

July 10, 2024

BY EMAIL: Nancy.Martins@toronto.ca & **REGULAR MAIL**

Nancy Martins Planning & Housing Committee Secretariat
Toronto City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Dear Chair Perks, Vice Chair Bradford & Members of the Planning and Housing Committee:

Re: Planning and Housing Committee Meeting, July 11, 2024

PH 14.1 - Employment Area Land Use Permissions - Decision Report - Approval

PH 14.9 - Official Plan Review - Office Replacement Policies - Proposals Report

As planning consultants, we represent 1097547 Ontario Limited (c/o 'Groupe Petra'), the registered owner and stakeholder of 325 Milner Avenue, Scarborough District. Please refer to attached Images 1 and 2: Building Elevations.

Please note our letter submission applies to and is filed with respect to both Planning and Housing Committee Agenda Items PH 14.1 and PH14.9 as captioned above.

We previously filed a written submission on May 17, 2024 regarding Employment Area Land Use Permissions in response to the City's April 19, 2024 presentation, and participated in a June 19, 2024 Public Consultation Meeting, as coordinated by BILD.

We also filed a written submission on February 6, 2024 regarding the Official Plan Review - Office Replacement Policies, and participated in a May 15, 2024 Public Meeting.

Groupe Petra's Request

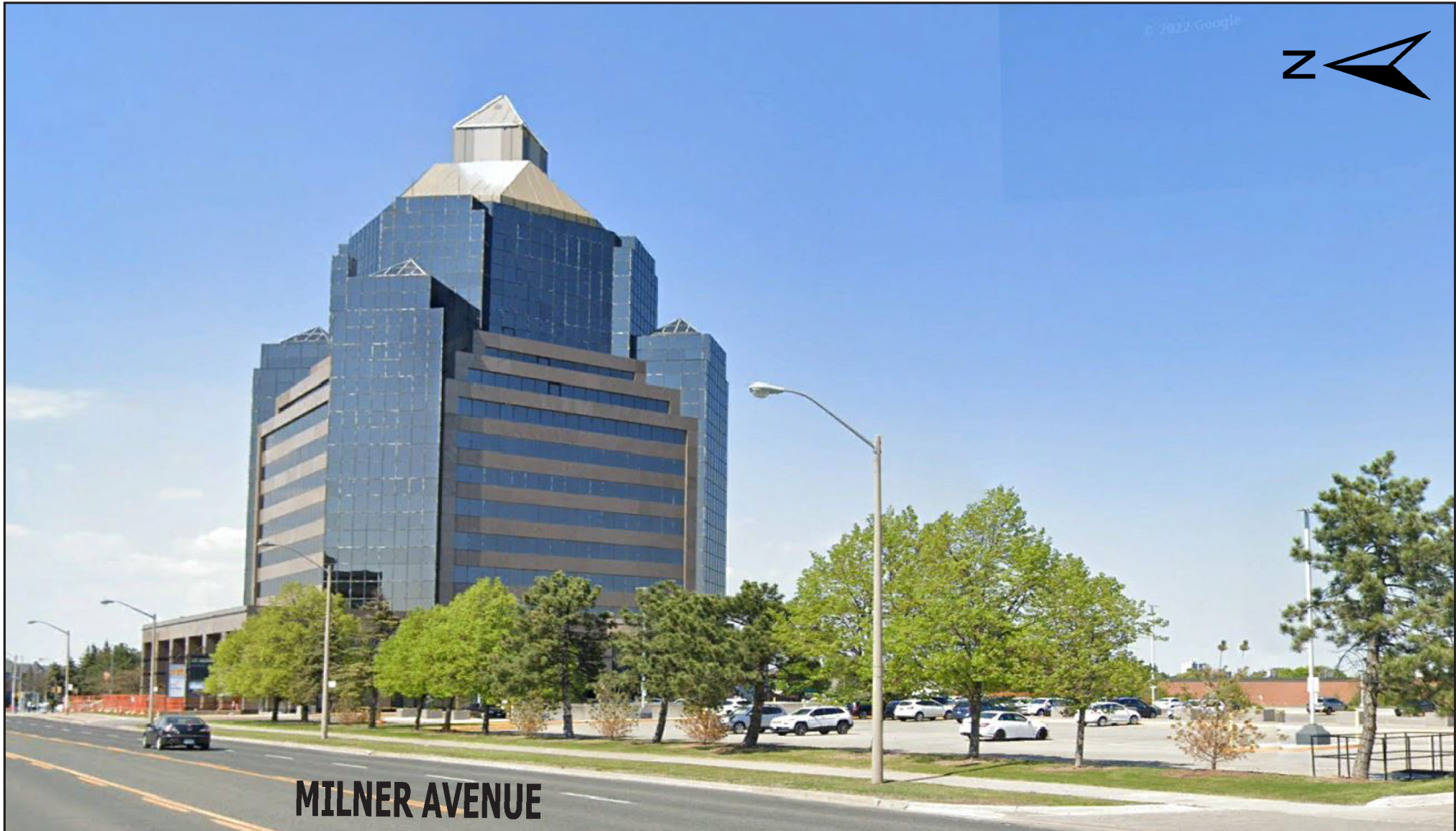
The building's owner, 'Groupe Petra', requests the addition of 'Educational and Training Facilities' as a permitted use to broaden community service functions available in their building and to off-set the building's long term space vacancy issue.

