

February 3, 2023

Project No. 2110

Hon. Steve Clark, MPP, Minister
Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
777 Bay Street – 13th Floor
Toronto, ON M7A 2J3

Attn: Tammy Nguyen and Jennifer Le

Dear Minister Clark:

**Re: Request to Modify City of Toronto OPAs 591 Prior to Ministerial Approval
ERO File Nos. 019-5868
1543-1551 The Queensway and 66, 70 & 76 Fordhouse Boulevard, City of
Toronto**

Introduction

We are writing on behalf of 1545 The Queensway Inc. (owner of 1545 The Queensway), 2038980 Ontario Limited (owner of 1547 The Queensway and 70 Fordhouse Boulevard), 572989 Ontario Inc. (owner of 1543, 1549, 1551 The Queensway and 76 Fordhouse Boulevard) and 1370443 Ontario Limited (owner of 66 Fordhouse Boulevard), collectively referred to as “owners” of the lands collectively referred to as “land assembly”.

The scope of this letter includes a tract of land, including the land assembly, that is bounded by The Queensway, Kipling Avenue, Gardiner Expressway and Highway 427, except for the lands located 1315-1361 The Queensway and 630 Kipling Avenue, which are designated *Mixed Use Areas*. These lands are collectively referred to as the “subject site”.

On July 22, 2022, the City of Toronto adopted Official Plan Amendment (“OPA”) 591, which proposes new and updated policies and mapping related to employment, including 24 employment conversions.

As part of the City of Toronto’s Municipal Comprehensive Review (“MCR”) process, we submitted a request for conversion of the land assembly from *General Employment* and *Core Employment Areas* to *Mixed Use Areas* on behalf of the owners. However, this request was adopted by the City in OPA 591.

On Map 34 of Council-adopted OPA 591, majority of the lands bounded by The Queensway, Kipling Avenue, Gardiner Expressway and Highway 427 are generally designated *General Employment Areas*, with some sites that are designated and *Core Employment Areas* and *Mixed Use Areas*. The lands fronting onto The Queensway to the east of Kipling Avenue and

west of Highway 427 are designated *Mixed Use Areas*. In our opinion, the lands bounded by The Queensway, Kipling Avenue, Gardiner Expressway and Highway 427, with the exception of lands designated *Mixed Use Areas* at the southwestern corner of Kipling Avenue and The Queensway, should be redesignated “*Regeneration Areas*”. This section of The Queensway abruptly transitions from *Mixed Use Areas* to *Employment Areas* while transitioning back to *Mixed Use Areas*. Redesignating the lands south of The Queensway to *Regeneration Areas* will revitalize the area that are largely vacant or underused and complete a corridor of revitalization immediately east and west of the subject site, with no impact to the *Employment Areas* to the north of The Queensway.

Accordingly, we are writing to request that the Ministry of Municipal Affairs and Housing modify OPA 591 as follows:

- **Review OPA 591 to add SASP XXXX as provided below:**

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy XXXX for the lands known municipally in 2023 as 1377-1635 The Queensway, 610-630 Kipling Avenue, 24-55 Plywood Place, 2 Bradpenn Road, 30-76 Fordhouse Boulevard and 26-55 Algie Avenue as follows:

‘XXXX. Lands bounded by The Queensway, Kipling Avenue, Gardiner Expressway and Highway 427, excluding 1315-1361 The Queensway

