

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 22, 2017

CASE NO(S): PL140860

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)

Heard: January 13, 2017 in Toronto, Ontario

APPEARANCES:

Parties and Participants

See Attachment 1 on page 12 of
Attachment 3

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. G. M. MAKUCH ON
JANUARY 13, 2017 AND ORDER OF THE BOARD**

[1] One of the purposes of this Pre-Hearing Conference was to settle the procedural order governing the hearing of appeals in what has been referred to as Phase 1B. This phase will deal with appeals respecting Places of Worship within Employment Areas as well as Daycares/Educational Facilities within Employment Areas. The parties were not able to achieve consensus and will continue their discussions.

[2] The Motion for party status brought by 851653 Ontario Inc. and 2242781 Ontario Inc. respecting the properties known municipally as 170 and 194 Evans Avenue is

allowed and these companies are hereby granted party status with respect to these properties. No one was opposed to this Motion. It is noted that “FIMA” and “Oxford” have appealed OPA 231 for an area of land, which encompasses the subject lands and that the land use permissions contained within each of the Core Employment Area and General Employment Area designation have been specifically raised by other parties. In the event that the appeals 851653 Ontario Inc. and 2242781 Ontario Inc. are sheltering under are settled or withdrawn, they would lose their status as parties. Their participation in the hearing as parties is limited to the issues raised in the relevant appeals.

[3] The Board Order dated December 20, 2016 concerning Appeal Nos. 10-1 and 10-2 (Celestica Site and Appeal No. 201 (Lesmill)) is amended in accordance with Attachment 3 hereto.

[4] The City has requested that the Board amend Paragraph [5] of the Board Order dated May 3, 2016 concerning the wording of Policy 3.5.1 of Official Plan Amendment No. 231 because of a clerical error in the document it had provided to the Board at the time. Paragraph [5] is therefore amended as follows:

1. Toronto’s economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by:
 - b) Contributing to a broad range of employment opportunities for all Torontonians, with an emphasis on stable full-time employment.

“R. G. M. Makuch”

R. G. M. MAKUCH
VICE-CHAIR

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Ontario Municipal Board

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ATTACHMENT 3

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 20, 2016

CASE NO(S): PL140860

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 17(50) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, Sections 35 and 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O.28., and Rules 3, 6 and 34-11 of the Board's *Rules of Practice and Procedure*

Request by:	City of Toronto
Request for:	An order approving the Site and Area Specific Policy respecting the lands known municipally as 844 Don Mills Road and 1150 Eglinton Avenue East and 20-24 Lesmill Road

PROCEEDING COMMENCED UNDER subsection 17(50) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 33 of the Board's *Rules of Practice and Procedure*

Request by:	City of Toronto
Request for:	An order for Approval of Settlement Respecting Phase 1A Issues

PROCEEDING COMMENCED UNDER section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 33 of the Board's Rules of Practice and Procedure

Request by: City of Toronto
 Appellant: Lesmill North Investments Inc.
 Request for: An order removing 20-24 Lesmill Road from Site and Area Specific Policy 394 (SASP 394)

PROCEEDING COMMENCED UNDER subsection 17(45) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended

Motion By: City of Toronto
 Purpose of Motion: Request for an Order Dismissing the Appeals And Removing Party Status
 Appellant: 24 Progress Avenue
 Appellant: 65-81 McCormack Street
 Appellant: Deltera Inc.
 Appellant: 130 and 180 Yorkland Boulevard
 Party: Kennedy Road Hospitality Operations Ltd.
 Party: Eldonview Investments et al
 Party: 258 Atwell Drive Limited
 Subject: Proposed Official Plan Amendment No. 231
 Municipality: City of Toronto
 OMB Case No.: PL140860
 OMB File No.: PL140860

Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

Heard: June 20, 2016 in Toronto, Ontario

APPEARANCES:**Parties**

See Attachment 1

Participants

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. G. M. MAKUCH AND
DAVID L. LANTHIER ON JUNE 20, 2016 AND ORDER OF THE BOARD**

[1] At the commencement of the hearing, the Board granted party status with the consent of the City of Toronto ("City"), to Build Toronto Holdings (Tippett) Inc. with respect to the appeals related to Site and Area Specific Policy 387. No one was opposed. The Board is satisfied based on the submissions of counsel that it is in the public interest under the circumstances to grant party status to Build Toronto Holdings (Tippett) Inc.

[2] Counsel for The Symington Holdings Ltd. (Appeal No. 170), appeared to confirm that the appeal had been withdrawn and that Minutes of Settlement had been entered into with the City.

[3] The following motions were before the Board for consideration:

**City Motion Re: Celestica International Inc. Lands Known Municipally as
844 Don Mills Road and 1150 Eglinton Avenue East**

1. City Motion for an order of the Board approving the Site and Area Specific Policy attached as Exhibit "B" to the Affidavit of Gerry Rogalski, affirmed on June 14, 2016, as it applies to Appeal number 10 "Celestica" and identified as 844 Don Mills Road and 1150 Eglinton Avenue East; and;
2. An Order or Direction of the Board acknowledging the modification of Map 2, Urban Structure so that "Employment Areas" does not show on the west

portion of the Celestica site, the re-designation of the west portion of the Celestica site from General Employment Areas to Regeneration Areas, the removal of the Celestica site from Site and Area Specific Policy 394 and the addition of a new Site and Area Specific Policy 511 for the Celestica site, resolves Celestica's appeal of Official Plan Amendment No. 231 ("OPA 231") as it relates to the Celestica site only.