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IMAGE 1 - LOOKING EAST ALONG MILNER AVENUE WEST OF PROGRESS AVENUE



MILNER AVENUE



**325 MILNER AVENUE
CITY OF TORONTO**

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Image1_July.2024

IMAGE 2 - LOOKING WEST ALONG MILNER AVENUE EAST OF PROGRESS AVENUE



**325 MILNER AVENUE
CITY OF TORONTO**

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Image2_July.2024

This 'stand-alone' landmark office building supports the Scarborough District, et al, and in particular the Malvern community. It is proximate to Markham Road and Highway 401, where there are existing and planned public transit services nearby, making the property highly accessible, with ample vehicular parking on-site.

The building's tenant list includes among others, the 'City of Toronto Employment and Social Services' and 'City of Toronto Children Services'. Also included is the 'Government of Canada's Immigration Refugees and Citizenship' offices, and health services.

More specifically, the owner seeks to accommodate 'Educational and Training Facility Uses' on three vacant floors of this sixteen-storey building for learning opportunities, in effect 'accessory' to the predominant permitted 'office' use permissions of the building. The proposed 'Educational and Training Facilities' use off-sets long-term vacancy at about 22%-25% of the total GFA at 26,012 m² (280,000 sq. ft.) with a desirable, feasible and a highly compatible use.

The Property's Land Use Planning Characteristics

325 Milner Avenue exhibits the following land use planning characteristics as described in attached Figures 1 and 2.

- Located in 'General Employment Areas' fronting the Malvern 'Neighborhood Area' in proximity to amenities;
- Large corner property (2.84 ha. – 7.03 ac.) fronts onto two 'Major Streets', Milner Avenue and Progress Avenue;
- Located in the proposed 'Malvern Progress' Major Transit Station Area ('MTSA'-570) boundary pending the Sheppard East LRT Extension project under study by Metrolinx;
- As a proposed MTSA, qualifies as a proposed Strategic Growth Area ('SGA');

Land Use Planning Constraints

'Groupe Petra' requests accessory 'Educational and Training Facilities', however this use is not permitted by the City's in effect Official Plan and Zoning By-law. The current planning processes referenced in PH 14.1 and PH 14.9 provide an opportunity to better consider and address this issue.



