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February 2, 2023

Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Attention: Hon. Minister Steve Clark, Minister of Municipal Affairs and Housing

Dear Hon. Minister Clark,

**RE: 440 Unwin Avenue, City of Toronto
ERO No.: 019-5868
Request to Modify City of Toronto Official Plan Amendment 591**

I represent Studios of America, the owner of the lands municipally known as 440 Unwin Avenue in the City of Toronto (the "Hearn Property"). The Hearn Property is located on the north side of Unwin Avenue, between Leslie Street and Cherry Street in the Port Lands area of the City of Toronto.

The Hearn Property is currently developed with the Hearn Generating Station, which is a decommissioned electrical generating station that ceased operations in 1983. In 2002, the site was leased to Studios of America and its primary use was for film shoots and/or major events. In November 2018, the Province of Ontario sold the property to Studios of America.

Currently, the City of Toronto Official Plan designates the Hearn Property as *Regeneration Areas*, with no explicit residential permissions within the applicable Central Waterfront Secondary Plan. Studios of America is requesting a modification to Official Plan Amendment 591 ("OPA 591") to redesignate the Hearn Property to *Mixed Use Areas*, with explicit residential use permissions.

Amending OPA 591 to redesignate the Hearn Property as *Mixed Use Areas* would provide for the optimization of the use of land and existing and planned infrastructure on a site that is within a designated *Urban Growth Centre*. It is the City's intention to revitalize and transform the Port Lands area into a new and vibrant area, and the Hearn property offers a unique opportunity to realize this transformation.

The current restriction on residential uses on the Hearn Property serves to frustrate the infrastructure investments currently being made within the Port Lands area. Furthermore, to permit residential uses on the Hearn Property would provide new housing opportunities and would facilitate connectivity between the City and Lake Ontario, thereby contributing to the creation of dynamic and diverse communities.



Attached is a Planning Justification Report prepared by Bousfields Inc., which further describes the request and provides the proposed modification and site and area specific policy.

My client would be pleased to meet with you to discuss this request prior to a final decision being made.

I trust this is satisfactory, however should you require anything further please don't hesitate to contact me.

Yours truly,
LOOPSTRA NIXON LLP

Per: 

Quinto M. Annibale

QMA/aew



February 2, 2023

Quinto Annibale
Loopstra Nixon
130 Queens Plate Drive, Suite 600
Toronto, ON M9W 6V7

Dear Mr. Annibale:

**Re: Request to Modify City of Toronto OPA 591 Prior to Ministerial Approval
ERO File No. 019-5868
The Hearn, 440 Unwin Avenue, City of Toronto**

We are the land use planners for Studios of America, owner of the Hearn property located in the Port Lands area of the City of Toronto and municipally known as 440 Unwin Avenue (the "Hearn Property"). Currently, the City of Toronto Official Plan designates the Hearn Property as *Regeneration Areas*, with no explicit residential permissions within the applicable Central Waterfront Secondary Plan. A request that the Minister modify the adopted City of Toronto Official Plan Amendment 591 by redesignating the Hearn Property as "Mixed Use Areas", with explicit and unlimited residential permissions would be consistent with the planning approach that would allow for the development of a complete community at the Hearn Property.

Site

The Hearn Property is municipally known as 440 Unwin Avenue and is generally located on the north side of Unwin Avenue, between Leslie Street and Cherry Street. It is generally rectangular in shape and has a frontage of approximately 332 metres along Unwin Avenue and a depth of 313 metres. The Hearn Property has a total area of approximately 134,969 square metres (13.5 hectares or 33 acres). Please see the Location Map attached as Appendix A.

The Hearn Property is currently developed with the Hearn Generating Station, a decommissioned electrical generating station that ceased operation in 1983. The building has a footprint of 24,000 square metres and a height of 41 metres (or 13 typical residential storeys). In 2002, the site was leased to Studios of America and its primary use was for film shoots or major events. In November 2018, the Province sold the property to Studios of America.

