

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: April 08, 2021

CASE NO(S):

PL140860

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 10 QEW Inc. et. al.
Subject: Proposed Official Plan Amendment No. 231
Municipality: City of Toronto
OMB Case No.: PL140860
OMB File No.: PL140860
OMB Case Name: A. Mantella & Sons Limited v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Multiple Appellants
Subject: Proposed Official Plan Amendment No. 231
Municipality: City of Toronto
OMB Case No.: PL140860
OMB File No.: PL140860
OMB Case Name: A. Mantella & Sons Limited v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 31(2) of the *Local Planning Appeal Tribunal Act*, S.O. 2017, c. 23, Sched. 1, as amended

Motion By: City of Toronto
Purpose of Motion: Settlement Order
Property: 459 Eastern Avenue
Address/Description: 6 Lloyd Avenue et al
85 Hanna Avenue
Downsview Area Secondary Plan
Municipality: City of Toronto
LPAT Case No.: PL140840
LPAT File No.: PL140860

PROCEEDING COMMENCED UNDER subsection 31(2) of the *Local Planning Appeal Tribunal Act*, S.O. 2017, c. 23, Sched. 1, as amended

| | |
|--------------------|---|
| Motion By: | City of Toronto |
| Purpose of Motion: | Request for Direction and Determination (Phased Hearing for Site Specific Appellants) |
| Municipality: | City of Toronto |
| LPAT Case No.: | PL140860 |
| LPAT File No.: | PL140860 |

Heard: March 4, 2021 by video hearing

APPEARANCES:

Parties

Counsel

City of Toronto

A. Biggart
K. Matsumoto

10 Q.E.W. Inc.

K. Sliwa
A. Kurts

Canada Lands Corporation
Parc Downsview Park Inc.

E. Costello

Rothmans, Benson and Hedges
Inc.

P. Gross

Ministry of Municipal Affairs and
Housing

C. Young
A. Beamish

First Capital Management CP
REIT
Loblaws

D. Neligan

Morguard Investments Limited
Revenue Properties Company
Limited

J. Shapira

Amexon
Humberview Motors

M. Flynn-Guglietti

multiple appellants

B. Horosko

| | |
|--|----------------------------------|
| Costco Wholesale Canada Ltd. Walmart Canada Corp. | M. Noskiewicz R. Houser |
| Hiltin Hills Development Inc. | J.A.R. Dawson |
| Leslie Lakeshore Developments Inc. (CRAFT) | P. DeMelo I. Kagan |
| Riocan Real Estate Investment Trust Talisker (Queensway) G.P. Inc. | J. Farber |
| 2634698 Ontario Inc. and multiple appellants | I. Andres D. Bronskill |
| Northam Realty Advisors Ltd. Menkes 225 Birmingham St. Inc. | N. Mares J. Smuskowitz |
| Appellant 38 Winfield | P. Duffy |
| 87 Ethel Avenue Holdings Inc. | J. Alati |
| Champagne Centre Ltd. | C. Lantz A. Brown J. Cheng |
| multiple Scarborough appellants | D. White |
| Berkely Carlyle (Junction) Inc. | D. Artenosi M. Cara |
| Minto Properties | M. Foderick |

**MEMORANDUM OF ORAL DECISION DELIVERED BY G. BURTON AND
D.S. COLBOURNE ON MARCH 4, 2021 AND ORDER OF THE TRIBUNAL**

[1] On March 4, 2021 the Tribunal conducted a hearing consisting of three parts.

[2] The first was to consider six settlements of site-specific appeals.

[3] The second was to consider a Motion by the City of Toronto (“City”) to establish the phasing of site-specific appeals on the issue of employment lands under Official Plan Amendment (“OPA”) 231. These appeals are outstanding since the OPA was enacted in 2013.

[4] The third part was to deal with two reply motions to the City’s Motion to establish phasing. These parties requested separation from the proposed phasing in order to establish individual hearings for their appeals.

BACKGROUND OF OPA 231

[5] By-law No. 1714-2013 was adopted by City Council in December 2013, the purpose and effect of which was to adopt OPA 231 to the OP regarding the economic health policies and the policies, designations and mapping for *Employment Areas*.

[6] A total of 178 appeals were filed against the Minister’s approval in 2014, including appeals of the entirety of OPA 231 on a City-wide basis, and site-specific appeals.

[7] On September 6, 2019, the Province filed *Ontario Regulation 305/19* (“Regulation”) pertaining to transitional matters for growth plans under the *Places to Grow Act, 2005*. The Regulation came into force the day it was filed. This transitions OPA 231 under the Growth Plan for the Greater Golden Horseshoe, 2006 (“Growth Plan 2006”), by requiring that OPA 231 “shall be continued and disposed of in accordance with the 2006 Growth Plan as it read on June 16, 2006”. The import of this is set out below.

MOTION FOR PHASED HEARING – BACKGROUND

[8] The Board, now Tribunal (hereafter “Tribunal”), held the first Pre-Hearing Conference (“PHC”) regarding OPA 231 on March 12 and 13, 2015, wherein a number of parties sought and obtained party or participant status to the OPA 231 proceedings.

[9] At the first PHC, the Tribunal ordered appellants who had filed City-wide appeals of the entirety of OPA 231 to scope their appeals by April 13, 2015, and to specifically identify which parts of OPA 231 they wished to maintain under appeal.

[10] After the City determined which parts of OPA 231 were no longer subject to a City-wide appeal, the City brought a Motion for partial approval at the second PHC, held on June 22, 2015, and obtained an Order approving and bringing into full force and effect those parts of OPA 231 that were not subject to a City-wide appeal (as permitted by the *Planning Act*). This Order, dated June 22, 2015, brought into effect those parts of OPA 231 that were not subject to a City-wide appeal.

[11] The City now proposes a phased approach to the remaining site-specific appeals on a thematic or geographic basis. This is intended to provide an orderly and transparent process by which these appeals would be addressed over time.

[12] Set out below in Table 1 is the phased approach applied to the hearing process since June 22, 2015. Table 1 outlines the various phases and sub-phases, along with the key dates associated with each and a brief description of the general outcomes for each phase. Table 1 does not include the site-specific settlements that were heard by the Tribunal at this Case Management Conference (“CMC”) of March 4, 2021.

| Phase | OPA 231 Policy Matter | Dates | General Result(s) |
|--------------|--|--|--|
| 1A | <i>Core Employment Areas</i> and <i>General Employment Areas</i> land use designation mapping and certain related policies | Hearing: June 20, 2016 Order: December 20, 2016 | <ul style="list-style-type: none"> • Order brought into effect the <i>Core Employment Areas</i> and <i>General Employment Areas</i> land use designations, policy language associated with the designations, save and except the phrase “all types of” retail • Order did not bring the designations into effect on lands which were subject to a site-specific appeal |

| | | | |
|-----------|--|--|---|
| 1B | Compatibility and Mitigation | Hearing: June 14, 2018 Order: July 10, 2018 | <ul style="list-style-type: none"> • Order brought into effect Compatibility/Mitigation policies regarding the development and use of lands outside of <i>Employment Areas</i> |
| 1C | Sensitive Land Uses within <i>Employment Areas</i> | Hearing: July 26, 2018 Order: August 16, 2018 | <ul style="list-style-type: none"> • Order brought into effect the permitted land uses within <i>Core Employment Areas</i> and <i>General Employment Areas</i> |
| 2 | Office Replacement | Mediation: 2018 and 2019 | <ul style="list-style-type: none"> • A number of LPAT-led mediation days have been held • Mediation is ongoing |
| 3 | Conversion and Forecasting | Hearing: September 16, 2019 Order: May 8, 2020 | <ul style="list-style-type: none"> • Order brought into effect the <i>Employment Areas</i> conversion and removal policies, as well as the forecasting of employment in the City |
| 4 | Retail in <i>Employment Areas</i> | Hearing: March 4, 2021 Order <i>pending</i> | <ul style="list-style-type: none"> • City Motion (dated: February 17, 2021) seeks Order approving policies related to large format retail in <i>Employment Areas</i> |
| 5 | Cultural policies | Hearing: March 4, 2021 Order <i>pending</i> | <ul style="list-style-type: none"> • City Motion (dated: February 17, 2021) seeks Order approving policies related to the replacement of cultural uses |
| 6 | Site specific appeals | Hearing: March 4, 2021 Order <i>pending</i> | <ul style="list-style-type: none"> • City Motion (dated: February 16, 2021) seeks Order approving proposed Procedural Order for site specific appeals |

SITE SPECIFIC APPEAL NO. 157 RELATED TO 8 OAK STREET

[13] In its Order dated April 19, 2018, the Tribunal consolidated Appeal No. 157 with the owner's site-specific application appeals. In its findings, the Tribunal stated:

[69] The site-specific appeals of OPA 231 should not be determined before the City-wide policy appeals have been adjudicated.

[70] The City-wide policy appeals of OPA 231 have the greatest impact across the City and involve numerous parties and should be resolved before any of the site-specific appeals are heard and it is quite possible that some site-specific appeals will be resolved following the resolution of the City-wide policy appeals.

[14] Given that the majority of the City-wide policy appeals of OPA 231 have been resolved, the Tribunal has scheduled a site-specific hearing related to the lands at 8 Oak Street, scheduled to commence on March 29, 2021.

Motion for Phasing

[15] The Motion by the City is for an Order that authorizes site-specific appeals be heard in phases, with the identified site-specific appeals being heard together in the different phases.

[16] Table 2, set out below, illustrates Phase No. 6 in the above Table, the City's proposed site-specific appeal phase for the remainder of the 2021 calendar year and into 2022, including the following sub-phases:

- i) **Sub-phase 6A** is the hearing regarding 8 Oak Street (Appeal No. 57) described above.
- ii) **Sub-phases 6B, 6C and 6D** are geography-based, and each involves site-specific appeals that are clustered in a geographic area: northeast Scarborough, southwest Etobicoke and Liberty Village respectively.
- iii) **Sub-phases 6E and 6F** are policy-based. Each involves site-specific appeals that have raised issues with the same policy, irrespective of geography. The two policy matters are the conversion of *Core Employment Areas* to *General Employment Areas*, and the criteria for Large Format Retail.
- iv) It should be noted that Appeals No. 8, 9, 16, 27, and 123 are found in both sub-phases 6B and 6E, while Appeal No. 27 is found in sub-phases 6C and 6D. Appeal No. 119 is found in both sub-phase 6B and 6F. These appeals have been highlighted below to bring attention to these.

| Table 2: Proposed Site-Specific Appeals Phase [Phase 6] | | | |
|--|--|-------------------------------------|--|
| Sub-Phase | Address(es) or General Geography or Policy Matter | Hearing Dates (duration) | Appeal Number |
| 6A | 8 Oak Street | March 29, 2021 (8-days) | 157 |
| 6B | North East Scarborough | (Estimate: 5-hearing days in 2021) | 8, 9, 16 , 54, 119, 123 , 193 |
| 6C | South West Etobicoke | (Estimate: 10-hearing days in 2021) | 1, 27 , 44, 57, 64, 85, 100, 133, 147, 197, 198, 202 |
| 6D | Liberty Village | (Estimate: 5-days in 2021) | 13, 32, 49, 204 |
| 6E | <i>Core Employment Area to General Employment Area conversions</i> | (Estimate: 3-days in 2021 or 2022) | 8, 9 , 11, 12, 16, 27 , 34, 36, 68, 81, 123 , 129, 142, 161 |
| 6F | Large format retail criteria | (Estimate: 3-days in 2021 or 2022) | 69, 71, 73, 98, 100, 177, 119 , 146, 149 |
| 6G | To be determined at future Case Management Conference | | |

[17] The City submitted that If the proposed phasing is approved, it would conduct an analysis of the remaining 71 site-specific appeals that would be included in sub-phase 6G of Table 2. These remaining appeals include those that sought Party Status and are currently sheltering under another appeal.

