

July 4, 2023

Email: phc@toronto.ca

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

Dear Members of Planning and Housing Committee:

**Re: Item 2023.PH5.3 - Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review - Final Report
Conversion Request No. 68**

We represent Rowbry Holdings Limited with respect to the lands municipally known as 1125A, 1131 and 1131A Street, Toronto (the "Property"), which are part of Conversion Request No. 68 (the "Conversion Request").

On behalf of our client, we have reviewed the Final Report, dated June 16, 2023, with respect to Employment Area conversion requests as part of the Municipal Comprehensive Review of the Official Plan, to be considered by the Planning and Housing Committee at its meeting on July 5, 2023.

We fundamentally disagree with City staff's analysis of, and recommendation to refuse, Conversion Request No. 68 for the reasons noted below. **We request that City Council approve Conversion Request No. 68 and redesignate the subject lands from *General Employment Areas to Mixed Use Area*.** This request is made concurrently with a similar request by Downing Street Realty, being the owner of 1125 Leslie Street, whose lands are included in Conversion Request No. 68.

Background

The Property is approximately 4.8 acres with significant frontage along Leslie Street. The Property has exceptional access to higher order transit as it is located within 10 to 15 walk from the Sunnybrook Park Crosstown station and the Science Centre Crosstown/Ontario Line station.

The Property is part of a larger remnant employment area where a number of conversions have been approved and is currently under-utilized with a 1-storey service commercial building and 6-storey office building. Constructed about 40 years ago, the existing buildings no longer meet today's office space standards, including with respect to layout, design, ceiling heights, and efficiency, which contributes to the declining function of the employment area along Leslie Street. The overall density of the area is well below 1.0 FSI and therefore is well below in the normal 3.0 to 5.0 FSI range to support the level of transit infrastructure investment occurring with the Crosstown LRT and the Ontario Line.

On July 30, 2021, our client submitted an employment conversion request for the Property, together with the owners of the lands located at 1125, 1125A to 1131A, 1135 and 1155 Leslie Street, as part of the City's municipal comprehensive review (request #68). The request was supported by planning, land use compatibility and urban design rationale reports and plans.

On January 27, 2022, our client revised the scope of its Conversion Request to only include the Property and the lands at 1125 Leslie Street, owned by Downing Street Realty (collectively, the "Subject Lands") and provided a fulsome response to City staff's Preliminary Assessment contained in the Staff Report, dated December 21, 2021.

On May 16, 2022, our client and Downing Street submitted updated materials in support of its Conversion Request.

On May 16, 2022, on behalf of our client, we wrote to City staff to further highlight the merits of the Conversion Request in light of the supplementary submission and to point out staff's inconsistent assessment of the various conversion requests in the immediate area.

In June 2022, our client and Downing Street provided a response to the City's peer review of its land use compatibility/mitigation study.

The Proposed Conversion is Appropriate and Represents Good Planning

This proposal is consistent with and conforms to Provincial Policy and structured around the optimization of existing municipal services, infrastructure and transit services.

The requested conversion would allow for the revitalization of the area and include a mix of residential and non-residential (employment) uses in support of transit infrastructure investment. The proposed development will assist in maintaining a diverse economic base and opportunities for employment in the immediate neighbourhood.

The proposed conversion, if approved, would provide for significant persons and jobs which would support the Sunnybrook Park Major Transit Station Area. We estimate that, at a minimum, the development, if converted, would easily achieve over the minimum density target of 160 persons and jobs per hectare mandated by the Growth Plan. By maintaining space for employment opportunities while introducing residential intensification in a compact built form in proximity to planned and existing transit infrastructure, the proposal represents a more efficient utilization of existing services and infrastructure than what exists today.

