

January 9, 2023

Alejandra Perdomo
Municipal Services Office - Central Ontario
Ministry of Municipal Affairs & Housing
Province of Ontario
777 Bay Street, 16th floor
Toronto, Ontario
M7A 2J3

Dear Mr. Perdomo:

**RE: SUBMISSION ON OPA 591 – ERO #019-5868; MINISTRY #20-OP-222176
1265, 1275 & PART OF 1289 LAWRENCE AVENUE WEST, TORONTO
OUR FILE: 07132DZ-2**

On behalf of North Park Shopping Centres Limited (“SmartCentres”), please accept this submission regarding the review by the Province of the City of Toronto’s Official Plan Amendment 591 (“OPA 591”) respecting the employment conversion of lands at the above noted addresses (the “Subject Lands”). The Subject Lands are adjacent to Mixed Use Area designated lands which our client also owns and is planning to redevelop in the future for a medium and high rise mixed use development (the “Development Site,” see **Figure 1**). ***We are requesting reconsideration of the conditions imposed by the City on the approved conversion request.***



Figure 1 – Location of the Subject Lands

History of Request & The Proposal

On August 3, 2021, a request was made to the City of Toronto to redesignate the Subject Lands from General Employment Area to permit a mixed use development to occur. The overall redevelopment of the Development Site would be for a comprehensive mixed use development which would be complementary to the proposed residential apartments located at the northwest and southwest corners of the intersection of Lawrence Avenue West and Keele Street, opposite the Development Site, as well as the existing surrounding residential neighbourhoods. The overall Development Site would include a series of high-rise towers connected to base podiums as well as mid-rise buildings. The proposal also features an open space/park network including a central park and a privately owned publicly accessible open space (“POPS”) in the form of a pedestrian plaza to accompany at-grade retail uses. A new road network is proposed to facilitate connections within the mixed use complex and provide access to the site with the existing transportation network, including transit bus stops.

The proposal for conversion would allow the establishment of a mixed use development which would in turn form part of a redevelopment of the adjacent shopping centre which our client also owns. The proposal on the conversion lands would include a mid-rise building which will be interconnected with the overall Development Site redevelopment proposal as shown below (**Figures 2 and 3**) and found in **Appendix A**. This request was supported by a Planning Justification, Traffic Impact Assessment and a Compatibility Study.



Figure 2 – Demonstration Plan for the Mid-Rise Building (also showing the Development Site layout for context)



Figure 3 – Conceptual Massing of the Demonstration Plan for the Mid-Rise Building

On July 22, 2022 City of Toronto Council adopted OPA 591, in which they supported the request and converted the Subject Lands to Mixed Use Area. Through proposed Site and Area Specific Policy 783 in OPA 591, the conversion was made conditional on a number of requirements per below:

“A mixed-use and mixed-income development is permitted provided that:

- a) *A minimum of 700 square metres of employment gross floor area is developed that will be:*
 - i) *comprised of Core Employment Areas and/or General Employment Areas uses that are compatible with residential uses; and*
 - ii) *developed prior to or concurrent with residential uses.*
- b) *New development containing residential units on the lands will secure a minimum amount of affordable housing as follows:*
 - i) *if a condominium development is proposed, a minimum of 8 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 6 percent of the total new residential gross floor area shall be secured as affordable rental housing; or*
 - ii) *if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;*

- iii) *the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and*
- iv) *the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.*
- c) *Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required in Policy b) i) will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.*
- d) *The provision of affordable housing required by Policy b) and Policy c) shall be secured through one or more agreements with the City.*
- e) *Conditions to be met prior to the removal of a holding ("H") provision on the lands shall include the following:*
 - i) *Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and*
 - ii) *The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.*
- f) *If an Inclusionary Zoning By-law takes effect and becomes applicable to any development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy b) and Policy c) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy b) and Policy c) above.*
- g) *As part of a complete Zoning By-law Amendment application for the lands, a Rail Safety and Rail Mitigation Report will be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction, and reviewed by the applicable rail operator."*

Request of the Province

While our clients are appreciative of the conversion from employment lands, the conditions imposed on the request are onerous and represent an overreach of municipal requirements beyond those which should be imposed. To this effect, we request the following modifications to OPA 591. Below each request we provide our commentary and justification / analysis in support of the modifications.

1. Inclusionary Zoning (Affordable Housing) References Should be Removed

The Subject Lands are not located in an area subject to Inclusionary Zoning – while within an Inclusionary Zoning Market Area (IZMA 3), they are not located within or in any proximity to a Protected MTSA (where Inclusionary Zoning can be requested). Despite this, the City has introduced Inclusionary Zoning conditions in SASP 783 (provisions b) to f). Further the rates that

are proposed are not representative of the IZMA 3 rates (rather, higher IZMA 2 rates). This represents a significant overreach by the City and is not appropriate.

Further, the conditions do not reflect either the cap on affordable housing or the definition of affordable housing found in Bill 23. Should affordable housing be required in the future, it should be in line with the requirements and definitions of Bill 23 and when a Protected MTSA is designed by the City for this area.

It is therefore our client's position that these conditions be removed from SASP 783, namely Provisions e) to i) in their entirety.

To assist the Province, we have provided revised mapping and SASP 789 language in **Appendix B** attached to this letter.

Overall Conclusion

The proposed conversion would allow for the Subject Lands to be planned for a mixed use community. The proposed conversion is in line with Provincial Policy and structured around the optimization of existing municipal services, infrastructure and transit services.

The Subject Lands represent situation where a conversion is appropriate, given that the existing use of the Subject Lands represents an underutilization of the Subject Lands in comparison to the proposed mid- and high-rise mixed use development for the overall Development Site and also considering the marginal impact of the removal of the 0.9 hectare Subject Lands would have on the City's supply of employment lands.