PROPOSED SITE-SPECIFIC APPEAL PHASE

[18] The City is proposing an orderly phasing, that would have the effect of resolving the greatest number of site-specific appeals in the shortest time, for the remainder of 2021 and into 2022. This approach takes into consideration an efficient use of the resources of participating parties, and the high demand for Tribunal hearing dates.

PLANNING RATIONALE IN SUPPORT OF THE CITY'S PROPOSED PHASING APPROACH

[19] The proposed site- and area-specific appeal approach represents good planning, as it demonstrates: an efficient use of limited resources, an orderly method towards the completion of the OPA 231 hearing, and, importantly, an approach that assists the City and all its partners to complete the provincially-required Growth Plan conformity exercise and its next Municipal Comprehensive Review ("MCR") by July 1, 2022.

An Efficient Use of Limited Resources

[20] The proposed site- and area-specific appeal approach for the first three sub-phases in Category 6 above (Table 2: 6B, 6C, 6D), would cluster a total of 23 appeals into three separate hearings. The **geographic** cluster is of generally contiguous properties, sharing both a local context and a general policy framework, given the close proximity of the lands.

[21] The next two sub-phases (6E and 6F) would cluster appeals on a **policy** basis, where different appellants have taken issue with the same policy matter within OPA 231. Appeals seeking conversions from a *Core Employment Area* designation to a *General Employment Area* designation would cover off similar aspects from a policy perspective. Site-specific appeals to the Large Format Retail criteria would also be scoped to those issues that are not always context-dependent.

[22] The preparation of evidence for clustered appeals (if both geographically and policy-based) is an efficient use of limited resources. Without the grouping of geographically contiguous or policy-based appeals, planning witnesses would have to repeat the same or similar contextual and policy analyses for separate and distinct hearings. This repetition of efforts would also be experienced by the Tribunal, which would hear similar evidence in separate hearings.

An Orderly Method Towards the Completion of OPA 231 Appeals

[23] There are 111 outstanding site- and area-specific appeals in the OPA 231 proceedings. These appeals account for approximately 450 hectares of the total of lands designated either *Core Employment Areas* or *General Employment Areas*.

[24] The proposed site- and area-specific appeal approach for the next five sub-phases in Category 6 (Table 2: 6B, 6C, 6D, 6E, 6F) would resolve 40 of the outstanding appeals. These 40 appeals account for 380 hectares of the total of lands designated as either *Core Employment Areas* or *General Employment Areas*. The proposed approach for the next

five sub-phases in Category 6 would resolve appeals representing over 80% of the total *Employment Areas* lands now subject to site- and area- specific appeals.

[25] The proposed site- and area-specific appeal approach does not preclude appellants and the City from reaching a settlement on their appeals. To date, the City has reached settlements regarding over 20 site- and area-specific appeals to OPA 231.

An Approach that Allows the City to Conduct its Provincially-Required Growth Plan Conformity and Next MCR by July 1, 2022

[26] The City and all other single and upper tier municipalities within the Greater Golden Horseshoe area have statutory obligations under the *Planning Act* and *Places to Grow Act* to conduct their respective Growth Plan conformity exercises and MCRs. The Ministry of Municipal Affairs and Housing has set a conformity date of July 1, 2022 for all single and upper tier municipalities to conduct the conformity exercise against the Growth Plan 2019, as amended.

[27] As mentioned, the Regulation transitions appeals to OPA 231 under the former Growth Plan 2006, not the most recent Plan. Thus a set of conversion policies apply that is different than those applicable to employment conversions subject to the Growth Plan 2019, as amended. As of August 4, 2020, the City started receiving requests to convert lands designated either *Core Employment Areas* or *General Employment Areas* under the Growth Plan 2019. To date, the City has received 49 such requests.

[28] The proposed site- and area-specific appeal approach would permit the resolution of 40 appeals representing 380 hectares of land and over 80% of appealed lands by the end of 2022. These determinations would allow the City to incorporate the Tribunal's decisions into the present MCR exercise and, in particular, the required Lands Needs Assessment (the lands required to accommodate forecasted growth of people and jobs).

[29] Given the legislated conformity date of July 1, 2022 and the slow pace at which site- and area-specific appeals are being settled, the City runs the risk of having the second MCR outpace the previous MCR, if hearing dates for the appeals are not set in 2021.

[30] The Tribunal has considered the submissions of the City and the concerns of appellants. To effect an efficient process considering the resources available, it agrees that the City's proposal represents a reasonable approach to deal with the outstanding appeals. The City and Tribunal resources could not provide for individual hearings for all of the the outstanding appeals.

[31] We understand that the assignment of appeals to each grouping has been the subject of discussion. The format for the hearings involving a number of parties can be structured in a way so that the City presents its case, then each party and/or property makes its submissions following this, and separate from the other parties in the group. Perhaps sub-groupings could be considered. There are definite advantages in the City's suggested method of proceeding. The Tribunal grants the City's motion for phasing.

[32] In order to move forward efficiently, the City has proposed a triage process. Each appellant is to **briefly** restate its grounds for appeal and exchange with the parties in the specific hearing in Phase 6 the estimated length of hearing required, the number of witnesses and a restatement of their issues, with a brief explanation of the designation sought.

Response Motions

[33] Two separate motions in response to the proposed phasing were heard. Counsel requested that separate hearings be established. The Tribunal orally refused these motions, with reasons to follow.

[34] Champagne Centre ("Champagne") is the owner of lands municipally known as 2 Champagne Drive and 1107 Finch Avenue West (the "Lands") and is currently appellant No. 31 to OPA 231.

[35] Champagne currently owns a commercial complex containing a Polyclinic Family and Specialty Medicine Centre, a private medical clinic with related medical and office space. Some services relate to sports, education, and employment support.

[36] OPA 231 designates the Lands *General Employment Area*. Champagne appealed OPA 231 in order to allow the relocation and expansion of the Polyclinic on the Lands, and to include additional office space (both medical and other), unrelated retail space and (in future development phases), a hotel and proposed seniors retirement residence.

[37] OPA 231 does not permit hotels or senior retirement residences on the Lands.

[38] The City did not include Appeal No. 31 in sub-phases 6A - 6F, as it does not appropriately fall within any one of those phases from a geographical or policy context. In the City's view it is therefore better dealt with at the "To Be Determined", sub-phase 6F.

[39] Champagne states that its appeal should be heard first in the Phase 6 sub-hearings, because the expansion of its site would include overnight accommodations for a private medical facility. This is supported by a letter from the President and CEO of the North York General Hospital. Champagne then adds, "that we are currently experiencing additional stress related to the COVID-19 pandemic, all of which adds to the need for additional facilities". Champagne argues that the City's proposed grouping of appeals "reflects a narrow understanding of the public interest" as it fails to deal with "important aspects of the public interest" in Champagne's appeal.

[40] The City submits that Champagne's self-interest must be balanced against the larger public interest of bringing the largest number of appeals to a conclusion in a timely manner. As explained in the City's Motion Record, there is an urgency on the City's behalf to have **all** of the site-specific appeals concluded in the most efficient and timely manner, to permit the resolution for a majority of lands subject to OPA 231.

[41] The City submits as well, given the legislated conformity date of July 1, 2022 and the pace at which site- and area-specific appeals are being settled, that the City runs the risk of

having the second MCR outpace the existing, as explained above. The proposed sub-phasing addresses this issue both procedurally and substantively. The fact that Appeal No. 31 is more appropriately heard in sub-phase 6G, does not lessen its importance or status as a site-specific appeal to OPA 231. In fact, the City is seeking a subsequent CMC date for the purpose of scheduling sub-phase 6G in a timely and efficient manner.

[42] Although the City can appreciate Champagne's desire to be heard sooner, Mr. Andrew Biggart stated that Champagne has failed to distinguish itself from the other 111 site-specific appeals remaining to be heard in the OPA 231 proceedings. It should be noted that in its appeal letter, Champagne stated that it is seeking permissions for a hotel and seniors residence.

[43] The documentation sets out each party's views on attempts at settlement over the years. Obviously, there was no winner. Champagne's earliest attempt to engage in settlement discussions was in November 2018, and a draft without prejudice settlement offer was made to the City in October of 2019. The City advised Champagne of its position. Nothing has moved since then.

[44] The appeal appears to have been originally related to a hotel and seniors residence. These uses are only two items of the extensive list of uses now requested. Either the requests have expanded or there has been no reduction in those requested in any of the submissions since the appeal was filed.

[45] The Tribunal is not convinced of a compelling need that this appeal be heard ahead of any other site-specific appeals in Category 6. Champagne's submissions have not appropriately distinguished this from the other site-specific appeal. The request is refused.

10 QEW Inc.

[46] In response to the City's motion for phasing, 10 QEW Inc. seeks to be separated from Phase 6C. It asks for an Order scheduling a five-day site-specific hearing for 10 QEW's appeal of OPA 231.

[47] On May 7, 2012, 10 QEW Inc. requested that the City convert the lands municipally known as 2, 7, 10 and 12 Queen Elizabeth Boulevard, 506, 514, 516, 520 and 522 Royal York Road and 3, 5, 15 and 17 Sinclair Street (the “Property”) to Mixed Use. This would permit essentially uses similar to current uses, and residential including affordable housing, given the surrounding uses. This is Appeal No. 1.

[48] The Property is located in the northeast quadrant of the Queen Elizabeth Boulevard and Royal York Road intersection. It contains a mix of mechanical shops and commercial and residential uses and borders the residential neighbourhoods to the immediate north and east. The neighbourhood immediately across the street from the Property is comprised of various residential uses, including detached and semi-detached housing.

[49] The Property is located over 5 kilometres from some of the other properties that are proposed by the City to be merged in the “South West Etobicoke” appeal group.

[50] Unlike most of those other properties, the Property is entirely outside the “Zone 13” Provincially Significant Employment Zone (“PSEZ”) and is separate from the broader employment area located in the vicinity of Highway 427 and Queen Elizabeth Way.

[51] These distinctions, among others, result in different factors, issues, evidence and considerations being examined in relation to 10 QEW Inc.’s site-specific appeal that are not relevant to the other appeals and vice versa.

[52] Ms. Katarzyna Sliwa argued that throughout this phased hearing process, site-specific appellants, including 10 QEW Inc., were repeatedly assured that the decision to proceed with City-wide policy appeals before hearing any site-specific appeals would not impact, and was without prejudice to the resolution of the site-specific appeals.

[53] The City confirms that it continues to take the position that, as it has throughout the entirety of the OPA 231 proceedings, the disposition of a hearing phase is without prejudice to an outstanding appeal.

[54] The City continues to take the position that Appeal No. 1 has been appropriately identified to be heard during the sub-phase 6C appeals. It should be noted that such grouping by the City is an attempt to resolve appeals located within the general area of southwest Etobicoke, that share context as part of the *Employment Area Designation* which is to apply to this part of Etobicoke. Equally, the appellants listed in this group do not need to share identical issues.

[55] The City thus grouped a geographic cluster of site- and area-specific appeals within southwest Etobicoke that are **generally contiguous** and share both a local context and a general policy framework. The fact that the Lands are 5 kilometres from other sites within southwest Etobicoke and “on the edge of an Employment Area” does not preclude the appeal from being heard together with appeals in this area.

[56] As to the issue that Appeal No. 1 does not belong in this sub-phase because the Lands are “...not located within a Provincially Significant Employment Zone (“PSEZ”)...and is not located within a Major Transit Station Area on a priority transit corridor”: The identification (or lack of identification) of a site as a PSEZ has no bearing or relevance to the phasing proposed. With respect to Major Transit Station Areas (“MTSAs”), the City does not currently have any delineated MTSAs.

