

January 17, 2023

Hon. Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street - 17th Floor  
Toronto, Ontario  
M7A 2J3

Dear Minister Clark;

**Re: Toronto Official Plan Amendment 591  
ERO Number 019-5868  
Ministry Reference Number 20-OP-222176**

---

**Toronto Official Plan Amendment 591  
Conversions and Related Matters  
Modification for Site and Area Specific Policy 790  
347 to 375 Kennedy Road**

We act for Laurier Paradise Kennedy with respect to the lands at 347 to 375 Kennedy Road, in the Scarborough Junction Triangle, Toronto. We are writing to ask that Toronto OPA 591 be modified to fully convert the subject lands by designating them as mixed use, matching the designation of the neighbouring lands to the north in OPA 591. As adopted by Toronto, OPA 591 only partially converts the subject lands by designating them as “regeneration area”.

The City’s adopted “regeneration area” designation simply creates a lengthy bureaucratic process, that will delay the delivery of approximately 2,345 units of housing on this site for many years to come. The process is intended to provide for the development of a secondary plan to allow comprehensive planning of the area. But integrated planning of the triangle area has already taken place, and most of the triangle is now approved for development to proceed.

Applying the regeneration area designation to the subject lands constitutes a classic example of unnecessary red tape and process delaying the delivery of much needed housing supply. This red tape and delay can easily be eliminated by designating the subject lands as mixed use area.

This can be done by eliminating the Site and Area Specific Policy Area 790, and including the subject lands in Site and Area Specific Policy Area 797.

**Toronto Council Saw the Regeneration Area Designation as Unnecessary on the Lands to the North and Designated them as Mixed Use - The Same Principles Apply to the Subject Lands, Which Should Also be Designated as Mixed Use**

On July 22, 2022, at its last Council meeting, Toronto adopted Official Plan Amendment 591. This amendment dealt primarily with conversions from employment designation as part of the City's Municipal Comprehensive Review that it wished to accelerate. (Most conversion requests are still being studied, and will not be decided until at least next year).

One of the areas the City included in OPA 591 is known as the "Scarborough Junction Triangle", which includes the Scarborough GO Major Transit Station Area. The subject lands, 347 to 375 Kennedy Road, are on the east side of Kennedy, north-west of the railway, and are located within the Major Transit Station Area and the Scarborough Junction Triangle.

The north-east portion of the triangle already had conversion approved and an apartment neighbourhood designation (by the OMB in July 2012, following a settlement with the City).

Toronto Planning staff recommended a regeneration area (requiring comprehensive study of things like road patterns, etc.) for the balance of the lands in the Scarborough Junction Triangle, in their report to Council for OPA 591.

However, at the Council meeting in July 2022, there was a walk-on motion to separate the lands directly north of the subject lands, and to skip the "regeneration" designation step, immediately designating them as "mixed use".

The result is that OPA 591 includes a modified Site and Area Specific Policy 790, applying it only to the remnant parcel in the triangle designating it as regeneration area. The new Site and Area Specific Policy 797 is established in OPA 591, which now designates the northern part of what was to be the regeneration area, as mixed use instead.

The designation of the remnant parcel as regeneration to allow “comprehensive planning” of the triangle makes little sense, since the overwhelming majority of the lands in the triangle are already designated for uses including residential. In any event, the owners of 347 to 375 Kennedy have worked in co-operation with the other owners in the Triangle to ensure a co-ordinated logical plan for development and road infrastructure.

At stake is the potential to deliver 2,345 housing units on a timely basis on the 347 to 375 Kennedy Road lands.

It would make sense for all the lands in the triangle to be treated in the same way.  
**The Minister should modify OPA 591 as follows:**

- 1) Change the “OPA 591 Land Use Designation” in the table in section g) that applies to 347, 357, 375 and 399 Kennedy Road from “Regeneration Areas” to “Mixed Use Areas”.**
- 2) Expand the map for Site and Area Specific Policy 797 to include the lands from 347 to 375 Kennedy Road.**
- 3) Delete Site and Area Specific Policy 790.**

This simple change will avoid years of unnecessary delay in the delivery of housing that will otherwise be caused by the pointless red tape created by the regeneration area designation in Site and Area Specific Policy 790.

## The Scarborough Junction Triangle

The plan below shows the 40 acre Scarborough Junction Triangle. The north-east portion along St. Clair is already converted and designated apartment neighbourhood.



Figure 3 - Aerial Photo - Scarborough Junction Triangle Lands

The 10 acre 347-375 Kennedy site is outlined in red. The lands subject to special policy area 797 are those directly north of the subject site.