FIGURE 1: TORONTO OFFICIAL PLAN, FEBRUARY 2019, MAP 22, LAND USE
325 MILNER AVENUE, CITY OF TORONTO

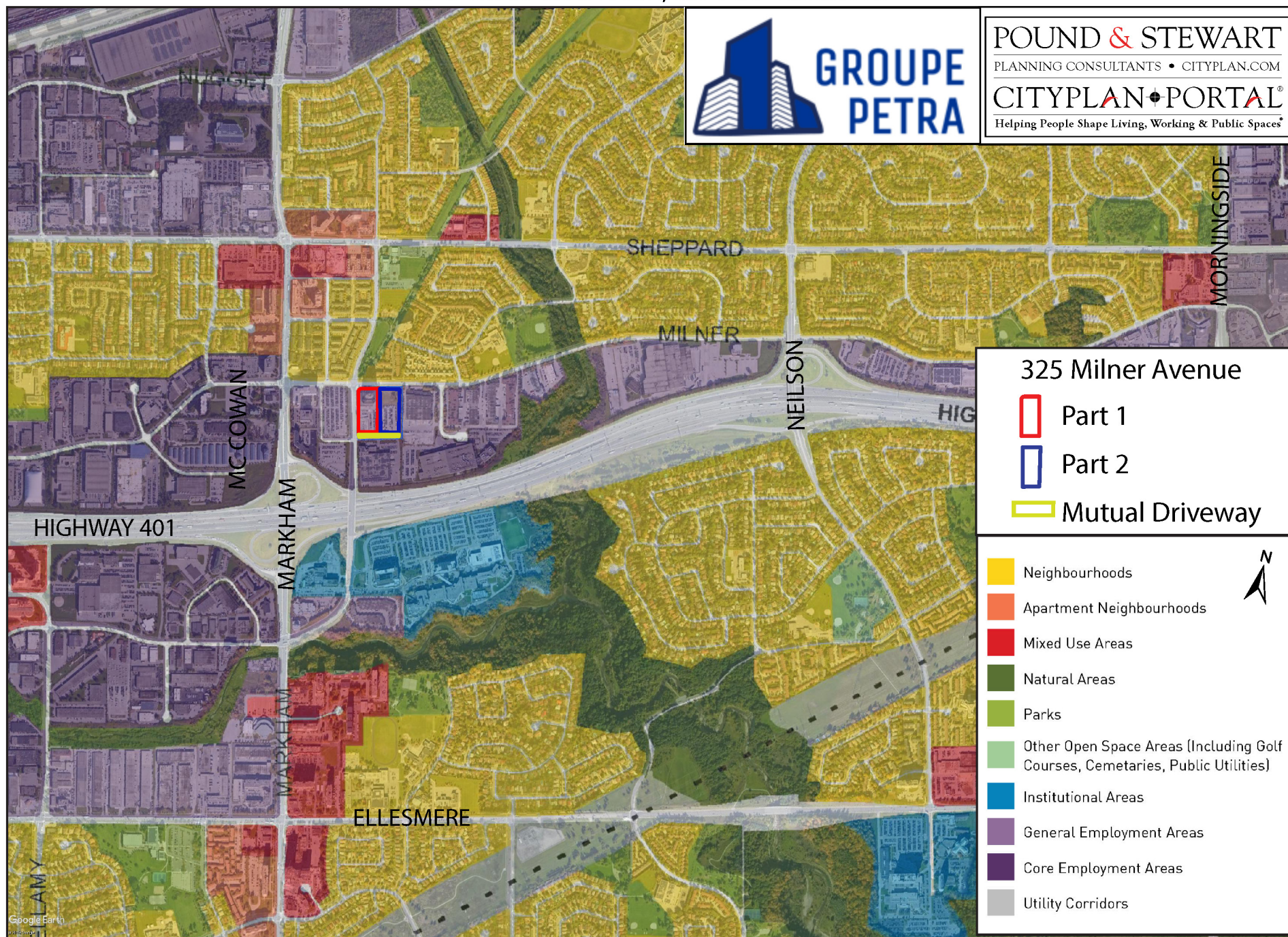
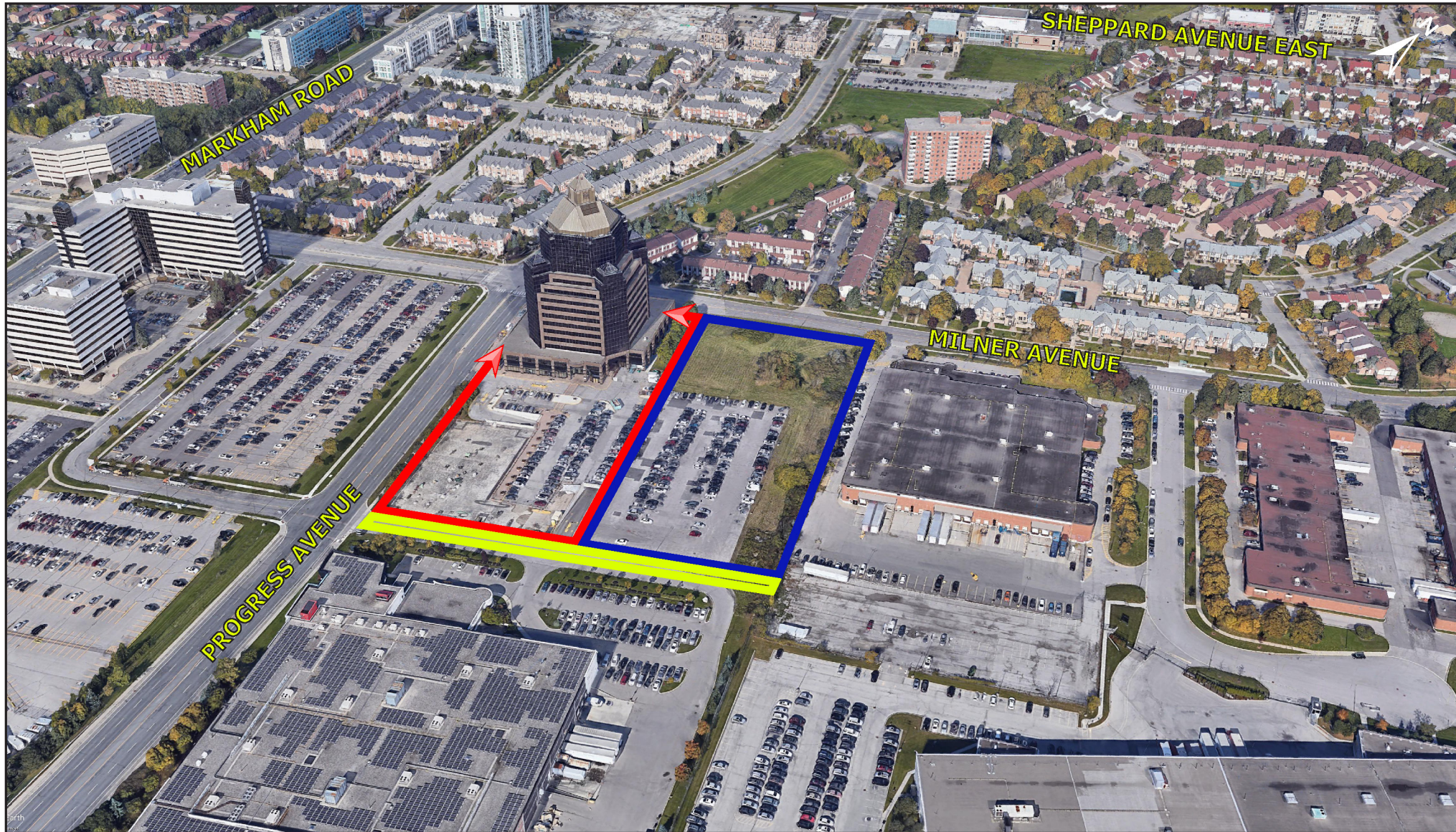