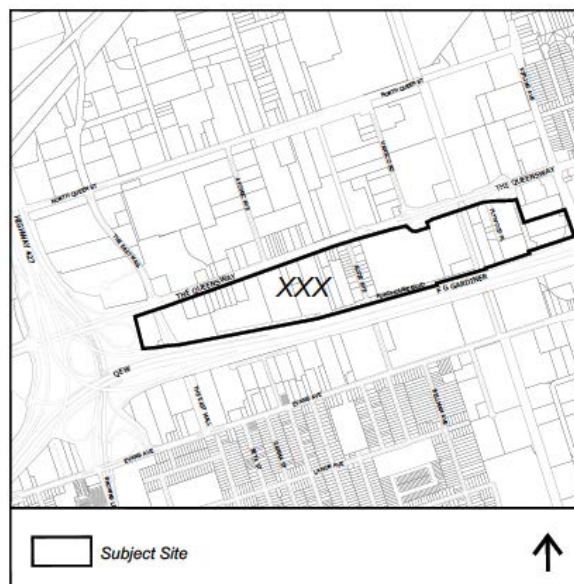
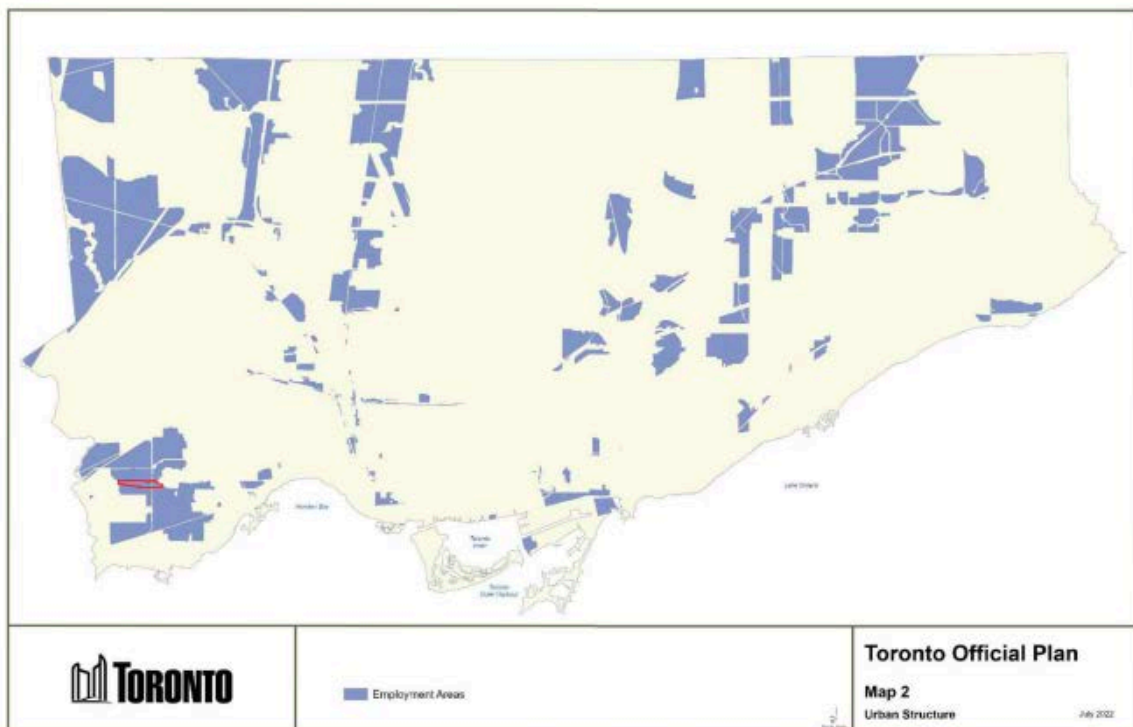


Figure 1 Proposed Official Plan Amendment Key Map


- a) All uses permitted under the *Regeneration Areas* designation, with the exception of residential, overnight accommodation and live-work uses, are permitted on the lands prior to the completion of a scoped local area study that results in either a Secondary Plan or Site and Area Specific Policy.
- b) A minimum of ten percent of the total developable gross floor area will be provided as non-residential gross floor area at full build out of all the lands.
- c) In addition to the matters identified in Policy 2 of Section 4.7, *Regeneration Areas*, the local area study, that results in either a Secondary Plan or Site and Area Specific Policy, will include:
 - i) A Land Use Plan that provides for the redesignation of *Regeneration Areas* lands to *General Employment Areas, Mixed Use Areas and Parks and Open Space Areas* as appropriate. The Land Use Plan will inform the maximum building heights and densities across the lands to be included within the Secondary Plan;
 - ii) A Phasing Strategy and Implementation Plan to provide for the sequencing of development, including the provision of infrastructure and services;
 - iii) A Block Context Plan that applies the City's "Complete Streets" principles and establishes a network of public streets, development blocks, pedestrian and cycling facilities and connections, and parks and open spaces that contributes to a safe, comfortable and connected public realm;
 - iv) A Public Streets Plan that accommodates new development and ensures appropriate connectivity with the *Employment Areas* lands to the north of The Queensway;
 - v) A Parks and Open Space Plan that identifies locations of new public parks;
 - vi) Urban Design Guidelines that set out the framework for the appropriate built form;
 - vii) An Economic Development Strategy that identifies opportunities for sustained employment and non-residential investment and recommends actions and policies to attract businesses and support employment growth;
 - viii) A Housing Plan to implement Policies d), e), f), and g);

