

AIRD BERLIS

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July 10, 2024

By E-Mail

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

Email: phc@toronto.ca

Dear Members of the Planning and Housing Committee:

Re: Item 2024.PH14.1 - Employment Area Land Use Permissions - Decision Report – Approval (OPA 680)
Planning and Housing Committee consideration on July 11, 2024

We represent 2827431 Ontario Inc., being the registered owner of the lands municipally known as 1936 McCowan Road, Toronto (the “Property”).

On behalf of our client, we have we been monitoring the City’s proposed response to Bill 97 and the updated definition of Areas of Employment that it introduces into the *Planning Act*, R.S.O. 1990, c. P.13, as amended. We write to convey our client’s concerns with the proposed OPA 680.

Background

The Property is located in the Sheppard Avenue East and McCowan Road area and has an approximate area of 9,545 square metres. It is currently underutilized as a pad-style plaza with two single-storey retail and office buildings connected by a surface parking lot.

The Property is currently designated as *General Employment Areas* under the Official Plan, but is well-positioned to provide a significant amount of housing in order to leverage existing and planned infrastructure.

The proposed Sheppard Avenue East and planned McCowan Road Station on the Scarborough Subway Extension is located approximately 400 metres from the Property, representing a 5-minute walk. Sheppard Avenue East and McCowan Road Subway Station is anticipated to be both the northern terminus of the Scarborough Subway Extension and a future interchange station of the planned Sheppard East line, which is expected to be developed within the next 10 years. In response to this public infrastructure investment, the area is beginning to experience new mixed-use development activity.

It is our opinion that mixed-use redevelopment of the Property would be consistent with the Provincial Policy Statement and conform to the Growth Plan, both of which are supportive of

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directing growth close to higher order transit in order to make more efficient use of such public infrastructure. In this regard, the subject site is located within 400 metres of the Sheppard Avenue East and McCowan Road Station/stop on the Scarborough Subway Extension and is currently underutilized. Intensification of the Property will assist in achieving the minimum density targets prescribed in the Growth Plan and ultimately contribute to achieving the Province's goal to building 1.5 million homes over the next 10 years.

As a part of the City of Toronto's recent municipal comprehensive review process, City Council adopted OPA 653, which implemented the second phase of conversion requests and included changes in land use designation from *General Employment Areas* to other land use designations including *Regeneration Areas* and *Mixed Use Areas*. In considering and ultimately adopting OPA 653, City Council approved requests to partially convert lands within the Sheppard Avenue East and McCowan Road area, being 4630 and 4570 Sheppard Avenue East, which are located immediately south of the Property. As such, the introduction of residential uses for the Property would be a logical approach that will allow for a coordinated and comprehensive development contiguous to other lands along McCowan Road and optimize the potential to deliver much-needed housing and complete communities.

Concerns with OPA 680

We are disappointed to have read staff's Decision Report on OPA 680 that presents policies that are contrary to the intention of Bill 97.

The intention of the new definition of Areas of Employment is to limit employment areas to traditional manufacturing, warehousing or related uses. Office, retail and institutional uses are not included in this definition for the purposes of exempting lands with such uses from employment protection policies and to allow for the introduction of residential uses to encourage mixed-use development and complete communities without the need for a conversion application. OPA 668 and 680 undermine this objective.

Together with OPA 668, OPA 680 will effectively sterilize the redevelopment potential of the Property by precluding both the replacement of the existing office/retail space and the introduction of residential uses. As a result, these amendments would render office and retail uses on the Property as legal non-conforming and undermine further investment in the Property. At the same time, OPA 680 would preclude the construction of much needed housing in existing employment areas that can accommodate residential and mixed-use development.

At a time when the office market is undergoing a fundamental paradigm shift that will see the long term need for office space decline and require available office space to meet the needs of users in the remote work environment, the City should not be bringing forth policies that hinder the redevelopment of, and reinvestment into, properties that could otherwise be used to deliver complete communities.

For the reasons set out above, we request that this Committee: (1) reject OPA 680, as proposed by staff, and (2) direct staff to reconsider OPA 668 by conducting a detailed review of all existing properties designated *Employment Areas* to determine which of these properties meet the new definition before bringing forth a revised recommendation report.

We ask to be added to the City's mailing list in connection with this matter and be notified of any further decisions made by this Committee or Council.

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Yours truly,
AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read 'MB', with a long, sweeping flourish extending to the right.

Maggie Bassani

MB

cc: Client

AIRD BERLIS