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Our File No.: 211846

Delivered Via E-mail

Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5

Attention: Nancy Martins (phc@toronto.ca)

Dear Sirs/Mesdames:

Re: Item 2025.PH21.1 – Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas – Decision Report

We are solicitors to Downing Street (1125 Leslie St) Inc., who is the registered owner of the lands known municipally in the City of Toronto (the "**City**") as 1125 Leslie Street (the "**Property**").

We are writing on behalf of our client to express concerns with the above-noted item and draft Official Plan Amendment No. 804 ("**Draft OPA 804**"). While our client appreciates that City staff recognize the Property is not an area of employment, our client is concerned that the proposed designation of the Property as *Regeneration Areas* will result in a study process that will be too slow and inappropriately constrained by Draft OPA 804. Instead, the Property can and should be redesignated as *Mixed Use Areas* to enable a rezoning application to proceed for the Property on a timely basis.

Overview of the Property

The Property is located on the east side of Leslie Street with excellent access to higher order transit, including being located an approximate 10 to 15 minute walk from the Science Centre subway station and the LRT station at Leslie Street/Eglinton Avenue East through a direct sidewalk connection. The Property is part of a larger remnant employment area where a number of conversions have already been approved. For example, a conversion request for the lands directly to the south was recommended for approval by City staff and adopted by City Council.

Given the evolving policy direction for the area, it is clear that a mixed-use redevelopment of the Property would contribute to the provision of a complete community in this area. This approach is supported by the good access of the Property to higher order transit and the lack of impact on existing/future employment uses separated from the Property by the Don Mills Trail. Our client's

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vision for the mixed-use redevelopment of the Property would provide the opportunity for much needed housing in proximity to transit while still enabling options for non-residential uses through modern built form and flexible design.

Background to Draft OPA 804

Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) received Royal Assent on June 13, 2023. Bill 97 specifically narrowed the definition of "area of employment" to traditional manufacturing, warehousing and related uses. At the same time, Bill 97 confirmed that office, retail and institutional uses are not business and economic uses, unless directly associated with manufacturing, warehousing or related uses. This new definition is directly linked to the definition of "employment area" in the PPS 2024, which similarly limits the scope of areas of employment.

The intent of Bill 97 and the PPS 2024 is clear. Areas subject to employment conversion policies and statutory provisions are limited to areas with traditional manufacturing, warehousing or related uses. At the same time, mixed use development is to be encouraged outside of these areas to support complete communities. Where institutional and/or commercial uses are permitted, those areas are not longer considered an "area of employment".

The City previously attempted to implement Bill 97 and the PPS 2024 through Official Plan Amendment 668 and Official Plan Amendment 680. Our client – as well as a significant number of landowners – expressed similar concerns prior to City Council adopting those official plan amendments. The Province also had significant concerns with the City's approach, which led to Ontario Regulation 396/04 and the removal of City as approval authority for these official plan amendments.

Concerns with Draft OPA 804

Overall, the proposed policy direction for Draft OPA 804 remains directly contrary to the legislative intent of Bill 97. While City staff suggested they have now completed some sort of larger analysis, this review was expressly limited to "office parks" that do not act as a buffer to more sensitive uses. Our client appreciates that the Property is included within one of those "office parks", meaning that City staff have confirmed the Property is not an area of employment. Our client also appreciates the proposed redesignation of the Property, but the proposed designation as *Regeneration Areas* would delay and impose inappropriate constraints on otherwise desirable mixed-use development.

The Property and surrounding area clearly do not meet the new definition of "area of employment". As such, appropriate reinvestment in and redevelopment of the Property can and should occur. As noted above, a mixed-use redevelopment of the Property would contribute to the provision of a complete community in this area through the delivery of new housing and the potential to increase the amount of employment through modern built form and flexible design. Proposed Site and Area Specific Policy ("**SASP 913**") should be modified to enable such development.

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In particular:

- No form of residential uses are permitted until adoption of a new or updated Secondary Plan. The Property (and other sites along Leslie Street) is isolated form the balance of the area covered by SASP 913 and should not be connected to any study of this larger area. Mixed-use redevelopment of the Property can and should proceed without the need for a new or updated Secondary Plan.

- Redevelopment of the Property would be delayed until a Land Use Plan is prepared for the entire area. Again, given the Property's location, a Land Use Plan for the entire area should not be required in advance of redevelopment of the Property. This would apply to the other studies and/or plans that SASP 913 would require.

- SASP 913 would mandate a minimum amount of non-residential gross floor area without regard for the nature of the Property or the office market. The City's own study has confirmed the nature of the current office market, with a resulting and emerging policy direction that would only require replacement of existing non-residential gross floor area on certain lands within the Downtown Secondary Plan and the Yonge-Eglinton Secondary Plan. This emerging policy direction would not apply to the Property or the lands within SASP 913, meaning that SASP 913 is at odds with the City's own approach.

- SASP 913 would require affordable housing gross floor area as part of any redevelopment of the Property, when any requirement for affordable housing can only be secured through an inclusionary zoning by-law and/or as an in-kind contribution agreement pursuant to Section 37 of the *Planning Act*. The Minister of Municipal Affairs and Housing recently amended similar policies proposed by the City. SASP 913 should similarly be modified to encourage affordable housing but not require it in a manner that is impermissible under the *Planning Act*.

Given these concerns, the most appropriate approach for the Property would be to redesignate it as *Mixed Use Areas* to enable a rezoning application to proceed for the Property on a timely basis.

We would appreciate being included on the City notice list on behalf of our client for any City Council decision regarding Draft OPA 804.

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Yours truly,

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David Bronskill
DJB/

cc. Client

1405-6421-5574