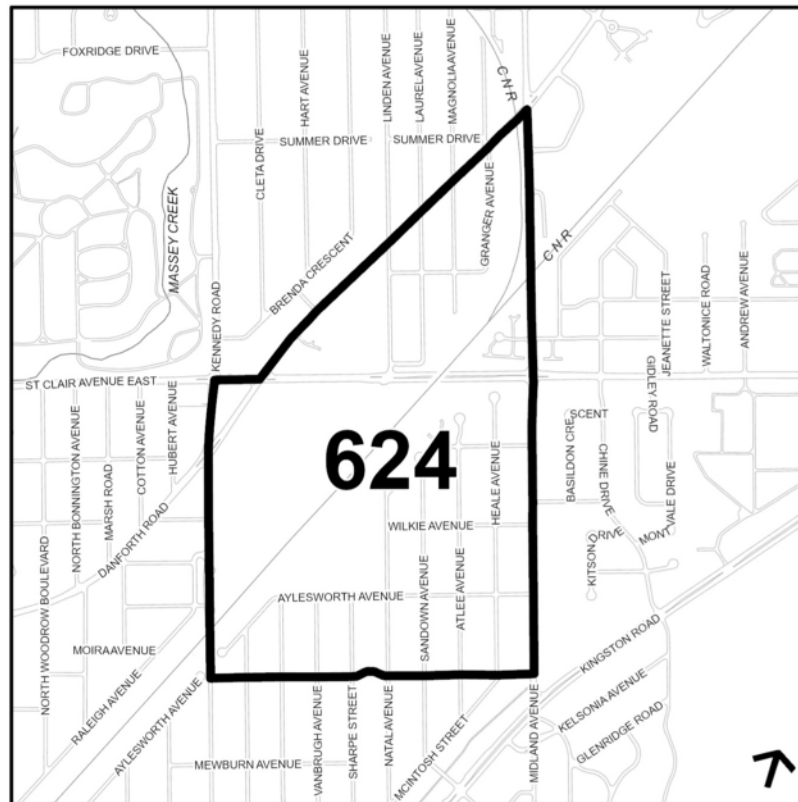
## **Requiring Regeneration Area and a Secondary Plan for only a Small Minority of the Triangle Makes No Sense - All Lands Should be Mixed-Use**

The Lands at 347 to 375 Kennedy represent only a small minority of the lands in the Scarborough Junction Triangle. The purpose of the “Regeneration Area” designation in Toronto’s planning architecture is to allow an employment area - often in large parcels - to be studied and comprehensively planned, through a Secondary Plan process. In the case of the Scarborough Junction Triangle, OPA 591 (after the change at Council) proposes to apply that designation in such a small part of the area, that the concept of “comprehensive planning” cannot apply. The balance of the lands have been given the green light to proceed.

Like the lands to the north, the 347 to 375 Kennedy parcel has had substantial planning undertaken, covering the type of issues that would be the subject of a secondary plan process.. As such, comprehensive planning has essentially already taken place. The regeneration designation will only serve to delay the delivery of much needed housing in a Protected Major Transit Station Area.

Below is the schedule from Toronto OPA 570 designating the area around the Scarborough GO Station, including the Scarborough Junction Triangle, as a Protected Major Transit Station Area.

**Map 1 – Scarborough GO Protected Major Transit Station Area**



**Site at 347 to 375 Kennedy Has Been Thoroughly Planned, and Should be Designated Mixed-Use Now, Just as is Happening with the Abutting Lands**

Bousfields are the planning consultants for the owners. In addition to the planning report submitted together with this submission to the Environmental Registry, they originally prepared a 146 page planning justification report to support an application to develop the subject lands.