In our view, the extensive infrastructure planning and investment in the Port Lands, much of which is focused on connecting the City to the water's edge, cannot be fully realized without more flexibility for living, working and playing in the Port Lands. To restrict the potential for residential development, including new housing opportunities, due to the potential for impacts

from existing industrial operations, is short-sighted and not appropriate. The modifications that are being requested would allow for residential development supported by appropriate studies to ensure compatibility with surrounding land uses. The site is not designated as an *Employment Area*, but a *Regeneration Area*, and it would therefore not technically be considered a conversion to permit residential uses. However, the request by Studios of America to modify OPA 591 to redesignate the subject site as *Mixed Use Areas* with an associated Site and Area Specific Policy would provide clarity that mixed use development, including residential development, is permitted on the Hearn Property. Please see the proposed Land Use Designations Map attached as Appendix B.

The current restriction on residential uses would not optimize the use of land and infrastructure on a site within a designated *Urban Growth Centre* that is proximate to the City's financial district as well as to existing and planned higher order transit. The current policies of the Central Waterfront Secondary Plan serve to frustrate the first and fourth principles of that Plan, which are to remove barriers and connect the city with Lake Ontario, and create dynamic and diverse new communities, respectively. With new connections, parks, and communities, the Port Lands is intended to be transformed from its industrial past into a number of new, vibrant districts with unique and memorable local identities and character that promote social interaction, cultural enrichment, ecological health, low carbon future, and a prosperous economy. The Hearn Property offers a unique opportunity to realize this transformation.

While the current City of Toronto Official Plan provides for a range of cultural, recreational and entertainment uses, restriction on residential uses will limit the ability for the site, and the Port Lands, to realize its true and full potential. With no residential permissions, there will be a lack of vibrancy and 24-hour stewardship of the area. The more restrictive approach was put forward by the City when the site was in public ownership. With the property now owned privately, the extremely limited range of permitted uses is not a reasonable or feasible approach to realizing the vast opportunities for the adaptive reuse of the Hearn Generating Station, or the opportunities that can be realized on this important site as a contributor to a complete community.

The current limitation on the range of land uses would unduly constrain the redevelopment potential of the Hearn Property and not adequately or appropriately optimize the infrastructure investments being made within the Port Lands. It would also not appropriately provide for investment that would be required to adaptively reuse and revitalise such a large brownfield site and heritage building. To optimize means to make the best or most effective use of lands and there is no rationale for not permitting residential uses on the Hearn Property. Preliminary findings with respect to air quality and noise impacts further indicate that there is no reason to limit residential permissions on the Hearn Property.

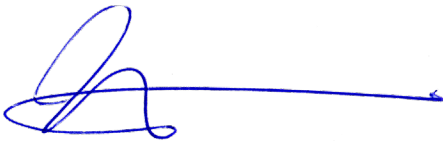
In our view, with the confined range of uses constraining the redevelopment potential of the Hearn Property, the integration and realization of planned infrastructure would be unduly

delayed and frustrated. Modifying OPA 591 to include the redesignation of the Hearn Property as *Mixed Use Areas* with explicit residential permissions would provide for a more appropriate range of land use permissions.

It is our opinion that the proposed modification to OPA 591 will provide a basis to facilitate the revitalization of the site as a complete community, the adaptive reuse of the heritage property incorporating new housing, and optimization of the planned infrastructure and investment in the area. Please find attached the Draft Modification and Site and Area Specific Policy as Appendix C.

I would be pleased to discuss this request at your convenience. Please do not hesitate to contact me.

Yours very truly,
Bousfields Inc.



Michael Bissett, MCIP, RPP

c. Studios of America

Appendix A – Location Map



Appendix B – Modification to Land Use Map



Appendix C – Draft Modification

Modification 1 - Amend Land Use Map to redesignate from Regeneration Areas to Mixed Use Areas

Modification 2 - Amend Chapter 7, Map 29 to add new Site and Area Specific Policy as follows

Site and Area Specific Policy

440 Unwin Avenue (the “Hearn”)

The subject site shall be intensified with mixed use development, including residential dwelling units, including tall building forms on and surrounding the existing Hearn structure. The residential permissions will be subject to the submission of appropriate studies demonstrating land use compatibility with surrounding land uses.