[57] The City continues to take the position that the proposed phasing will be an efficient use of the Tribunal’s resources as it will avoid the repetition of same or similar contextual and policy analyses in separate, distinct hearings. The proposal does not preclude input from the appellants as to the length of the hearing, evidence to be called and in what order.

[58] The Tribunal accepts the City’s rationale on this request by 10 QEW Inc. All appeals in this category (as set out in the reasons on the overall phasing approval) can be structured to accommodate the differences in each of the proposals.

[59] The Tribunal rejects the request for a separate hearing for Appeal No.1.

SETTLEMENTS

459 Eastern Avenue – Appeal 25

[60] The City seeks an Order of the Tribunal approving Site and Area Specific Policy No. 415 (“SASP 415”) to Official Plan Amendment No. 231 as it relates to the lands known municipally as 459 Eastern Avenue (the “Lands”), attached as a confidential attachment to Tab “D” to the Affidavit of Jeffrey Cantos affirmed on February 12, 2021, filed as Exhibit 1.

[61] The Minister of Municipal Affairs and Housing approved the underlying OPA 231 designations, but withheld the decision for site-specific policies and employment land conversion designation changes applying to certain lands located within the flood plain of the Lower Don Special Policy Area (the “LDSPA”), of which the 459 Eastern Avenue Lands are a part. As such, the policies and mapping of OPA 231 were not brought into effect on the Lands.

[62] XYZ Storage (“XYZ”) owns the Lands, and has carriage of Appeal No. 25 to OPA 231 respecting SASP 415. XYZ seeks an explicit reference to “self storage warehouse” in SASP 415 as a permitted use, and approval of OPA 231 as it pertains to the Lands.

[63] OPA 231 proposes to designate the Lands as *Core Employment Areas*, which permits all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities, and vertical agriculture.

[64] Additionally, the *Core Employment Area* designation permits the following uses provided they are ancillary to and intended to serve the *Core Employment Area* in which they are located: parks, small-scale restaurants, catering facilities, and small-scale service uses such as courier services, banks and copy shops. Finally, small scale, ancillary retail uses are also permitted in *Core Employment Area*.

[65] SASP 415 to OPA 231 permits “only those employment uses such as offices, parks, small scale restaurants, retail and service uses that are compatible to the nearby low scale residential dwellings fronting onto Logan Avenue”.

[66] In June 2017, at the request of the Province, the City, staff from the Ministry of Municipal Affairs (now Ministry of Municipal Affairs and Housing (“MMAH”) and Ministry of Natural Resources and Forestry (“Ministers”) created a working group to develop a protocol between the orders of government related to the lands affected by the Lower Don SPA policies (LDSPA).

[67] On April 27, 2018, the parties signed a Protocol Regarding the Lower Don Special Policy Area (the “Protocol”), which sets out a number of principles and the Lower Don Approvals Framework. Attachment 3 to the Protocol includes the following rationale and description of SASP 415:

459 Eastern Avenue (SASP 415) – limits type of employment uses to those compatible with nearby low rise residential dwellings fronting onto Logan Avenue, more specifically restricts permitted employment uses in the in-force OP and OPA 231 to only offices, parks, small scale restaurants, retail and service uses.

[68] The City and XYZ entered into settlement discussions resulting in a proposed settlement of Appeal No. 25 as it pertains to SASP 415 and the Lands. The settlement proposes to modify OPA 231 respecting the Lands by adding the following language to SASP 415 as it relates to the Lands:

- a) An explicit reference to the “self-storage warehouse” use to the list of employment uses compatible with nearby low-rise residential dwellings fronting onto Logan Avenue and permitted on the Lands; and
- b) Policy language regarding flood protection with respect to the Lands.

[69] The 2020 Provincial Policy Statement (“PPS”) requires that changes to official plan policies, land use designations or boundaries for Special Policy Area lands must receive

approval by the Ministers prior to *Planning Act* approval for such changes. Therefore, the City submitted a modified SASP 415 to the Province for approval by the Ministers. This was approved as modified in September 2020. The Ministers also stated that the Tribunal, as the *Planning Act* authority, would now be able to consider and make a decision on these proposed OPA 231 amendments.

[70] The planning opinion of Jeffrey Cantos, land use planner for the City, set out in Tab 2 of Exhibit 1 is that the approval of the proposed modifications to SASP 415 of OPA 231, (already approved by the Ministers) represents good planning. This adds the self-storage warehouse use to those uses that are explicitly permitted and introduces policy language regarding flood protection.

[71] He affirmed that the modification conforms to the Growth Plan 2006, is consistent with the 2020 PPS and conforms with the intent and purpose of the Official Plan (“OP”).

[72] The Tribunal has read the affidavit and supporting documentation and agrees with his opinion and approves the modification as requested by the City.

Retail Phase

[73] The City seeks an Order of the Tribunal granting partial approval of OPA 231 as it relates to the retail policies attached as Tab “F” to the Affidavit of Steven Dixon, contained in Exhibit 2.

[74] To date, the hearings of Phase 1A (existing non-sensitive uses), Phase 1B (sensitive uses), and Phase 3 (Conversion and Forecasting) have been completed. Phase 2 (Office Replacement) is at the mediation stage. A detailed chronology of the OPA 231 proceedings is set out at paragraphs 16 to 28, Tab “C” to the Affidavit of Steven Dixon, part of Exhibit 2.

[75] At a PHC held on March 4, 2019, the Tribunal scheduled the Phase 4 – Retail policies hearing for nine days commencing on May 19, 2020. Following the conclusion of

Phase 4 – Retail policies, the only outstanding City-wide matter to be adjudicated is Phase 2 – Office Replacement.

[76] Official Plan Amendment No. 94 (“OPA 94”) was adopted by Council in 2010 and subsequently appealed to the former Ontario Municipal Board (the “OMB” or the “Board”). OPA 94 proposed to add policy- and non-policy text to the *Mixed-Use Areas* land use designation within the Official Plan with respect to retail commercial uses.

[77] The appellants to OPA 94, all of whom are appellants to OPA 231, agreed to adjourn the matter before the Board (Case No. PL101120), and to have those policies considered as part of the MCR. This commenced in 2011, and ultimately resulted in OPA 231. OPA 231 includes a revised version of the OPA 94 policies and non-policy text and proposes to repeal OPA 94.

[78] By order of February 7, 2019, the Tribunal ordered the hearing of the OPA 94 appeals together with the OPA 231 appeals, during the Phase 4 – Retail phase hearing.

[79] At the request of the parties to the Retail phase, Tribunal-led mediation was held on October 24, 25 and December 13, 2019. No settlement was reached between the parties by the conclusion of the mediation. The parties continued to engage in settlement discussions.

[80] Prior to a final agreement being reached, and in consideration of the timelines for filing materials before the May 2020 hearing dates, City staff prepared a confidential report to Council recommending proposed modifications to the retail policies in OPA 231. These would address a number of issues in these appeals, and maintain consistency with the Growth Plan 2006 (as per the Regulation and the intent of the original policies).

[81] The policy revisions subsequently adopted by Council are contained as a confidential attachment in Tab “D” to the Affidavit of Steven Dixon, Exhibit 2. These include the removal of duplicative language pertaining to public realm and built form principles already in those sections of the OP, a revision to Policy 4.6.5 to explicitly recognize that new major retail

may only be permitted in *General Employment Areas* by way of an MCR (as per the Growth Plan 2006), and clearer language that better articulates the intent of a number of policies. Negotiations were to continue with the appellants.

[82] Further settlement negotiations resulted in additional modifications that would result in a settlement of the policy language for this phase. The proposed modifications are set out in Exhibit “F” to the Affidavit of Steven Dixon, affirmed February 12, 2021. These seek to clarify and better articulate the intent of the non-policy text of Section 3.5.3, Policy 3.5.3.4(d), Policy 3.5.3.6 and Policy 4.6.5, by either adding or replacing certain language.

[83] The approval of this settlement would resolve the appeals of all parties in the Phase 4 – Retail of OPA 231, and partially resolve the City-wide appeals to OPA 231.

[84] Steven Dixon is part of the City’s team responsible for reviewing and recommending amendments to the City’s OP, as part of the legislated five-year review and provincial plan conformity exercises. His planning opinion is set out as an affidavit in Tab 2 of Exhibit 2. In his opinion the Retail Phase policies set out in Exhibit F to his affidavit are consistent with matters of Provincial Interest as identified in Section 2 of the *Planning Act*. In particular, policies 2 (h), 2(k), 2(l), 2(p), 2(q), 2 (r), are consistent with the PPS 2020, and together with policies 1.1.1, 1.3.1, and 1.71, conform to the Growth Plan 2006, in particular policies 2.2.2.1 (d), 2.2.2.1 (f), 2.2.2.1 (h), and 2.2.6.2, 2.2.6.5. They represent good planning.

[85] Based on the reading of his affidavit and supporting documents, the Tribunal agrees with his opinion and approves of the proposed Retail Phase policies as appended to this Decision as Attachment 3.

Hanna Avenue - Appeal 87

[86] The City seeks an Order of the Tribunal approving a modification to OPA 231 by redesignating a portion of the lands municipally known as 85 Hanna Avenue (the “Lands”) from *General Employment Areas* to *Mixed Use Areas*, as shown in Exhibit “F” of the Affidavit of Steven Dixon (referred to above).

[87] The owners of 85 Hanna Avenue, First Capital Holdings Trust (Ontario) Limited (“First Capital”) appealed OPA 231 to seek a *Mixed-Use Areas* designation on part of its Lands. The appeal of First Capital is identified as Appeal No. 87 to OPA 231.

[88] The present OP designates the Lands as *General Employment Areas*, which permits all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities, and vertical agriculture. It also permits parks ancillary to the Employment Area, fitness centres, ice arenas legally established prior to March 26, 2018, restaurants and all types of retail and service uses.

[89] These Lands are bounded by a *Mixed Used Area* to the east and south, a *Core Employment Area* to the southwest, a *General Employment Area* to the west and a *Utility Corridor* to the north, containing the Kitchener GO Transit and Union-Pearson Express railway lines. The *General Employment Area* to the west and *Core Employment Area* to the southwest contain a mix of office, restaurant, retail and service commercial uses.

[90] The *Mixed Use Area* to the east and south of the Lands, including 75 Hanna Avenue next door, contain a mix of residential, restaurant, retail and service commercial uses. The subject Lands are approximately 0.46 hectares in size and irregular in shape. The majority currently contains a four-storey office building with retail and restaurant uses at grade, and a smaller portion at the rear of the property that extends behind 75 Hanna Avenue (the “Rear Extension”).

[91] The Rear Extension is approximately 0.09 hectares and contains an entrance to an underground parking garage and a drive aisle for surface parking on 75 Hanna Avenue next door. The proposed settlement will allow for the Rear Extension to develop comprehensively with 75 Hanna Avenue, which is also owned by First Capital.

[92] Council has agreed to a proposed Settlement. The Tribunal has read the Affidavit of Steven Dixon set out in Tab 2 of the City's Motion Record for this property. His opinion is that the proposed settlement represents good planning, because the approval will:

- i) maintain the *General Employment Areas* designation on the majority of the Lands,
- ii) not adversely affect the overall viability of this *Employment Area*, and,
- iii) achieve the policy objective of protecting and preserving *Employment Areas* for business and economic activities.

[93] He also affirmed that the proposed settlement is consistent with matters of provincial interest, in particular 2(h), 2(k), 2(n) of the *Planning Act*, is consistent with the PPS 2020, in particular policies 1.1.1, 1.3.1, 1.71, and conforms to the Growth Plan 2006, in particular policies 2.2.2.1 (f), 2.2.2.1 (g), 2.2.2.1 (h) and 2.2.6.2.