- ix) A Community Services and Facilities Strategy that identifies community space and facilities needs and sets out priorities to support growth which may include potential locations and phasing as well as opportunities for co-location;
 - x) An Infrastructure Master Plan that identifies water, sanitary, stormwater and hydro infrastructure requirements and development strategy;
 - xi) A Green Infrastructure Strategy that includes consideration of low impact development stormwater management systems and measures to protect and ensure long-term maintenance of trees;
 - xii) An Energy Strategy to address energy conservation including peak demand reduction, resilience to power disruptions and small local integrated energy solutions that incorporate renewable, district energy, combined heat and power or energy storage to address the City's targets of carbon reduction; and
- d) New development containing residential units on the lands will secure a minimum amount of affordable housing as follows:
- i) If a condominium development is proposed, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 3 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
 - ii) If a purpose-built rental development is proposed there is no requirement for affordable rental housing;
 - iii) The affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 25 years from the date of first residential occupancy of the unit; and
 - iv) 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.
- e) The provision of affordable housing required by Policy d) shall be secured through one of more agreements with the City.
- f) 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.’
- **Revise “Appendix 1 - Map 2 Urban Structure, Employment Areas Modifications” to remove the subject site from this map.**
 - **Revise “Appendix 2 – Map 34 Official Plan Land Use Designations” to redesignate the subject site to *Regeneration Areas*.**



Official Plan Amendment 591 - Map 2

 **Site Location: Remove from Employment Areas**

Date: February 2023



Official Plan Amendment 591 - Map 34

 Site Location: Redesignate from Employment Areas to Regeneration Areas

Date: February 2023

For the reasons outlined above and detailed in the following letter, it is our opinion that the subject site that is currently designated *Core Employment Areas* and *General Employment Areas* be redesignated to *Regeneration Areas*. This redesignation would facilitate the redevelopment of lands that are currently vastly underutilized and would facilitate a higher density mixed use form of redevelopment along a Major Arterial Road and Surface Transit Priority Segment.

Site and Surroundings

The subject site is located on the south side of The Queensway, and north of the Gardiner Expressway, between Highway 427 and Kipling Avenue, excluding 1315-1361 The Queensway. The subject site is comprised of a series of retail, warehouse and commercial uses characterized with car dealerships, dine-in and take-out restaurants, Golf town sporting goods store, Reno superstore and the Ikea store, among others. There are also some industrial uses such as the wonderbrands bakery and some automobile garages. Surface parking covers a huge swath of the area on the subject site.

To the north of these lands, on the north side of The Queensway, are a mix of land uses that are mostly comprised of commercial uses characterized by car dealerships, take-out and dine-in restaurants, retail uses, as well as some industrial uses. Further north, the area transitions into an industrial area characterized mostly by small- and large-scale industrial uses, terminating at the CP Railway tracks.

To the northeast of the subject site, northeast of the intersection of The Queensway and Kipling Avenue, are mixed-use designated lands characterized by retail and commercial uses as well as mid-rise residential buildings fronting on to The Queensway and low-rise Neighbourhoods further to the north.

To the east of the subject site, east of Kipling Avenue, on the south side of The Queensway, are mixed use designated lands characterized by retail, commercial, and high-density residential uses.

To the southeast and south, south of the Gardiner Expressway and generally bounded by the CN Railway tracks to the south and CP Railway tracks to the west, are lands that are primarily industrial consisting of small- and large-scale industrial uses. To the south of Evans Avenue and west of the CP Railway tracks is a low-rise residential neighbourhood. To the southwest of the subject site, is the Queen Elizabeth Way-Gardiner Expressway-Highway 427 interchange.

To the west of the subject site, west of Highway 427, are mixed use designated lands characterized by retail and commercial uses, major office and high-density residential uses on the north and south side of The Queensway. This area is designated *Mixed Use Areas* and is proposed to be redeveloped for high-density mixed-use development.

Policy and Regulatory Framework

Provincial Policy Statement 2020

The Provincial Policy Statement, 2020 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The subject site is also subject to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended by Amendment No. 1 in 2020 (“the Growth Plan”), which sets out regional growth management policies for the Greater Golden Horseshoe area.

With respect to the PPS, one of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, Part V of the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit.

Among other matters, the 2020 PPS includes additional policies related to addressing a

changing climate and supporting green infrastructure, enhancing land use compatibility policies for sensitive land uses, increasing minimum requirements for housing land supply and clarifying policies related to market-based housing by adding a reference to affordable housing (i.e. Policies 1.4.3 and 1.7.1 of the PPS).

