

February 2, 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 Ms. Perdomo:

**RE: SUBMISSION ON OPA 591 – ERO #019-5868; MINISTRY #20-OP-222176
75 BILLY BISHOP WAY, TORONTO
OUR FILE: 07101D**

On behalf of our client, Manulife Financial (“Manulife”), 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 75 Billy Bishop Way (hereinafter the “Subject Lands”) and shown below on **Figure 1. We are requesting that the Province designate the Subject Lands as Mixed Use Area and to revise 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 the establishment of a high-rise mixed use development that would be complementary to and compatible with the existing and planned urban transformation south of Downsview Park along Wilson Avenue. This will be achieved by providing a mixed use development (including condominium and rental market housing) that consists of four high-rise towers being contemplated at 19, 19, 30 and 39 storeys. A privately owned publicly accessible space (“POPS”) is proposed to be located central to all buildings and will offer a pedestrian trail connections to the park space, TTC Wilson Station and surrounding proposed conceptual plans to the west (Downsview Power Centre). Refer to **Figures 2, 3** and **4** below and the design analysis contained in **Appendix A**. This request was supported by a Planning Justification, Design Analysis and a Compatibility Study.

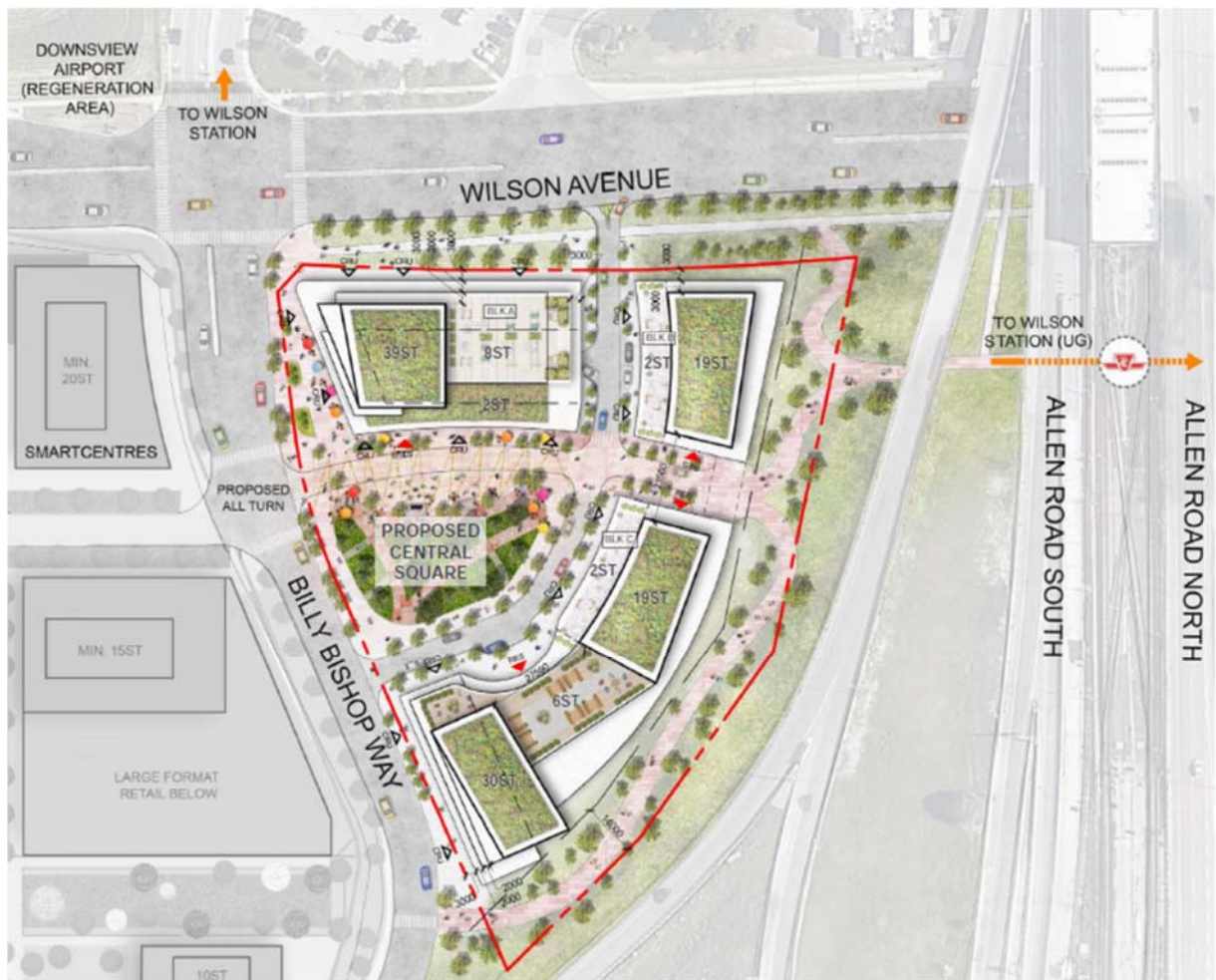


Figure 2 – Conceptual Plan showing Possible Mixed Use Development



Figure 3 – Conceptual Renderings of the Proposed Mixed Use Development (looking northeast)



Figure 4 – Conceptual Renderings of the POPS within the Proposed Mixed Use Development

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 proposal contemplates a high-rise mixed use development that will provide retail / service commercial uses, as well mixture of housing tenures and affordability in proximity to an underutilized transit station (Wilson TTC Station).

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 1.80 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.

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

- The proposal will support the TTC Wilson Station (an area which meets the definition of a MTSA under the Growth Plan) given that the Subject Lands are located immediately adjacent to the west of this station, which is compatible and in keeping with the existing mixed use character and intensification on the east side of TTC Wilson Station.
- The transit-oriented development will provide a mixture of housing tenures and affordability that is within walking distance and directly connected to the TTC Wilson Station.
- The proposed conversion is compatible and complementary with an evolving transformative mixed use vision which surrounds them, including the Tippet Road mixed use area, the OPA 362 mixed use area and the future the Downsview Airport lands redevelopment.
- The closure of the Downsview Airport represents a shift from original employment uses surrounding 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 future land uses in and around the Downsview Airport lands creates and demonstrates a need for conversion given the previous restrictions of the operational airport have been removed from the Subject Lands.
- The location of the Subject Lands along the fringes of an existing employment area (and directly along a major arterial road) is more appropriate for the proposed mixed use development, but not ideal for attracting traditional industrial businesses, including manufacturing, processing, warehousing, and distribution. This may be attributed to parcel size limitations, recent shifts/trends towards service based employment uses, and the emerging mixed use vision unfolding surrounding the Subject Lands as noted above.

- The Subject Lands will maintain the retail / service commercial uses existing today through incorporation into the podiums of the high rise buildings proposed.
- 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 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 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



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

cc: *Client*
Project Team

Encl.

