, the Growth Plan include policies that enable the conversion of lands within employment areas. Policy 2.2.5.9 states:

“The conversion of lands within *employment areas* to non-employment uses may be permitted only through a *municipal comprehensive review* where it is demonstrated that:

- a) There is a need for the conversion;
- b) The lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
- c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
- d) The proposed uses would not adversely affect the overall viability of the *employment area* or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and

- e) There are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed uses.”

Policy 2.2.5.10 states:

“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 the conversion would:

- a) Satisfy the requirements of policy 2.2.5.9 a), d) and e);
- b) Maintain a significant number of jobs on those lands through the establishment of development criteria; and
- c) Not include any part of an employment area identified as a *provincially significant employment zone*.”

Policy 2.2.6.1 states:

- 1. “Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
 - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;”

Policy 3.2.1 (Integrated Planning) states:

- “1. *Infrastructure* planning, land use planning, and *infrastructure* investment will be coordinated to implement this Plan.
- 2. Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:
 - a) leveraging *infrastructure* investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
 - b) providing sufficient *infrastructure* capacity in *strategic growth areas*;
 - c) identifying the full life cycle costs of *infrastructure* and developing options to pay for these costs over the long-term; and
 - d) considering the impacts of a changing climate.”

Policy 3.2.3 (Moving People) states:

- “1. Public transit will be the first priority for transportation *infrastructure* planning and major transportation investments.
2. All decisions on transit planning and investment will be made according to the following criteria:
 - a) aligning with, and supporting, the priorities identified in Schedule 5;
 - b) prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;
 - c) increasing the capacity of existing transit systems to support *strategic growth areas*;
 - d) expanding transit service to areas that have achieved, or will be planned to achieve, *transit-supportive* densities and provide a mix of residential, office, institutional, and commercial development, wherever possible;
 - e) facilitating improved linkages between and within municipalities from nearby neighbourhoods to *urban growth centres, major transit station areas*, and other *strategic growth areas*;
 - f) increasing the modal share of transit; and
 - g) contributing towards the provincial greenhouse gas emissions reduction targets.”

Policy 5.2.5.2 (targets) states:

- “1. The minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan. (emphasis added)

The Subject Property lies within a few hundred metres of a *Priority Transit Corridor* as indicated on Schedule 5 of the Growth Plan.

As previously noted, the Subject Property is at the southeast edge of an area designated by the Province as a *provincially significant employment zone*. This area is known by the Province as PSEZ 6, which is generally bounded by Steeles Avenue East, Midland Avenue, Finch Avenue East, and Kennedy Road., which corresponds to the *Employment Areas* and *General Employment Areas* designations on Maps 2 and 19 of the City OP, respectively, as noted above.

PSEZs are delineated by the Province for the purpose of long-term planning for job creation and economic development. The Growth Plan suggests that the introduction of residential uses in a PSEZ may be supportable if they will co-exist with nearby employment uses and maximize

opportunities for intensification around new major transit stations. The Employment conversion sought herein supports such a development on the Subject Property.

If the opportunity does not exist to add residential uses to the existing and new employment uses on the Subject Property, it is unlikely to be developed at a transit-supportive density, as required by the Growth Plan.

The need to enable a broader range of uses is further supported by the public interest objective to see this *major transit station area* site develop with intensified uses, contributing to a more complete community along Finch Avenue East. The 2020 Growth Plan amended Policy 2.2.4.9 (a) (Transit Corridors and Station Areas), which expressly permits “additional residential units” on the Subject Property, by virtue of it being in a *major transit station area*, and as a means of supporting development within such *MTSAs*. Without development taking place, the policies are not implemented.

The alternative of maintaining the Subject Property for solely employment uses would result in an underutilization from land use, density, built form and *infrastructure* perspectives. The opinions expressed in this planning letter support the policy imperatives of the Growth Plan of protecting for employment growth while supporting complete communities and optimizing the use of existing and planned infrastructure, including significant public investment in transportation and transit infrastructure.