[4] This motion was not contested by any of the parties.

[5] Celestica is the owner of the lands known municipally as 844 Don Mills Road and 1150 Eglinton Avenue East and is identified as Appellant number 10 in this proceeding.

[6] In 2015, Lifetime Pearl Street Inc. ("LPS") became Celestica's agent for the purpose of pursuing Appeal No. 10 as LPS has an interest in the subject lands pursuant to a Purchase and Sale agreement. The City advises that it received an issues list regarding Appeal No. 10 in relation to the Celestica site, which enabled it to have settlement discussions, which resolved Celestica's appeal of OPA 231, as it relates to the subject lands owned by Celestica.

[7] Council, at its meeting on June 7-9, 2016, agreed to the settlement and instructed the City Solicitor to support the settlement at the Board hearing.

[8] The settlement provides that the City will modify OPA 231 to remove the Celestica site from those areas subject to Site and Area Specific Policy 394 and add a new Site and Area Specific Policy 511 for the Celestica Site that sets out a framework for new development, modify Map 2, Urban Structure so that "Employment Areas" does not show on the west portion of the Celestica site, modify Map 25 in Appendix 2 to re-designation of the west portion of the Celestica site from General Employment Areas to Regeneration Areas, resolving Celestica's appeal of Official Plan Amendment No. 231 ("OPA 231") as it relates to the Celestica site only.

[9] The Board is satisfied based on the un-contested affidavit evidence of Gerry Rogalski that the modification proposed represents appropriate land use planning and will modify OPA 231 in accordance with Attachment 2 hereto.

City Motion Re: Dismissal of Certain Appeals and to Remove the Party Status Previously Granted to Certain Individuals/Corporations

[10] The City brings a motion for an order of the Board dismissing the appeals of the following;

- a) 24 Progress Avenue (Appeal No. 6);
- b) 65-81 McCormack Street (Appeal No. 30);
- c) Deltera Inc. (Appeal No. 76); and
- d) 130 and 180 Yorkland Boulevard (Appeal No. 90).

[11] It also seeks an order of the Board removing the party status that had previously been granted to the following:

- a) Kennedy Road Hospitality Operations Ltd.
- b) Eldonview Investments et al; and
- c) 258 Atwell Drive Limited.

[12] The City withdrew its motion against 24 Progress Avenue (Appeal No. 6), Deltera Inc. (Appeal No. 76) and 258 Atwell Drive Limited.

[13] The grounds for the motion against, 65-81 McCormack Street (Appeal No. 30), 130 and 180 Yorkland Boulevard (Appeal No. 90), Kennedy Road Hospitality Operations Ltd. and Eldonview Investments et al, are that these individuals/corporations failed to provide an issues list as directed by the Board despite numerous requests to do so by the City as well as extensions of time to do so.

[14] The affidavit evidence shows that the City did not receive any responses or communication from these individuals/corporations.

[15] Counsel of record for 2219103 Ontario Inc. (Appeal No. 30 - 81 McCormack Street) appeared on the return of this motion and indicated that he could not obtain instructions from his client and explained that he would normally request that he be removed as counsel of record but could not do so because he had an ethical obligation to at least request that the motion against his client be adjourned pending further attempts being made to obtain instructions from his client. The Board indicated that it would withhold issuance of its order on this particular part of the motion until Friday June 24, 2016 at 4:30 p.m. to allow 2219103 Ontario Inc. the opportunity to provide instructions to counsel, failing which the Board would issue its order dismissing the subject appeal.

[16] The Board notes that 2219103 Ontario Inc. (Appeal No. 30) – (65-81 McCormack Street) has not taken steps as of 4:30 p.m. on June 24, 2016 to respond to the City's motion.

[17] It is noted that no one appeared for 130 and 180 Yorkland Boulevard (Appeal No. 90), Kennedy Road Hospitality Operations Ltd. and Eldonview Investments et al, all of which were duly served in accordance with the Board's *Rules*.

[18] Accordingly, the Board will exercise its authority under s. 37(c) and (d) of the *Ontario Municipal Board Act* and hereby dismisses Appeal No. 30 respecting 65-81 McCormack Street, Appeal No. 90 respecting 130 and 180 Yorkland Boulevard and remove the party status previously granted to Kennedy Road Hospitality Operations Ltd. and Eldonview Investments et al.

City Motion for an Order of the Board Removing 20 - 24 Lesmill Road from Site and Area Specific Policy 394

[19] The City seeks an order of the Board:

1. Removing 20-40 Lesmill Road (the subject site) owned by Lesmill North Investments Inc. ("LNI") from Site and Area Specific Policy 394 ("SASP 394") and approving a modified SASP 394 to reflect this change.

[20] The only evidence before the Board on this motion is the affidavit of Gerry Rogalski, affirmed on June 14, 2016.

[21] No one appeared in opposition.

[22] LNI is the owner of the Site and Appellant No. 201 in this proceeding. In November 2015, it submitted an Issues List to the City regarding OPA 231 and the subject site, as follows:

1. Is it appropriate and reasonable for SASP 394 to permit certain General Employment Area uses only if they are located in multi-storey buildings that include Core Employment Area uses?
2. Should SASP 394 be modified to exclude 20 Lesmill Road from the application of subsection b)?