Appendix **A**

75 Billy Bishop Way

Conversion Application

July 30th, 2021



Manulife

giannone
petricone
associates



Background History

Downsview Community

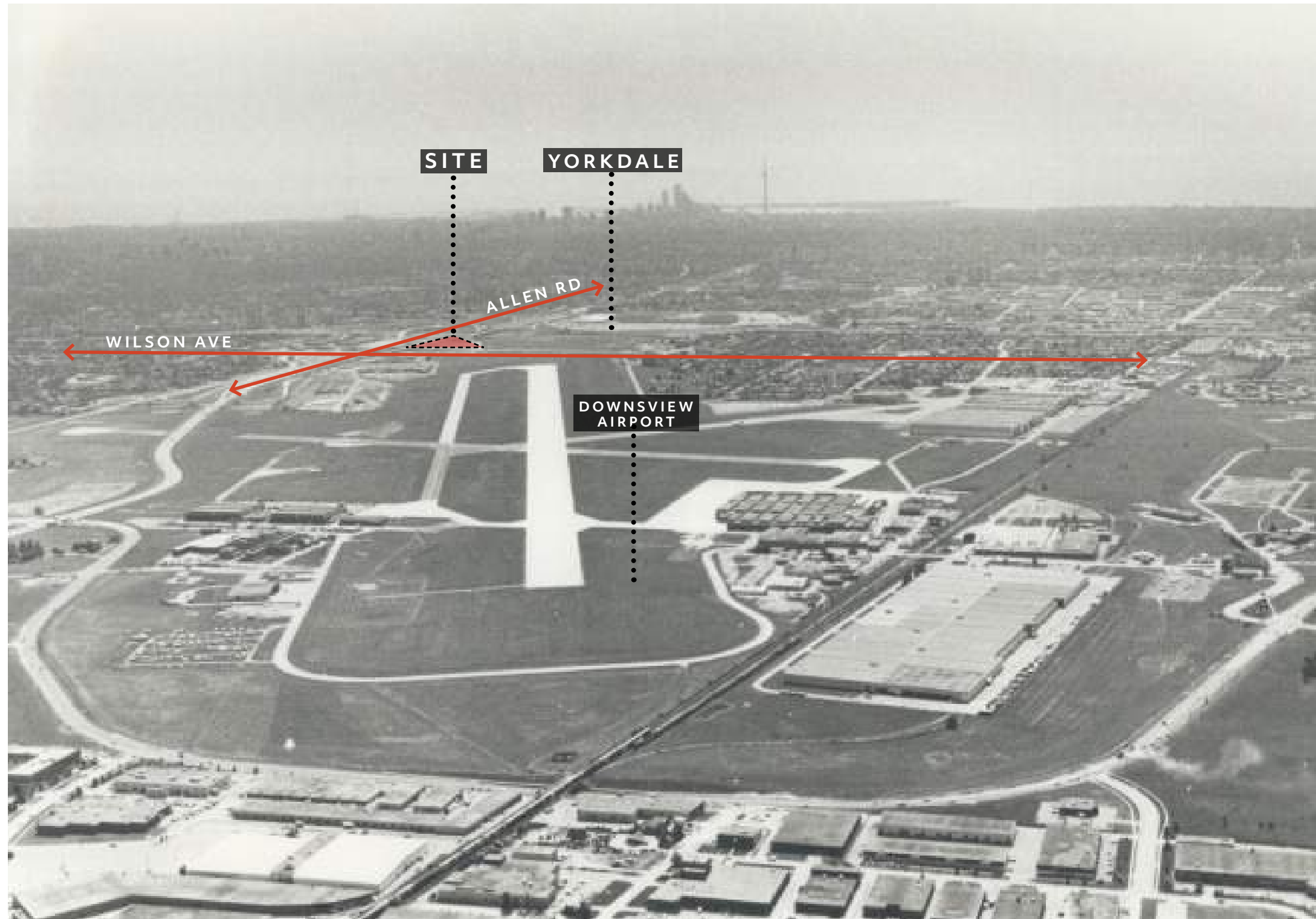
- First settlers arrived at Downsview after founding of York in 1793, following the American Revolution.

Downsview Airport

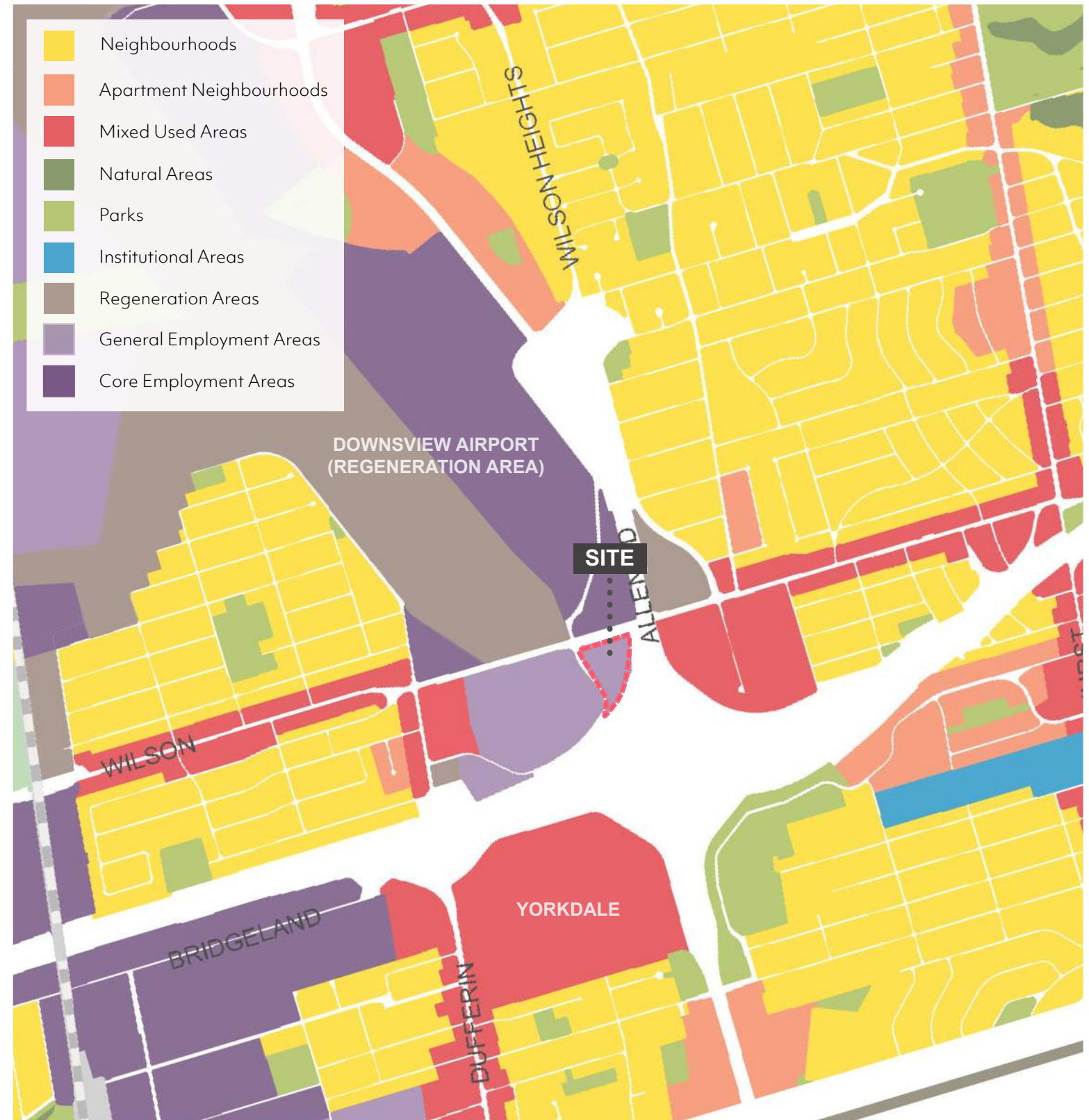
- Opened in 1929 as general aviation airfield by de Havilland Canada for testing aircrafts.
- Purchased by Department of National Defence with surrounding properties in 1947.
- Expanded airfield during WWII and renamed the site as Canadian Forces Base Toronto (Downsview) in 1968.
- Decommissioned Canadian Forces Base Toronto in 1996 and announced that the land will be planned for future developments to host recreational and broader public uses.

