

January 9, 2023

Erika Ivanic
Municipal Services Office - Central Ontario
Ministry of Municipal Affairs & Housing
Province of Ontario
777 Bay Street, 16th floor
Toronto, Ontario
M7A 2J3

Dear Ms. Ivanic:

RE: SUBMISSION ON OPA 537 – ERO #019-5872; MINISTRY #20-OP-211546
35 CAWTHRA AVENUE, TORONTO
OUR FILE: 2154A

On behalf of our client 2530507 Ontario Inc. ("Dunpar") please accept this submission regarding the review by the Province of the City of Toronto's Official Plan Amendment 537 ("OPA 537") respecting the employment conversion of the lands located at 35 Cawthra Avenue (hereinafter the "Subject Lands") and shown below on Figure 1. **We are requesting reconsideration of the land use designation for the northwest portion of the Subject Lands as Mixed Use Area (rather than Core Employment Area) and the conditions imposed by the City on the approved conversion request.**

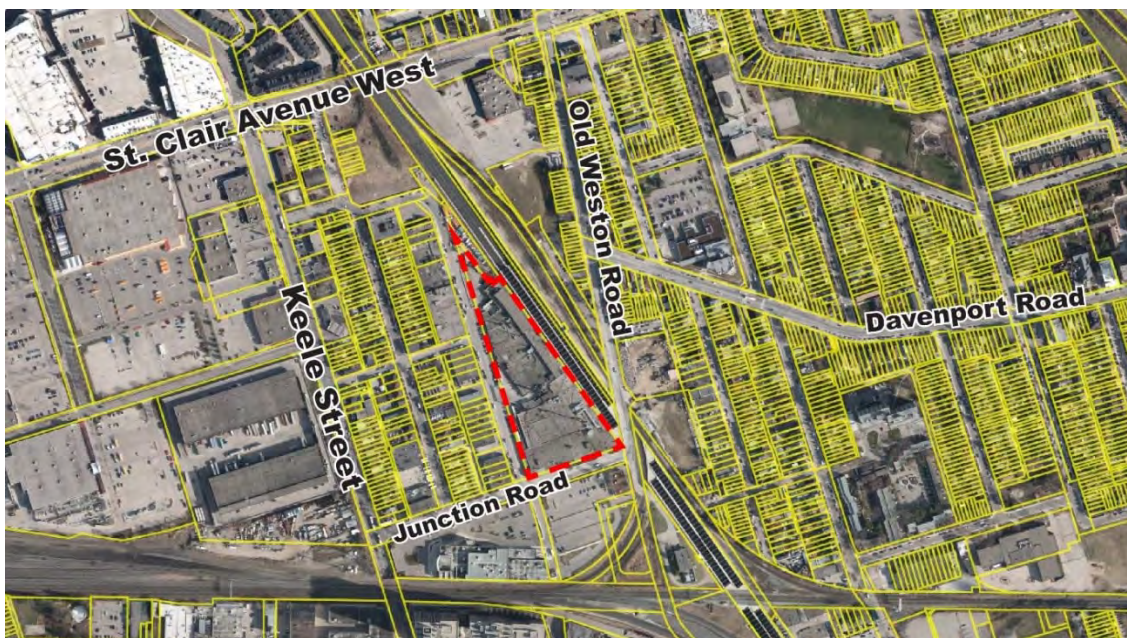


Figure 1 – Location of the Subject Lands

History of Request & The Proposal

On August 3, 2021, a request was made to the City of Toronto to redesignate the Subject Lands from Core Employment Area to permit a mixed use development to occur. The proposal for conversion would allow for the establishment of a mid- to high-rise mixed use development at a transit supportive density and dedicated parkland with a trail connection to the Keele-Mulock Parkette. The Subject lands are located within the City's Keele-St. Clair Local Area Study ("KSC LAS"). The KSC LAS was established to provide future planning guidance for the planned SmartTrack Stops program and respective St. Clair-Old Weston GO/SmartTrack Station at Keele Street and St. Clair Avenue West. The result was the adoption of OPA 537 by City Council.

The Subject Lands are located entirely within the 800-metre radius of the planned St. Clair-Old Weston GO/SmartTrack Station, with a small portion included within the 500-metre radius, therefore the Subject Lands are located entirely within a MTSA as defined by the Growth Plan for the Greater Golden Horseshoe. The intent of the proposal was to intensify the Subject Lands with a mixed use development to support the significant transit investments being made by the Province and City noted above.

To this effect, the proposal, as shown below and in **Appendix A**, would permit the creation of a mixed use community, including 174,000 sq ft of employment uses (retail, office / employment, and / or community facilities), a new park and over 1.358 million square feet of residential gross floor area incorporating 1448 residential housing units. The proposal would provide therefore provide significant new housing within walking distances to several forms of existing and planned transit. Lastly, a mix of tenures, residential unit sizes and affordability (in accordance with City policies at the time of future development applications) would be accommodated. The conversion request was supported by a Planning Justification and a Compatibility Study.