From a population perspective, adding residential uses on the Subject Property will help to satisfy housing needs for projected population growth while providing increased employment opportunities in the area. In 2020, there is no longer a need to make the two land uses mutually exclusive in a location such as the Subject Property. The Subject Property is located within a *major transit station area (MTSA)*, is served by a planned rapid transit station and existing surface transit, and is well served by existing and planned shopping, services, places of employment and community facilities in close walking proximity. The requested conversion is intended to better utilize and optimize the Subject Property, implementing the “*intensification first*” approach of the Growth Plan, and contributing to a complete community.

The Subject Property is strategically located, and a genuine opportunity exists to optimize the range of uses and the utilization of the site. With the current uses of the Subject Property being restricted to solely employment uses, the Subject Property may not be sufficiently incentivized to redevelop, leaving the site significantly underutilized. In my opinion, the status quo does not conform with the Growth Plan.

City of Toronto Official Plan Policies

As noted above, the Subject Property is identified in the City OP as *Employment Areas* on Map 2 (Urban Structure Plan) and designated *General Employment Areas* on Map 19 (Land Use Plan) (**Attachments 5 & 6**). Additionally, the Subject Property is located at the corner of two *Major Streets* and along a *Transit Corridor Expansion Element* on Map 4 (Higher Order Transit Corridors).

Chapter 4.6 of the Official Plan provides the following description of *General Employment Areas*:

“*General Employment Areas* are generally located on the periphery of *Employment Areas* on major roads where retail, service and restaurant uses can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the

broader public. Retail uses on the periphery of *Employment Areas* frequently serve as a buffer between industries in the interior of *Employment Areas* and nearby residential areas.”

Section 2.2.4 (Employment Areas: Supporting Business and Employment Growth) of the City OP sets out the City OP narrative and policies for areas that are intended to be used exclusively for business and economic activity. The purpose of this ELCR is not to eliminate or reduce the business and/or economic activity on the Subject Property, but rather to increase and intensify it in a more compact, mixed use, and transit supportive urban form.

Through the collective work that forms this ELCR, the consulting team addressed the City OP policies guiding the consideration of this ELCR for the Subject Property. In this regard, Section 2.2.4.15 of the City OP include policy considerations as follows:

“The conversion of land within an *Employment Area* is only permitted through a City-initiated Municipal Comprehensive Review that comprehensively applies the policies and schedules of the Provincial Growth Plan.”

Recognizing that this City OP policy was approved implementing the Growth Plan 2006, it is imperative that any comprehensive review of any such Employment land conversion be through the lens of the Growth Plan 2020. This means reading the Growth Plan 2020 in its entirety and appropriately applying and balancing its policies to the circumstance as a whole. As set out above, the conversion request is in conformity with the Growth Plan 2020.

Section 2.2.4.17 of the City OP provides further criteria upon which consideration will be made of ELCRs. Section 2.2.4.17 states:

- “17. The City will assess requests to convert lands within *Employment Areas*, both cumulatively and individually, by considering whether or not:
- a) there is a demonstrated need for the conversion(s) to:
 - i. meet the population forecasts allocated to the City in the Growth Plan for the Greater Golden Horseshoe; or
 - ii. mitigate existing and/or potential land use conflicts;
 - b) the lands are required over the long-term for employment purposes;
 - c) the City will meet the employment forecasts allocated to the City in the Growth Plan for the Greater Golden Horseshoe;
 - d) the conversion(s) will adversely affect the overall viability of an *Employment Area* and maintenance of a stable operating environment for business and economic activities with regard to the:
 - i. compatibility of any proposed land use with lands designated *Employment Areas* and major facilities, as demonstrated through the submission of a Compatibility/Mitigation Study in accordance with Policies 2.2.4.5, 2.2.4.7 and 2.2.4.8 and Schedule 3 for any proposed land use, with such policies read as applying to lands within *Employment Areas*;