Yorkdale

- Completed in 1964, Yorkdale set a pattern for the future malls in Canada through its strategies of locating malls near transportation hub.
- A pioneering retail enterprises of this size and demonstrated the success to set directions for many malls in Canada.



Regional Connectivity & Official Plan





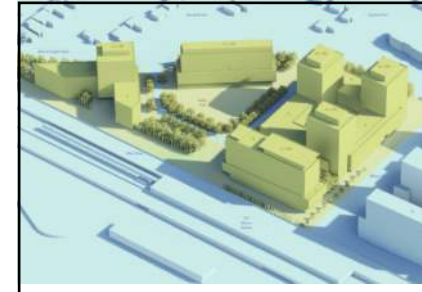
3401 Dufferin St
Proposed
50 Storeys



3621 Dufferin
Proposed
9 Storeys



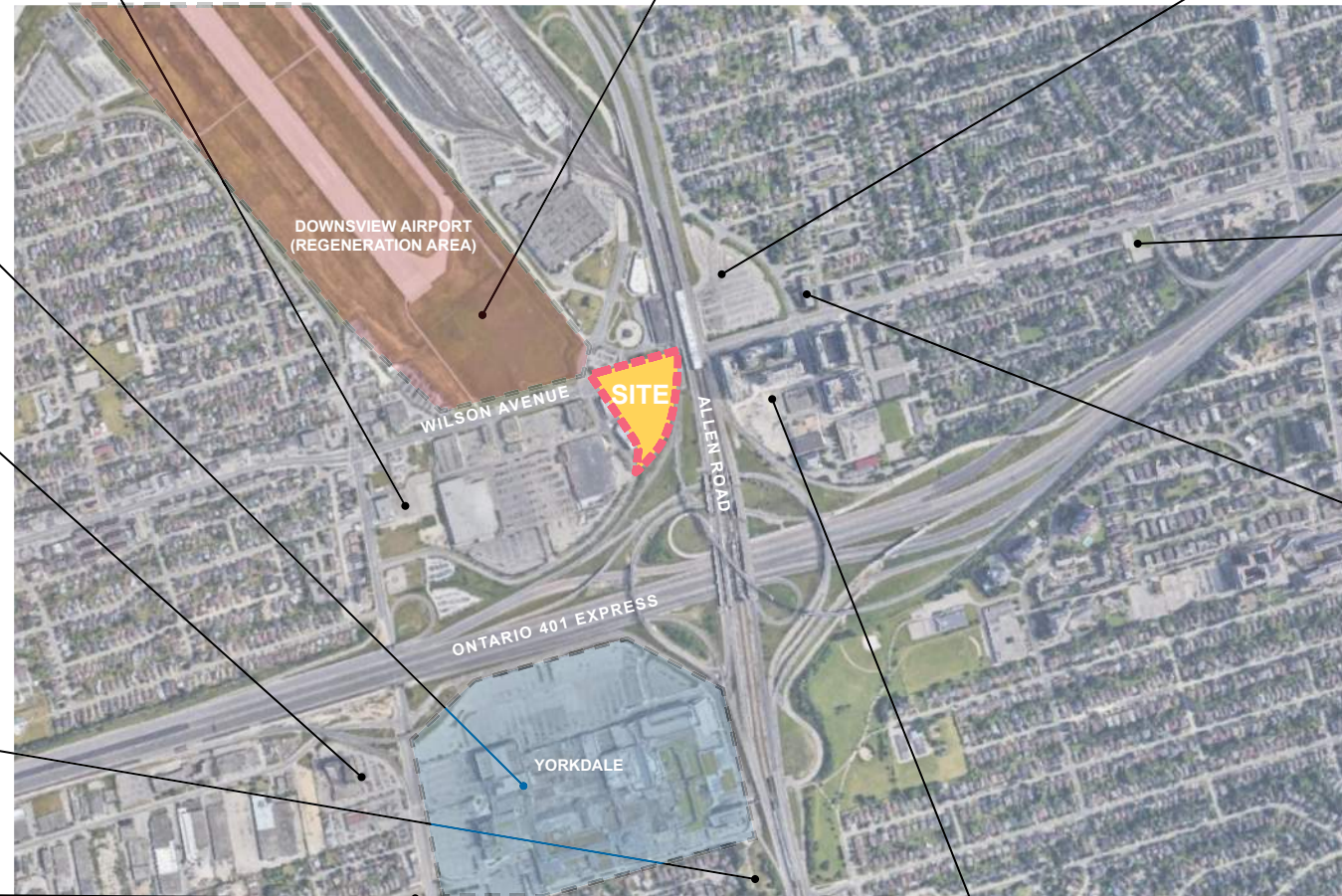
Downsview Airport
Land Study
N/A Storeys