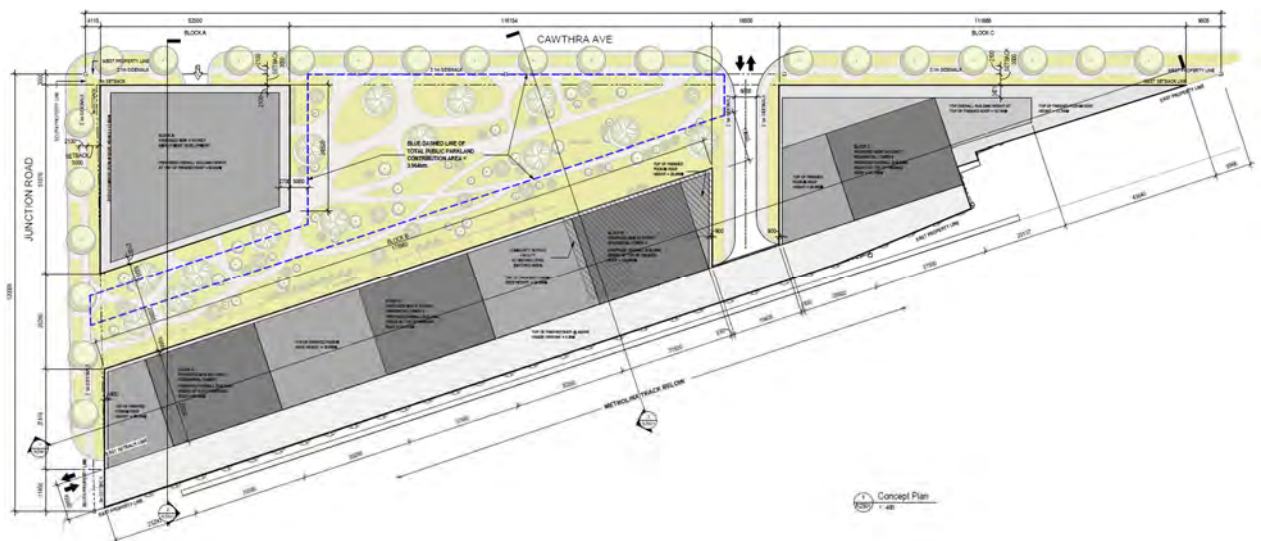


Figure 2 – Site Plan for the proposed Mixed Use Community

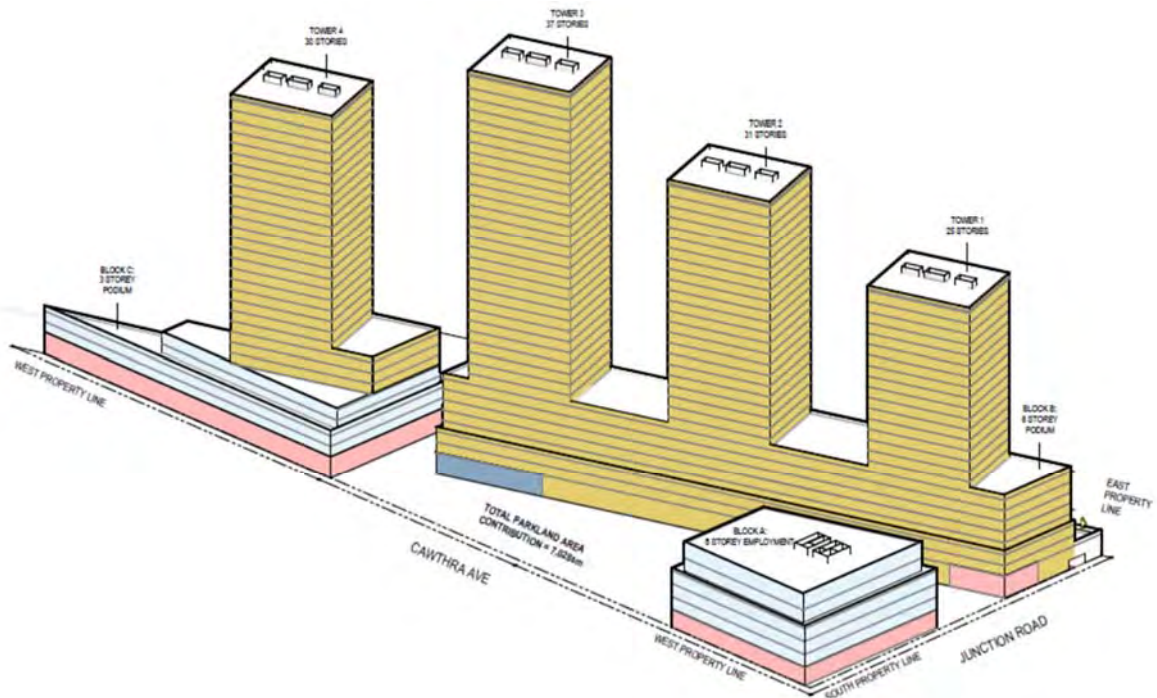


Figure 3 – Conceptual Massing of the Site Plan for the proposed Mixed Use Community



Figure 4 – Rendering of proposed Mixed Use Community



Figure 5 – Rendering of proposed Mixed Use Community

On July 22, 2022 City of Toronto Council adopted OPA 537. OPA 537 converted the majority of the Subject Lands from *Core Employment Area* to *Mixed Use Area* and *Parks*, with the southwest and northwest corners of the property remaining as *Core Employment Area* (**Figure 6**).



Figure 6 – Land Use Designations for the Subject Lands from adopted OPA 537

Further, OPA 537 set out detailed policies to guide development, including limitations on tall building heights due to adjacency to *Neighbourhoods* designated lands (Policy 8.5) and those adjacent to railways (Policy 8.16). Furthermore, OPA 537 established the area as a Protected Major Transit Station Area (“PMTSA”) and set out minimum densities (ranging from 0.5 to 3.5 FSI).

Request of the Province

While our clients are appreciative of the conversion from employment lands, to implement the proposal as presented to Council, staff did not redesignate the northwestern portion of the Subject Lands to *Mixed Use Area*. Further, the built form policies, specifically Policies 8.5 and 8.16 impose restrictions which limit the proposed tower heights (thus a further loss of units). In combination, OPA 537 as currently written will result in unnecessary restrictions to transit oriented development which will reduce the much needed housing units envisioned in the proposal.

To this effect, we request the following modifications to OPA 537 (summarized in **Appendix B**). Below each request we provide our commentary and justification / analysis in support of the modifications.

1. The Northwest Corner of the Subject Lands should be designated Mixed Use Area

Through the demonstration plan showing the redevelopment, a tower was proposed in the northwest corner of the Subject Lands. The intent was to provide for a range of compatible retail, commercial and office uses within the podium, with residential units within the tower component of the building. With adjacent land uses including a mix of the same type of uses, this was thought to be a compatible and responsible way to develop the northwest corner while providing for additional housing units.

It is noted that the type of redevelopment proposed by our client is not innovative or new – it has occurred throughout Toronto successfully, including properties in the immediate area at Symington Road and Perth Avenue and other planned conversions through the adoption of OPA 537 and OPA 591.

Instead, the City chose not to proceed in this manner, instead limiting the northwest corner to *Core Employment Area* which does not include a full range of employment uses (i.e. retail and service commercial uses are not permitted) nor the additional housing units which could develop in a tower component of the building. This will result in the loss of at least one of the proposed residential towers (a loss of 220 units).

City staff raised the rationale that keeping the northwest corner as *Core Employment Area* would be more compatible with uses in the area. However, through the work completed by SLR, a mixed use building at this location was shown to be compatible with adjacent uses and not create any undue compatibility issues that could not be addressed through appropriate and common mitigation measures (i.e. warning clauses placed on title and requiring air conditioning).

