

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  
DOWNSVIEW POWER CENTRE - 695 WILSON AVE & 90 & 100 BILLY BISHOP WAY, TORONTO  
OUR FILE: 07132DZ-4**

On behalf of First Long Weekend Developments Inc., Home Depot Holdings Inc. and Costco Wholesale Canada Ltd. (led by our client 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 the Downsview Power Centre located at the southwest corner of Wilson Avenue and Billy Bishop Way (hereinafter the "Subject Lands") and shown below on **Figure 1**. **We are requesting reconsideration of the designation of the lands as Regeneration Area (instead of Mixed Use Area) and 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 proposal for conversion would allow for the phased establishment of a mixed use redevelopment that would be complementary to and compatible with the existing and planned urban transformation south of Downsview Park along Wilson Avenue. The development of the Subject Lands would permit a mixed use redevelopment, as exemplified in the Demonstration Plan (shown below in **Figures 2 and 3**; attached hereto as **Appendix A**), that would consist of a mixture of low, mid and high-rise buildings containing office, retail, service commercial large format retail (in an urban format), and residential uses. A mixture of open spaces, roads and amenities would be accommodated within a master planned community. Lastly, a mix of tenures, residential unit sizes and affordability (in accordance with City policies at the time of future development applications) would be accommodated. This request was supported by a Planning Justification, Traffic Impact Assessment and a Compatibility Study.



**Figure 2 – Demonstration Plan for a Possible Mixed Use Community**



**Figure 3 – Conceptual Massing of the Demonstration Plan for a Possible Mixed Use Community**

On July 22, 2022 City of Toronto Council adopted OPA 591. OPA 591 converted the Subject Lands (and those adjacent) and redesignated them as “Regeneration Area”. Through proposed Site and Area Specific Policy 789 in OPA 591, the Subject Lands (and adjacent lands) the conversion was made conditional on a number of requirements per below:

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

- a) *The lands shown on the Map will be subject to the Downsview Area Secondary Plan review, including the resulting land use plan.*
- b) *The lands shown on the Map may require one or more District Plans to be developed to the satisfaction of the City. The revised Downsview Area Secondary Plan may:*
  - i) *establish criteria by which certain development may proceed in the absence of a District Plan. District Plans; and*
  - ii) *where required, outline development principles and guidelines for each district, to be implemented through development applications such as Zoning By-laws and/or Plans of Subdivision.*
- c) *Development will provide a minimum non-residential gross floor area of 21 percent of the total gross floor area. The permitted uses, distribution, and phasing of the minimum*

*required non-residential gross floor area will be determined through the Downsview Area Secondary Plan review.*

- d) *Complete applications to introduce sensitive land uses, where permitted following the completion of the Downsview Area Secondary Plan review, will be required to submit a Compatibility/Mitigation Study in accordance with the Compatibility/Mitigation Policies set out in Section 2.2.4 of the Official Plan. In addition to the requirements identified in the Official Plan, the Compatibility /Mitigation Study will also identify potential and/or required mitigation measures for sensitive land uses adjacent to or near Highway 401 and Allen Road.*
- e) *Where permitted, new development containing residential units will secure a minimum amount of affordable housing as follows:*
  - i) *if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; or*
  - ii) *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*
  - iii) *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.*
- f) *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 e) 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.*
- g) *The provision of affordable housing required by Policy e) and Policy f) shall be secured through one or more agreements with the City.*
- h) *The use of holding provisions may be used to ensure the required affordable housing is secured. 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.*
- i) *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 e) and Policy f) will*

*no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy e) and Policy f) above.”*

In addition, the City of Toronto adopted Official Plan Amendment 575 (“OPA 575”) which designated the Subject Lands and those adjacent to the Wilson TTC Subway Station as a Major Transit Station Area (“MTSA”).

## **Request of the Province**

While our clients are appreciative of the conversion from employment lands, the conditions imposed on the request are onerous, creating additional, unnecessary approval process and represent an overreach of municipal requirements beyond those which should be imposed. The conditions and resulting approvals process will substantially delay the ability of the Subject Lands to redevelop as envisioned to provide much needed housing units.

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. The Subject Lands should be designated Mixed Use Area not Regeneration Area**

The City has redesignated the Subject Lands as Regeneration Area on Map 11 of OPA 591. With this in mind, there is no other reason to have the lands designated as Regeneration Area, which is intended as a place holder until the City undertakes a Secondary Plan process.