50 Wilson Heights
Proposed
16 Storeys



3455 Dufferin
Construction
30 Storeys



379-381 Wilson Ave
Proposed
13 Storeys



Ranee Ave & Allen Rd
Construction
15 Storeys



530 Wilson Ave
Construction
12 Storeys



16 McAdam Ave
Complete
9 Storeys



30 Tippett Rd
Construction
13 Storeys



36 & 36R Tippett Rd
Construction
14 Storeys



4-6 Tippett Rd
Construction
16 Storeys



9 Tippett Rd
Complete
17 Storeys



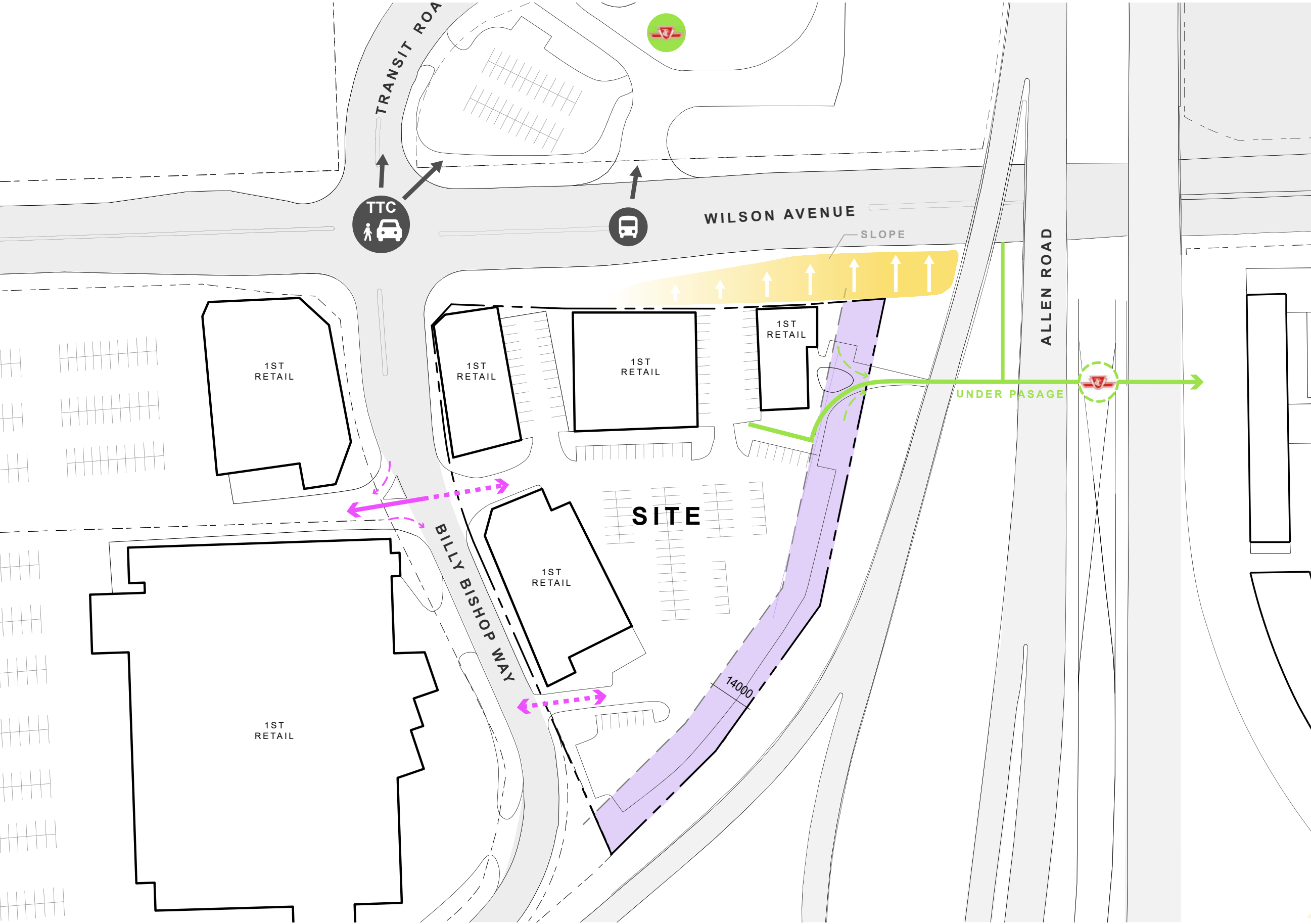
525 Wilson Ave
Complete
12 Storeys











545 Wilson Ave
Complete
14 Storeys

Site Context

Existing Site Conditions



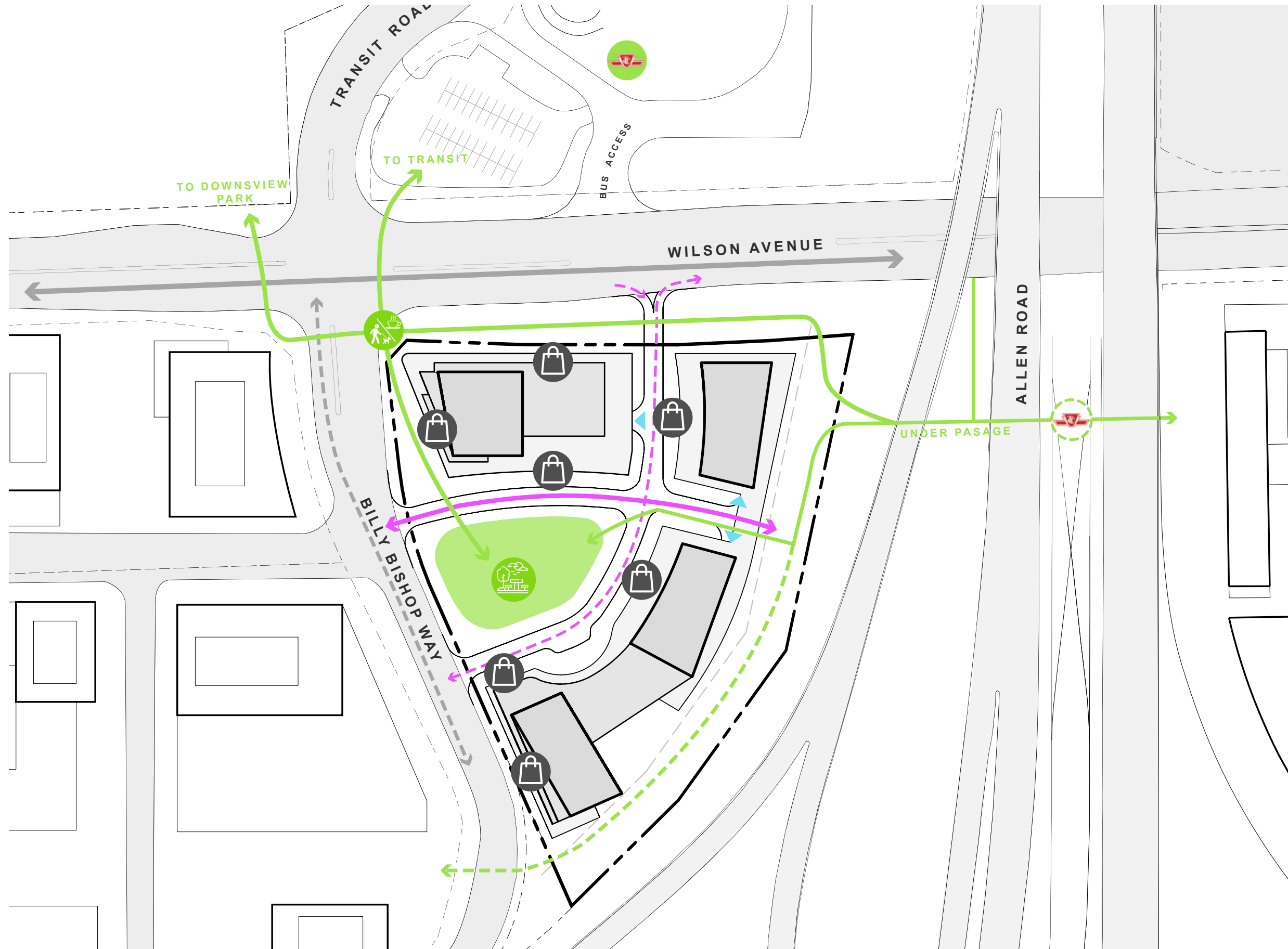
-  Vehicle & Pedestrian Access to Transit
-  Bus-only Access to Transit
-  Transit Hub
-  Access to Transit (Underground)
-  Connection Opportunity
-  Pedestrian Connection
-  MTO Buffer
-  Grading