We therefore believe that a more appropriate designation should be *Mixed Use Area* which will permit a full range of employment opportunities and needed housing units within a PMTSA. A mixed use development in the area will allow for employment and housing to occur in a compatible and organized manner. It will ensure that employment uses occur

contemporaneously with the housing units, rather than a delay occurring for purpose built core employment uses to utilize the northwest corner of the Subject Lands.

2. The Built Form Policies are Unnecessarily Restrictive

As noted above, Policies 8.5 and 8.16 place unnecessary restrictions on tower buildings within a PMTSA.

Policy 8.5 states:

"Where permitted, tall buildings will maintain a minimum tower setback, generally equal to or greater than the total height of the building, from lands designated Neighbourhoods."

Policy 8.16 states:

"Development in the Rail Corridor North and Rail Corridor South areas, identified on Map 2, will:

- e. Provide for a variety of building types and heights, with maximum tall building heights of approximately 25 storeys, provided tall buildings can accommodate compatibility with nearby employment uses;"*

These two policies place significant restrictions on new tower building, effectively eliminating storeys of height if they are located in proximity to *Neighbourhoods* (Policy 8.5) or an artificial restriction in the Rail Corridor areas (Policy 8.16 e). In this case, heights would be limited to 25 storeys based on Policy 8.16 e), with further restrictions imposed by Policy 8.5. In the latter case, the heights are significantly limited due to the location of *Neighbourhoods* designated lands fronting onto Mulock Avenue (which are located approximately 50 metres to the Subject Lands and approximately 50 to 100 metres from the proposed towers).

Limiting the heights as proposed would eliminate a significant of housing units without achieving any significant planning or urban design benefit, as shadows and privacy impacts are not significant planning issues given the location of the Subject Lands in a PMTSA. Further, the 25 storey limit set in Policy 8.16 e) is arbitrary and has no rationale other than to establish a maximum height which is lower than that found adjacent to the future transit station (in the Station Centre area, set at 45 storeys).

We believe that with minor wording changes appropriate controls can still be utilized to address actual planning and urban design concerns while continuing to establish the Station Centre area as the epicentre of height. To this effect, we request the following changes (strikeouts denote deletions; bold denotes additions):

1. To Policy 8.5:

- 8.5 ~~Where~~ **For development blocks which abut Neighbourhoods**, where permitted, tall buildings will maintain a minimum tower setback, generally equal to or greater than the total height of the building, from lands designated Neighbourhoods.

This modification will allow tall buildings to occur while addressing built form concerns where they abut *Neighbourhoods* designated lands. This will ensure that specific shadow and privacy matters are addressed for specific applications immediate adjacent to *Neighbourhoods* designated lands without negatively impacting the ability to achieve increased housing units in the PMTSA.

2. To Policy 8.16 (e):

- e. Provide for a variety of building types and heights, with maximum tall building heights of approximately ~~25~~**37** storeys, provided tall buildings can accommodate compatibility with nearby employment uses;

By making this change, additional height can occur, resulting in additional housing units being created, while maintaining the height epicentre at the Station Centre area (at 45 storeys).

Overall, we believe the above noted modifications are appropriate, reasonable and represent good planning and urban design. They will maintain the overall structure established by OPA 537 as adopted by City Council, while ensuring that significant housing is produced within the PMTSA.

Yours truly,

MHBC

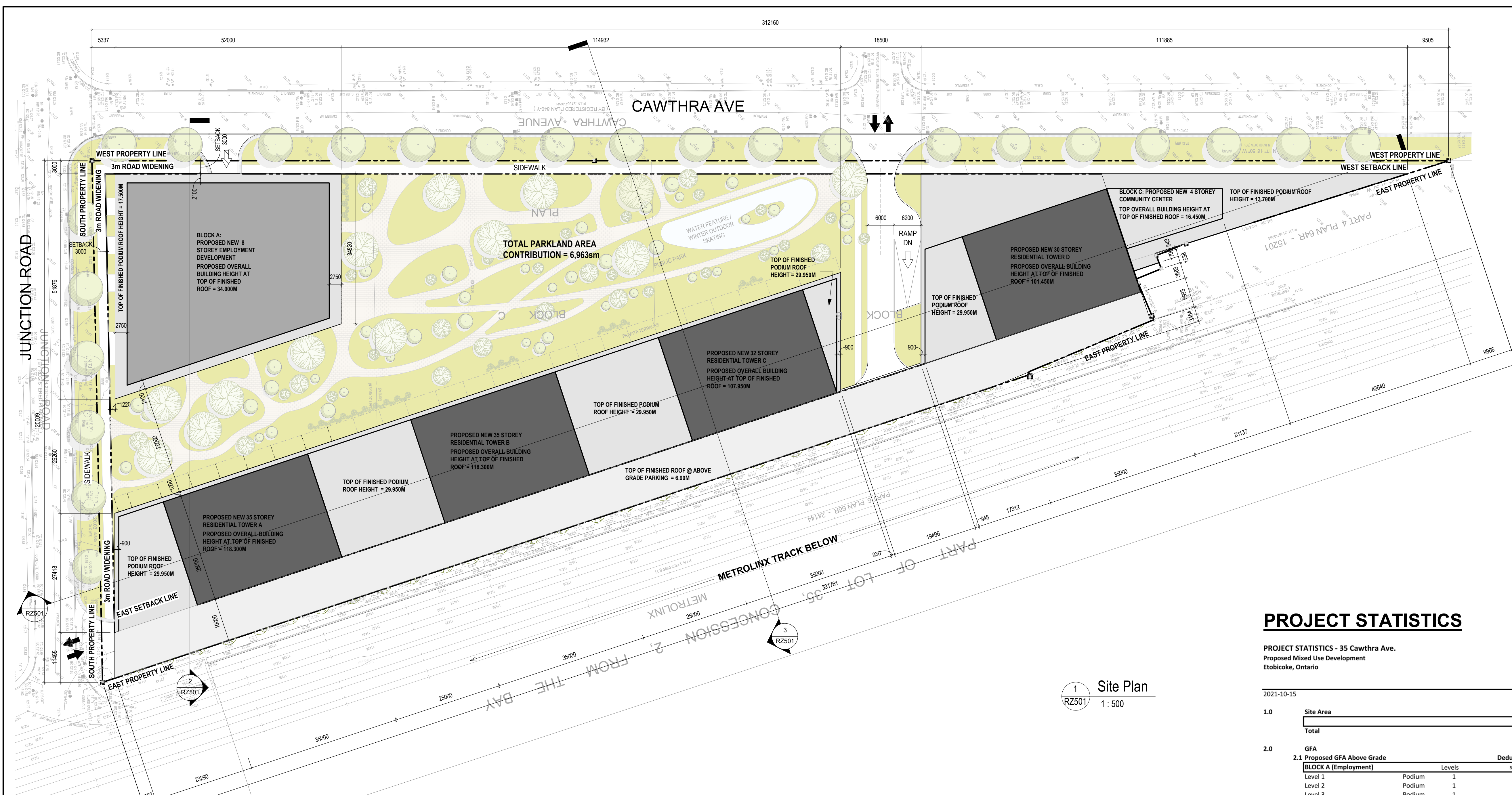


David A. McKay, MSc, MLAI, MCIP, RPP
Vice President & Partner

cc *Clients*

Encl.