While this permits the conversion, this designation (along with the text of SASP 789) place the Subject Lands into a further Secondary Plan process (namely the “Update Downsview” process). The Update Downsview Secondary Plan process involves significant landholdings to the north and west, representing the former Bombardier manufacturing facility and Downsview Airport lands. The Update Downsview Secondary Plan process is only in Phase 2 of 5 and has yet to include any substantial details relative to the Subject Lands. Similar to other City Secondary Plan processes, we anticipate the Update Downsview Secondary Plan process to take at least three years to complete and is further subject to potential appeals to the Ontario Land Tribunal (adding further delays).

It is our client’s opinion that incorporation of the Subject Lands in the Update Downsview Secondary Plan process is not necessary as all necessary review can occur through a Zoning By-law Amendment and / or Draft Plan of Subdivision process specific to the Subject Lands. Further, the Subject Lands are physically separated from the Downsview lands by Wilson Avenue and there are existing examples of mixed use development which have proceeded separately from the Downsview Area Secondary Plan process (i.e. lands to the immediate west of Costco; lands on the south and north of Wilson Avenue, east of Allen Road).

It is therefore appropriate and reasonable to designate the lands as Mixed Use Area and request the Province to do so accordingly on Map 11 of OPA 591.

## 2. **Conditions Related to the Secondary Plan should be removed from SASP 789**

Per the above commentary, should the Province agree that the Subject Lands be designated Mixed Use Area, then any reference to the Downsview Area Secondary Plan review should be removed from SASP 789. This would include:

- Deletion of Provision a)
- Deletion of Provision b)
- The second sentence of provision c) being replaced by:

“Development will provide a minimum non-residential gross floor area of 21 percent of the total gross floor area for each of the sites. The permitted uses, distribution and phasing of the minimum required non-residential gross floor area will be determined through the Zoning By-law Amendment process.”

- In the first sentence of provision d) “...where permitted following the completion of the Downsview Area Secondary Plan review” is deleted.

## 3. **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, they are not located within a Protected MTSA (where Inclusionary Zoning can be requested). Despite this, the City has introduced Inclusionary Zoning conditions in SASP 789 (provisions e) to i). 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 789, 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 proposed conversion would allow for a planning and design framework to be established accommodating the type of development illustrated in the accompanying Demonstration Plan providing for ground-floor commercial-retail uses, office uses, a variety of housing tenure, unit sizes and affordability at a transit supportive development densities of 2.5 to 3.5 FSI.

The Subject Lands represent a unique opportunity where a conversion is appropriate, given that the existing uses on the Subject Lands represent an underutilization of the Subject Lands in comparison to the

mixed use redevelopment that could be accommodated, and also considering the limited impact the removal of the 11 ha Subject Lands from the Employment Area designation 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 rather for an existing retail / commercial plaza. The proposed conversion would allow redevelopment for the efficient use of the land and the optimization of infrastructure while maintaining a retail-commercial planned function through integration of these uses into a mixed use urban format. Employment on the Subject Lands could be further increased through the provision of over 600,000 sq ft of office floor space, resulting in approximately 2,775 jobs being accommodated on the Subject Lands.

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

- The proposed conversion will support the TTC Wilson Station (an area which meets the definition of a MTSA under the Growth Plan) at an anticipated density of up to 3.0 FSI given that the Subject Lands are located in proximity to this station.
- The proposed conversion would allow for a transit-oriented development to occur which would include the provision for a variety of housing tenures, unit sizes and affordability (in accordance with City policies) within walking distance the TTC Wilson Station.
- The proposed conversion for the Subject Lands is compatible and complementary with an evolving transformative mixed use vision for the surrounding lands, including the Tippett Road mixed use area, the OPA 362 mixed use area and the future Downsview Airport lands redevelopment.
- The planned closure of the Downsview Airport represents a shift away from the large employment area to the north the Subject Lands and represents the changing character of the neighborhood and planning context predicated on the presence of an active airport. This monumental shift in the land uses in and around the Downsview Airport lands creates and demonstrates a need for conversion once the height restrictions imposed as a result of a neighbouring operational airport are removed .
- The location of the Subject Lands along the fringe of a former employment area (and directly along a major arterial road) is more appropriate for mixed use redevelopment, but not ideal for attracting employment land employment businesses, including manufacturing, processing, warehousing, and distribution. This may be attributed to shifts/trends towards service based employment uses, and the emerging mixed use vision unfolding surrounding the Subject Lands as noted above.
- A mixed use redevelopment of the Subject Lands would be compatible with the existing and planned context through the use of standard mitigation measures.
- The Subject Lands are fully serviced with water, wastewater and stormwater services so more intensive development would ensure the optimization and efficient use of existing municipal infrastructure for the proposal.
- The surrounding road network can accommodate a planning and design framework for the Subject Lands with a range of land uses at a transit supportive density as shown in the Demonstration Plan.