[23] The City and LNI entered into settlement discussions in March 2016, resulting in the resolution of LNI's appeal as it relates to the subject site.

[24] On June 8, 2016, City Council agreed to the settlement reached with LNI and instructed the City Solicitor to support the settlement at this hearing.

[25] The settlement provides that, with the Board's approval, the subject site will no longer be subject to SASP 394 in Chapter 7. The effect of removing the subject site from SASP 394 is to no longer prohibit new major retail developments with 6,000 square metres or more of retail floor area nor prohibit stand-alone restaurants and small and medium scale retail stores and services in single-storey buildings on the subject site.

[26] The approval of a modified SASP 394 resolves LNI's appeal of OPA 231, as it relates to the Subject Site.

[27] The Board is satisfied based on Gerry Rogalski's un-contradicted affidavit evidence that the settlement represents good land use planning and is in the public interest.

[28] Accordingly, OPA 231 is hereby modified in accordance with Attachment 3 hereto.

City Motion for Approval of Settlement Respecting Phase 1A Issues

[29] The City seeks an order of the Board:

1. Granting approval of the Preamble of s. 4.6, except for the second sentence in the first paragraph of the Preamble, and the last sentence of the third paragraph of the Preamble, as attached in Exhibit "E" to the Affidavit of Christian Giles affirmed on June 14, 2016;
2. Granting approval of the Preamble of s. 2.2.4, except for the first sentence in the first paragraph of the Preamble, the entirety of the third paragraph of the Preamble, and the entirety of the sixth paragraph of the Preamble, as attached in Exhibit "E" to the Affidavit of Christian Giles affirmed on June 14, 2016;
3. Granting approval of Maps 2 and Maps 13 to 23, referenced in Policy 2.2.4.1, as attached in Exhibit "E" to the Affidavit of Christian Giles affirmed on June 14, 2016; and
4. A contingent Order approving policies 4.6.1, 4.6.2 and 4.6.3, as attached in Exhibit "E" to the Affidavit of Christian Giles affirmed on June 14, 2016, and which will be subject to a final order at the conclusion of Phase 1B of these proceedings.

[30] No one appeared in opposition to the settlement proposal.

[31] The only evidence before the Board on this motion is the affidavit of Christian Giles, affirmed on June 14, 2016 and the Board is satisfied based on that evidence that the settlement should be approved for the reasons that follow.

[32] In December, 2013, City Council adopted By-law No, 1714-2013 for the purpose and effect of adopting OPA 231 to the City's Official Plan 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 of Municipal Affairs and Housing in a decision on July 9, 2014.

[33] A total of 178 appeals were filed against the Minister's decision. Some Appellants appealed the entirety of OPA 231 on a City-wide basis. This led the City, at the first Pre-Hearing Conference ("PHC") regarding OPA 231, to advise the Board and all present of the City's desire for partial approval of OPA 231 which would require Appellants of City-wide appeals to scope and limit their appeals to the extent possible. Consequently, the Board ordered Appellants who had filed entire OPA 231/City-wide appeals to scope their appeals by April 13, 2015 and identify which parts of OPA 231 are under appeal.

[34] On October 22, 2015, the Board ordered that the appeals be phased in a manner that would allow for a manageable process as well as provide an opportunity to have comparable issues addressed together. The Board's Order set the date for the hearing of Phase 1A for June 20, 2016 and directed parties involved to produce an agreed upon Issues List and a Procedural Order to be submitted to the Board at the next PHC set for February 9, 2016.

[35] At the fourth PHC on February 9, 2016, the Board established that Phase 1A would address "existing non-sensitive" uses, while Phase 1B would address "sensitive uses". The policies and maps subject to adjudication during Phase 1A and as set out in Attachment 2 to the Board's Procedural Order, were Policies 4.6.1, 4.6.2, 4.6.3, the preamble to s. 4.6 except for the second sentence in the first paragraph and the last sentence in the third paragraph of the preamble, and the preamble to s. 2.2.4 except for

the first sentence in the first paragraph and the entirety of the third and sixth paragraph of the preamble, and all maps referenced in Policy 2.2.4.1 (being Map 2 and Maps 13 to 23 inclusive).

[36] Prior to mediation a meeting of experts was held wherein a number of Phase 1A issues were agreed upon as well as a "List of Agreed Upon Facts".

[37] Issues 1, 2 and 3 were settled in advance of the mediation with all parties agreeing that they would not oppose the City's evidence that the policies and mapping subject to adjudication in Phase 1A conform to the Growth Plan for the Greater Golden Horseshoe, are consistent with the Provincial Policy Statement 2014 ("PPS") and constitute good planning for the City. Given this settlement, the parties agreed that Issues 4 through 20 of the Issues List would remain open for mediation.

[38] Board assisted mediation in May 2016 resulted in a settlement of Issues 4 through 20, subject to the determination of certain text, still under appeal, and to be finally adjudicated in Phase 1B.

[39] A consolidated version of the policy and non-policy text and mapping that was agreed upon by the parties, and which forms the settlement of Phase 1A, is set out under Exhibit "E" to the Affidavit of Christian Giles, affirmed June 14, 2016.