Appendix **A**



LEGEND

- BUILDING SECONDARY ENTRANCE
- BUILDING EXIT
- BUILDING ENTRANCE
- RAMP TO UNDERGROUND PARKING LEVELS
- OVERHEAD DOOR
- PRIVATE DRIVEWAY
- LOTLINE

PLAN OF SURVEY AND TOPOGRAPHY

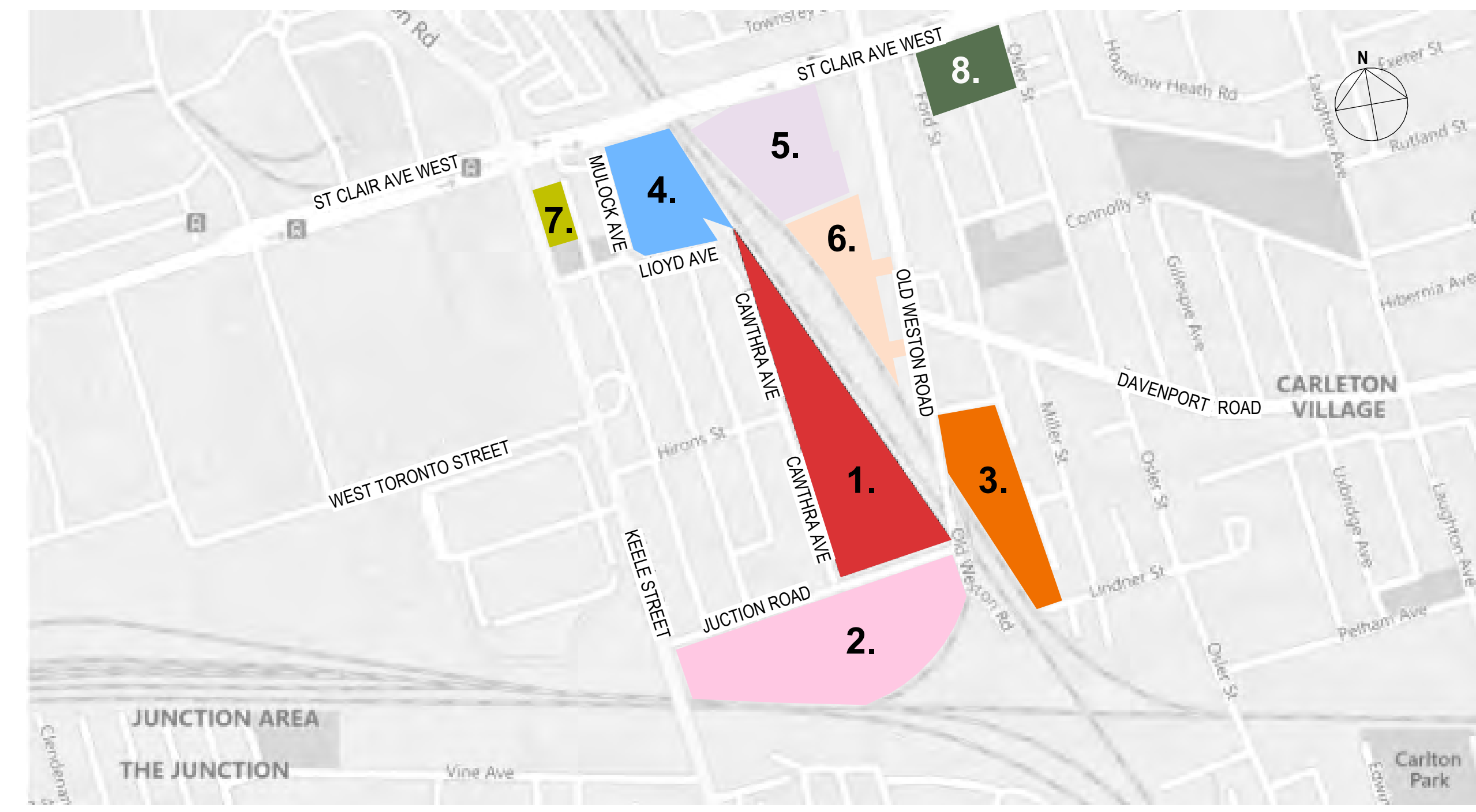
SURVEYOR'S REAL PROPERTY REPORT OF
BLOCK A, B, C, D & LANE
REGISTERED PLAN 840-Y
PART OF LOT 35 CONCESSION 2
FROM THE BAY
GEOGRAPHIC TOWNSHIP OF YORK
GENESIS LAND SURVEYING INC.

PROJECT STATISTICS

PROJECT STATISTICS - 35 Cawthra Ave.
Proposed Mixed Use Development
Etobicoke, Ontario

1 Site Plan
RZ501 1 : 500

CONTEXT PLAN



- SUBJECT SITE
- ADDRESS 43 JUNCTION ROAD, TORONTO, ONTARIO, M6N 1B5
MAX. HEIGHT 392 FT / 119.50 M
MAX. STOREYS 35
- ADDRESS 189 OLD WESTON RD, TORONTO, ONTARIO, M6N 3A5
MAX. HEIGHT 199 FT / 60.70 M
MAX. STOREYS 20
- ADDRESS 6 LLOYD AVENUE, TORONTO, ONTARIO, M6N 1H1
MAX. HEIGHT 186 FT / 56.80 M
MAX. STOREYS 17
- ADDRESS 1799 ST CLAIR AVENUE WEST, TORONTO, ONTARIO, M6N 1J9
MAX. HEIGHT 494 FT / 150.50 M
MAX. STOREYS 45
- ADDRESS 290 OLD WESTON RD, TORONTO, ONTARIO
MAX. HEIGHT 323 FT / 98.55 M
MAX. STOREYS 29
- ADDRESS 611 KEELE STREET, TORONTO, ONTARIO, M6N 3E5
MAX. HEIGHT 57 FT / 17.50 M
MAX. STOREYS 5
- ADDRESS 1779 ST. CLAIR AVENUE WEST, TORONTO, ONTARIO, M6N 1J9
MAX. HEIGHT 127 FT / 38.65 M
MAX. STOREYS 12