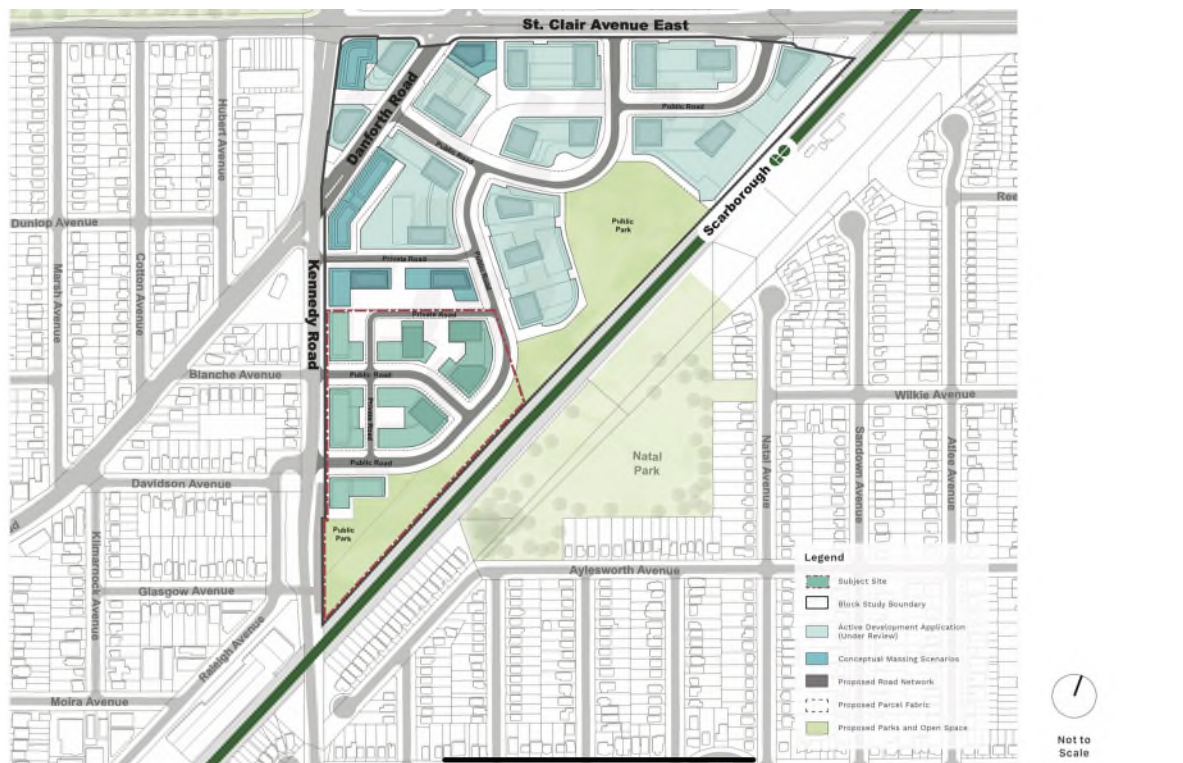
The report concludes that:

*“In summary, the Proposal seeks to create a new transit-supportive mixed-use community comprised of a mix of uses, built form typologies and densities supported by a new public park, public and private roads, and open spaces that will reurbanize this portion of Kennedy Road....*

*“In our opinion, the Proposal represents good planning and urban design, and reflects an exciting opportunity to create a new, transit supportive, complete community. In summary, the Subject Site has been planned to optimize the use of land and infrastructure and will reurbanize an underutilized site.”*

In addition, several technical studies support the designation of the lands for the proposed mixed-use development:

- Transportation Impact Study
- Community Services & Facilities
- Functional Servicing and Stormwater Management Report
- Noise and Vibration
- Land Use Compatibility



The removal of the lands to the north from the regeneration was justified by the fact that detailed study has already been undertaken for those lands. As the above demonstrates, the same principle applies to the 347 to 375 Kennedy Road lands. They have been the subject of extensive technical and planning study, all supporting their development for mixed-use, in a fashion that works well together with the balance of the lands in the Scarborough Junction Triangle.

### **Delay of Designations for 347 to 375 Kennedy Will Delay Delivery of Needed Housing, and the Completion of a Significant Park, and Linear Pedestrian Connections to the Scarborough GO Station for this Community**

The proposed development of the lands will complete a substantial linear park together with neighbouring lands. This will provide a safe and pleasant pedestrian connection to the Scarborough GO Station for the substantial residential community to the west of the site.

In addition, the proposal for this site involves a proposed 2,345 dwelling units involving a healthy mix of one, two and three bedroom apartments as well as townhouses. This significant addition of housing supply can make a critical difference to the housing opportunities for future residents - and help make a difference in adding to the overall housing supply coming on-line in the face of the current demonstrated shortage.

Delaying the delivery of this housing for unnecessary duplicative planning study, (which will almost certainly arrive at the same destination as the current planning work), would represent a failure of public policy. The fact that mixed-use planning permissions for the overwhelming majority of land in the Scarborough Junction Triangle are already in place or adopted, leaves little room for change from the existing proposal for 347 to 375 Kennedy Road. As such, there is little public benefit to be gained from further delay - it would only hurt the timely delivery of housing, while increasing the cost of delivering that housing.



## **Site and Area Specific Policy 790, as Adopted by the City in OPA 591 Would Significantly Delay the Delivery of Housing**

The Site and Area Specific Policy 790 in OPA 591 adopted to apply to the subject lands will create significant delay in their development.

For example, the policy requires that no residential uses can be introduced until a Secondary Plan is adopted. The process for adopting such a Secondary Plan at the City takes several years of study, and policy development.

The adoption of a Secondary Plan that applies only to this remnant parcel in the Scarborough Junction Triangle does not make sense when the overwhelming majority of land in the Triangle is not part of the Secondary Plan. In general, the parcel at 347 to 375 Kennedy Road is too small (4.3 HA) to represent a practical and meaningful Secondary Plan - especially when neighbouring lands will be dealt with through application related Official Plan Amendments and rezonings.