[40] The Board is satisfied that Map 2 and Maps 13 to 23, inclusive and the revised policy and non-policy text, as set out in Exhibit "E" to the Affidavit of Christian Giles, conforms to the Growth Plan for the Greater Golden Horseshoe, is consistent with the PPS, 2014 and represents good planning for the City.

[41] The approval of the above settlement resolves the appeals of parties to OPA 231 as they relate to Phase 1A issues and partially resolves the appeals to OPA 231.

[42] The Board finds that it is in the best interest of all parties to OPA 231 to have the settlement of Phase 1A issues approved.

ORDER

[43] Accordingly, the Board will modify OPA 231 in accordance with Attachment 4 hereto.

[44] The next PHC will commence at 10 a.m. on Tuesday, October 18, 2016 at:

**Ontario Municipal Board
655 Bay Street, 16th Floor
Toronto, Ontario**

[45] The hearing of Phase 1B will commence at 10 a.m. on Monday, April 3, 2017. Two weeks have been set aside. The hearing will take place at:

**Ontario Municipal Board
655 Bay Street, 16th Floor
Toronto, Ontario**

[46] No further notice will be given.

"R. G. M. Makuch"

**R. G. M. MAKUCH
MEMBER**

"David L. Lanthier"

**DAVID L. LANTHIER
MEMBER**

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ATTACHMENT 1

OPA 231 – PL140860

Attendance Sheet for PHC held June 20, 2016

Representative	Party/Participant
Andrew Biggart Kelly Matsumoto Tina Kapelos	City of Toronto
Sharmini Mahadevan	Lesmill North Investments Inc.
Daniel Artenosl	Appellants Nos. 170, 23, 79 and 101
David White	Al Reisman Ltd. Et al
Dennis Wood	Morguard Investments Limited; Revenue Properties Company; 2129152 Ontario Inc.
Janice Page	Ministry of Municipal Affairs
Patrlck Harrington	Appeals 157, 30, 73, 121, Leslie- Lakeshore, First Capital, Loblaws
Kate Fairbrother	51 Manstor Road and Appellants 135, 158
Mark Piel	The Salvation Army (Appeal No. 143)
Neil Smiley	Appeal no. 33 (2401 Eglinton) and Appeal no. 159
Katarzyna Sliwa	Build Toronto
Calvin Lantz	Appeal Nos. 4 (107051 Ontario Inc.), 59 (Atlantic Packaging Products Ltd.), 64 (Campbell Company of Canada), 85 (CPA), 99 (House of Praise), 103 (IGI Inc.), 104 (Irving Tissue), 144 (Redpath Sugar), 181 (Sisters of St. Joseph), 172 (Titan Dr. Plaza Nominee), 178 (Westmont Hospitality Group) and 10 (Celestica)
Michael Froderick	Lismark Investments Ltd.
Cynthia Macdougall	Celestica, Soraren Developments Inc., Eldonview Investments
John Dawson	Hilton Hills Developments Inc., Building Industry and Land Development Association, 1147390 Ontario Limited, Queen's Quay Avante Limited, Deltera Inc., Concert Properties Ltd.
Barry Horosko	"Numerous" – Appeals no. 1, 28, 75, 85, 93, 130, 194P, 197P,

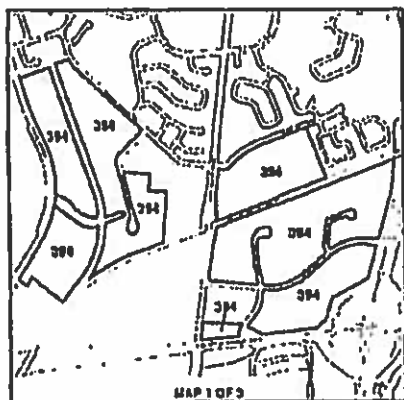
ATTACHMENT "2"

**Modification to OPA 231
Toronto Official Plan**

Appeal No. 10 – 844 Don Mills Road and 1150 Eglinton Avenue East

Official Plan Amendment No. 231 is modified as follows:

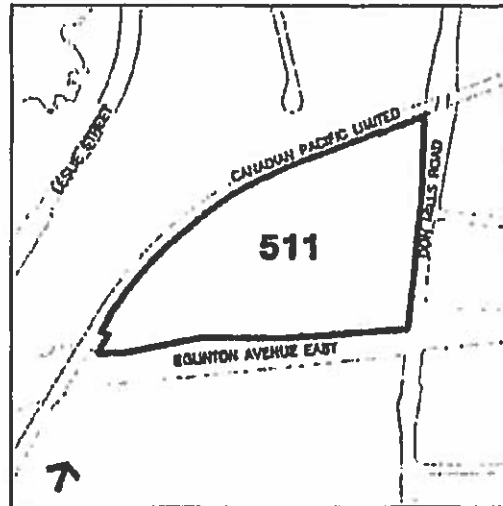
1. Map 2, Urban Structure, shown as Appendix 1, is modified so that "Employment Areas" does not show on the westerly portion of the lands known municipally in 2015 as 844 Don Mills Road and 1150 Eglinton Avenue East, as shown on attached Schedule 'A'.
2. Map 25 of 48, shown in Appendix 2, is modified to re-designate the westerly portion of the lands known municipally in 2015 as 844 Don Mills Road and 1150 Eglinton Avenue East from *Employment Areas* (identified as *General Employment Areas* in OPA 231) to *Regeneration Areas*, as shown on attached Schedule 'B'.
3. Chapter 7, Site and Area Specific Policies is modified by deleting "Map 1 of 3" for Site and Area Specific Policy No. 394 and replacing it with the following "Map 1 of 3" so that the lands known municipally in 2015 as 844 Don Mills Road and 1150 Eglinton Avenue East are not subject to Site and Area Specific Policy No. 394:



4. Map 31, Site and Area Specific Policies (Key Map) is modified so that the lands known municipally in 2015 as 844 Don Mills Road and 1150 Eglinton Avenue East are not subject to Site and Area Specific Policy No. 394, as shown on the map above.