2021-10-15

1.0

Site Area

	acres	sq.m.	sq.ft.
Total	4.97	20,121.23	216,583.12

2.0

GFA

2.1 Proposed GFA Above Grade

		Deductions	GBA	Total GBA	
BLOCK A (Employment)		Levels	sq.m.	sq.m.	sq.ft.
Level 1	Podium	1	TBD	2244.00	2,244 24,154
Level 2	Podium	1	TBD	2244.00	2,244 24,154
Level 3	Podium	1	TBD	2244.00	2,244 24,154
Level 4	Podium	1	TBD	2244.00	2,244 24,154
Level 5	1	TBD	1806.00	1,806 19,440	
Level 6	1	TBD	1806.00	1,806 19,440	
Level 7	1	TBD	1806.00	1,806 19,440	
Level 8	1	TBD	1806.00	1,806 19,440	
Roof Top Level	1	TBD	0.00	- -	
Total		9		16,200.00	174,375.35

BLOCK B (Residential)		Levels	sq.m.	sq.m.	sq.m.	sq.ft.
Level 1	Podium	1	TBD	4,263.00	4,263.00	45,886.55
Level 2	Podium	1	TBD	4,575.00	4,575.00	49,244.89
Level 3	Podium	1	TBD	4,575.00	4,575.00	49,244.89
Level 4 - 8	Podium	5	TBD	5,550.00	27,750.00	298,698.51
Level 9-35	Tower A	27	TBD	850.00	22,950.00	247,031.74
Level 9-35	Tower B	27	TBD	850.00	22,950.00	247,031.74
Level 9-32	Tower C	24	TBD	850.00	20,400.00	219,583.77
Level 9-30	Tower D	22	TBD	850.00	18,700.00	201,285.1248
Total		108		126,163.00	1,358,007.23	

BLOCK C (Community Center)		Levels	sq.m.	sq.m.	sq.m.	sq.ft.
Level 1	1	TBD	1,708.00	1,708.00	18,384.76	
Level 2	1	TBD	2,398.00	2,398.00	25,811.86	
Level 3	1	TBD	2,398.00	2,398.00	25,811.86	
Roof Top Level	1	TBD	259.00	259.00	2,787.852798	
Total		4		6,763.00	72,796.33	

2.2 Proposed Residential GFA Below Grade (TBD)

		(deductions per floor)	Total GFA	
Levels		sq.m.	sq.m.	sq.ft.
TBD	1 x	TBD	0.00	0.00
Total	1		0.00	0.00

2.3 Proposed Total Above Grade GFA

		sq.m.	sq.ft.
Total Employment GFA		16,200.00	174,375.35
Total Residential GFA		126,163.00	1,358,007.23
Total Community Center GFA		6,763.00	72,796.33
Total		149,126.00	1,605,178.90

2.4 Proposed Floor Space Index (FSI)

	Total
	7.41

3.0

Proposed Unit Count (Required min 10% of 3BR suite)

		Studio	1BR	1BR+D	2BR	2BR+D	3B	Units
Level 1	Podium	1	0	0	8	9	8	1 26
Level 2 to Level 3	Podium	2	0	1	25	10	11	4 102
Level 4 to Level 8	Podium	5	0	1	29	15	15	4 320
Level 9 to Level 35	Tower A	27	0	0	3	3	0	4 270
Level 9 to Level 35	Tower B	27	0	0	3	3	0	4 270
Level 9 to Level 32	Tower C	24	0	0	3	3	0	4 240
Level 9 to Level 30	Tower D	22	0	0	3	3	0	4 220
Total			0	7	503	404	105	429 1448
			0%	0%	35%	28%	7%	30%