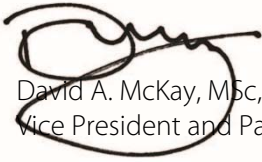
The issue as discussed above is the approach the City has taken. In our opinion, the designation as Mixed Use Area rather than Regeneration Area meets the intent and purpose of the policies with respect to employment land conversions as outlined in the Growth Plan and the City of Toronto Official Plan. The conditions imposed by the City through OPA 789 cause substantial delay through the imposition of tying the request to the Downsview Area Secondary Plan which is unnecessary for the lands south of Wilson Avenue (inclusive of the Subject Lands). Any conditions or requirements for development can occur through a future Zoning By-law Amendment and / or Draft Plan of Subdivision process. Lastly, the imposition of Inclusionary Zoning provisions, as drafted in SASP 789, 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**

A handwritten signature in black ink, appearing to read 'David A. McKay', is written over a light yellow rectangular background.

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

cc: *Client*  
*Project Team*

Encl.



# Appendix **A**

DEMONSTRATION PLAN FOR CONVERSION REQUEST

## **DOWNSVIEW SOUTH**

First Long Weekend Developments - SmartCentres



WestonWilliamson+Partners



### Downsview South Concept Masterplan

- Study Boundary
- Potential Future Connection
- Potential Signalized Intersection

Land Uses

- Low-Rise
- Mid-Rise
- Large Format Retail
- Commercial / Office
- Retail at Grade

N

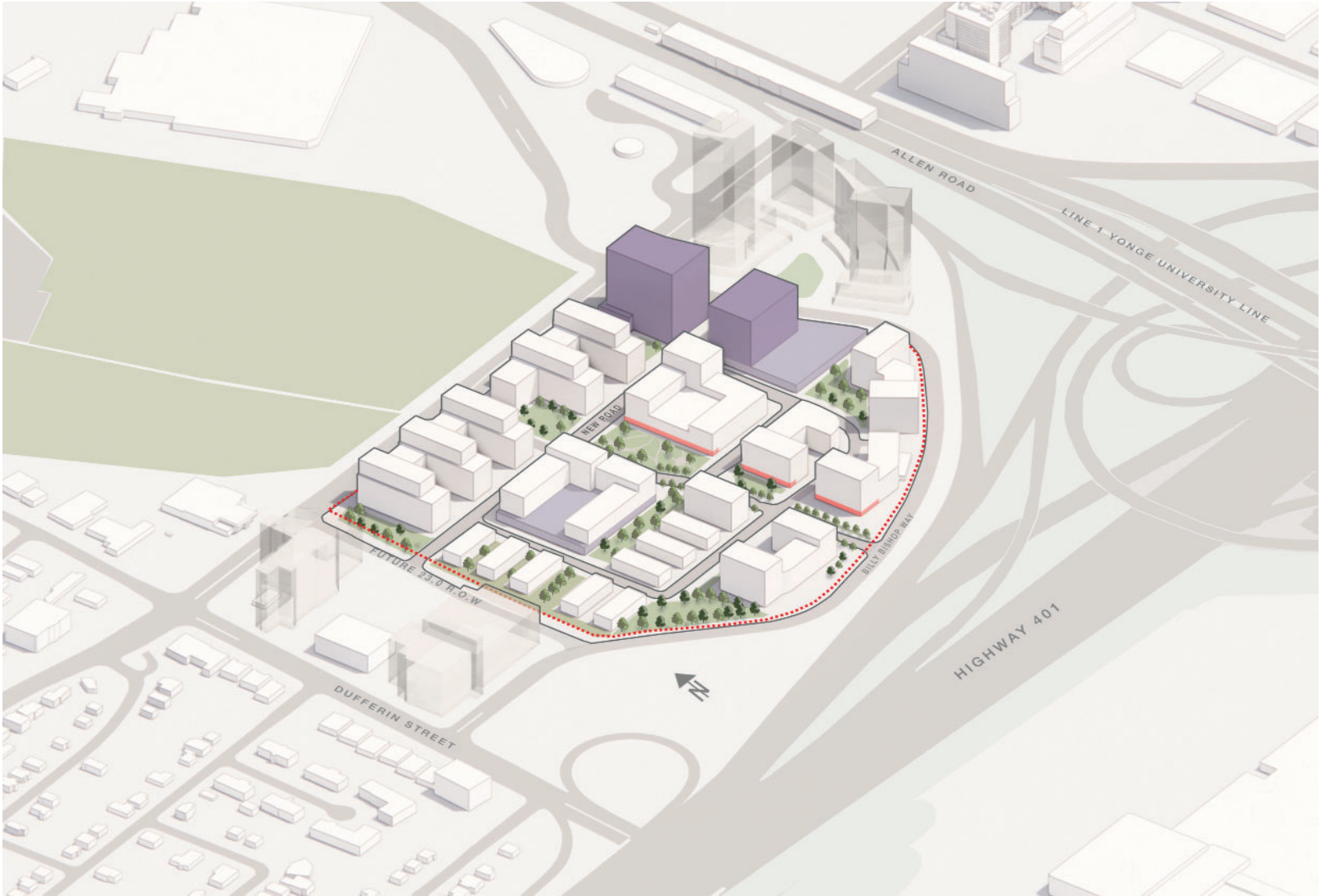
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VIEW FROM SOUTHEAST