5. Chapter 7, Site and Area Specific Policies is modified by adding a new Site and Area Specific Policy No. 511 for the lands known municipally in 2015 as 844 Don Mills Road and 1150 Eglinton Avenue East, as follows:

"511. 844 Don Mills Road and 1150 Eglinton Avenue East



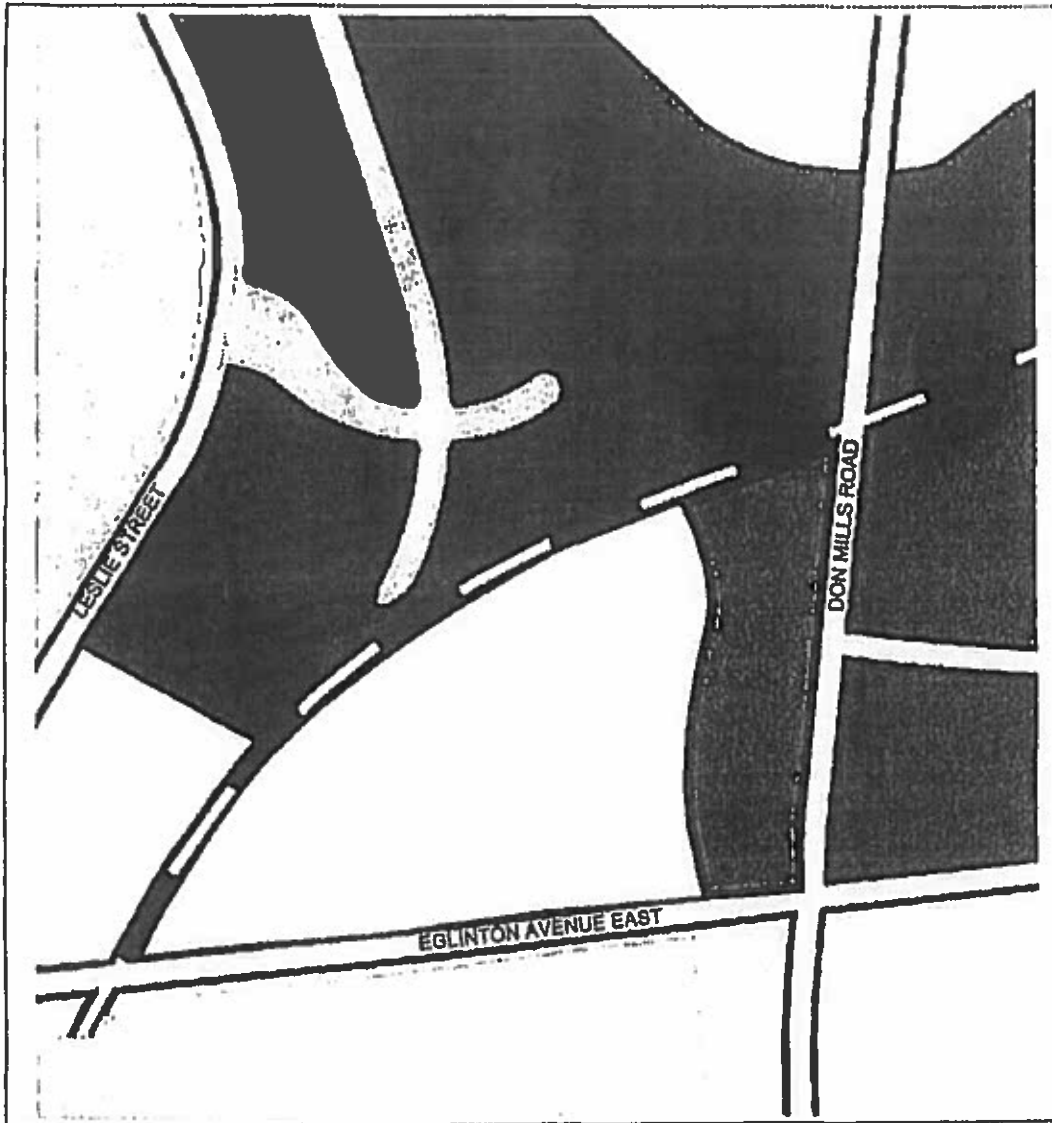
- (a) A minimum of 18,580 square metres of office space, including associated retail and service uses, will be provided in Phase 1 on the portion of the lands designated *Employment Areas* (identified as *General Employment Areas* in OPA 231).
- (b) Redevelopment of the lands will create a complete and sustainable new community with residential uses, substantial replacement of the gross floor area of employment uses, retail and service facilities, community services and facilities, and parks and open space that:
- (i) connect to, and enhance the natural heritage system;
 - (ii) improve vehicular, pedestrian and bicycle connections within the lands and to the surrounding areas; and
 - (iii) support the Eglinton Crosstown Light Rail Transit Line.
- (c) A comprehensive planning and development framework for the lands will be prepared in conjunction with the Don Mills and Eglinton Study for those lands in the vicinity of Don Mills Road and Eglinton Avenue East.
- (d) The first phase of residential and non-residential development on the lands may proceed prior to the completion of the Don Mills and Eglinton Study. Development will be evaluated on the basis of the Official Plan policies including this Site and Area Specific Policy.
- (e) Such development as contemplated in (d) above must demonstrate to Council's satisfaction that the first phase of both residential and non-residential development does not adversely impact the development of the remainder of the lands and that residential development proposed as Phase 1 is viable in the absence of development of the remainder of the lands.