D

DUNPAR

BETTER BY DESIGN

35 CAWTHRA AVE.

35 CAWTHRA AVE.

ScaleAs indicatedNorth

Drawing Title

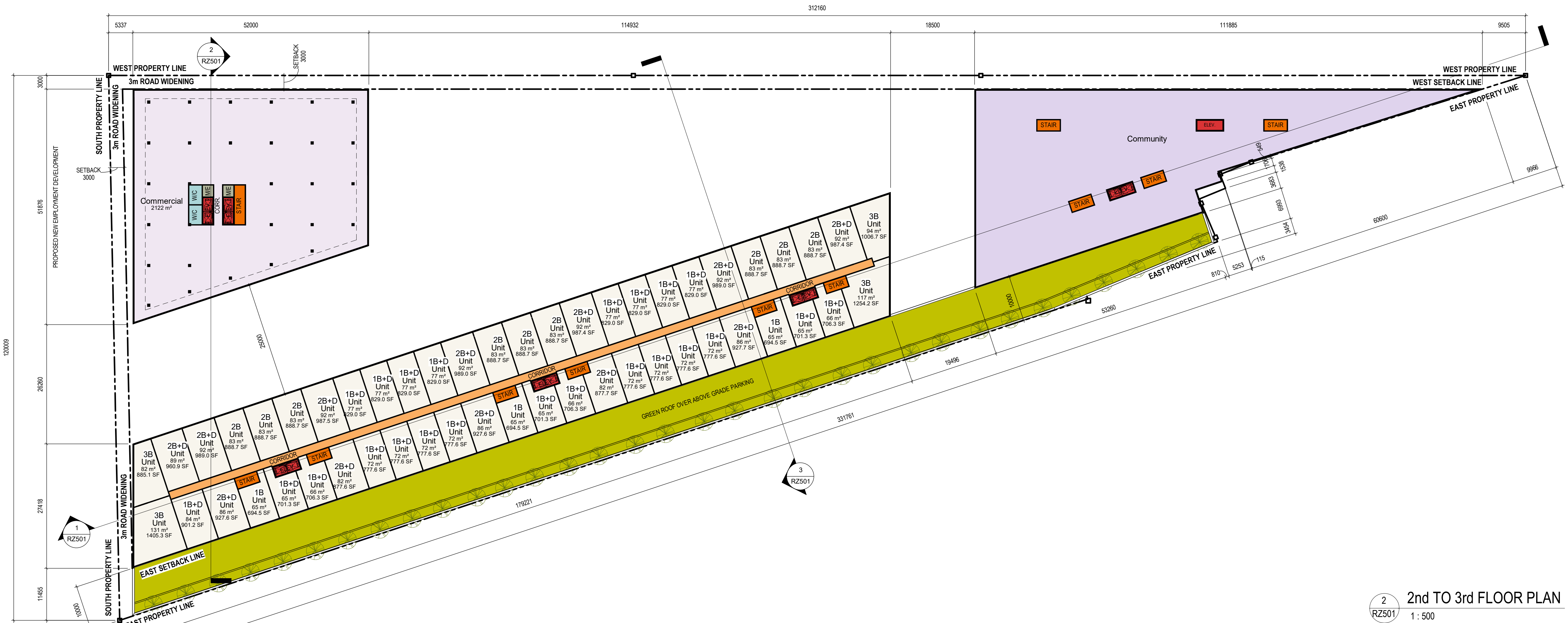
SITE PLAN

Owner/Developer

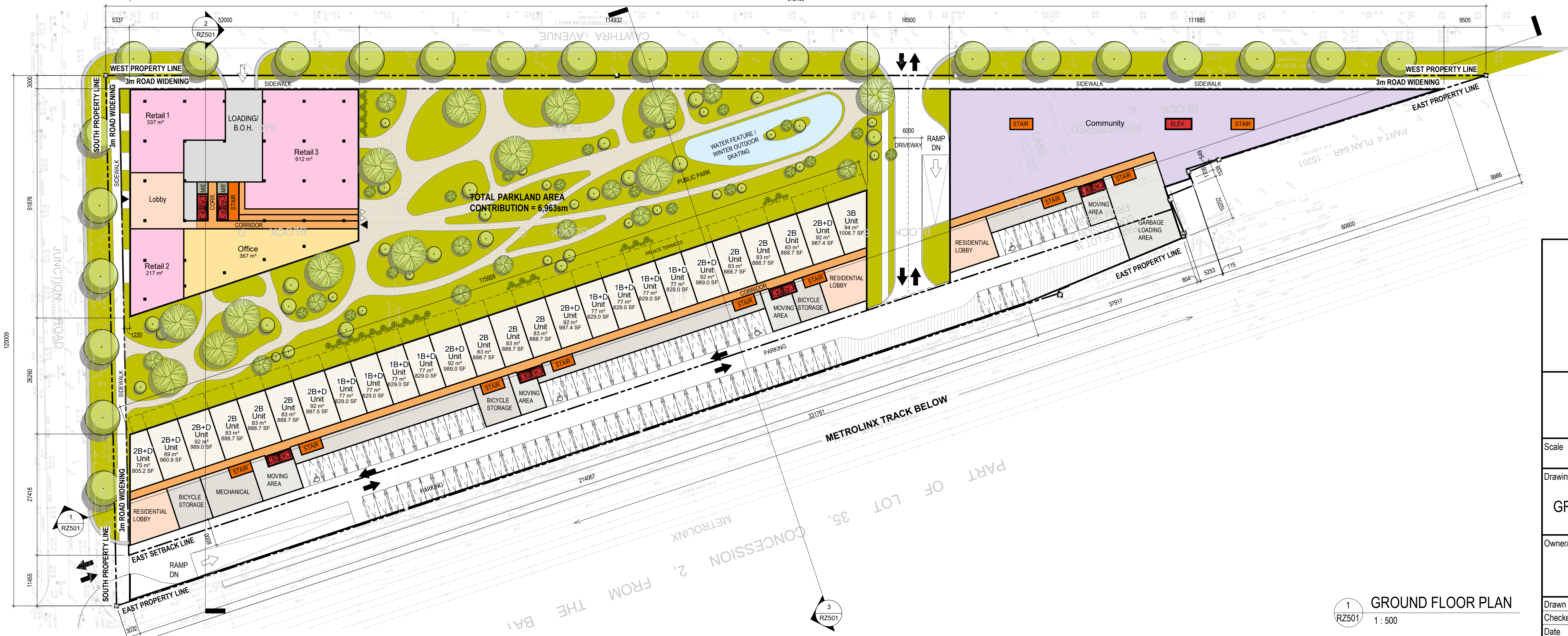
Drawn byAuthorPage No.

Checked byChecker

Date01/23/07RZ001



2 2nd TO 3rd FLOOR PLAN
RZ501 1: 500



1 GROUND FLOOR PLAN
RZ501 1: 500

D
DUNPAR
BETTER BY DESIGN

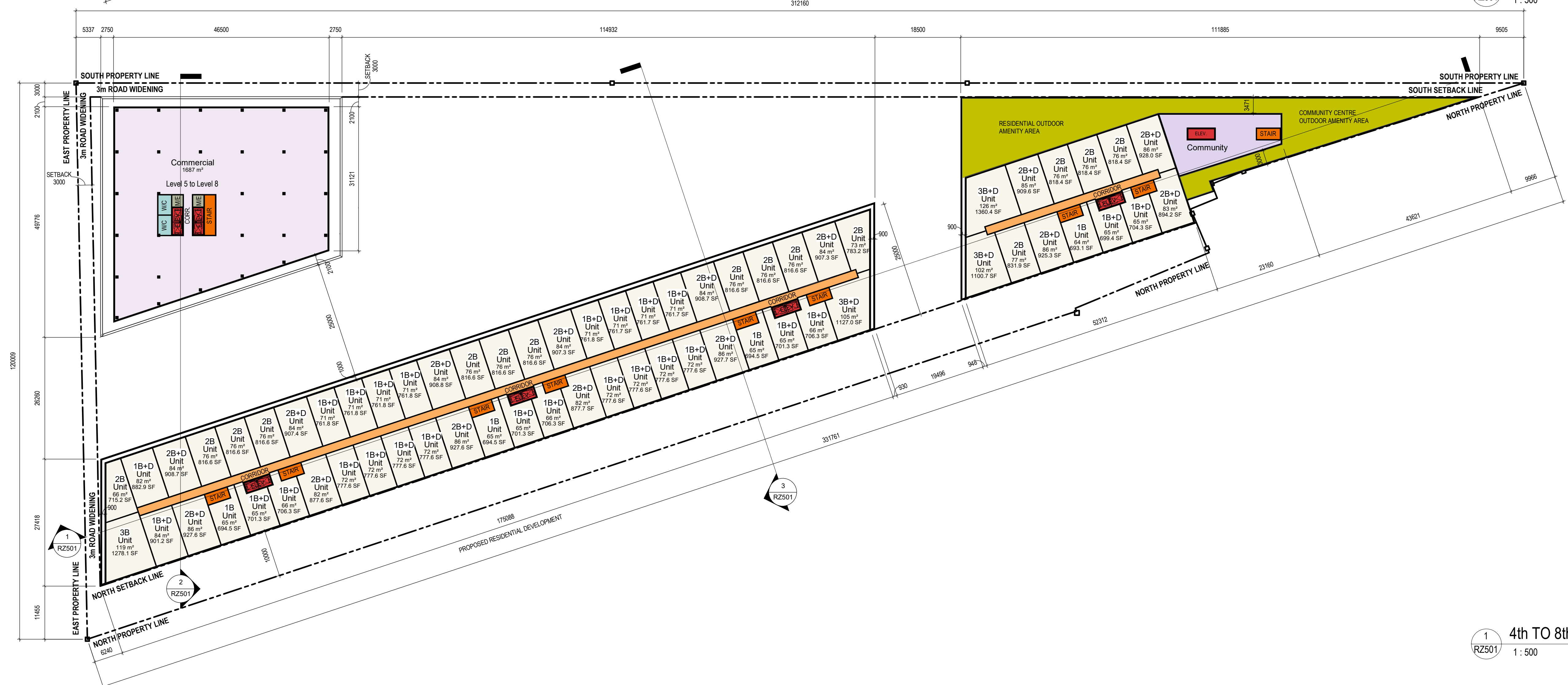
35 CAWTHRA AVE.
35 CAWTHRA AVE.