- ii. prevention or mitigation of adverse effects from noise, vibration, and emissions, including dust and odour;
 - iii. prevention or mitigation of negative impacts and minimization of the risk of complaints;
 - iv. ability to ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines;
 - v. ability to provide appropriate buffering and/or separation of employment uses from sensitive land uses, including residential;
 - vi. ability to minimize risk to public health and safety;
 - vii. reduction or elimination of visibility of, and accessibility to, employment lands or uses;
 - viii. impact upon the capacity and functioning of the transportation network and the movement of goods for existing and future employment uses;
 - ix. removal of large and/or key locations for employment uses;
 - x. ability to provide opportunities for the clustering of similar or related employment uses; and
 - xi. provision of a variety of land parcel sizes within the *Employment Area* to accommodate a range of permitted employment uses;
- e) the existing or planned sewage, water, energy and transportation infrastructure can accommodate the proposed conversion(s);
 - f) in the instance of conversions for residential purposes, sufficient parks, libraries, recreation centres and schools exist or are planned within walking distance for new residents;
 - g) employment lands are strategically preserved near important transportation infrastructure such as highways and highway interchanges, rail corridors, ports and airports to facilitate the movement of goods;
 - h) the proposal(s) to convert lands in an *Employment Area* will help to maintain a diverse economic base accommodating and attracting a variety of employment uses and a broad range of employment opportunities in Toronto; and
 - i) cross-jurisdictional issues have been considered.

As there is overlap of policy themes between the PPS, the Growth Plan, and the City OP, we have organized our analysis into policy themes and issues. Below is our assessment of these themes/issues, which address all of the factors mandated by City OP policy 2.2.4.17.²

² Certain factors are also addressed in the sections of this letter dealing with site and policy context.

1. Is there is a need for the conversion?

Yes. The need for the employment lands conversion on the Subject Property stems, in part, from the inability of a solely employment use permission on the Subject Property to satisfy the policy imperatives of the PPS and the Growth Plan. In other words, if the low-rise, low-intensity, under-utilized Subject Property remains solely with employment use permissions, then there will be little, if any, incentive for the lands to be redeveloped and optimized. In my opinion, the current OP policies and the land uses they support are inconsistent with the PPS and do not conform with the Growth Plan.

There is a need to permit a broadened range of uses, including residential uses, to enable and incentivize the redevelopment of the Subject Property. There is no doubt that leaving the lands, and the existing land uses as is, will not contribute to the achievement of minimum density targets set out in the Growth Plan. The conversion is needed to create a policy environment aimed at achieving the multitude of goals set out in the various planning documents, including the PPS, the Growth Plan, and the City OP. As Section 2.2.4.6 of the Growth Plan indicates:

“6. Within *major transit station areas* on *priority transit corridors* or subway lines, land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited.”

The need for the employment lands conversion on the Subject Property is also based on the requirement in the Growth Plan that lands within *MTSAs* are to be developed at transit-supportive densities to offset the cost of significantly expensive public transit infrastructure, by maximizing ridership around the stations. Given its location within 300 metres of the Finch-Kennedy SmartTrack/GO station, the Subject Property is located in a *Major Transit Station Area* and intensification in a mixed use format, at the level proposed herein, is appropriate.

The development of a major office complex at a transit supportive density on the Subject Property would yield more office space than the local market would be able to absorb. By combining a new office component with the proposed residential use, it will be possible to maximize the redevelopment potential of the Subject Property in accordance with Growth Plan policies.

Additionally, the barrier to significant new office development in the area is based on office rents that are not high enough relative to construction costs to make a major new office development viable in this area. The opening of the Finch-Kennedy SmartTrack/GO Station is unlikely to result in rent increases that would be large enough to make new office development viable.

However, if this ELCR is approved, the residential component of high-density mixed use development on the Subject Property could subsidize or otherwise support some amount of new office space in the redevelopment.

High-density mixed-use development entitlements for the Subject Property would make a significant, positive contribution towards the achievement of transit-supportive mixed use density around the Finch-Kennedy SmartTrack/GO station.