It is also important to identify that the current use of the Subject Lands is not for employment land employment uses, but is largely vacant with a small service commercial use at the eastern end of the Subject Lands abutting an existing commercial plaza that is designated as Mixed Use Area. The proposed redevelopment permitted by a conversion as shown in the Demonstration Plan will allow for the efficient use of the land and the optimization of infrastructure while maintaining the existing retail-commercial planned function through integration of these uses into the ground floor of a mixed use building.

The conversion is appropriate and the rationale for such, summarized below was accepted by City Council:

- The proposed development permitted by the conversion will provide a mid-rise built form which is appropriate for a major street in the City. It will further add a mix of housing tenure, unit sizes and affordability to the neighbourhood.
- The proposal for the Subject Lands is compatible with existing surrounding employment uses and represents the logical extension of the Mixed Use Area designation of the current lands west of the Subject Lands (the Development Site).
- The Urban Transportation Considerations Report by BA Group confirms that the proposed conversion can be accommodated by the existing transportation system.
- The proposed conversion, together with the mitigation measures considered for the development, will not affect the ability of surrounding facilities to comply with applicable

Provincial and City of Toronto regulations, as identified in the RWDI Land Use Compatibility & Mitigation Study.

- The Subject Lands are fully serviced with water, wastewater and stormwater services that ensure the optimization and efficient use of existing municipal infrastructure for the proposed development.

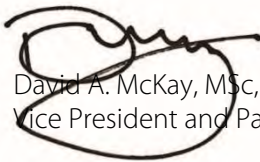
The issue as discussed above is the approach the City has taken. In our opinion, the imposition of Inclusionary Zoning provisions, as drafted in SASP 783, is not appropriate and represents a clear and significant overreach by the City and further does not reflect Bill 23 affordable housing requirements and definitions.

Please feel free to contact us if you have any questions or wish to discuss in further detail.

Thank you.

Yours Truly,

MHBC



David A. McKay, MSc, MLAI, MCIP, RPP
Vice President and Partner

cc: *Client*
Project Team

Encl.

DEMONSTRATION PLAN FOR CONVERSION REQUEST

NORTH PARK

North Park Shopping Centres Limited - SmartCentres



WestonWilliamson+Partners



**North Park
Concept Masterplan**

- Study Boundary
- Indicative Development

Land Uses

- Mid-Rise
- Retail at Grade

0 50 100

N



VIEW FROM SOUTHEAST



VIEW FROM EAST

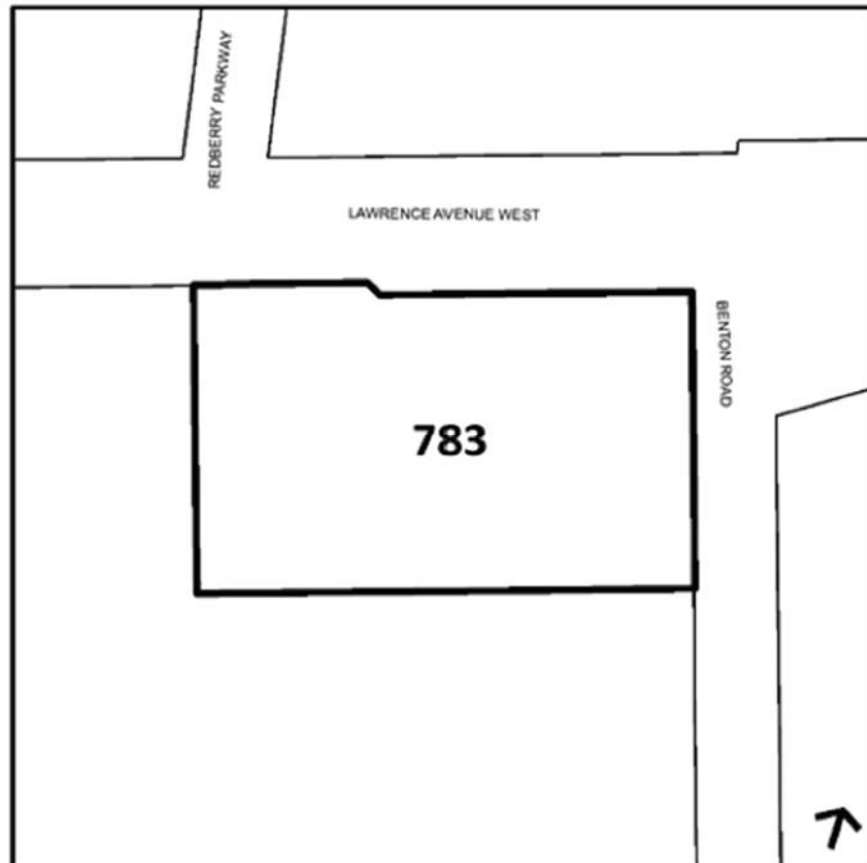
Appendix **B**

Appendix B – Revised OPA 591 SASP 789

Revised SASP 783

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy 783 for the lands known municipally in 2021 as 1265, 1275 and part of 1289 Lawrence Avenue West, as follows:

'783. 1265, 1275 and part of 1289 Lawrence Avenue West



A mixed-used and mixed-income development is permitted provided that:

- a) A minimum of 700 square metres of employment gross floor area is developed that will be:
 - i) comprised of *Core Employment Areas* and/or *General Employment Areas* uses that are compatible with residential uses; and
 - ii) developed prior to or concurrent with residential uses.
- b) As part of a complete Zoning By-law Amendment application for the lands, a Rail Safety and Rail Mitigation Report will be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction, and reviewed by the applicable rail operator.