FIGURE 2: AERIAL PERSPECTIVE
325 MILNER AVENUE, CITY OF TORONTO



325 Milner Avenue



Part 1

Part 2

Mutual Driveway



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The provincial *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97), amends the definition of ‘area of employment’ in the *Planning Act*, where:

manufacturing uses, warehousing uses (including uses related to the movement of goods), and research and development in connection with manufacturing are the primary uses permitted within an ‘area of employment’. Retail uses and office uses associated with these primary uses, as well as ancillary facilities, are also permitted within an “area of employment”.

However, commercial uses, including stand-alone retail and stand-alone office uses, and institutional uses (e.g., schools and day cares) have been explicitly excluded as uses permitted within an ‘area of employment’.

Notwithstanding Bill 97, today the City’s Official Plan does not allow new ‘Institutional uses’, so in effect, it already conforms with Bill 97 per the ‘4.6.1 Core Employment Areas’ and ‘4.6.2. General Employment Areas’ land use designations as represented by PH 14.1 **‘Employment Area Land Use Permissions’** documentation.

More specifically, the City’s ‘Employment Area’ policies do not support the co-existence of office use and ‘Educational and Training Facilities’, uses such as Kumon, Mathletics, IT, computer programming, et al, including adult educational facilities, in the form of college and/or university uses including administration, training and continuing education in a major office building due to its present location at the edge of a ‘General Employment Areas’.

Conversely, while an ‘industrial trade school’ is permitted use within an ‘Employment Area’, (i.e. ‘carpentry shop’, ‘machine shop’ etc.) these types of uses do not typically operate within an office building.

Land use compatibility is a recognized principle of good land use planning, and land uses known or expected to create environmental adverse effects when in proximity, are deemed incompatible. (See Provincial D-1-3 Land Use Compatibility: Definitions). However, in my opinion ‘Educational and Training Facilities’ are similar to normal office uses within the planning context of a major office building, and D-Series adverse effects would not apply in my opinion.

If an office use is permitted, then ‘Educational and Training Facilities’ ought to be permitted as well.



Mixed land use benefits the community by minimizing trip generation and distance travelled by maximizing the public access and convenience. Mixed land use provides support for cultural, social and economic diversity and is appropriate within certain ‘employment area’ contexts. Furthermore, a city objective is to provide for employment opportunity, and an office building, like 325 Milner Avenue, when fully occupied, supports far more employees per sq. metre than a logistics warehouse, would for example.

The ‘**Official Plan Review - Office Replacement Policies Review**’ acknowledges, but fundamentally preserves office space, against the realities of post pandemic employment formats, technological advances and the generational work life balance ‘movement’. The Review assesses office vacancy or availability, combined with the high demand for housing, to consider conversions of buildings from office to residential uses in certain areas of the city. Notwithstanding, there is no consideration of the potential for ‘Educational and Training Facilities’ to more easily offset vacancy in an ‘as-built’ standalone office building, for example. This in my opinion, provides for a much easier opportunity to help, without harming the traditional office functions or formats.

Permitting ‘Educational and Training Facilities’ by disentangling land use policies and regulations would provide for diversity and equity where 325 Milner Ave. appears to be ‘orphaned’ by the ‘**Employment Area Land Use Permissions**’ and the ‘**Official Plan Review - Office Replacement Policies Review**’ proceedings.

It has been relayed that once an office building is converted to residential it will not return. In the case of 325 Milner Ave. adding the ‘Educational and Training Facilities’ should not be viewed as a conversion, and if it is a conversion, it should be viewed as ‘minor’ because the unlike a residential conversion, an office use is being is technically maintained.

RECOMMENDATIONS:

To offset high office vacancy, underutilization and to facilitate higher employment at 325 Milner Avenue (a ‘standalone’ office building located in an ‘Employment Areas’), the following recommendations are offered in terms of PH 14.1 and PH14.9:

Regarding **PH 14.1 ‘Employment Area Land Use Permissions’** it is recommended that:

- A new land use ‘Office Areas’ designation be established in the Official Plan to permit a broad range of ‘employment’ land use permissions, such as ‘Educational and Training Facilities’ to the benefit of local and regional communities, to avoid being restricted by the provincial Bill 97 ‘Employment Areas’ definition.



Regarding **PH 14.9 'Official Plan Review - Office Replacement Policies Review'** it is recommended that:

- The **'Office Replacement Policies Review'** underway, amend its Terms of Reference to fully consider the land use planning context of the 'standalone' office building, like 325 Milner Avenue, located in a Scarborough District, and recognize the value in broadening permitted land uses to include 'Educational and Training Facilities', to the benefit of local and regional communities.

Please ensure our firm remains on the City's mailing list regarding any future public notices, updates, reports, Committee and Council Agenda related items, and any Council decision or actions on the above captioned matter.

Thank-you for your consideration of this matter.

Yours truly,
Pound & Stewart Associates Limited



Philip J. Stewart, MCIP, RPP

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Attachments – As noted herein.

cc. Ms. K. Voumvakis, Chief Planner & Executive Director KVoumva@toronto.ca

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cc. Ms. V. Mortellitti, Manager, BILD, advocacy@bildgta.ca

cc. Client (by email & hardcopy)

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