

July 4, 2023

**BY EMAIL TO:** [phc@toronto.ca](mailto:phc@toronto.ca)

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

**ATTENTION:** Nancy Martins, Committee Administrator, Planning And Housing Committee

Dear Members of Planning and Housing Committee:

**Re: PH 5.3 – “Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review – Final Report”  
Toronto Official Plan Amendment No. 653 (“OPA 653”)  
39 Wynford Inc. (“Brookfield”)  
39 Wynford Drive, Toronto**

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## **(i) Introduction**

Aird & Berlis LLP is counsel to 39 Wynford Inc. (“**Brookfield**”), the owner of 39 Wynford Drive in the City of Toronto (the “**Subject Site**”). The Subject Site is a 1.62 hectare property located at the southeast corner of Wynford Drive and Gervais Drive, approximately 240 metres east of Don Mills Road.

The Subject Site currently contains a 5-storey office building with surface parking, and vehicular access from Wynford Drive. The existing floor space index (“**FSI**”) of the Subject Site is 0.39 times the area of the lot, which represents a significant underutilization of a property of this size and in this location. The Subject Site represents an important opportunity for greater intensification in the form of mixed use development.

To the north of the Subject Site are an office building, a medical office building, and a Presbyterian Church, with heights ranging from 2-storeys to 3-storeys. To the east are large institutional uses, including the Aga Khan Museum and Park, the Ismaili Centre of Toronto, and the Japanese Canadian Cultural Centre. To the south are an 8-storey commercial office building with an attached 1-storey pavilion at the corner of Gervais Drive and Eglinton Avenue East, a currently vacant site at 1200 Eglinton Avenue East, and various constructed and approved residential condo buildings on the south side of Eglinton Avenue East with heights ranging from 28-storeys to 37-storeys. Finally, to the west of the Subject Site, beyond Gervais Drive, is a 1-storey commercial building containing a large format grocery store (Real Canadian Superstore), a gas station (Esso), and a coffee and bake shop (Tim Hortons).

The Subject Site is located in close proximity to transit, being approximately 120 metres from the Aga Khan Park & Museum Station (at the Don Valley Parkway southbound exit ramp and Eglinton

Avenue East) along the future Eglinton Crosstown Light Rail Transit line (the “**Crosstown LRT**”). In addition, the Subject Site is also approximately 320 metres from the Science Centre Station (at Don Mills Road and Eglinton Avenue East), which connects into both the Crosstown LRT as well as the under construction Ontario Line subway.

## **(ii) Brookfield’s Employment Areas Conversion Request**

The Subject Site is identified as *Employment Areas* in Map 2 (Urban Structure) of the Toronto Official Plan (the “**OP**”). Importantly, the Subject Site is not located within a Provincially Significant Employment Zone (“**PSEZ**”).

In 2013, the City of Toronto completed its first Municipal Comprehensive Review (“**MCR**”) of *Employment Areas* designated lands in the Toronto OP, which resulted in Official Plan Amendment No. 231 (“**OPA 231**”). OPA 231 proposed to redesignate the Subject Site from *Employment Areas* to *General Employment Areas*. Through the 2013 MCR process, Brookfield filed an employment areas conversion request for the Subject Site, proposing that the property be redesignated from *Employment Areas* to *Mixed Use Areas*. Brookfield’s conversion request was refused by the City of Toronto. As a result, Brookfield appealed OPA 231 to the Ontario Municipal Board (now the Ontario Land Tribunal) and its appeal remains active.

Notwithstanding their appeal of OPA 231, on July 21, 2021 Brookfield, through its planning consultant Bousfields Inc. (“**Bousfields**”), filed another employment areas conversion request for the Subject Site as part of the City’s current MCR process (the “**Brookfield Conversion Request**”). The Brookfield Conversion Request, like their previous conversion request in 2013, again proposed the Subject Site be redesignated from the City’s in-force *Employment Areas* designation to *Mixed Use Areas* under the Toronto OP. The Brookfield Conversion Request is known municipally as Conversion Request No. 32.

Through the MCR process, Brookfield and its consultants have engaged with City Planning staff in support of the Brookfield Conversion Request.