Project Goals:

- Create transit-oriented mixed use development
- Create a network of neighbourhood public realm spaces that connects to existing and potential future pedestrian network
- Laminate retail along new public realm spaces; and more service oriented retail facing Wilson arterial road
- Introduce a more urban assemblage and architecture that is fitting to the future intensification of surrounding neighbourhoods

Big move

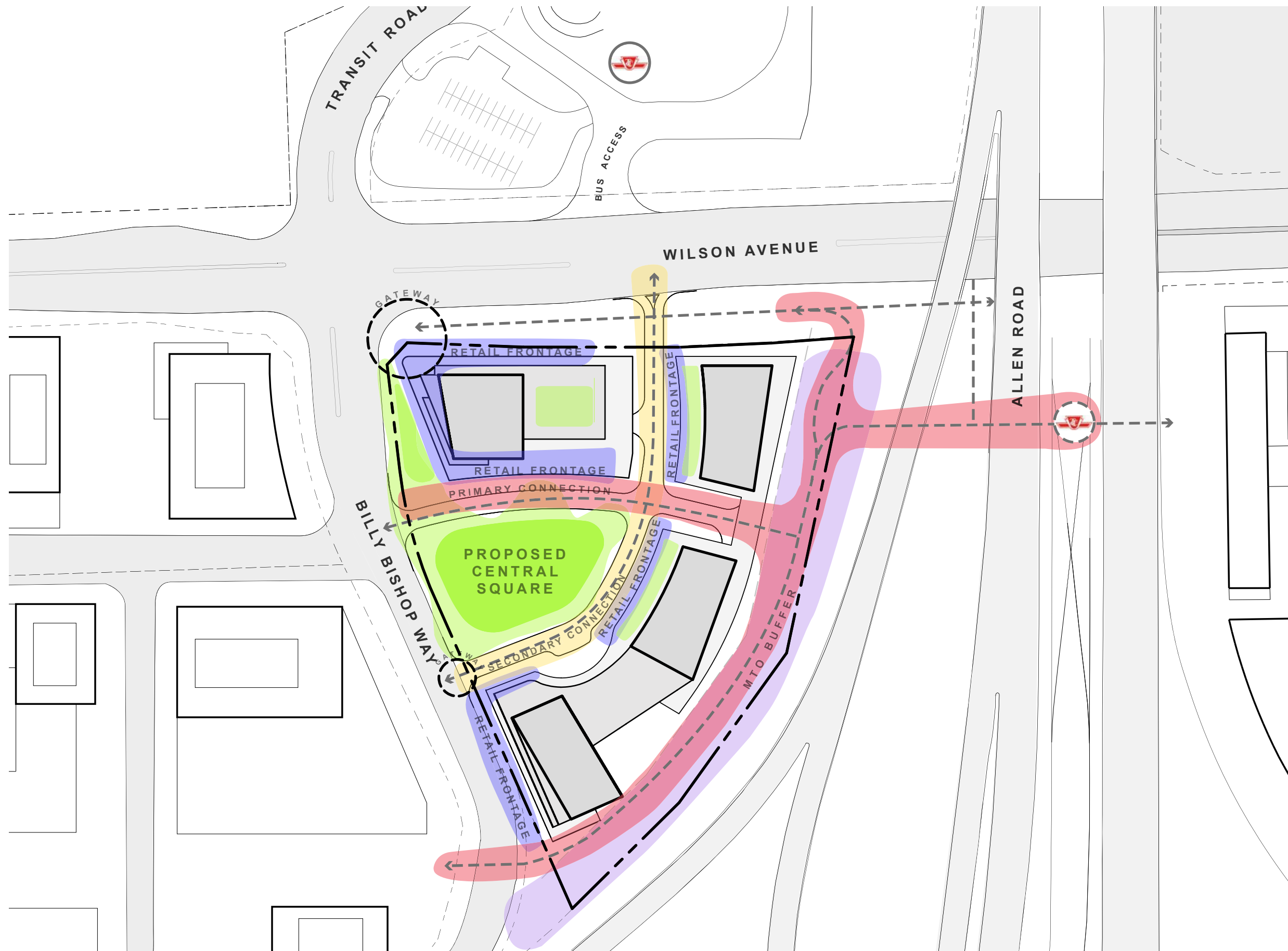
Proposed Street Network










- Boulevard
- Proposed Connection
- Pedestrian Connection
- Multi-purpose Trail
- Service Network
- Access to Transit Hub (Underground)
- Transit Hub
- Neighborhood POPS
- Pedestrian Access
- Retail
- Vehicle Access

Big move

Public Realm Amenities



-  Primary Connection
-  Secondary Connection
-  Retail Frontage
-  Proposed Central Square
-  MTO Buffer
-  Access to Transit Hub
-  Access to Transit Hub (Underground)