VIEW FROM NORTH

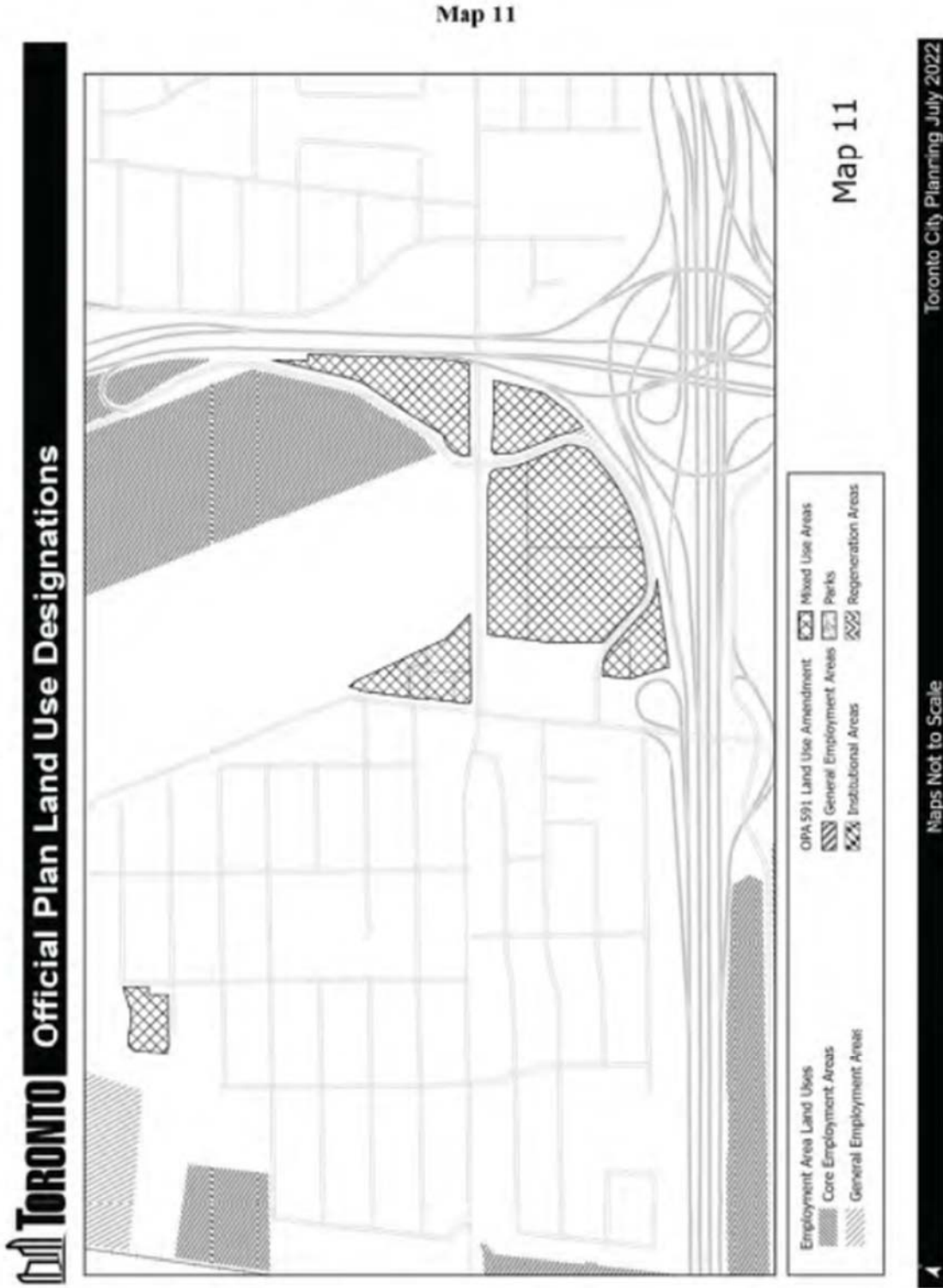


VIEW FROM SOUTHWEST

# Appendix **B**

# Appendix B – Revised OPA 591 Mapping and SASP 789

Revised Map 11

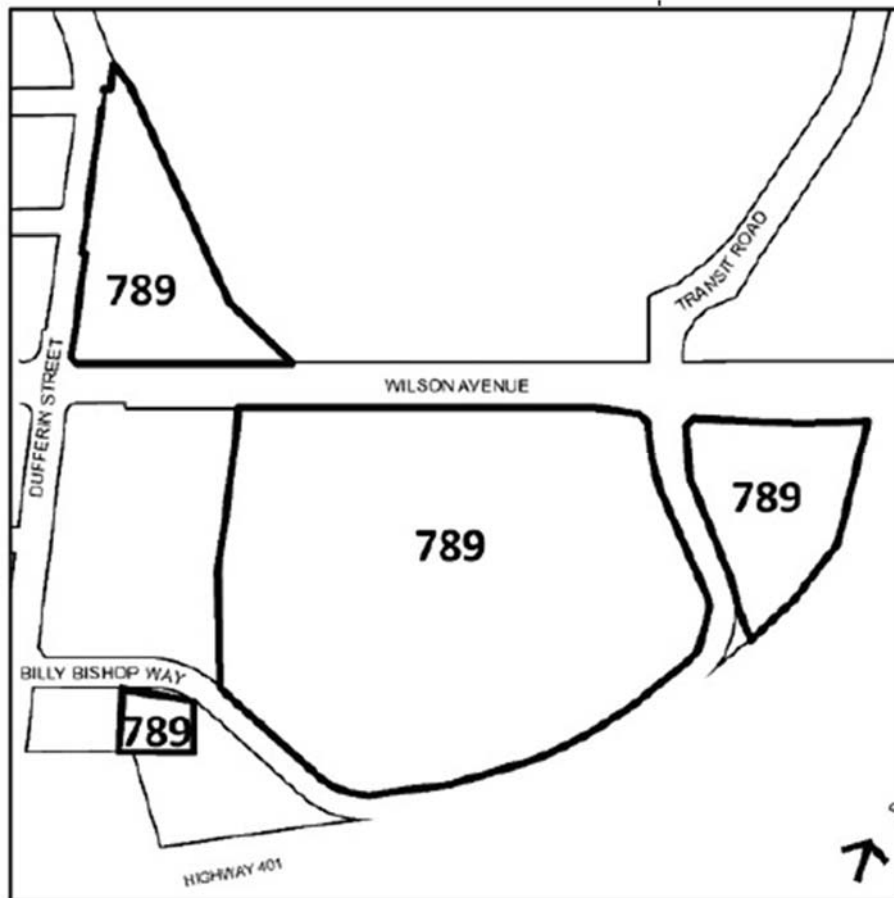




## Revised SASP 789

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy 789 for the lands generally along Wilson Avenue between Dufferin Street and Allen Road, as follows:

### **'789. Wilson Avenue and Allen Road**



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

- a) Development will provide a minimum non-residential gross floor area of 21 percent of the total gross floor area for each of the sites. The permitted uses, distribution and phasing of the minimum required non-residential gross floor area will be determined through the Zoning By-law Amendment process.
- b) Complete applications to introduce sensitive land uses will be required to submit a Compatibility/Mitigation Study in accordance with the Compatibility/Mitigation Policies set out in Section 2.2.4 of the Official Plan. In addition to the requirements identified in the Official Plan, the Compatibility /Mitigation Study will also identify potential and/or required mitigation measures for sensitive land uses adjacent to or near Highway 401 and Allen Road.