Furthermore, adding residential permissions on the Subject Property will contribute to satisfying housing needs for projected population growth in Toronto, which is expected to be

approximately 348,500 new housing units over the 2021 to 2051 period. This additional housing can be provided concurrently with the provision of increased employment uses on the Subject Property, all of which will assist in meeting demand for non-residential space and housing nearby to this *major transit station*.

2. Are the employment lands required over the horizon of the Growth Plan for the employment purposes for which they are designated?

No. Maintaining the Subject Property with a *General Employment Areas* designation is not required to permit the type of mixed office, residential, and retail redevelopment project that is contemplated for the Subject Property. Redevelopment of the Land could proceed in its proposed form and function under a *Mixed Use Areas* City OP designation without detracting from the employment goal of the Growth Plan.

3. Will the municipality maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan?

Yes. There are sufficient employment lands in Toronto to achieve the forecasted growth in employment in Toronto to 2051. In fact, if this ELCR is approved, the resulting high-density mixed use development will support employment growth by providing a net gain in jobs per hectare on the Subject Property. The non-residential (office and retail) component of a mixed use project on the Subject Property will add significantly to the jobs that currently exist in this location.

4. Will the proposed uses adversely affect the overall viability of the *Employment Area* or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan?

No. The introduction of a *Mixed Use Areas designation* on the Subject Property is not expected to affect the viability of the employment uses on the nearby lands that are maintained as employment areas. The lands designated as *Employment Areas* to the north of the site contain a commercial shopping plaza, which is not an employment use that is likely to create significant negative impacts such as manufacturing or logistics facilities that usually require separation from sensitive uses including residential.

The redesignation of the Subject Property from *General Employment Areas* to *Mixed Use Areas* and permissions for high-density mixed-use development will not hinder the ability of the City to achieve the 2051 employment forecast in the Growth Plan. Future employment growth in Toronto, including the development of major office facilities, will be primarily focused in the *Downtown* area, and areas peripheral to *Downtown*, as well as other designated *Urban Growth Centres* in the Toronto.

In fact, given the inclusion of new office development as a component of the proposed project, the redesignation of the subject lands to permit high-density mixed-use development will assist in achieving, and exceeding, the minimum density target in the Growth Plan for *MTSAs* and the new Finch-Kennedy SmartTrack/GO station.

As discussed in more detail below, Lea Consulting was retained by Torgan to assess the transportation implications of the ELCR on the overall viability of the *Employment Area*.

The Transportation Impact Assessment (TIA) prepared by Lea Consulting, dated July 2021, indicates that proposed Employment land conversion will not have an adverse effect on the overall viability of the Employment Area from a transportation perspective; the existing road network will be able to accommodate the proposed conversion and conceptual development concept.

Lea's assessment of the conceptual development framework for the Subject Property indicates that the proposed uses would generate the same or fewer vehicle trips during the weekday AM and PM peak hours respectively than the existing uses. An intersection capacity analysis during the future PM peak hour indicated that the road network will continue to function well. The overall conclusion is that the Employment area will not be impacted if the conversion is approved, and the movement of goods will not be impeded.

As the conceptual development framework is expected to generate almost the same number of trips as the existing site currently generates, the conversion is not expected to have an adverse effect on the overall viability of the remaining employment lands to the north and west of the Subject Property. The existing road network will be able to accommodate the proposed conversion.

RWDI was retained by Torgan to conduct a compatibility-mitigation study for the ELCR, dated July 27, 2021, focusing on air quality, odour, dust, noise, and vibration, pursuant to the City's requirements under the "Compatibility/Mitigation Study" Terms of Reference in OPA 231.

The RWDI study concluded that the mixed use redevelopment of the Subject Property, as proposed, is expected to be compatible with nearby industrial facilities and transportation facilities with respect to noise, vibration and air quality, given that the setbacks are greater than the estimated potential areas of influence of all identified existing industries. The study concluded that no further noise or air quality assessments of industry or other stationary sources is needed.