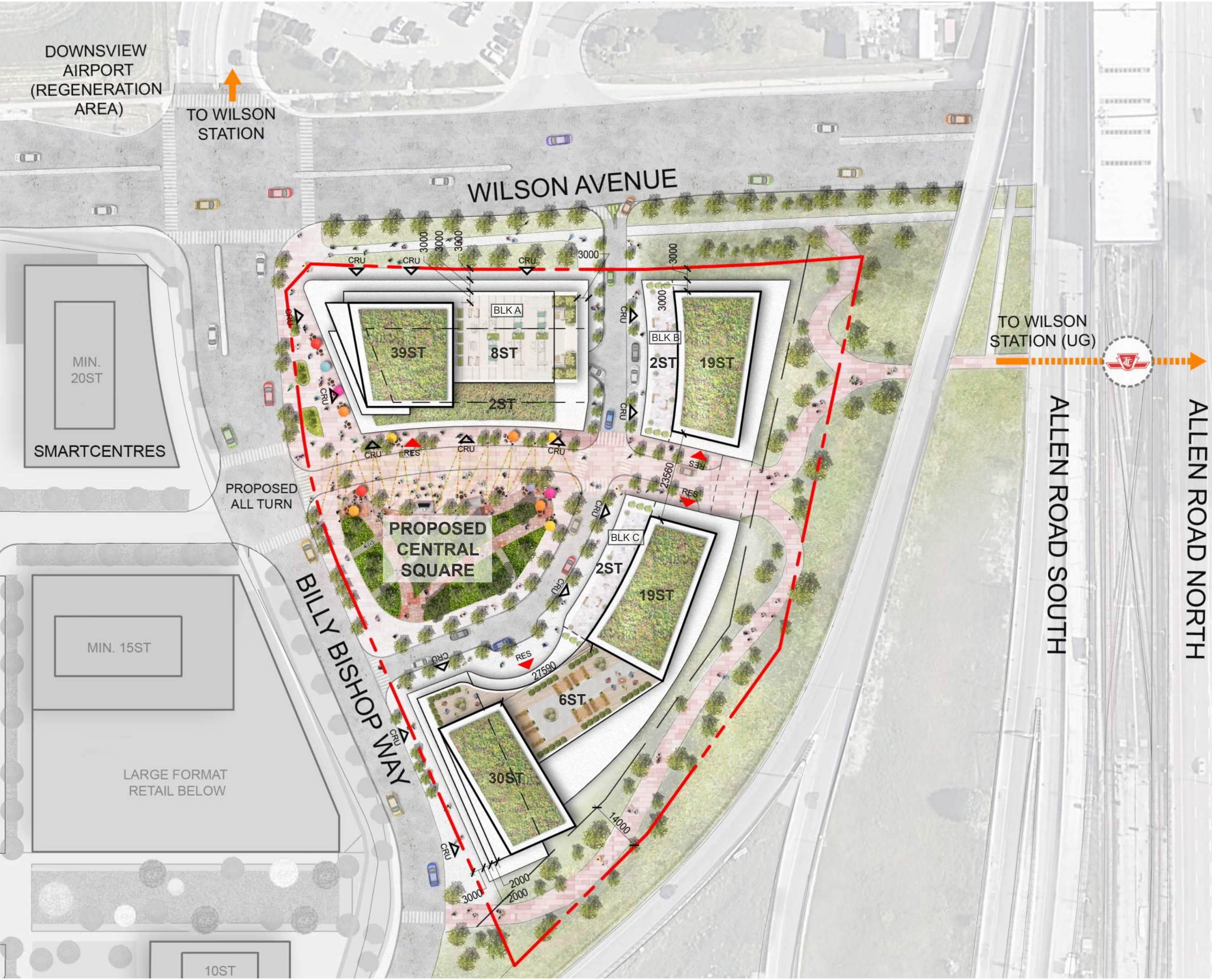
Public Realm Ideas





Site Plan

Concept Plan



Site Area: 18,077.8 sm

FSI: Up to 5

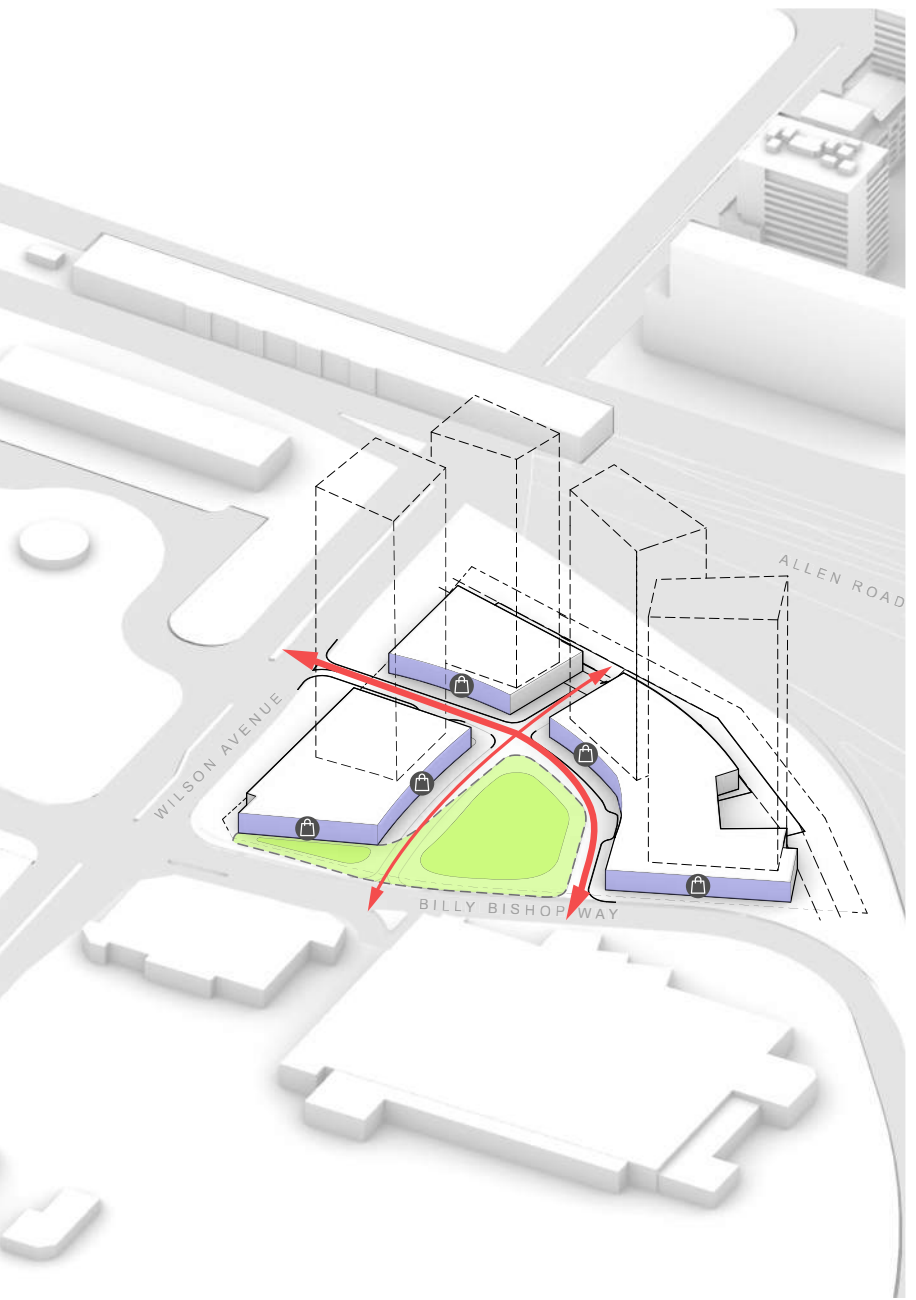
GCA: 99,474 sm + 52,680sm
(3 Level of UG Parking)