[94] In Mr. Dixon's opinion the modification to OPA 231 set out as a confidential attachment in Exhibit F to his affidavit, Tab 2, Exhibit 2, and the corresponding modification to Map 2, Urban Structure is appropriate, and the modifications represent good planning.

[95] The Tribunal accepts his opinion and approves of the modification now set out as Tab F of Exhibit 3 and is appended to this Decision as Attachment 2.

Cultural Phase – Appeal 87

[96] The City seeks an Order granting partial approval of OPA 231 as it relates to Appeal No. 87, an appeal by First Capital to Policy 3.5.2.6 of OPA 231, and a modification to OPA 231 by revising Policy 3.5.2.6 under section 3.5.2, Creating a Cultural Capital Policy. This would clarify its intent respecting the retention of cultural industry uses in the King-Spadina Secondary Plan area, King-Parliament Secondary Plan area and the Liberty Village Area of

the Garrison Common North Secondary Plan (as shown in Exhibit “E” of the Affidavit of Steven Dixon).

[97] Cultural Industries are described in the OP in a sidebar, now approved by the Tribunal as part of OPA 231, as follows:

Cultural Industries have their origin in individual creativity, skill and talent and have a potential for wealth and job creation through the generation and advancement of intellectual property, including: design, broadcasting, film video and photography, music and the visual performing arts, publishing, software, computer games and electronic publishing.

[98] OPA 231, as appealed by First Capital, introduced Policy 3.5.2.6 as a new policy in Section 3.5.2, Creating a Cultural Capital, as follows:

Cultural enterprises and employment are significantly clustered within King Spadina Secondary Plan area, King Parliament Secondary Plan area and the Liberty Village Area of the Garrison Common North Secondary Plan. The stock of non-residential floor space in these areas will be preserved and expanded to encourage the continued growth of cultural industries.

[99] The intent of Policy 3.5.2.6 is to encourage the preservation and growth of cultural industries in the three areas noted in the policy.

[100] The City and First Capital entered into settlement discussions, resulting in proposed modifications to Policy 3.5.2.6. to strengthen and clarify its intent to preserve or expand non-residential gross floor area associated with cultural industry uses for the same types of uses. Council adopted the proposed modification and approved the settlement.

[101] The revised Policy 3.5.2.6 adopted by Council reads as follows:

Cultural industries and employment are significantly clustered within the King Spadina Secondary Plan area, King Parliament Secondary Plan area and the Liberty Village Area of the Garrison Common North Secondary Plan. Non-residential floor space associated with cultural industries in these areas will be preserved or expanded for cultural industry uses.

[102] Mr. Dixon’s opinion was that this modification to Policy 3.5.2.6 represents good planning, as it strengthens and clarifies the intent of the policy. The modification will ensure

that the secondary plan areas affected by it are maintained as clusters of cultural industry uses over the long term.

[103] In his affidavit Tab 2 of Exhibit 4, he supports the modifications, stating that they have appropriate regard for matters of provincial interest, are consistent with the PPS 2020, in particular policies 1.1.1, 1.3.1, and 1.7.1, conform to the Growth Plan 2006 and in particular policies 2.2.2.1 (g), 2.2.2.1 (h), 2.2.4.4, 2.2.6.2. He is of the opinion that the modifications should be approved.

[104] The Tribunal has read his affidavit and supporting documents, agrees with his opinion, and approves these modifications.

6 Lloyd Avenue, 159, 161, 163, 167, 169, 171, 175, 177, 179, 181, 185 and 195 Mulock Avenue. – Appeal 23

[105] The City is seeking an Order of the Tribunal approving modifications to OPA. 231 as it applies to the lands municipally known as 6 Lloyd Avenue, 161, 163, 165, 167, 169, 171, 175, 177, 179, 181 and 195 Mulock Avenue (“the Lands”), as set out in Exhibit ‘C’ to the Affidavit of Christina Heydorn, sworn February 12, 2021 (Tab 2 of Exhibit 5).

[106] To repeat, Council adopted By-law No. 1714-2013 for the purpose and effect of adopting OPA 231 with respect to the Economic Health policies and the policies, designations and mapping for Employment Areas. OPA 231 was subsequently approved with limited exceptions by the Minister in 2014.

[107] The owner of these Lands, Berkley Carlyle (Junction) Inc. (“Carlyle”) appealed OPA 231 (Appeal No. 23) on a site-specific basis to, in part, address built form standards proposed in SASP 447. In December 2013 the previous owner of the Lands, Terrasan, submitted a site framework to guide redevelopment; namely, to redesignate the north two-thirds of the Lands from *Employment Areas* to *Mixed Use Areas*, to retain the south one-third as *Employment Areas*, and establish a new SASP over the entire site. This would include the requirement for a minimum amount of commercial/office space, and the use of a “Holding” by-law provision to ensure appropriate development.

[108] Carlyle subsequently acquired the lands and in 2018, appealed to the Tribunal Council's failure to make a decision on a site-specific OPA application within the statutory timeframe.

[109] The Lands are approximately 1.06 hectares in size and are now vacant. They were formerly occupied by a three-storey industrial building and residential dwellings with frontage onto Mulock Avenue. They are located on the northeast corner of Lloyd Avenue and Mulock Avenue, southeast of the St. Clair Avenue West and Keele Street intersection. They are rectangular in shape, have frontage of approximately 55 metres onto St. Clair Avenue West but then widen from north to south. A portion of this has a difference in elevation.

[110] The subject Lands directly abut the Canadian National Railroad/Canadian Pacific Railroad railway corridor to the east. They have been remediated to residential standards and a Record of Site Condition has been issued. They are located in a mixed area, with heavy industry, auto repair shops, studios and low-rise residential dwellings.

[111] In 2019, the City completed a Transportation Master Plan study which identified solutions to improve traffic congestion along St. Clair Avenue West. It recommended infrastructure improvements to accommodate multiple modes of transportation in the vicinity of the Lands. The City and Metrolinx continue to work together to coordinate proposed connections and access to the potential new SmartTrack station near the Lands.

[112] The City is also presently undertaking the Keele – St. Clair Local Area Study as part of the current Growth Plan Conformity and MCR. In October 2019, the Planning and Housing Committee directed Planning to:

... prioritize the study of the Keele-St. Clair area...where lands are designated as Employment Areas and are not identified as a Provincially Significant Employment Zone, as part of the upcoming review. The study is to examine the potential of unlocking the lands in the vicinity of the Smart Track/GO Kitchener line and planned station located in the area of these lands.

[113] OPA 231 redesignates the north two-thirds of the Lands (Area 'A') from *Employment Areas* to *Mixed Use Areas* and the south one-third (Area 'B') from *Employment Areas* to *General Employment Areas*, and adds the south portion to the Map 2 Urban Structure Employment Areas overlay. OPA 231 also proposes to add SASP 447 to Chapter 7, Site and Area Specific Policies of the Official Plan. This, in part, proposes to include maximum building heights and minimum setbacks from the adjacent rail corridor for residential buildings on Lands designated *Mixed Use Areas*.

[114] This appeal, Appeal No. 23, is based upon the built form standards proposed in SASP 447. In particular, the maximum residential building height is 16.5 m, and there is a minimum 30 metre setback from the rail corridor. Issues with compatibility and mitigation policies, specifically Policy 2.2.4.5, were also raised.

[115] Settlement discussions between Carlyle and the City began in 2019. Carlyle has submitted a zoning by-law amendment application and has provided additional technical information to address the policies of SASP 447 in dispute. It subsequently submitted a proposed settlement of modifications to OPA 231, including modifications to SASP 447. Council adopted the proposed settlement in February 2021.

[116] The effect of the settlement would be to amend OPA 231 to:

- a) Confirm the redesignation of Area 'A' from *Employment Areas* to *Mixed Use Areas*, as had been proposed in OPA 231;
- b) Add a policy in SASP 447 to make clear that residential uses are only permitted on the Lands in Area 'A';
- c) Redesignate Area 'B' from *Employment Areas* to *Mixed Use Areas* and confirm the list of permitted uses that had been proposed in OPA 231 SASP 447;

- d) Add community facilities and daycares to the list of permitted uses in Area 'B', the latter only to be permitted once the use at 35 Cawthra Avenue has ceased and not been replaced;
- e) Confirm the timing of uses in Area 'B', specifically that 4,000 square metres of commercial and/or office space will be constructed prior to or concurrent with any residential development in Area 'A';
- f) Confirm the built form of uses in Area 'B', specifically that development occur along 50% of the Lloyd Avenue frontage and at a minimum height of 10 metres to help mitigate potential land use conflicts;
- g) Create a new Area 'C', and redesignate the area from *Employment Areas* to *Parks and Open Space Areas - Parks* for the provision of a public park with frontage on the two public streets and in a manner that links to the existing Keele-Mulock parkette to the west; and,
- h) Replace the building standards and requirements for a "Holding" by-law that had been proposed in OPA 231 SASP 447 with policies that more clearly articulate the studies and process that will be used to determine permitted building heights, envelope, and uses.

[117] The planning affidavit of Christina Heydorn, Tab 2 of the motion materials for this site, states that:

- i) The proposed modifications to OPA 231 represents good planning as they maintain the opportunity to increase residential and employment densities on the Lands to support transit, and provide for a mix of residential, commercial, and community facilities where appropriate.
- ii) A portion of the lands would be retained for non-residential space. A minimum of 4,000 square metres of office/commercial space will be constructed prior to

or concurrent with proposed residential uses and in a form that will mitigate potential land use conflicts.

- iii) A portion of the lands would be used for a new public park.
- iv) The proposed modifications clarify and strengthen the compatibility and mitigation policies by describing the studies and process necessary to determine appropriate building height, envelope and use.

[118] Ms. Heydorn's opinion is that the modification to convert the designations and to modify SASP 447 represents good planning, conforms to the Growth Plan 2006 and also to the Growth Plan 2020, is consistent with the PPS 2020 and conforms to the OP.

[119] The Tribunal has read her affidavit and the supporting documents, agrees with her opinion, and approves these modifications which are appended as Attachment 1 to this Decision.

Downsview Secondary Plan Lands – Appeal 143

[120] The City seeks an order approving the settlement of Appeal No. 134 by way of the approval of the proposed land use designation changes and SASP 596, and by adding them to Chapter 7, Site and Area Specific Policies of the Official Plan.

[121] On July 28, 2014, Parc Downsview Park Inc. and Canada Lands Company CLC Inc. filed an appeal to OPA 231 respecting the *Core Employment Areas* designation on the subject Lands.

[122] The Lands are approximately 307 hectares (579 acres) in area, and are located west of Allen Road, south of Sheppard Avenue West, east of the GO Transit Barrie railway line and north of Wilson Avenue and Hanover Road. Three Toronto Transit Commission ("TTC") subway stations - Wilson, Sheppard West and Downsview Park - and the Downsview Park

GO Station are located along the east and north peripheries of the Subject Lands. Highway 401 is less than 500 metres from the south border of the Lands.

[123] The Lands include the Downsview Airport and the Bombardier Aerospace campus (approximately 150 hectares/370 acres), which are owned by the Public Sector Pension Investment Board ("PSP").

[124] The Downsview Area Secondary Plan ("Secondary Plan") was approved by the OMB in August 2011 and includes all of the Lands, as well as additional lands designated *Neighbourhoods, Apartment Neighbourhoods, Mixed Use Areas, Parks and Natural Areas*. The subject Lands are designated *Employment Areas* in the Secondary Plan.

[125] Section 2 of the Secondary Plan states that the "Secondary Plan promotes an urban character with a focus on providing for an increased scale of development on Avenues, and at and near major transit stations where it does not conflict with Bombardier Aerospace's flight path requirements".