- (f) Development of the lands will require the following plans and strategies:
- (i) a Physical Structure Plan setting out a network of public streets, development blocks, pedestrian and cycling facilities and connections, and parks and open spaces that contributes to a safe, comfortable and connected public realm;
 - (ii) a Land Use Plan that:
 - a. provides for the redesignation of *Regeneration Area* lands to *Mixed Use Areas, Apartment Neighbourhoods, Parks and Open Space Areas and Neighbourhoods*, as appropriate; and
 - b. prohibits large-scale, stand-alone retail stores and "power centres";
 - (iii) a Parks and Open Space Plan that provides and improves parkland and which connects into the local network of parks and ravines, protects and restores Natural Heritage Areas;
 - (iv) a Servicing Plan that identifies water, sanitary and stormwater infrastructure for the lands and off-site improvements required to support new development;
 - (v) a Transportation Plan that identifies transportation infrastructure for the lands, off-site improvements and connections to adjacent areas required to support new development. Measures to be included as part of the Transportation Plan will provide for improved connections from Wynford Drive to Eglinton Avenue East through the lands and assessment of potential vehicle, pedestrian and bicycle connections from Wynford Drive across the CPR rail corridor on the western boundary of the lands to Leslie Street ;
 - (vi) Built Form policies that outline the location, scale and massing of new development;
 - (vii) a Community Services and Facilities Strategy that identifies services and facilities needs and strategies to support new development;
 - (viii) an Economic Revitalization Strategy that promotes business and economic activities on lands designated *Employment Areas* (identified as *General Employment Areas* in OPA 231) and *Mixed Use Areas*;
 - (ix) a Housing Plan that provides for a broad range of housing in terms of building types, tenure and affordability that includes multi-bedroom residential units and an affordable housing strategy;
 - (x) a Heritage Conservation Plan that identifies cultural heritage resources;
 - (xi) an Environmental Strategy that promotes environmental sustainability;
 - (xii) a Rail Safety Strategy for sensitive uses, which includes noise and vibration mitigation, where required;

- (xiii) a Phasing Strategy and Implementation Plan that addresses phasing to ensure that development does not outpace the provision of infrastructure, facilities and amenities needed to support the creation of a complete community. The Phasing Strategy will:
- a. set out a residential unit count and non-residential floor area, as may be applicable, for the lands for each phase of development;
 - b. outline physical infrastructure improvements and community services and facilities required to be implemented prior to the completion of any phase of development to support the development;
 - c. provide for the development of lands designated *Employment Areas* (identified as *General Employment Areas* in OPA 231) in Phase 1, such that Phase 1 non-residential development precedes, or is concurrent with, the first phase of residential development on lands designated *Regeneration Areas*;
 - d. limit Phase 1 of residential development on lands designated *Regeneration Areas* to a lesser of 850 residential units or approximately 83,600 square metres of residential gross floor area, provided this phase of residential development:
 - i. includes a public community focal point, such as a public park or facility, within easy walking distance of all lands with the phase;
 - ii. contains a fine grain of interconnected public streets and pedestrian routes that define development blocks;
 - iii. integrates with the existing and planned surrounding street network through appropriate new street connections and/or public easements to Eglinton Avenue East and/or Don Mills Road for vehicles, pedestrians and cyclists, as required; and
 - iv. secures services and facilities, as may be required, to meet the needs of residents and workers;
 - e. provide for the development of lands designated *Employment Areas* (identified as *General Employment Areas* in OPA 231) necessary to achieve the minimum non-residential gross floor area identified in policy (g) below of this Site and Area Specific Policy to proceed prior to, or concurrent with, the final 300 units of residential development on lands designated *Regeneration Areas*; and
 - f. is implemented through Zoning By-law(s) and Plan(s) of Subdivision and secured through appropriate legal agreements, including public easements where required.
- (g) Sufficient land will be made available such that, at full build out of the lands, a minimum of 70,000 square metres of non-residential gross floor area comprised of uses permitted in an *Employment Area* (identified as *General Employment Areas* in OPA 231), the majority of which is to be office space, may be accommodated on the lands.