Specifically, Policy 1.1.3.2 supports densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities and which are transit-supportive, where transit is planned, exists or may be developed. Policy 1.1.3.3 directs planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment, where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities.

Regarding the conversion of employment areas to non-employment uses, Policy 1.3.2.4 states that:

Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Policy 1.3.2.5 states that:

Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- A) there is an identified need for the conversion and the land is not required for employment purposes over the long term;*
- B) the proposed uses would not adversely affect the overall viability of the employment area; and,*
- C) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.*

The subject site is located within a Provincially Significant Employment Area and therefore cannot be converted pursuant to Policy 1.3.2.5. However, as the City has commenced its

official plan review, the conversion is being sought pursuant to policy 1.3.2.4. However, as noted above, Policy 5.2.1(2) of the 2019 Growth Plan states that:

A municipal comprehensive review that is undertaken in accordance with this Plan will be deemed to fulfill the requirements in the PPS to undertake a comprehensive review.

Growth Plan for the Greater Golden Horseshoe 2019

On May 16, 2019, A Place to Grow: The Growth Plan for the Greater Golden Horseshoe) came into effect (the “2019 Growth Plan”), replacing the Growth Plan for the Greater Golden Horseshoe, 2017. All decisions made on or after this date in respect of the exercise of any authority that affects a planning matter will conform with the 2019 Growth Plan, subject to any legislative or regulatory provisions providing otherwise. Subsequently, on August 28, 2020, the 2019 Growth Plan was amended by Growth Plan Amendment No. 1.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. Key objectives in the Growth Plan support the development of complete communities and promote transit-supportive development adjacent to existing and planned higher order transit. This is further emphasized in Section 2.1 of the Plan:

“To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options... It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change.”

There are several changes from the previously applicable Growth Plan that are relevant to the subject site. One significant change was the identification of 29 *Provincially Significant Employment Zones*. *Provincially Significant Employment Zones* are areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. These zones can consist of employment areas or mixed-use areas with a significant number of jobs.

The subject site is located within a “strategic growth area” pursuant to the Growth Plan (i.e. a focus for accommodating intensification and higher-density mixed uses in a more compact

built form). “Strategic growth areas” include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. In this respect, the subject site is serviced by existing frequent transit service on The Queensway.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities that, among other things, feature a diverse mix of land uses including residential and employment uses, and convenient access to local stores, services, and public service facilities; expand convenient access to a range of transportation options and public service facilities; and provide for a more compact built form.

Regarding the policies for the conversion of employment areas to non-employment uses, Policy 2.2.5.9 states that:

The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that:

- a) *there is a need for the conversion;*
- b) *the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;*
- c) *the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;*
- d) *the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and,*
- e) *there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.*

Policy 2.2.5.10 states that:

Notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would:

- a) *satisfy the requirements of policy 2.2.5.9 a), d) and e);*
- b) *maintain a significant number of jobs on those lands through the establishment of*

development criteria; and,

- c) *not include any part of an employment area identified as a provincially significant employment zone unless the part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.*

The subject site is located within a *Provincially Significant Employment Zone* (Zone 13 – Toronto, Peel), meaning that a conversion to permit residential uses can only occur through a municipal comprehensive review. As the City has initiated its municipal comprehensive review as of August 4, 2020, a conversion of employment areas to non-employment uses is being sought subject to the criteria referenced above.

The subject site responds well to the criteria set out in policy 2.2.5.9, which are generally consistent with the conversion criteria of OPA 231. In summary, there is a need for the conversion as the subject site is vastly underutilized and the proposed conversion would facilitate a higher density mixed use form of redevelopment along a Major Arterial and Surface Transit Priority segment. The increase in population and jobs will be facilitated by transportation and public realm improvements that will positively affect the viability of the broader employment area.

While the subject site is located within a *Provincially Significant Employment Zone*, the existing buildings on these lands do not contribute to the employment forecasts outlines within the 2019 Growth Plan. As such, the subject site is not currently considered a key location for employment in the City of Toronto. The proposed redevelopment of these lands, by redesignating them to *Regeneration Areas*, will contribute to the employment forecasts outlined in the 2019 Growth Plan.

This conversion will help ensure the continuity of the Mixed Use Areas along The Queensway while also protecting the employment areas to the north. We anticipate that there will be minimal land use conflicts if residential uses are added.