[126] The Secondary Plan identifies seven districts, including the Bombardier Aerospace, Department of National Defence, and a TTC district. Policy 2.2.1.b of the Secondary Plan states that the uses in this district are intended to remain and that their operations will continue.

[127] In 2018, Bombardier Incorporated ("Bombardier") sold the Downsview Airport and Bombardier Aerospace campus to PSP. Bombardier will be vacating their current location, and the Downsview Airport will be decommissioned in 2023.

[128] In consideration of both the decommissioning of the Downsview Airport and Appeal No. 134 to OPA 231, City staff prepared a report for Council with confidential attachments that recommended 14 principles for the review of the Downsview Area Secondary Plan ("Principles").

[129] City Council adopted the Principles on June 29, 2020. Council instructed staff to advance negotiations with the Appellants in an effort to resolve Appeal No. 134 by applying the Principles as a basis for settlement discussions. Staff from Legal Services, City Planning, Economic Development and Culture, and Parks, Forestry and Recreation Divisions advanced settlement discussions with the Appellants in an effort to resolve the appeal.

[130] On January 22, 2021, the Appellants submitted a “with prejudice” settlement offer to the City based on proposed modifications to OPA 231.

[131] The Proposed Settlement can be summarized as follows:

- i) The OP land use designation for the Lands is changed from *Core Employment Areas* to *General Employment Areas* and *Regeneration Areas*;
- ii) Map 2, Urban Structure, of the OP is amended by removing the Employment Areas overlay from the lands that are proposed to be re-designated from *Core Employment Areas* to *Regeneration Areas*;
- iii) A new SASP 596 is added to Chapter 7, Site and Area Specific Policies, of the OP. The proposed SASP 596 establishes both general and specific requirements for the Lands that must be addressed through the preparation of a revised Secondary Plan. This must include minimum amounts of non-residential uses, phasing of non-residential and residential uses, and numerous plans and technical studies in advance of the re-designation of lands from *Regeneration Areas* to any other land use.

[132] Council accepted the Proposed Settlement in February 2021, with modifications. Steven Dixon provided an affidavit in support of this settlement. Tab 2 of Exhibit 6 states:

The proposed modifications to OPA 231 respecting the Subject Lands represent good planning for the following collective reasons:

- i) The Proposed Settlement designates approximately 50 hectares, or 22 per cent, of the Subject Lands as *General Employment Areas*. The remainder of the lands are designated *Regeneration Areas*.
- ii) The Official Plan states that the *Regeneration Areas* designation "is applied to areas with significant vacant lands and/or buildings and in need of revitalization as a means of fostering growth and physical change." With the decommissioning of the Downsview Airport in 2023, a large area of land will be vacant in close proximity to three TTC subway stations and one GO Transit station.
- iii) Official Plan Policy 4.7.2 states that development should not proceed in *Regeneration Areas* prior to the approval of a Secondary Plan for each Regeneration Area. The Proposed Settlement introduces a new SASP that requires the review and approval of the Downsview Area Secondary Plan prior to any re-designation of lands or development of non-employment uses.
- iv) SASP 596, as proposed, will permit certain *General Employment Areas* uses in the *Regeneration Areas* designation on the Subject Lands in advance of the Secondary Plan review. This approach effectively maintains the employment function of the lands until a Secondary Plan review is complete. Additional *General Employment Areas* lands may be added through the Secondary Plan review process.
- v) The Proposed Settlement secures a minimum of 1,114,000 square metres of non-residential gross floor area ("GFA") on the subject lands. This represents an approximate 345 per cent increase from the existing employment GFA (approximately 322,525 square metres) on the Subject Lands.
- vi) The Proposed Settlement prioritizes office, creative industries, scientific research and development, light manufacturing (including high-tech industrial) and processing uses for the minimum non-residential GFA required on the Subject Lands.
- vii) The Proposed Settlement requires that the first 371,500 square metres (approximately one third) of non-residential GFA be developed prior to or concurrent with residential uses at a 1:1 ratio, such that the amount of residential GFA may not exceed the amount of non-residential GFA.
- viii) Subsequent phases of development on the Subject Lands require minimum amounts of non-residential GFA to be built prior to or concurrent with residential development.
- ix) The Proposed Settlement requires a comprehensive planning and development framework for the Subject Lands that addresses key city building objectives such as creating complete and sustainable communities, intensifying employment and housing opportunities in close proximity to higher-order transit, increasing affordable housing options, providing additional community services and facilities, and increasing the public open space network.

[133] The settlement would result in a complete settlement of Appeal 134 to these proceedings. In Mr. Dixon's opinion, the proposed settlement has appropriate regard for matters of provincial interest identified in Section 2 of the *Planning Act* and in particular: section 2 (d), 2 (h), 2 (i), 2 (j), 2 (k), 2(l), 2 (n), 2 (p), 2 (q), and 2 (r). It is consistent with the

PPS 2020, and in particular policies: 1.1.1, 1.3.1, 1.4.1, 1.5.1, 1.6.1, 1.6.2 1.6.7, 1.7.1, and 1.8.1, and conforms to the Growth Plan 2006, and in particular policies 2.2.2.1 (d), 2.2.2.1 (e) 2.2.2.1 (f) 2.2.2.1 (g), 2.2.2.1 (h), 2.2.5.1, 2.2.5.2 and 2.2.6.2, and conforms with the intent and purpose of the OP.

[134] The Tribunal has read Mr. Dixon's affidavit in Exhibit 6 and agrees with his planning opinion and approves of the modification which is appended as Attachment 4 to this Decision.

"G. Burton"

G. BURTON
MEMBER

"D. S. Colbourne"

D.S. COLBOURNE
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**Modification to OPA 231
City of Toronto Official Plan**

Official Plan Amendment No. 231 is modified as follows:

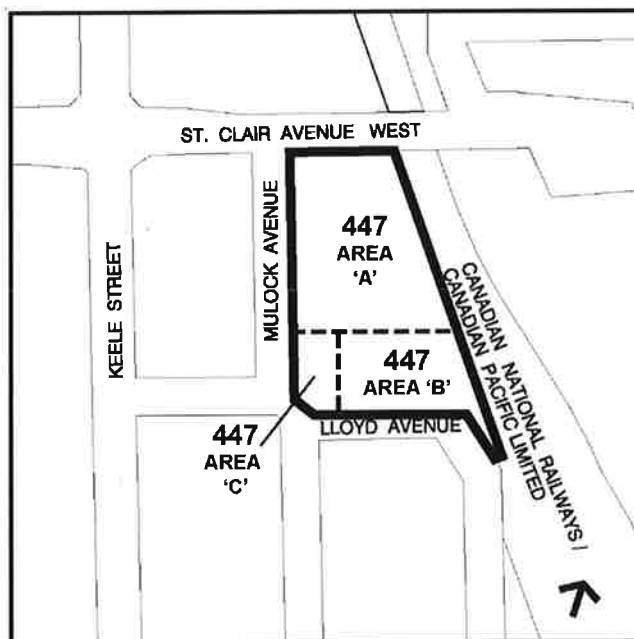
1. Map 2, Urban Structure, is amended by deleting *Employment Areas* on the lands known municipally in 2020 as 6 Lloyd Avenue.
2. Map 17, *Land Use Plan* is amended by re-designating the lands known municipally as 6 Lloyd Avenue from *Employment Areas* to *Mixed Use Areas* for lands identified as Area 'A' and Area 'B', and from *Employment Areas* to *Parks and Open Space Areas – Parks* for lands identified as Area 'C', as shown on the attached Schedule A.
3. Map 8A, City Parkland, is amended by adding a park at the southwest corner of Lloyd Avenue and Mulock Avenue, for the lands identified as Area 'C' on the attached Schedule A.
4. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 447 for the lands known municipally in 2020 as 6 Lloyd Avenue as follows:

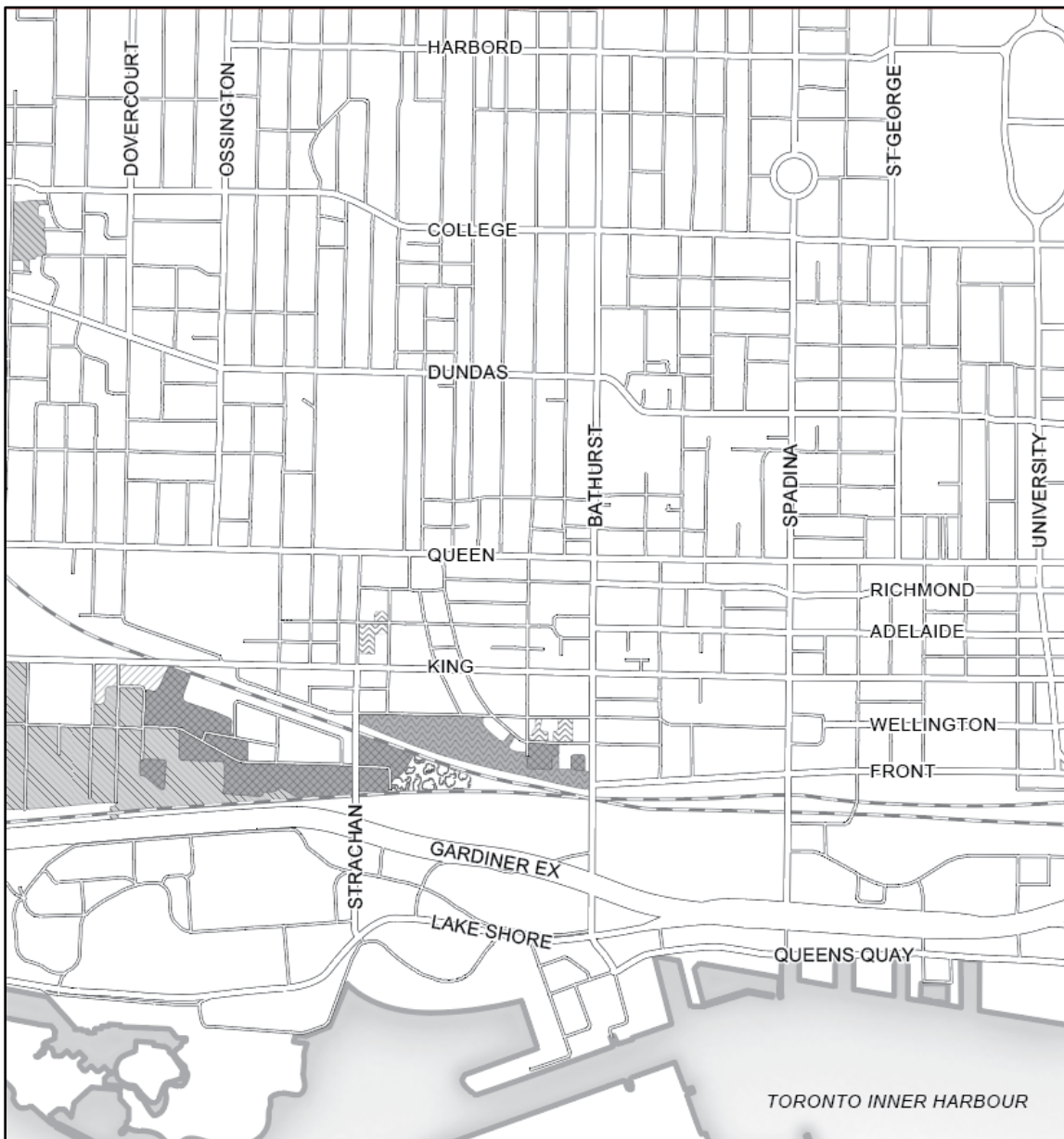
447. North Side of Lloyd Avenue East of Mulock Avenue

- a. Residential uses are only permitted on the lands shown as Area 'A'.
- b. On the lands shown as Area 'B', the following development and use provisions will apply:
 - i. A minimum of 4,000 square metres of commercial and/or office space will be constructed and that this development occurs:
 1. prior to or concurrently with any residential development on the lands shown as Area 'A';
 2. along at least 50% of the Lloyd Avenue frontage; and
 3. at a minimum height of 10 metres.
 - ii. The only permitted uses are an arts school, creative arts studio, art gallery, theatre, office, retail outlet, farmer's market, museum, restaurant/café, daycare, and community facilities.