Air Quality

RWDI found that the proposed mixed use redevelopment is compatible with existing transportation corridors from an air quality perspective. The eight Class I industrial facilities within 300 m of the Subject Property are not within the potential influence area of 70 metres from the Subject Property. There are no Class II or III industrial facilities within the potential influence area of 300 metres and 1,000 metres, respectively, from the Subject Property.

No potential air quality impacts from the nearby transportation network were found, above and beyond the impacts that would be found along arterial roads throughout the City.

Noise and Vibration

Given that there are no impactful industrial facilities within the potential influence area of the Subject Property, noise and vibration concerns from industrial sources were not found by RWDI.

With respect to the transportation network, elevated sound levels on the proposed development due to train traffic from the nearby GO rail corridor are not expected due to the large separation distance. Similarly, vibration from rail is not expected to be a concern.

To reduce sound from roadway traffic on Finch Avenue East and Midland Avenue, mitigation measures such as windows with STC ratings above the OBC requirement and barriers for outdoor amenity areas, may be required. These are standard noise mitigation measures that are required for many developments on arterial roads.

5. Are there existing or planned infrastructure and public service facilities to accommodate the proposed use?

A detailed servicing report was not undertaken for the purpose of this ELCR. The conversion of the single parcel of land, as opposed to a larger part of the City, would not be expected to require large-scale hard or soft municipal service upgrades. However, if the ELCR is approved, the planning applications required by the City prior to redevelopment would be accompanied by a Functional Servicing & Stormwater Management Report to indicate the improvements, if required, to nearby sewer and water lines, to service the development. A Community Services & Facilities study would also be submitted to identify necessary upgrades to services such as libraries, schools, parks, daycares, community centres and potentially other facilities.

As noted above, Lea Consulting was retained by Torgan to assess the transportation implications of the ELCR and determine whether the existing road network is sufficient to accommodate the conversion.

The TIA prepared by Lea concluded that the surrounding road network is generally operating well with only a small number of constrained movements and there are no existing road network capacity constraints present within the study area.

The TIA notes that the Subject Property is in an area that is well serviced by the existing public transit network, including east-west and north-south bus lines on Finch Avenue East and Midland Avenue, respectively, with bus stops within convenient walking distance. In addition to the existing public transit options, the Subject Property is ideally located to take advantage of planned public transit network improvements including the Finch-Kennedy SmartTrack/GO station that will be located within 300 metres (a 4-minute walk).

Conclusions and Recommendations

As noted above, the Subject Property is located in a *Strategic Growth Area* and a *Major Transit Station Area* and is served by a *Higher Order Transit* line. In my opinion, development entitlements on the Subject Property should include permission for high-density mixed-use development given its location within a *MTSA* and other locational attributes referred to in this planning letter.

Not approving this conversion request would represent a missed opportunity and result in an under-utilization of the Subject Property contrary to the PPS and the Growth Plan. The arterial edge location with *Neighbourhoods* to the *Mixed Use Areas* to the south and east, and *Employment Areas* to the west and north, offers the opportunity for a mixed residential/commercial land use solution for the Subject Property that is fitting for the function of this location, without any anticipated adverse impacts to the remaining *Employment Area* to the north and west.

In view of the foregoing, we request that this ELCR be approved to enable a broader mix of uses on the Subject Property, including residential in a high-density and tall building form.

We understand that an invoice for the \$20,000 Employment Areas Conversion Request User Fee will be emailed after a conversion request number has been assigned by the City. Please forward said invoice to:

Torgan Construction Limited
c/o Mr. Eli Swirsky
2 Sheppard Avenue East, Suite 1505
Toronto, ON M2N 5Y7
Tel: 416-304-9089
Email: eli@abel-capital.com

Should you have any questions or require additional information, please contact the undersigned at any time.

Yours very truly,
GOLDBERG GROUP

A handwritten signature in black ink, appearing to read 'M. Goldberg', is written over a faint, illegible printed name.

Michael S. Goldberg, MCIP RPP
Principal

Cc: Clients