With respect to forecasted growth, Schedule 3 of the Growth Plan, as amended by Growth Plan Amendment No. 1, forecasts a population of 3,650,000 and 1,980,000 jobs for the City of Toronto by 2051. The 2016 Census data indicates that population growth in Toronto is continuing to fall short of the past and updated Growth Plan forecasts. The City's population growth from 2001 to the 2016 population of 2,822,902 (adjusted for net Census undercoverage) represents only 73.2% of the growth that would be necessary on an annualized basis to achieve the population forecast of 3,650,000 by 2051.

City of Toronto Official Plan

City of Toronto-initiated Official Plan Amendment 231 ("OPA 231") was part of the City's last

MCR exercise, which included a review of all lands designated *Employment Areas* to permit non-employment uses. OPA 231 was adopted by Council on December 18, 2013 and resulted in the creation of two new employment lands designations, *Core Employment Areas* and *General Employment Areas*. OPA 231 is largely in effect as it relates to the subject site, except for the office replacement policies.

In accordance with Land Use Map 15 of the Official Plan, the subject site is designated *Core Employment Areas and General Employment Areas*. In accordance with Policy 4.6.3 of OPA 231, *General Employment Areas* are places for business and economic activities generally located on the peripheries of *Employment Areas* where, in addition to all the uses permitted in *Core Employment Areas* (i.e. manufacturing, warehousing, wholesaling and offices, among others), retail and service uses, and restaurants may also be permitted.

While the permissions of *General Employment Areas* are generally more flexible than those of the *Core Employment Areas*, residential uses are not permitted.

Policy 4.7.1 of the Toronto OP provides that *Regeneration Areas* will provide for a broader mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form to:

- a) revitalize areas of the City that are largely vacant or underused;
- b) create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure and create and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians
- c) restore, re-use and retain existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures, through the use of incentives;
- d) achieve streetscape improvements and the extension of the open space network; and
- e) promote the environmental clean-up and re-use of contaminated lands.

Furthermore, Policy 4.7.2 outlines a development criteria in regeneration areas. For each *Regeneration Area* a framework for new development will be set out in a Secondary Plan. Development should not proceed prior to approval of a Secondary Plan. The Secondary Plan will guide the revitalization of the area through matters such as:

- a) urban design guidelines related to the unique character of each Regeneration Area;
- b) a strategy to plan for improvements to existing parks and the acquisition of new parks and open spaces;

- c) a green infrastructure strategy including tree planting, stormwater management systems and green roofs;
- d) a community improvement strategy to identify and implement needed improvements to streets, sidewalks, boulevards, parks and open spaces;
- e) a community services strategy to monitor the need for new community services and facilities and local institutions as new residents are introduced and to ensure they are provided when needed;
- f) a heritage strategy identifying important heritage resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources;
- g) environmental policies to identify and ensure that any necessary cleanup of lands and buildings is achieved, that potential conflicts between industrial and residential, other sensitive land uses or live/work uses are mitigated, and that policies for the staging or phasing of development are considered, where necessary;
- h) transportation policies that encourage transit, walking and cycling in preference to private automobile use and ensure the movement of people and goods as the number of businesses, employees and residents increase; and
- i) a Community Energy Plan to address:
 - i. energy conservation, including peak demand reduction;
 - ii. resilience to power disruptions; and
 - iii. small local integrated energy solutions that incorporate renewables, district energy, combined heat and power or energy storage.

Planning Opinion

The Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the City of Toronto Official Plan all support intensification on sites well-served by municipal infrastructure, particularly sites along frequent transit service. In this respect, it is our opinion that the subject site should be redesignated “*Regeneration Areas*” and developed at transit-supportive densities to support and optimize the investment in transit.

From an urban structure perspective, The Queensway is designated *Avenues* from Grand Avenue at its eastern end to Kipling Avenue, and from Highway 427 to the West Mall at its western end. While the area between Highway 427 and Kipling Avenue is not currently designated *Avenues*, it already serves the function of an *Avenue*, similar to the areas to the east and west. This section of The Queensway is also designated *Transit Priority Segments* and has existing frequent transit service that connects these *Avenues* segments together. In our opinion, the existing conditions along The Queensway, including the subject site, provide an opportunity to optimize the existing investment in public infrastructure, including servicing and transit.

The existing uses on the subject site are characterized with mostly retail, warehouse and commercial uses that generate significantly less employment than employment uses. In our opinion, redesignating the subject site to *Regeneration Areas* offers an opportunity to utilize the existing infrastructure and propose land uses that will offer a net gain in employment in this area.