- iii. A daycare use is only permitted once the adjacent industrial uses at 35 Cawthra Avenue existing in the year 2020 have ceased and have not been replaced by the same or similar use for a period of one year from the date of closure of the original use, and subject to the submission of supporting studies set out in (c) below.
 - iv. A minimum of 4,000 square metres of commercial and/or office space to be constructed in Area 'B' will be secured by way of a Section 37 Agreement or by any other means determined by the City.
- c. The permitted building height, envelope and land uses for Area 'A' and Area 'B' will be determined through the implementing zoning by-law amendment based on the following studies to the satisfaction of the Chief Planner:
- i. a Rail Safety and Mitigation Study to support any building setback less than 30 metres from the rail corridor; and
 - ii. a Compatibility Mitigation Study, Air Quality Study, Noise Impact Study, and Vibration Study,
- d. A park shall be located on the lands shown generally as Area 'C'.

Schedule A





Redesignate from 'Employment Areas' to Official Plan Designations Shown on Maps 1 to 48 inclusive

Map 43

- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------|
| Neighbourhoods | Parks & Open Space Areas | Employment Areas | Utility Corridors |
| Apartment Neighbourhoods | Natural Areas | Core Employment Areas | |
| Mixed Use Areas | Parks | General Employment Areas | |
| Regeneration Areas | | | |



Not to Scale
03/04/2021

The City of Toronto strives to adhere to the accepted guidelines and standards for accessibility and usability. However, it is not always possible to do so with all documents. Should you experience any difficulty reviewing our documents, please email cityplanning@toronto.ca.

ATTACHMENT 3



OPA 231

RETAIL POLICIES

Text that is highlighted in black is unapproved and subject to future phases of the OPA 231 hearing.



3.5.1 CREATING A STRONG AND DIVERSE CIVIC ECONOMY

Toronto's economy is thriving, but continued efforts are required to attract new business and jobs, maintain the diversity of our economic base and maintain a healthy municipal tax base. Policies of the Plan to achieve this include:

- a) Promotion of transit-oriented office growth in the Downtown and Central Waterfront, the Centres, and within walking distance of rapid transit stations;
- b) Retention of *Employment Areas* exclusively as stable places of business and economic activities;
- c) Providing locations for the retail commercial and institutional sectors to meet the needs of our City and Region's growing population; and
- d) Promoting the cultural sector as an important element of our economy.

Almost half of the City's current jobs, and a majority of its future jobs, are in offices. The Greater Toronto Area could be adding millions of square metres of office space over the coming decades, and, given existing road congestion, it is essential to promote office growth on rapid transit lines throughout the City and Region. The Official Plan directs office growth, and in particular the development of large freestanding office buildings, to the Downtown and Central Waterfront, the Centres, and within 500 metres of rapid transit stations. At the same time, existing office space in these transit-rich areas needs to be sustained, not demolished to make way for new residential buildings. Where a residential development is proposed on sites with over 1000 square metres of employment space in these areas served by rapid transit where residential uses are already permitted, the development must also result in an increase of employment space.

Toronto's *Employment Areas* have great potential for additional employment growth through the incubation of new business, the nurturing of small business to become large business, attracting new and expanding employment clusters, and intensifying the form of development in our employment lands. To grow employment and investment the Plan promotes, and the City currently provides, both tax incentives and priority processing for new and expanding office buildings and industries. These incentives augment the supports for economic growth in Toronto already provided by: a well-educated and skilled labour force, access to financial capital, a strong research and development sector, advanced communications networks, a dynamic business climate, and an enviable quality of life in safe, inclusive neighbourhoods.

3.5.3 THE FUTURE OF RETAILING

The pattern of retail activity in Toronto has evolved over time and includes a full spectrum of convenience stores in neighbourhoods, traditional 'main street' shopping streets, small plazas, large shopping malls, big box stores and specialty retail districts like Yorkville that are also tourist destinations. The retail sector has seen some dramatic shifts in the past 30 years and there is every reason to believe that the next three decades will see more change. The Plan therefore provides the flexibility for owners and operators of retail properties to adapt to changing circumstances. The population of Toronto is going to grow and the retail sector will continue to evolve to serve that growth. The Plan provides for the continued evolution of the



retail sector to serve the growing population in different forms and settings. However, as the population of Toronto grows and our land base remains the same, it is essential to make the best use of available land with retail provided within multi-storey buildings with less emphasis on surface parking.

Regardless of scale or location, it is important for retail development to provide a high quality public realm and private setting with improved public amenities, and to develop in a form that fits with the existing and planned context of the immediate and surrounding areas.

As retail grows in some areas, it may close in others. The impact of the loss of retail commercial space as a result of redevelopment could, in some instances, negatively affect local residents. They may face longer trips, the loss of walkable shopping options, or the loss of an informal meeting place. In other cases the lost retail space may hardly be missed. Its closure may follow underperformance of the space as a result of changes in shopping patterns or demographics in its local market.

Development applications and local area studies should address the potential impact of the loss of retail space that serves the daily needs of the local community and consider possible mitigation, including providing replacement retail space as part of the new development. This assessment should consider whether residents will have good access to convenience shopping for essential needs such as food and pharmaceuticals. The replacement of retail space needs to be part of the overall evaluation. At the same time any new retail space should be commercially viable if it is to be included in the new development, and in some circumstances it may make sense to provide the replacement space in addition to the amount of space for other uses that would be needed to make the development viable.

Many plazas, malls and arterial roads which previously had permissions for only commercial uses are designated as *Mixed Use Areas* to permit residential uses as an alternative to, or to support, existing retail space and to implement the reurbanization goals of this Plan. Major shopping centres can continue to expand for retail purposes or develop as areas of mixed use.

Policies

1. A strong and diverse retail sector will be promoted by:
 - a) permitting a broad range of shopping opportunities for local residents and employees in a variety of settings;
 - b) supporting specialty retailing opportunities that attract tourists to, and residents of, the Greater Toronto Area;
 - c) encouraging and supporting effective business associations in retailing areas;
 - d) supporting retail opportunities in a form that promotes pedestrian and transit use; and
 - e) encouraging stores selling fresh food in areas currently lacking pedestrian access to fresh food.
2. To support the public realm and built form objectives of this Plan, development applications and local area studies that include retail uses are encouraged to provide:



- a) retail development of a type, density and form that is compatible with the existing and planned context of the area;
 - b) retailing in more intensive formats; and
 - c) connections to the PATH system in the Downtown and other grade separated public walkways associated with subways which complement and extend the system of public streets.
3. Street related retail at the base of larger developments with a fine grain of entrances and/or articulation of storefronts should be provided in *Centres*, on streets adjacent to higher order transit, on Avenues, and on important pedestrian streets to promote pedestrian use. Where existing retail buildings have been set back with parking between the building and the public street or sidewalk, new street-related retail infill development is encouraged to be constructed adjacent to the public sidewalk to promote pedestrian and transit use.
4. Retail development on large sites should be designed to promote street related retail, promote pedestrian and transit use and limit traffic impacts on existing neighbourhoods and employment uses by:
- a) dividing the large site with public streets, private streets, lanes and/or shared driveways, where appropriate, to create appropriately scaled development blocks;
 - b) providing safe and comfortable pedestrian connections between the retail stores, the parking areas and the public sidewalks at the edge of the site;
 - c) providing safe and comfortable pedestrian connections between retail developments on adjacent sites;
 - d) locating and designing development to frame and support the public realm; and
 - e) facilitating the continuation of existing retail and service uses, such as through phasing of the redevelopment, where appropriate.
5. In order to provide local opportunities for small businesses and maintain the safety, comfort and amenity of shopping areas, zoning regulations for ground floor commercial retail uses in new buildings in new neighbourhoods or in *Mixed Use Areas* along pedestrian shopping strips where most storefronts are located at or near the streetline, may provide for a maximum store or commercial unit size and minimum first-storey height based on the following considerations:
- a) the prevailing sizes of existing stores and commercial units in the area;
 - b) other indicators of opportunities for small business, such as vacancies in existing stores and commercial units;
 - c) the provision of a range of store and commercial unit sizes to meet the range of local needs including day-to-day convenience shopping and other household goods and services;



- d) e) the potential for the building design, particularly the street façade, to address the safety, comfort and amenity of the shopping area, including the potential impact of large vacant stores; and
 - e) the prevailing policies of any applicable Heritage Conservation District Plans.
6. Applications that propose to redevelop retail uses that serve the daily needs of the local community in *Mixed Use Areas*, *Apartment Neighbourhoods* or *Neighbourhoods* will demonstrate, as part of a planning rationale, the amount and location of replacement retail space required to serve the daily needs of the local community, including access to fresh food and convenience needs.

SIDEBAR: The Local Community

When assessing the potential impacts of the loss of commercial space on the local community, a key consideration is that residents should have good access to shopping to meet their convenience needs. At the same time, it must also be recognized that the market areas of convenience retail uses vary across the City depending on the local transportation framework. Consequently, the local community being assessed will be larger in areas where lower densities still require extensive auto use to shop for convenience needs. In the post-war suburbs this may include the area within about 2 kilometres of the space being lost (based on the observation that most residents within the City live within 2 kilometres of a supermarket larger than 20,000 square feet).

On the other hand, in areas where walking is a viable or necessary means to shop for convenience needs, the local community will be smaller. Walking to shop may be more viable in high density areas or those with pedestrian shopping streets. In areas with higher proportions of seniors or low income residents walking to shop may be necessary.

4.6 EMPLOYMENT AREAS

Employment Areas are places of business and economic activities vital to Toronto's economy and future economic prospects. Both *Core Employment Areas* and *General Employment Areas* are important and comprise the City's 'Employment Areas' as defined under the Provincial Planning framework.

The majority of *Employment Areas* are designated as *Core Employment Areas* where uses identified in Policies 4.6.1 and 4.6.2 are permitted. *Core Employment Areas* are, for the most part, geographically located within the interior of employment areas. Uses that would attract the general public into the interior of employment lands and possibly disrupt industrial operations are not generally permitted in *Core Employment Areas*. Industrial trade schools are traditionally permitted in *Employment Areas* and are provided for in *Core Employment Areas*. Media facilities include uses such as, but are not limited to, production studios and establishments that manufacture printed and/or digital communications.

General Employment Areas are generally located on the periphery of *Employment Areas* on major roads where retail, service and restaurant uses can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the broader public. Retail uses on the periphery of *Employment Areas* frequently serve as a buffer between industries in



the interior of *Employment Areas* and nearby residential areas. In addition to all of the uses permitted in a *Core Employment Area*, the uses identified in Policy 4.6.3, are also permitted in *General Employment Areas*. Automobile dealerships are permitted as a retail and service use in a *General Employment Area*.

All types of retail are provided for in *General Employment Areas*. However, because major retail developments have the potential for greater impacts, they may be permitted only through an amendment to this Plan and the enactment of a site specific zoning by-law by way of a City-initiated Municipal Comprehensive Review.

Policies

Core Employment Areas

1. *Core Employment Areas* are places for business and economic activities. Uses permitted in *Core Employment Areas* are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities, and vertical agriculture.
2. The following additional uses are permitted provided they are ancillary to and intended to serve the *Core Employment Area* in which they are located: parks, small-scale restaurants, catering facilities, and small-scale service uses such as courier services, banks and copy shops. Small scale retail uses that are ancillary to and on the same lot as the principal use are also permitted. The Zoning By-law will establish development standards for all these uses.