GFA: Total
~89,526.7 sm (90% of GCA)
Retail
~5,000 sm
Residential
~84,526.7 sm

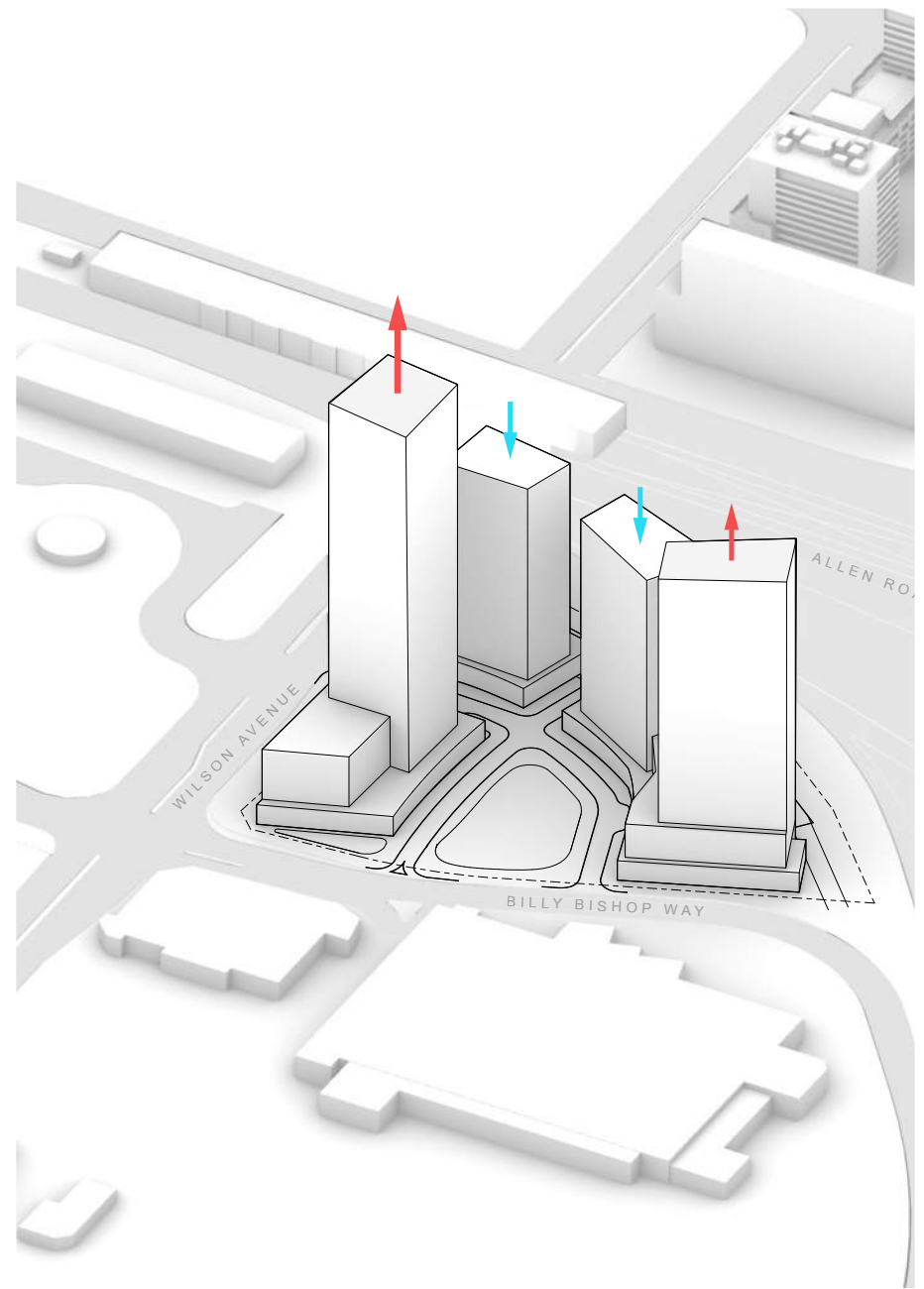
POPS: 1,750 sm

Massing Articulation

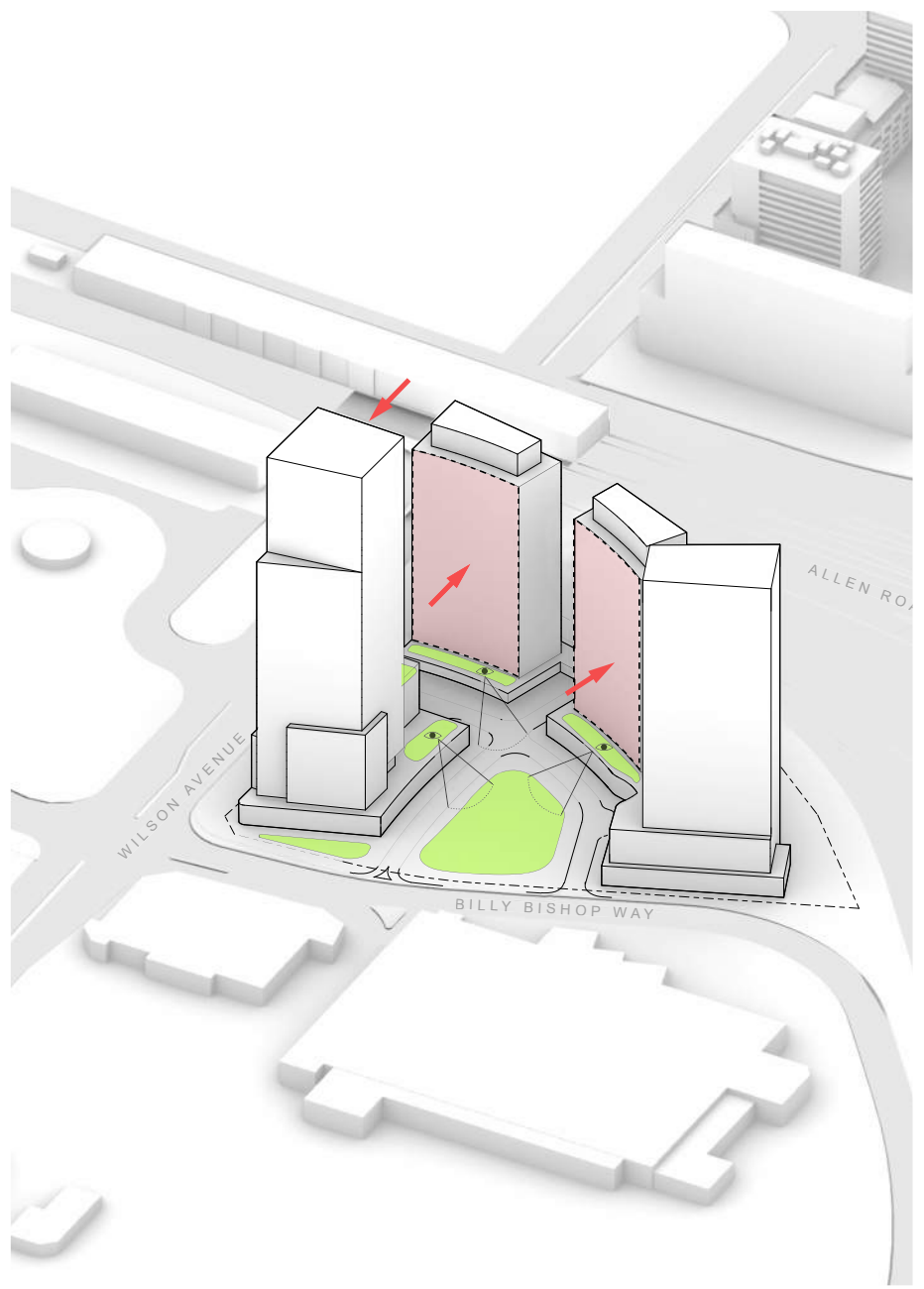
South West View



Podium Base & Aprons



Varying Massing Heights



Sculpting