Furthermore, the subject site is vastly underutilized given the presence of low-rise retail and warehouse buildings with large surface parking lots. It is our opinion that the site location along two major highways, existing transit and servicing infrastructure provides the subject site an opportunity to plan for intensification in a contextually-sensitive manner that provides transit-supportive built form, expands housing supply and increases employment opportunities.

The Queensway, west of Highway 427 and east of Kipling Avenue is already designated *Mixed Use Areas*. Redesignation of the subject site will provide a continuous corridor of *Mixed Use Areas* across The Queensway and will not adversely impact the *Employment Areas* to the north.

In our opinion, the redesignation of the subject site to *Regeneration Areas* will support the broader policy goals of the PPS and the Growth Plan. The proposed text for the *Regeneration Areas* recommends the preparation of either a secondary plan or site and area specific policy to ensure the detailed design reflects a coordinated approach.

In considering the emphasis and importance placed on optimizing lands in proximity to frequent transit with greater intensification in order to achieve current Provincial policy

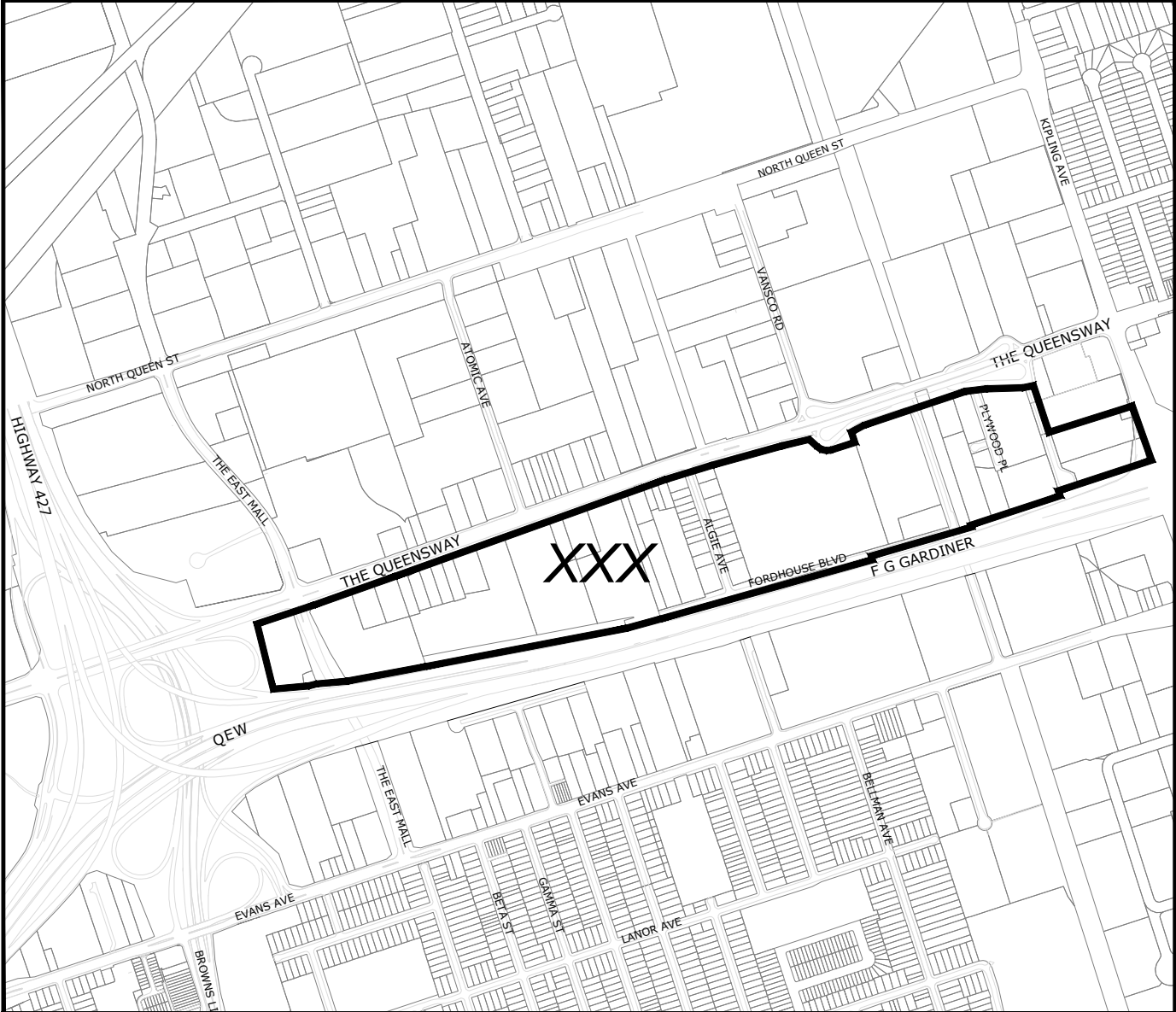
objectives and to make more efficient use of this infrastructure, we believe that this site is a good candidate for employment lands conversion.