General Employment Areas

3. *General Employment Areas* are places for business and economic activities generally located on the peripheries of *Employment Areas*. In addition to all uses permitted in Policies 4.6.1 and 4.6.2, permitted uses in a *General Employment Area* also include restaurants and all types of retail and service uses.
4. Fitness centres are permitted in *General Employment Areas*. Ice arenas legally established before March 26, 2018 in *General Employment Areas* are permitted.
5. New retail developments that result in the establishment of a major retail site with 6,000 square metres or more of retail gross floor area on a lot may only be permitted as the primary use in *General Employment Areas* through an amendment to this Plan and enactment of a site specific zoning by-law by way of a City-initiated Municipal Comprehensive Review if:
 - a) the property is outside of the *Downtown and Central Waterfront*;
 - b) the property is on a lot that fronts onto a major street as shown on Map 3; and
 - c) the following matters are addressed:

- i. the transportation demands and impacts generated by the development, particularly upon nearby residential neighbourhoods and the *Employment Area*, are reviewed and necessary improvements and mitigation measures can be completed;
 - ii. it is demonstrated that the existing and planned function of the *Employment Area* and any nearby *Employment Area*, including the movement of goods and employees, is not adversely affected;
 - iii. it is demonstrated that the economic health and planned function of nearby retail shopping districts are not adversely affected;
 - iv. new public and private streets, as deemed to be appropriate by the City, are provided to complement the area street network and provide improved pedestrian access and amenity;
 - v. retail buildings are clearly visible and directly accessible from the sidewalks of the public and private streets; and
 - vi. parking is integrated within and/or located behind or at the side of the new building.
6. New retail developments that include one or more stores totaling 6,000 square metres or more of new retail gross floor area may only be permitted as the primary use in *General Employment Areas* through an amendment to this Plan and enactment of a site specific zoning by-law by way of a City-initiated Municipal Comprehensive Review where:
- a. all of the criteria in Policy 4.6.5 are met;
 - b. buildings that front onto a major street as shown on Map 3 are a minimum of two storeys in height; and
 - c. the majority of vehicle parking associated with the new retail is located below grade and/or in a parking structure with limited visibility from the street.

Appendix 1



DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH PREJUDICE

January 22 2021

Official Plan Amendment No. 231 is modified as follows:

1. Map 2, Urban Structure, is amended by deleting the *Employment Areas* overlay on the lands identified as *Regeneration Areas* on the attached Schedule 2.
2. Map 16, Land Use Plan, is amended by re-designating the lands identified as Subject Lands from *Core Employment Areas* to *General Employment Areas* and *Regeneration Areas*, as shown on the attached Schedule 2.
3. Chapter 7, Site and Area Specific Policies, is amended by adding a new Site and Area Specific Policy 596, as follows:

596. Parc Downsview Park and Bombardier Lands

General

1. The boundaries of land use designations on Schedule 2 are general and adjustments to the boundaries may be made through the consideration and adoption of a revised Downsview Area Secondary Plan.
2. In addition to the development criteria identified in Policy 2 of Section 4.7, Regeneration Areas, the following policies shall apply to the Subject Lands shown on Schedule 1.

Land Use

3. Prior to Council's consideration and adoption of a revised Downsview Area Secondary Plan, only the following uses are permitted on the Subject Lands:
 - a. Light manufacturing and processing;
 - b. Warehousing, wholesaling, distribution and storage;
 - c. Offices;
 - d. Research and development facilities;
 - e. Utilities;
 - f. Industrial trade schools;
 - g. Media, information and technology facilities;
 - h. Vertical agriculture;
 - i. Parks;
 - j. Restaurants;
 - k. Catering facilities;
 - l. All types of retail and service uses; and
 - m. Fitness centres.
4. In addition to the uses permitted in Policy 3, above, the uses set forth in Policy 8(1)(c)(ii) of the existing Downsview Area Secondary Plan will continue to be permitted on the portions of the Subject Lands that are within the National Urban Park District identified on Map 7-3 of the Secondary Plan.
5. Through the consideration and adoption of a revised Downsview Area Secondary Plan, appropriate locations for hotel and daycare uses may also be considered and permitted on the Subject Lands.

**DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH
PREJUDICE**

January 22 2021



6. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a new Land Use Plan will be approved as part of a revised Downsview Area Secondary Plan. The Land Use Plan will:
 - a. Support the development of complete communities;
 - b. Support the planned economic function of the lands by providing for a broad range of employment uses to support a diverse economy and an increase in lands designated as *General Employment Areas* beyond those shown on Schedule 2;
 - c. Strategically locate land uses to phase development, animate the public realm and support transit-oriented densities; and
 - d. Provide for an integrated and expanded public open space network that connects new and existing public parks and open spaces to Downsview Park (within the National Urban Park District) and the Black Creek and West Don River open space systems, in accordance with an approved Public Realm Plan.
7. The revised Downsview Area Secondary Plan will plan for a minimum non-residential gross floor area of 1,114,000 square metres (approximately 12 million square feet) within an area comprising the Subject Lands and the additional lands identified on Schedule 2, including the adaptive reuse of existing buildings.
8. Development of the minimum non-residential gross floor area will be comprised of the uses listed in Schedule "3", such that:
 - a. Uses listed in Column 1 will account for 51 per cent or more of the minimum non-residential gross floor area;
 - b. Uses listed in Column 2 will account for 49 per cent or less of the minimum non-residential gross floor area; and
 - c. Uses listed in Column 3 will not be counted towards the minimum non-residential gross floor area.
9. The revised Downsview Area Secondary Plan will address the manner in which the mix of non-residential uses will be achieved. The mix of non-residential uses may vary from district to district, and as development occurs, provided that the intent of achieving the above mix is maintained.
10. To provide a balance of employment and residential growth, the minimum non-residential gross floor area of 1,114,000 square metres required by the revised Downsview Area Secondary Plan on the designated lands will be achieved in accordance with the following:
 - a. Until the amount of non-residential gross floor area on the designated lands exceeds 371,500 square metres, non-residential uses will be developed prior to or concurrent with residential uses at a 1:1 ratio, such that the amount of residential gross floor area on the designated lands may not exceed the amount of non-residential gross floor area on the designated lands;



- b. For development of non-residential gross floor area on the designated lands between 371,500 square metres and 743,200 square metres, residential uses may be developed at a ratio of 3.5 square metres of residential gross floor area for every 1 square metre of non-residential gross floor area;
 - c. For development of non-residential gross floor area on the designated lands between 743,200 square metres and the total minimum non-residential gross floor area of 1,114,000 square metres, residential uses may be developed at a ratio of 5 square metres of residential gross floor area for every 1 square metre of non-residential gross floor area;
 - d. To encourage the development of affordable housing and institutional housing (including but not limited to student residences, retirement homes and long-term care facilities), residential uses may be developed at ratios exceeding the amounts set out above only where the additional residential gross floor area is used for affordable housing and/or institutional housing;
 - e. Should any affordable housing or institutional housing units revert or be converted to market housing units prior to the development of the minimum non-residential gross floor area of 1,114,000 square metres required on the designated lands, such units will then be included in the amount of residential gross floor area for the purposes of achieving the ratios set out above; and
 - f. Affordable housing and institutional housing units are considered residential gross floor area.
11. Given the geographic area of the Subject Lands and the range of physical characteristics, conditions and potential land uses within the lands, the revised Downsview Area Secondary Plan may require District Plans to be developed to the satisfaction of the City. The revised Secondary Plan may also establish criteria by which certain development may proceed in the absence of a District Plan. District Plans, where required, will outline development principles and guidelines for each district, to be implemented through development applications such as Zoning By-laws and/or Plans of Subdivision.
12. Where required, District Plans shall provide for a mix of uses, including employment uses, to support the development of complete communities, as necessary to implement the policies of the Secondary Plan.
13. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Rail Safety Strategy for sensitive uses will be approved as part of a revised Downsview Area Secondary Plan for lands within 30 metres of the GO Barrie Line.
14. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Compatibility/Mitigation Study will be prepared, in accordance with Policies 2.2.4.5 to 2.2.4.10 of the Official Plan. The Compatibility/Mitigation Study will identify:
- a. any uses and Major Facilities on *Employment Areas* lands outside of but near to the Subject Lands, including the lands located north of Sheppard Avenue West, that may impact or be impacted by sensitive land uses, including residential uses;

**DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH
PREJUDICE**

January 22 2021



- b. the Influence Area of any Major Facility outside of but near to the Subject Lands; and
- c. potential and/or required mitigation measures for land use designations that permit residential or other sensitive land uses near *Employment Areas* outside of the Subject Lands.

Parks, Recreation & Public Realm

15. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Public Realm Structure Plan will be approved as part of a revised Downsview Area Secondary Plan. The Public Realm Structure Plan will:
 - a. Identify locations and types of new and expanded public parks and other on-site open spaces, which will connect and expand the existing Downsview Park network to serve the local communities including appropriately sized parks to serve the local community east of the GO Barrie Line and Allen Road;
 - b. Identify active transportation corridors and connections;
 - c. Identify new and existing major streets;
 - d. Identify general locations of key community infrastructure such as schools, libraries, and community recreation centres, including:
 - i. a new community recreation centre located near the south-east corner of the Sheppard Avenue West and Keele Street intersection; and
 - ii. additional community recreation centres east of the GO Barrie line, as required, to serve future populations not anticipated by the existing Downsview Area Secondary Plan;
 - e. Identify any heritage buildings and other cultural heritage assets; and
 - f. Consider the relationship, transition and connections to existing established neighbourhoods.
16. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Parks and Recreation Facility Plan for the Downsview Secondary Plan Area will be developed and will identify, amongst other matters, suitable sites for community recreation centres and recreation facilities and will consider lands in the vicinity of Keele Street and Sheppard Avenue West as a location for one new community recreation centre and associated recreation and park facilities.
17. Prior to Council's passing of bills for any zoning by-law approving residential building on the lands designated as *Regeneration Areas* in this SASP, a shovel-ready design for the community recreation centre in the vicinity of Keele Street and Sheppard Avenue West, and associated recreation and park facilities, will be completed through an agreed upon process between the owner and the City, including consultation with the local community on the prepared design, at the owner's expense.



18. The City will secure the provision of the community recreation centres and other recreation and park facilities through subsequent development application approvals as necessary. The community recreation centres and associated recreation and park facilities may be considered an in-kind contribution of community benefits pursuant to the *Planning Act* and/or work for which development charge credits may be provided pursuant to the *Development Charges Act*.

Transportation

19. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, an updated Downsview Transportation Master Plan will be developed that achieves a public complete street network, including a hierarchy of streets, that improves transit accessibility, cycling infrastructure, pedestrian pathways and connectivity to transit options, including multiple connections across, over and/or under the GO Barrie Line, and/or potential connections across Allen Road.
20. The revised Downsview Area Secondary Plan will prioritize direct and safe active transportation and connections to existing and planned transit facilities.
21. The revised Downsview Area Secondary Plan will consider and plan for the possible extension of the Sheppard Subway from Sheppard-Yonge Station to Sheppard West Station.

Servicing, Infrastructure & Environment

22. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, an Infrastructure Master Plan will be approved as part of a revised Downsview Area Secondary Plan. The Infrastructure Master Plan will identify water, sanitary, stormwater and hydro infrastructure requirements.
23. The revised Downsview Area Secondary Plan will apply an innovative approach to sustainable design that is climate resilient and aims to:
 - a. implement the City's net zero greenhouse gas emissions targets; and
 - b. implement the highest levels of the Toronto Green Standard.