## **(iii) Comments on Proposed OPA 653 and Proposed SASP 828**

We are writing to provide comments on the City Planning staff report titled “Our Plan Toronto: Recommendations on Seventy Employment Area Conversion Requests and Chapter 7 Site and Area Specific Policy Review - Final Report,” dated June 16, 2023 and its Attachments (the “**Final Report**”), including Attachment 2: “Final Assessments and Recommendations on Requests to Convert Land Designated Employment Areas” (“**Final Assessment**”) and Attachment 1: Draft Official Plan Amendment No. 653 (“**OPA 653**”). In the Final Report, Planning staff have provided recommendations to City Council on the remaining tranche of MCR employment land conversion requests, including the Brookfield Conversion Request. This report is intended to be considered by Planning and Housing Committee on July 5, 2023 as Item PH5.3.

City Planning staff have proposed to address the Brookfield Conversion Request for the Subject Site together with the conversion request by Plaza Partners for the neighbouring property at 15 Gervais Drive (Conversion Request No. 15). As a result, OPA 653 proposes to redesignate the Subject Site and 15 Gervais Drive from *Employment Areas* (as shown on Map 2) and *General Employment Areas* (as shown on Map 20) to *Regeneration Areas* with an accompanying new Site and Area Specific Policy (“**SASP**”). OPA 653 additionally proposes to remove the Subject Site

and 15 Gervais Drive from the current SASP 394 – “Business Parks along the Don Valley Parkway Corridor”, and add a new SASP 828 pertaining to the lands. SASP 828 permits the Subject Site and 15 Gervais Drive to contain all uses permitted under the *General Employment Areas Regeneration Areas* designations, including interim uses, with the exception of residential uses, overnight accommodations, and livework uses, prior to the completion of a future local area study, which will result in a new Secondary Plan or SASP guiding development on the lands. The balance of SASP 828 sets out the requirements of the local area study, including a requirement to secure a minimum amount of affordable housing.

In principle, Brookfield is pleased that City Planning staff acknowledge the appropriateness of a proposed redesignation of the Subject Site through the MCR process. However, a redesignation to *Mixed Use Areas* as set out in the Brookfield Conversion Request and the accompanying supporting material remains the more appropriate redesignation for the Subject Site, rather than the proposed *Regeneration Areas* designation and the proposed new SASP 828. Approval of a *Mixed Use Areas* designation would permit the same amount and type of non-residential uses that exist on the Subject Site today, while providing greater certainty regarding both the designation and permissions applicable to the property. Furthermore, proposed SASP 828 requires that a future local area study be undertaken, which has the potential to result in significant delays in implementing the accepted conversion of the Subject Site. Finally, and most concerning, SASP 828 as proposed states that following the outcome of the future local area study, some or all of the Subject Site may again be designated as *General Employment Areas*. This policy is inappropriate, as it results in significant uncertainty regarding the outcome of the MCR process for the Subject Site, and puts off determination of appropriate land use designation for these lands despite acceptance of the principle of conversion by City Planning staff.

In addition to the above, Brookfield remains concerned with the proposed SASP 828 policies that require a significant percentage of the total net gross floor area (“**GFA**”) of the lands be comprised of uses permitted in *Core Employment Areas*, whereas the lands currently do not contain this more stringent *Employment Areas* designation. This policy may jeopardize the viability of the residential development on the Subject Site, given the potential land use compatibility issues that could arise from uses encouraged in the *Core Employment Areas* designation. This is especially inappropriate in a location that is near significant higher order transit and that is in a position to optimize the use of existing and planned higher order transit. Lastly, the percentages and tenure of affordable housing proposed in the policies of SASP 828 exceed the limits supported by the Province in the proposed amendment to O. Reg. 232/18 – Inclusionary Zoning, which would establish an upper limit on the number of units required to be affordable at five (5) percent and the maximum affordability period of twenty-five (25) years.

#### **(iv) Conclusion**

For the reasons above, although Brookfield is pleased that City Planning staff have acknowledged the appropriateness of a redesignation of the Subject Site through the MCR process, they continue to have significant concerns regarding staff’s proposal to implement a *Regeneration Areas* designation and the policies of proposed new SASP 828.

Brookfield requests that Planning and Housing Committee amend the recommendations of City Planning staff to address the issues identified above and as supported by the materials submitted to the City in the Brookfield Conversion Request.

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Should you have any questions about the above, please do not hesitate to contact me or Brookfield's planning consultant, Mike Dror of Bousfields Inc., at 416-947-9744 ext. 241 or [mdror@bousfields.ca](mailto:mdror@bousfields.ca).

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Alexander J. Suriano". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Alexander J. Suriano  
AJS

Encls.

Cc: Client  
Mike Dror, MCIP, RPP, Bousfields Inc.

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