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

Yours very truly,
Bousfields Inc.



David Charezenko, MCIP, RPP

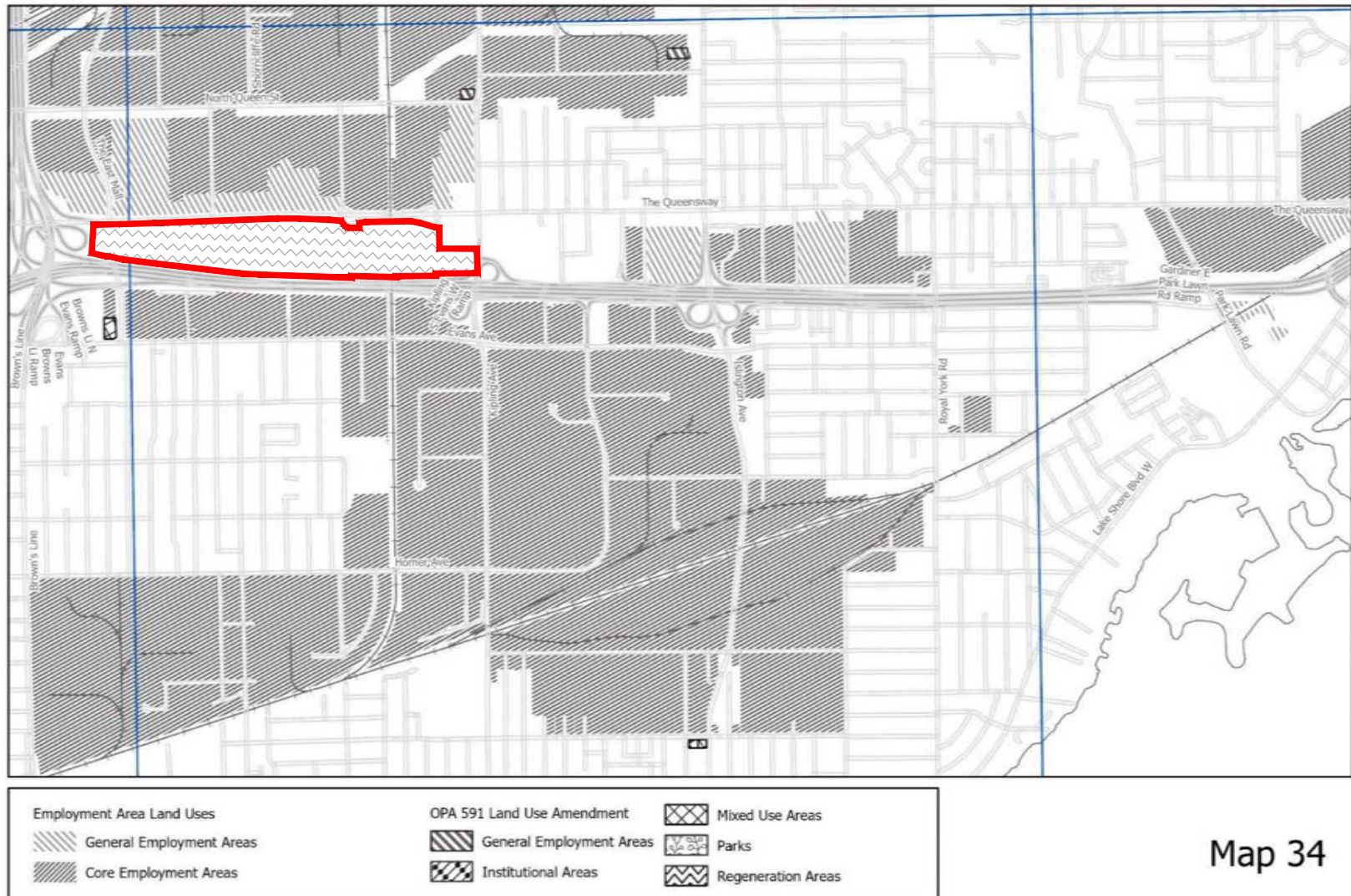


Subject Site



SCHEDULE 1

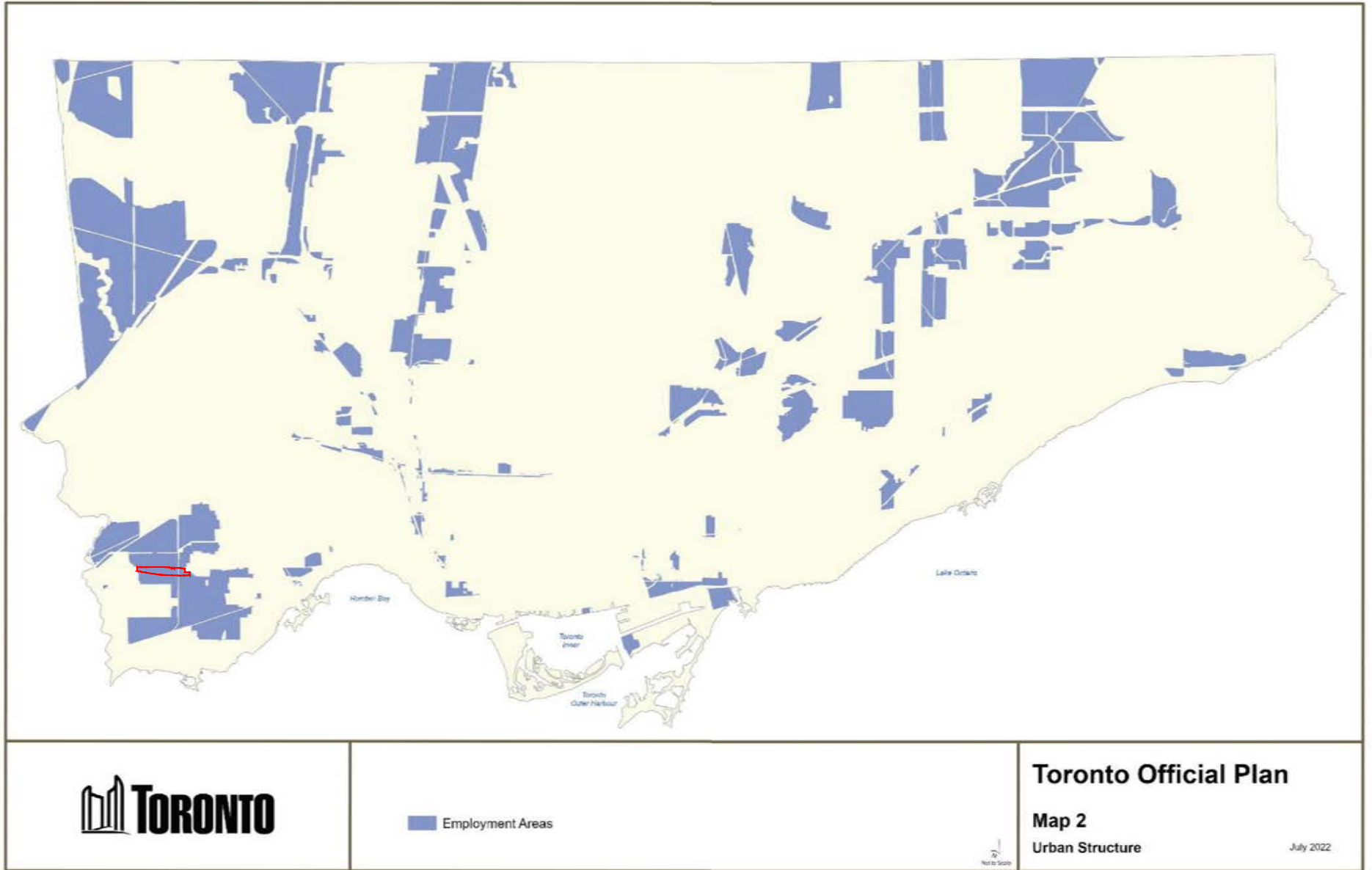
Official Plan Land Use Designations



Official Plan Amendment 591 - Map 34

 Site Location: Redesignate from Employment Areas to Regeneration Areas

SCHEDULE 2



Official Plan Amendment 591 - Map 2

 Site Location: Remove from Employment Areas