- (h) On the lands that are designated *Employment Areas* (identified as *General Employment Areas* in OPA 231):
 - (i) retail and service uses, restaurants, fitness centres and ice arenas may also be established; and
 - (ii) stand-alone retail stores and stand-alone restaurants greater than 1,000 square metres in gross floor area are not permitted.
 - (i) Notwithstanding the provisions of Section 4.7.2 of the Plan, the initial phase of residential development within the portion of the lands designated as *Regeneration Areas* may proceed without a Secondary Plan provided it is preceded by, or developed concurrently with, a minimum gross floor area of 18,580 square metres of office space, including associated retail and service uses, on the portion of the lands designated *Employment Areas* (identified as *General Employment Areas* in OPA 231), and the necessary physical and social infrastructure are available.
 - (j) Despite Section 5.1.1.4 of the Plan, Section 5.1.1.1 of the Plan will only apply to a proposed development that would permit a building or structure with residential gross floor area. The base value, in terms of residential gross floor area, from which increased height and/or density may be permitted in return for certain capital facilities will be zero (0) square metres. Any non-residential gross floor area will not be subject to Section 5.1.1.1 of the Plan.
 - (k) The dedication of land for a new ice arena may be required by the City. Dedication of such lands will be calculated as a portion of the applicable parkland dedication.
 - (l) Boundaries of land use designations on the Land Use Plan and Employment Areas that show on Map 2, Urban Structure respecting the lands are general and where the intent of the Plan is maintained, such that sufficient land is provided to accommodate a minimum of 70,000 square metres of *Employment Areas* (identified as *General Employment Areas* in OPA 231) uses, minor adjustments to boundaries will not require amendment to this Plan"
6. Map 31, Site and Area Specific Policies (Key Map) is modified so that the lands known municipally in 2015 as 844 Don Mills Road and 1150 Eglinton Avenue East are subject to Site and Area Specific Policy No. 511, as shown on the map above.

Schedule 'A'



 **TORONTO** City Planning

Official Plan Amendment #231, Appeal 10, Schedule 'A'

Map 2, Urban Structure (Appendix 1) is modified to show the removal of 'Employment Areas' from the west part of the subject lands

844 Don Mills Road and
1150 Eglinton Avenue East

PL140880

-  Site Location
-  Green Space System
-  Employment Areas


Not to Scale
05/11/2016

Schedule 'B'



TORONTO City Planning

Official Plan Amendment #231, Appeal 10, Schedule 'B'

Modify Land Use Plan Map 25 of Appendix 2 by redesignating the western portion of the lands from *General Employment Areas* to *Regeneration Areas*

**844 Don Mills Road and
1150 Eglinton Avenue East**

PL140860

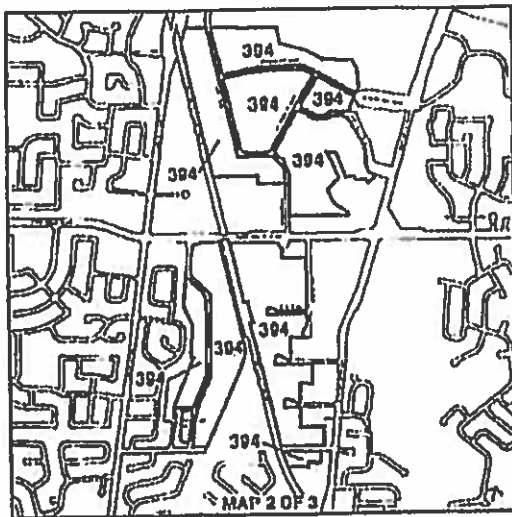


ATTACHMENT "3"

**Modification to OPA 231
Toronto Official Plan
20-24 Lesmill Road – Appeal No. 201**

Official Plan Amendment No. 231 is modified as follows:

1. Chapter 7, Site and Area Specific Policies is modified by deleting 'Map 2 of 3' for Site and Area Specific Policy No. 394 and replacing it with the following 'Map 2 of 3' so that the lands known municipally in 2015 as 20-24 Lesmill Road are not subject to Site and Area Specific Policy No. 394:



2. Map 30, Site and Area Specific Policies (Key Map) is modified so that the lands known municipally in 2015 as 20-24 Lesmill Road are not subject to Site and Area Specific Policy No. 394, as shown on the map above.
-

ATTACHMENT "4"

PL140860

ONTARIO MUNICIPAL BOARD

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

B E F O R E :

R. G. M. Makuch
Member

David L. Lanthier
MEMBER

}

the 20th day of June 2016

ORDER

THIS MATTER having come before the Board for a motion on June 20, 2016, and having heard submissions of the Parties,

THE BOARD ORDERS that the Preamble of Section 2.2.4 of Official Plan Amendment No. 231 is hereby approved as shown in Appendix 1 attached to this Order, except for the highlighted wording which is to be adjudicated at a later phase and except upon the properties identified in Appendix 4 to this Order;

AND THE BOARD ORDERS that the Preamble of Section 4.6 of Official Plan Amendment No. 231 is hereby approved as shown in Appendix 2 attached to this Order, except for the highlighted wording which is to be adjudicated at a later phase and except upon the properties identified in Appendix 4 to this Order;

AND THE BOARD ORDERS that parts of policies 4.6.1, 4.6.2 and 4.6.3 of Official Plan Amendment No. 231 are approved as shown in Appendix 3 to this Order, except for the highlighted wording which is to be adjudicated at a later phase and subject to a final Order of the Board with respect to these policies at the conclusion of Phase 1B of these proceedings and except as they apply to the lands subject to site and area-specific appeals as identified in Appendix 4 to this Order;

AND THE BOARD ORDERS that Map 2 (Urban Structure) and Maps 13 to 23 (Land Use Plan), inclusive, and referenced in Policy 2.2.4.1 are hereby approved except as they apply to the lands subject to site and area specific appeals and which are identified in the Maps attached as Appendix 4 to this Order;