Architecture Ideas



South Aerial



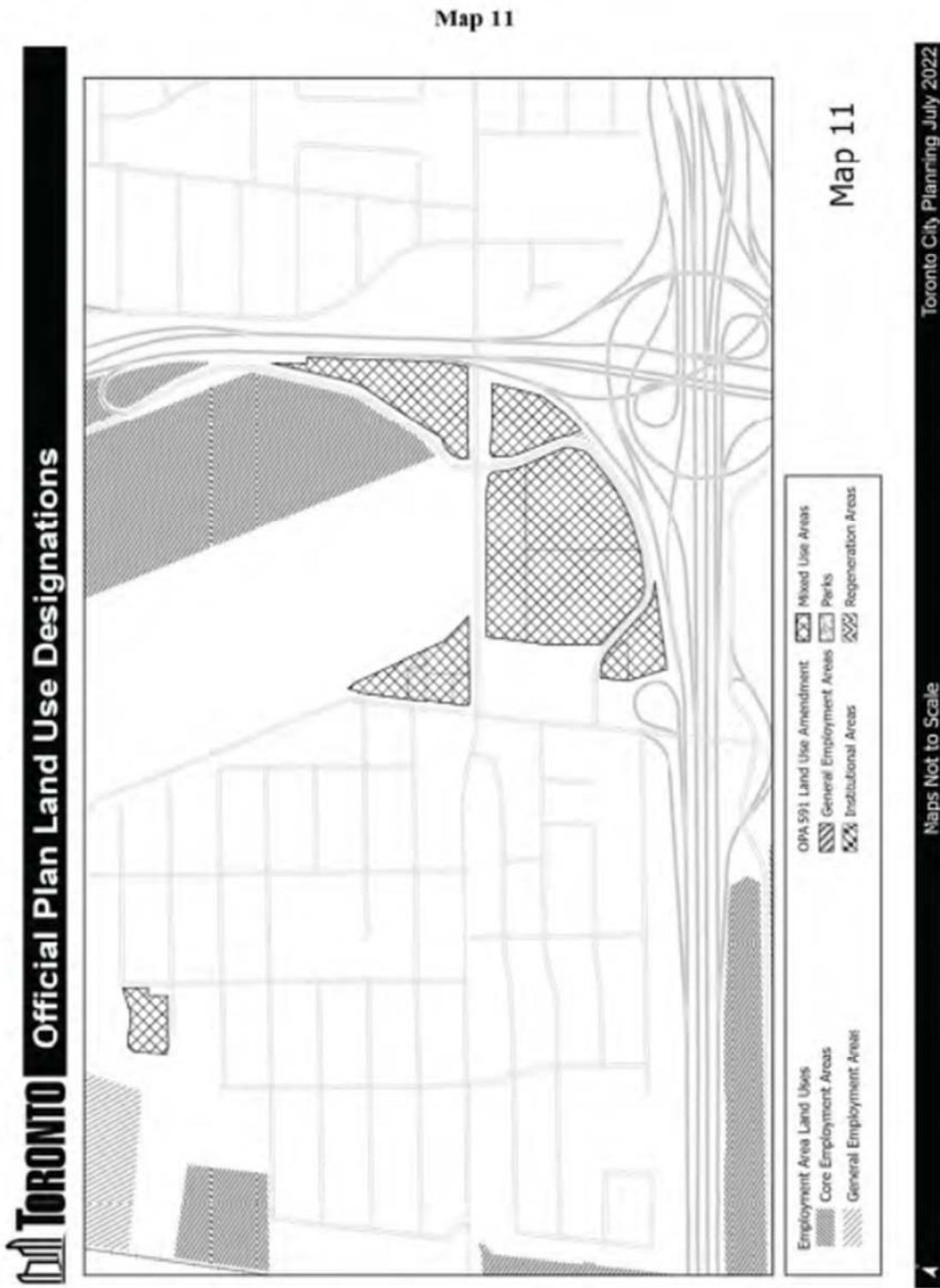
POPS Community Space



Appendix **B**

Appendix B – Revised OPA 591 Mapping and SASP 789

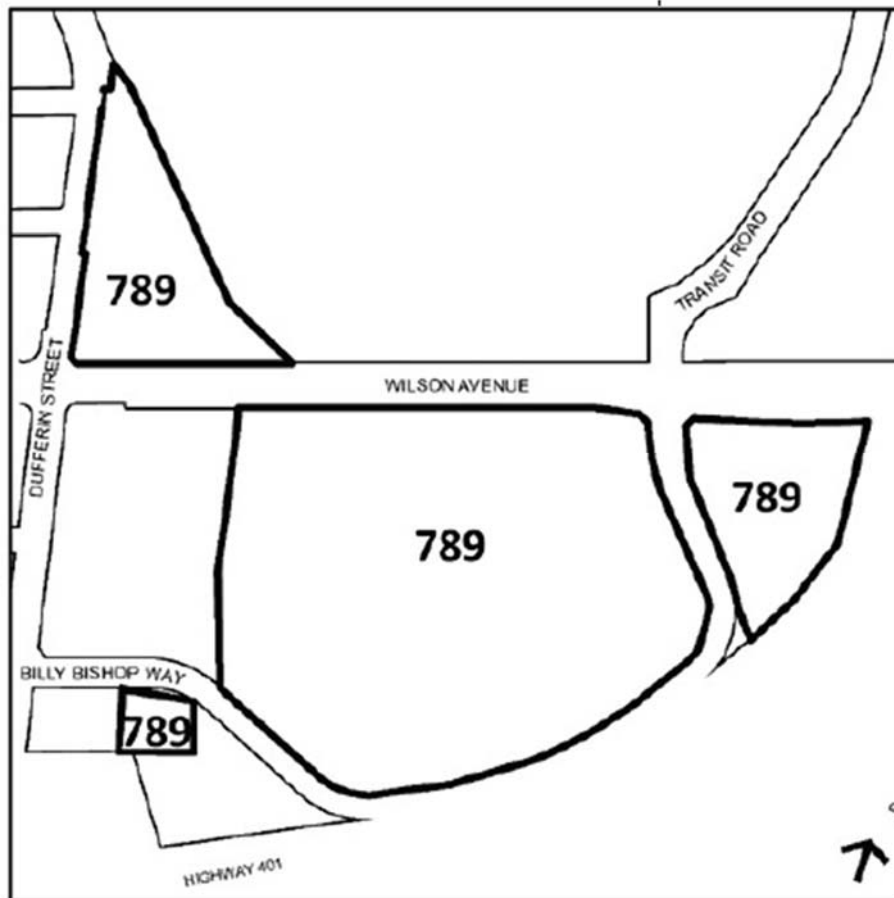
Revised Map 11



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.