The Site and Area Specific Policy 790 requires that the Secondary Plan study be “informed by” the review of “nearby Official Plan Amendment Applications, Zoning By-Law Amendment Applications, and Draft Plan of Subdivision Applications.” This means, in practice, that the Secondary Plan for the subject lands can only be considered AFTER the applications on neighbouring lands have been approved. There is no benefit to be gained from building in such a structural delay on these lands for several years before its planning approvals can proceed.

In addition, the Site and Area Specific Policy 790 requires the following as components of the Secondary Plan, with associated studies to develop them:

- Land Use Plan
- Phasing Strategy
- Infrastructure Master Plan
- Community Services and Facilities Strategies
- Parks and Open Space Plan
- Block Context Plan



## **The Provisions of Site and Area Specific Policy 797 Should Apply to 347 to 375 Kennedy Road**

Toronto Official Plan Amendment 591, in the land use designation table under section g), designates the subject lands as “Regeneration Areas”. In contrast, as a result of the amendment at Council, the lands to the north are designated as “Mixed Use Areas”.

The lands to the north are now covered by Site and Area Specific Policy 797, which contains none of the provisions requiring a Secondary Plan or the type of studies and delays required by Site and Area Specific Policy 790 on the lands to the south.

It merely addresses a manner for dealing with the subject of affordable housing going forward.

There is no planning reason or other justification for the differential treatment of the lands as between Site and Area Specific policies 790 and 797.

A copy of the entire Site and Area Specific Policy 797 is below:

\*\*\*  
**'797. 3569, 3577, St. Clair Avenue East, 641, 661, 663, 619, 621, 625, and 627 Danforth Road; and 405 Kennedy Road**



- a) Affordable housing requirements will be determined through the review of the Zoning By-law Amendment Application, including the review of density permissions. Such affordable housing will be secured through one or more agreements with the City.

## **Current Employment Land Uses on Site are Not Viable, and Provide Few Jobs**

The current employment land uses on site mostly represent small scale re-use of buildings originally constructed for other purposes. They employ very few people. Among others, the existing uses include two buildings used as storage space for a moving company, and a building used by a skin care products company, and a furniture rental company.

The City planning staff have concluded that conversion is appropriate, as reflected by the inclusion of the lands in Official Plan Amendment 591, which is a City amendment dealing with conversions.

In fact, it is anticipated that the redevelopment of the lands as Mixed Use will result in significantly more jobs than is the case currently on the site.

The conversion from employment meets all the City and Provincial tests for conversion from employment to mixed use.

## **The Subject Site Satisfies the Tests in Growth Plan Policy 2.2.5.9 for Conversion**

The subject site satisfies the tests in policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe. City of Toronto Planning staff agree, and on that basis have proposed that the employment designation is no longer appropriate on the subject lands.

The proposed conversion satisfies the tests as follows:

- There is a demonstrated need for the housing that this proposal will deliver. Ontario, and Toronto are facing a serious housing crisis. The 2,345 units proposed for this site will make a meaningful contribution to housing supply.
- The lands are not required for employment over the horizon of the plan. The market has concluded that the lands are poorly located for the type of space extensive uses usually protected for by employment designation. As a result, the current uses produce few jobs, and are for lower value activities such as furniture storage and mover's storage.
- The municipality will maintain sufficient lands for employment in the future. Space extensive employment uses are better located in areas in closer proximity to highways like the 401. The City's main job growth is in creative industries, that tend to be located in mixed use areas.
- The conversion of the site to mixed use will mean that all parts of the Scarborough Junction Triangle have been converted from employment. As a result, the conversion will not have an adverse impact on the viability of the rest of the employment area.
- The area is well-served by infrastructure, community services, and public transit. It is located in the Scarborough GO Protected Major Transit Station Area.

As such, it is appropriate that the subject lands be converted to mixed use area by modification to Toronto Official Plan Amendment 591.

**Conclusion: A Modification To Toronto Official Plan Amendment 591 Can Speed the Delivery of Housing, and Parks, in a Protected Major Transit Station Area, and Ensure Equitable Treatment of Similar Lands**

The province should, through modification of Official Plan Amendment 591, accelerate the delivery of 2,345 units of much needed housing.

In addition, it will ensure the establishment of an important linear park and pedestrian connection for thousands of existing residents to the Scarborough GO Station.

It will ensure that lands in similar circumstances are treated fairly and equitably.

**The Minister should modify OPA 591 as follows:**

- 1) Change the “OPA 591 Land Use Designation” in the table in section k) that applies to 347, 357, 375 and 399 Kennedy Road from “Regeneration Areas” to “Mixed Use Areas”.**
- 2) Expand the map for Site and Area Specific Policy 797 to include the lands from 347 to 375 Kennedy Road.**
- 3) Delete Site and Area Specific Policy 790.**

Yours sincerely,



AIRD & BERLIS LLP

Hon. Peter Van Loan  
Partner

HV