AND THE BOARD ORDERS that this Order and the approval of portions of Official Plan Amendment No. 231 is without prejudice to the disposition of the unapproved portions of OPA 231, including but not limited to positions taken by the parties to any site or area specific appeals. Thus the Board may render future Orders respecting such unapproved portions of OPA 231 which are inconsistent with one or more aspects of this Order, including without limitations approving site-specific modifications that deviate from or are inconsistent with this Order or such policies, non-policy text, mapping, Secondary Plans or Site and Area Specific Policies that are approved hereby on a City-wide basis (or as approved in respect of other lands which are subject to the same policies, schedules and associated text). However, this does not affect the City's right to assert that the approved policies, non-policy text, mapping, Secondary Plans or Site and Area Specific Policy, as the case may be, should be applied to the specific sites or areas without modification on the basis that they constitute good planning;

AND THE BOARD ORDERS notwithstanding anything ordered above, the City has not conceded that any portions of Official Plan Amendment No. 231 that have not been approved are properly under appeal and the City has reserved the right to bring motions or take any other action to have the breadth and scope of any appeal determined by the Board at the future date;

AND THE BOARD ORDERS that notwithstanding anything ordered above, the Board hereby retains jurisdiction to consider and approve modifications to any policies, non-policy text, mapping, Secondary Plans and Site and Area Specific Policies approved herein as may be appropriate to dispose of any of the outstanding appeals before the Board, in accordance with section 87 of the *Ontario Municipal Board Act*, R.S.O. 1990, c.O.28;

AND THE BOARD ORDERS that it may be spoken to in the event some matter should arise in connection with the implementation of this Order.

R.G.M. Makuch
Member

David L. Lanthier
Member

Appendix 1

2.2.4 Employment Areas: Supporting Business and Employment Growth

Toronto's Employment Areas, to be used exclusively for business and economic activities, are an essential cornerstone of our diverse and thriving civic economy. Almost a third of Toronto's jobs and forty percent of export-oriented jobs with high-multiplier spinoffs are in *Employment Areas*. The City's *Employment Areas* are healthy with considerable investment in new buildings and improvements and overall low building vacancy rates. Important elements of our civic economy, such as manufacturing and warehousing and goods distribution are located almost entirely in *Employment Areas* and provide for a broad range of jobs and a diverse economic base that helps our City through difficult cycles in the economy.

Our *Employment Areas* are finite and geographically bounded. Given relative land values, residential lands are rarely converted to employment uses and there is little opportunity to create new employment lands. It is the City's goal to conserve our *Employment Areas*, now and in the longer term, to expand existing businesses and incubate and welcome new businesses that will employ future generations of Torontonians. Given the diminishing supply of vacant land in *Employment Areas*, new development in *Employment Areas* needs to take place in a more intensive physical form.

Maintaining *Employment Areas* exclusively for business and economic activities provides a stable and productive operating environment for existing business that also attracts new firms. The introduction of sensitive land uses into *Employment Areas* can force industry to alter their operations, particularly when the environmental certificates that industries operate under are affected or complaints are lodged about adverse effects from industrial operations. Even where new sensitive land uses are located outside of, but in close proximity to, *Employment Areas*, they should be designed and constructed to prevent the residents or users from being affected by noise, traffic, odours or other contaminants from nearby industry.

Toronto's *Employment Areas* are important in providing good quality services to our residents and workers. The industrial and commercial properties are vital to maintaining a healthy civic tax base that pays for those services. Most of our City and transportation yards that maintain our infrastructure are located in *Employment Areas* and have limited alternative locations.

Preserving *Employment Areas* contributes to a balance between employment and residential growth so that Torontonians have a greater opportunity to live and work in the City, rather than commuting distances to jobs outside of the City. As *Employment Areas* are spread across the City, work destinations and commuting direction are also spread out, resulting in less road congestion in any one direction. This provides workers who live in close proximity to *Employment Areas* with the opportunity for shorter commutes to work by either transit, cycling or walking.

Our *Employment Areas* are comprised of lands designated both as Core *Employment Areas* and General *Employment Areas*, which are both important employment areas, as defined in the Provincial policy framework. The conversion of lands within *Employment Areas* is only permitted through a City-initiated Municipal Comprehensive Review as defined in the Growth Plan for the Greater Golden Horseshoe of the Official Plan. During a City-initiated Municipal

Comprehensive Review of the Official Plan, the City can assess any requests to convert employment areas on the basis of sites that complement the Provincial policy framework and the policies of the Official Plan for *Employment Areas*.

Appendix 2

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.*

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*.

Retail uses of any scale or form that implements the built form policies of this Plan are provided for in a *General Employment Area*. However, because major retail developments have the potential for greater impacts, they may be permitted only through the enactment of a site specific zoning by-law, and after consideration of a number of criteria, including:

- a. Transportation impacts on the *Employment Area* and nearby residential neighbourhoods;
- b. A form that represents interstitial use of finite employment lands;
- c. Effect upon the economic health of nearby retail shopping areas;
- d. Provision of new streets or driveways and pedestrian amenities; and
- e. Placement of buildings next to the street frontage.

Appendix 3

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: hotels, 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 Policy 4.6.1, permitted uses in a *General Employment Area* also include restaurants and all types of retail and service uses.
- #. Placeholder policy until Phase 1b to potentially address fitness centres, ice arenas, hotels and parks.