Contrary to staff's Final Assessment, through our submissions, we have demonstrated that:

1. The proposed conversion will revitalize and reinvigorate the lands, through a redevelopment, into a vibrant, transit oriented development as depicted in the submitted Concept Plan;
2. The proposed conversion would allow the provision of a mix of housing tenure, unit size and affordability, providing an estimated 750 housing units on the Property;
3. Along with new housing, the proposal would retain the employment function of the subject lands with an equivalent or greater amount of commercial and office space. An estimated 225 employees will be accommodated, which is greater than the approximately 135 jobs currently on the Property;

4. The proposed conversion is compatible with existing surrounding employment uses as determined through the SLR report. Appropriate mitigation measures related to noise and air quality impacts arising from transportation facilities will be implemented, where required;
5. The Property has excellent proximity to community services and facilities, including a proposed on-site parkland dedication; and
6. The Property is fully serviced with water, wastewater and stormwater services such that the proposed conversion will ensure the optimization and efficient use of existing municipal infrastructure for the proposal.

City Staff's Final Assessment of the Conversion Request is Flawed

1. The Final Assessment does not accurately reflect the scope of the Conversion Request.

As noted above, on January 27, 2022, the Conversion Request was revised to include only the Property and the lands at 1125 Leslie Street owned by Downing Street Realty. Staff's Final Assessment incorrectly includes other lands, being 1135 and 1155 Leslie Street, as part of the Conversion Request.

The Final Assessment incorrectly notes that the site area is 15.4 acres, whereas the Subject Lands (being the Rowby lands and Downing Street Lands) are approximately 9.4 acres.

As a result of this fundamental flaw, City staff included more lands in its analysis than is actually included in the Conversion Request, rendering the Final Assessment inaccurate and unreliable in its determination of the merits of the proposal.

2. The Final Assessment of the Conversion Request is Inconsistent with the Assessment of Other Requests

Conversion Request No. 68 is just one of a number of requests along the east side of Leslie Street. The lands at 1121 Leslie Street (No. 33) and 1123 Leslie Street (No. 16) were also the subject of conversion requests, which are being recommended by staff for approval in the Final Assessment (the "Other Requests").

The Subject Lands share many of the same attributes as the two other conversion sites, including being a part of the "Don Mills Office-Focused Area of Employment", but staff did not consistently assess these conversions. For example, all of the sites:

- are located within walking distance to Sunnybrook Park Station;
- are separated by the Don Mills Train to the east, on the edge of an existing employment area;
- have access to the public street network via Leslie Street only without any direct vehicular connection to the existing employment area to the east of the Don Mills Trail;
- are at similar distances from community services and facilities;

- propose to maintain employments uses on site, together with the introduction of residential uses;
- can accommodate a complete community; and
- propose to include pedestrian and cycling connections to existing and future trail and connections in the area.

If City staff are recommending the conversion of the other two sites, then similarly, the Conversion Request for the Subject Lands should also be approved given their shared attributes.

3. The City's Peer Review Process for the Compatibility/Mitigation Study was Flawed

In a letter from SLR Consulting (Canada) Ltd., dated June 27, 2022, and submitted to the City, our client provided a fulsome response to the Peer Review comments. The Staff Report, at page 15, states that “[a]ny follow up material submitted in response to the Peer Review was not sent to the Peer Reviewer for further review, but staff considered it as part of their evaluation of the conversion request.”

It is unclear why our response was not forwarded to the Peer Reviewer for consideration. City's staff's conclusion, in the Final Assessment, that the “Peer Reviewer could not confirm that the proposed residential conversions are compatible within the existing Employment Area”, is incomplete and flawed given that the Peer Review was never given an opportunity to review SLR's response.

Conclusion

Our client is committed to the delivery of a mixed use, complete community. The conversion request presents an opportunity for the City to realize the development potential of these underutilized lands and the delivery of much needed housing and employment opportunities in a revitalized format—which would help reach the province's target to deliver 285,000 homes in the City over the next 10 years.

For the reasons stated above, **we request that City Council approve Conversion Request No. 68 and redesignate the Subject Lands from *General Employment Areas to Mixed Use Area.***

We ask to be notified of any decisions made by City Council, or Committee of Council, in connection with this matter.

Thank you for your consideration of this matter.

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani
MB

cc: Client