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February 3, 2023

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

Dear Minister Clark:

**Re: City of Toronto Official Plan Amendment 591
Economic Health Policies and Policies for Employment Areas**

We writing on behalf of landowners on the south side of McCormack Street, in particular 65-81 McCormack Street and 113 McCormack Street (the “**Subject Lands**”) in the City of Toronto (the “**City**”). The Subject Lands compose the entirety of Site and Area Specific Policy 437 (“**SASP 437**”), which applies to the whole south side of McCormack Street, in Official Plan Amendment 591 (“**OPA 591**”). OPA 591, which modifies the existing SASP 437 to permit Mixed Use land uses, was adopted by City Council on July 22, 2022 and has been sent to the Minister of Municipal Affairs and Housing for approval pursuant to the *Planning Act*. OPA 591 is intended to permit new density in areas in the City designated Employment Areas to conform with minimum provincial Growth Plan targets.

The south side of McCormack Street, including the Subject Lands, is a strip of underused employment properties (scrapyards, a bailiff, etc.) which is located close to the Keele Street and St. Clair Avenue West intersection. As noted above, SASP 437 is already included in OPA 591 in which the City has already recommended it be converted to permit residential uses but has done so subject to certain overly strict conditions.

The above noted stakeholders took part in the City’s consultation process of OPA 591, however the final version contains several significant issues which remain outstanding that we wish to draw to your attention to as still requiring modifications (i.e. the loosening of some of the strict conditions in SASP 437).

1. Non-Residential Gross Floor Area

Requested Change:

Modify SASP 437 Policy m) B. a) by amending “1.0” to “0.25” and by amending “15” to “5”.

Rationale:

This requested change is a decrease to the minimum required amount on non-residential gross floor area (“**GFA**”) i.e. office, retail. The amount of non-residential GFA that the City has requested is excessive, and will have suppressive negative effects on new development in the SASP 437 area. The office/retail market is almost non-existent in the SASP 437 area meaning that if the City’s non-residential GFA requirements were built those spaces would be empty, unproductive space in the midst of a housing crisis and delay or prevent the desired residential

density from proceeding at all. By lowering the minimum required non-residential GFA that GFA can become more residential GFA meaning more housing units which there is a robust market for. It will also help ensure the residential density can proceed quickly rather than have to wait for commercial tenants to be lined up in order for projects in the area to be viable (which may take a long time, if ever). Requiring much more non-residential be built than the market supports at the expense of residential density is completely counter to current provincial and even federal efforts to convert unused/empty office space to more housing. However, the minimum non-residential GFA requirement is not being eliminated altogether, ensuring a vibrant mixed-use community is still created.

2. Home Occupation

Requested Change:

Modify SASP 437 Policy m) B. c) by amending "will not" to "may".

Rationale:

This policy relates to non-residential GFA in live/work units. The existing language makes the minimum non-residential GFA requirement, noted in 1. above, even more burdensome. By amending the words to "may" it ensures as noted above that the non-residential GFA requirement will not have suppressive effects on new development in the SASP 437 area and will permit, for example, creative artist live/work spaces.

3. Mix of Uses

Requested Changes:

Modify SASP 437 Policy m) B. g) i) by deleting "to the satisfaction of the City,".

Modify SASP 437 Policy m) B. g) ii) by deleting "to the satisfaction of the City,".

Rationale:

These policies relate to the phasing and context of the required non-residential GFA. The existing language may cause the City to insist that the non-residential GFA be built first, which makes the minimum non-residential GFA requirement, noted in 1. above, even more onerous and detrimental. By removing the words "to the satisfaction of the City" in both policies it ensures that they will not later demand it all being built up front. These requested changes will just require a phasing plan and block context plan to show when and how the minimum required amount of non-residential GFA will be built, not necessarily require it all to be built up front (i.e. when it can be demonstrated that enough new residential units have been brought online to support these new retail and offices uses).

4. Transition

Requested Changes:

Modify SASP 437 Policy m) B. h) ii. by amending "Ensure no net new shadow is cast" to "Any new shadow will be adequately limited".

Modify SASP 437 Policy m) B. h) vi. by adding "approximately" before the number 2.

Modify SASP 437 Policy m) B. h) vii) by amending “measured at 80 percent of the right-of-way width along the north property line” to “from lands designated *Neighbourhoods*”.

Rationale:

These policies are about transitioning building heights down to the park and open space located to the north and to the adjacent low rise residential areas. These modifications makes height restrictions on lands in the SASP 437 area consistent with standard policies throughout the City which provides an opportunity to achieve additional residential density in the SASP 437 area while still adequately limiting any potential impact.

5. Consistency

Requested Change:

Delete SASP 437 Policy m) B. j) in its entirety and replaced with: "Not applicable."

Rationale:

The deleting of this policy is to ensure consistency with other land use conversions recently approved in the vicinity of the subject area i.e. nearby Official Plan Amendment 537 (which was also recently approved by City Council and is now before the Minister for approval and contains no such onerous obligations).

Thank you for your consideration of these requested changes. Should you have any questions or require any additional information, please do not hesitate to contact the writer.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick

cc Ryan Amato, Chief of Staff (ryan.amato@ontario.ca)