Community Services & Facilities

24. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Community Services and Facilities Strategy will be approved as part of a revised Downsview Area Secondary Plan. The Community Services and Facilities Strategy will:
 - a. Identify community space and facility needs, including the provision of new child care facilities, libraries, community recreation centres, schools and other community agency space; and
 - b. Set out priorities to support growth which may include potential locations and recommended phasing as well as opportunities for co-location.
 - c. Identify community services and facilities that may be considered an in-kind contribution of community benefits pursuant to the *Planning Act* and/or work for

**DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH
PREJUDICE**

January 22 2021



which development charge credits may be provided pursuant to the *Development Charges Act*.

Housing

25. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Housing Plan will be approved as part of a revised Downsview Area Secondary Plan. The Housing Plan will be implemented through District Plans and will guide the provision of affordable housing throughout the Downsview Area Secondary Plan lands.
26. The Housing Plan will identify an affordable housing strategy and the affordable housing requirements for the revised Downsview Area Secondary Plan. The Housing Plan will identify the range of mechanisms for the delivery of required affordable housing on the Subject Lands, through one or more of the following, or equivalent, delivery mechanisms, to the satisfaction of the City:
 - a. The conveyance of land to the City sufficient to accommodate 20% of the residential gross floor area;
 - b. The provision of 10% of residential gross floor area as purpose built rental units with affordable rents secured for a period of no less than 20 years; and/or
 - c. The conveyance to the City of 5% of the residential gross floor area as purpose built affordable rental or affordable ownership units.
27. The Housing Plan will consider opportunities for exceeding the minimum affordable housing requirements stated above.
28. In addition, the Housing Plan will:
 - a. recognize the existing affordable housing requirements set forth in the existing Downsview Area Secondary Plan and identify how the existing housing requirements for the Downsview Area Secondary Plan have been, or plan to be, addressed;
 - b. address the percentage of units that will be two- and three-bedroom units, including a minimum size for each unit type; and
 - c. acknowledge that affordable housing units should generally be located wherever residential uses are permitted.

Phasing

29. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a Phasing Strategy and Implementation Plan will be developed and approved as part of a revised Downsview Area Secondary Plan to ensure the orderly development of a mix of uses on the subject lands. The Phasing Strategy and Implementation Plan may include the use of holding provisions to provide for the orderly sequencing of development in phases, including the provision of infrastructure and services.

**DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH
PREJUDICE**

January 22 2021



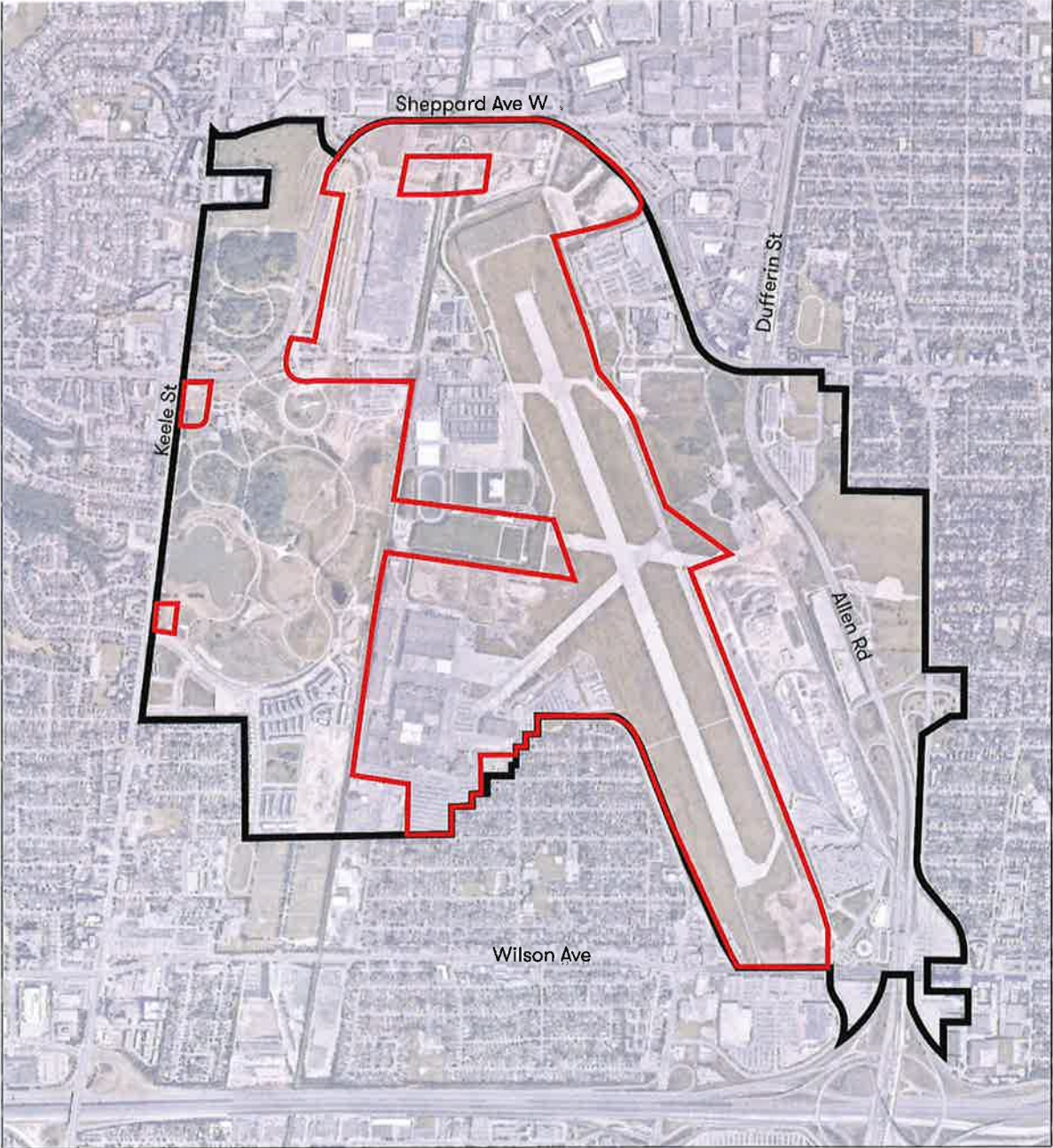
Engagement

30. Prior to the re-designation of lands from *Regeneration Areas* to any other land use, a detailed engagement strategy and consultation critical path will be developed with stakeholders including but not limited to resident associations, local businesses and BIAs, local councillors and school boards.

DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH PREJUDICE

January 22 2021

A



SCHEDULE 1:
SUBJECT LANDS

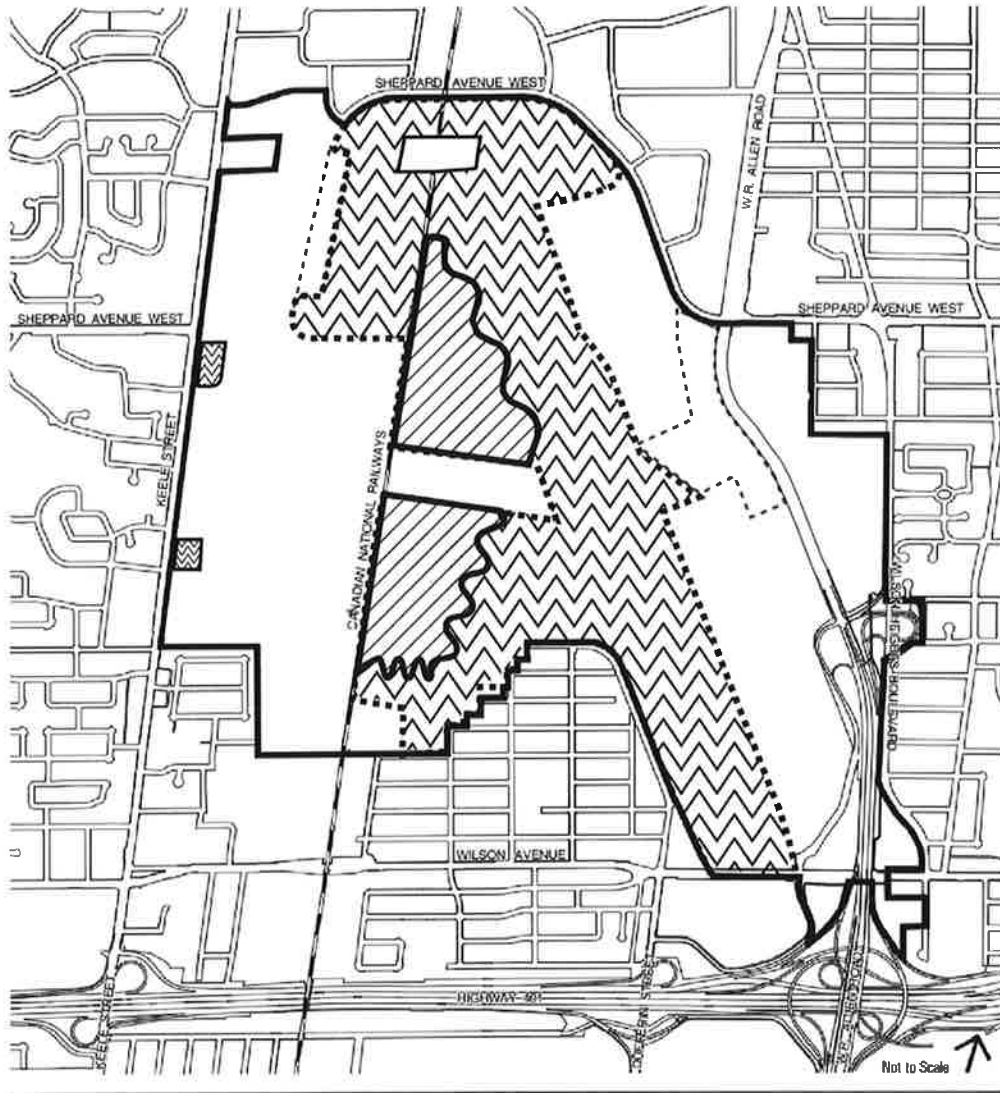


Subject Lands








Downsview Area
Secondary Plan Boundary

A



Schedule 2: Land Use

- | | |
|---|--|
|  Subject Lands |  Regeneration Area |
|  Downsview Area Secondary Plan Boundary |  General Employment Area |
| |  Additional Lands for the Purposes of Policy 7 |

**DRAFT – SASP – PARC DOWNSVIEW PARK AND BOMBARDIER LANDS – WITH
PREJUDICE**

January 22 2021



Schedule 3

| Non-Residential Uses referred to under Policy 5 | | |
|--|---|------------------------------|
| Column 1 (51%) | Column 2 (49%) | Column 3 |
| Office | Ancillary Retail | Community Recreation Centres |
| Creative Industries * | Services (including Restaurants, Fitness Centres, Day Cares) | Libraries |
| Scientific Research and Development | Hotels | Public Schools |
| Light Manufacturing (including High Tech Industrial) | Medical/Health Facilities (including Hospitals, Clinics, Hospices, Medical Offices) | Transit Stations |
| Processing | Warehousing, Wholesaling, Distribution | Places of Worship |
| | Public Utility/Renewable Energy | Ambulance/Fire Stations |
| | Artist's Galleries/Studios | |
| | National Urban Park District Employment Uses ** | |
| | Post-Secondary Institutions, Business and Industrial Trade Schools | |

* Creative industries have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property, including: arts and crafts; broadcasting; design; film, video and photography; music and the visual performing arts; publishing; software, computer games and electronic publishing; film studio and all pre-production and post-production as well as other services which directly or indirectly support film production.

** Uses permitted by Policy 8(1)(c)(ii) of the existing 2011 Downsview Area Secondary Plan