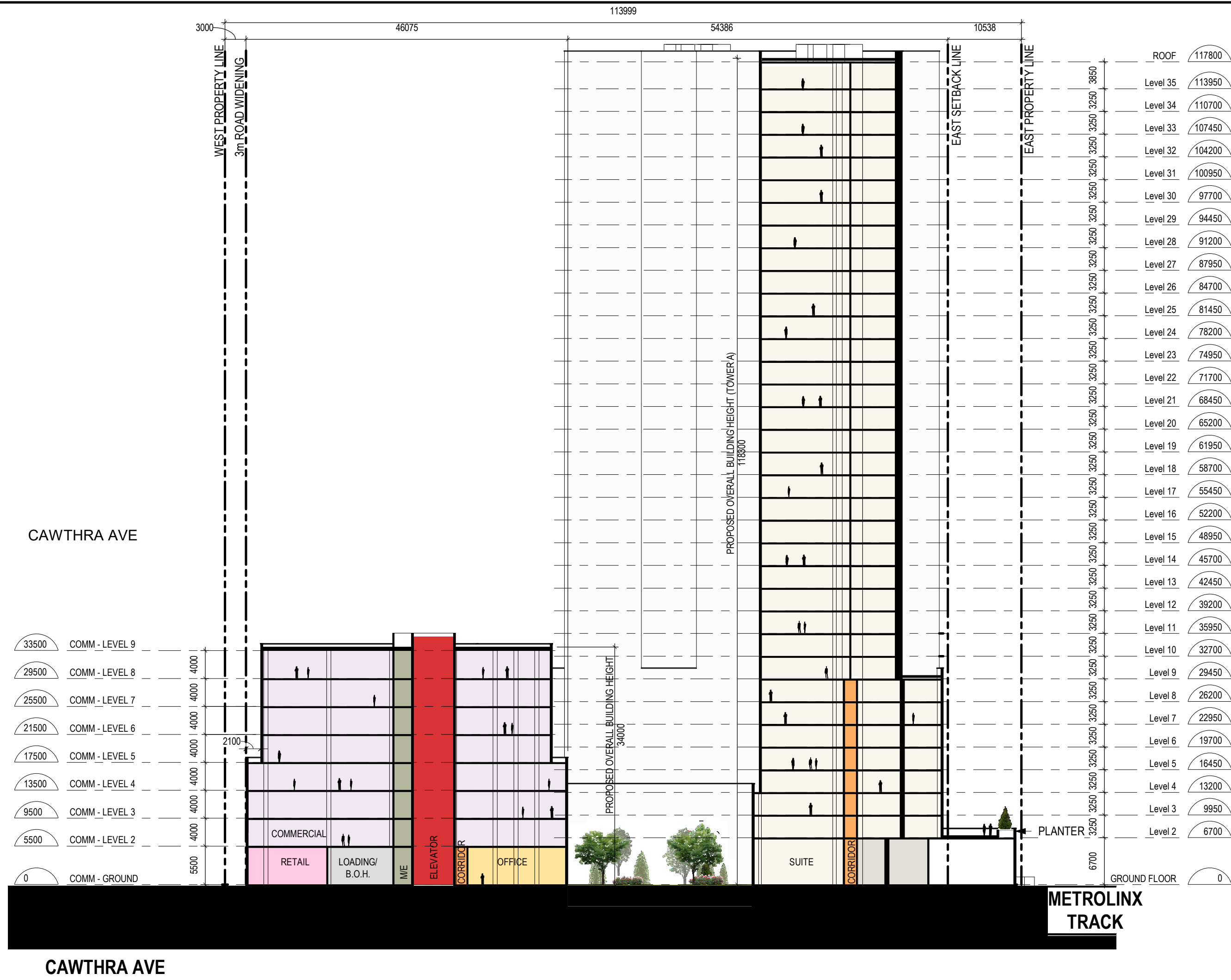
Scale 1: 500 North

Drawing Title
GROUND TO 3rd FLOOR PLAN

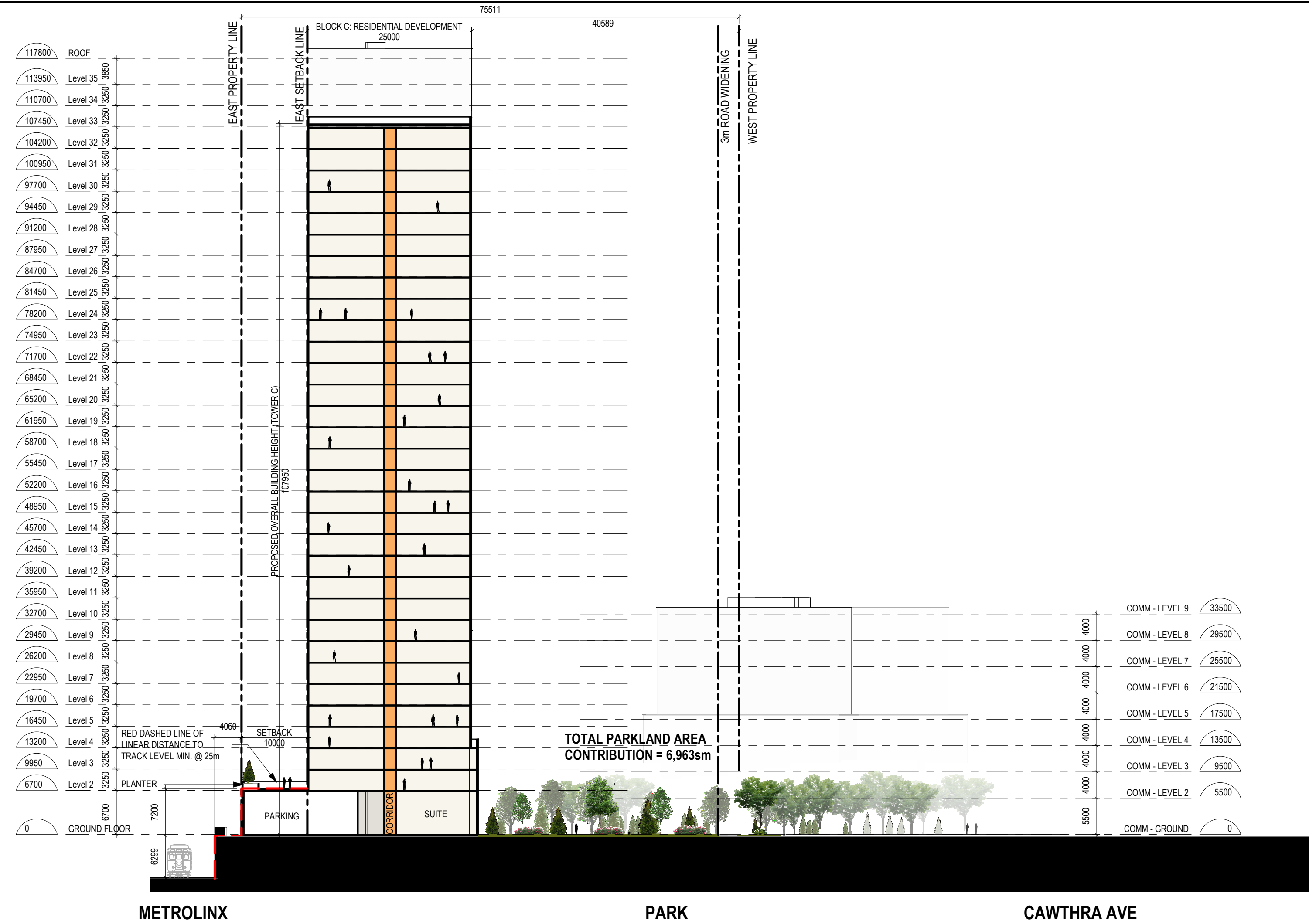
Owner/Developer

Drawn by Author Page No.
Checked by Checker
Date 08/24/21 RZ100

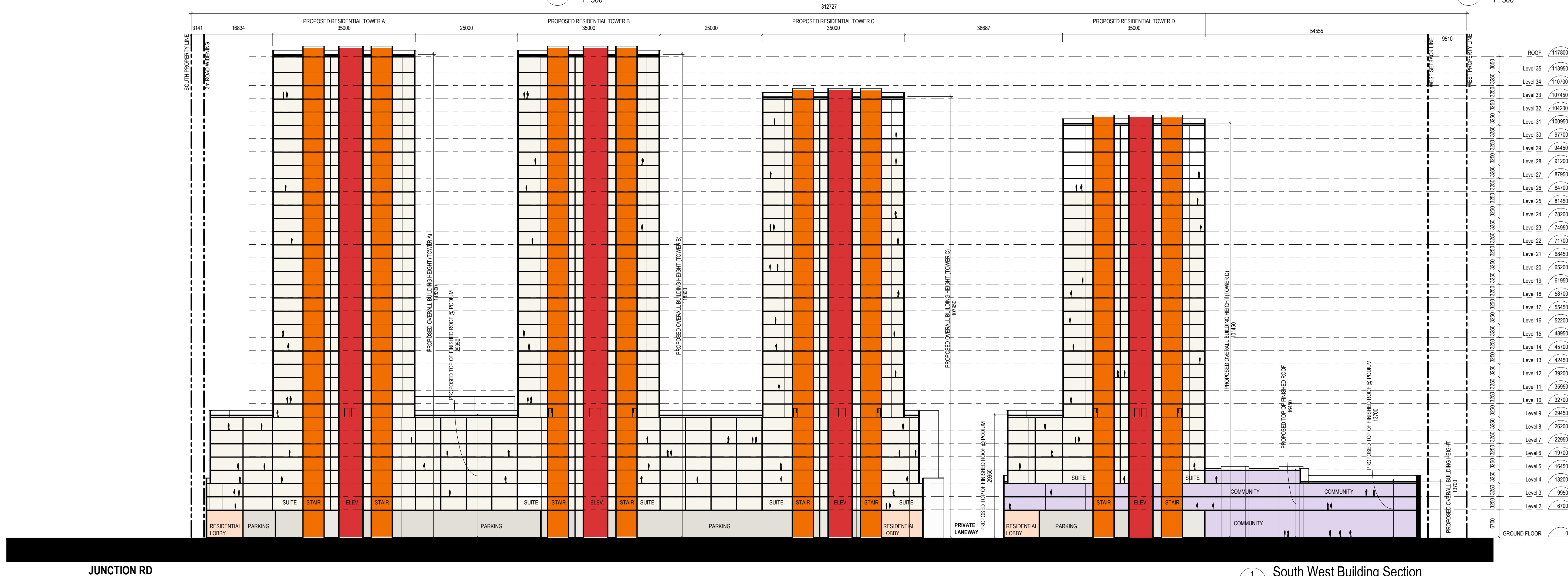




2 East West Building Section
RZ001 1 : 500



3 East West Building Section @ Public Park
RZ001 1 : 500



1 South West Building Section
RZ001 1 : 500

ROOF	117800
Level 35	113950
Level 34	110700
Level 33	107450
Level 32	104200
Level 31	100950
Level 30	97700
Level 29	94450
Level 28	91200
Level 27	87950
Level 26	84700
Level 25	81450
Level 24	78200
Level 23	74950
Level 22	71700
Level 21	68450
Level 20	65200
Level 19	61950
Level 18	58700
Level 17	55450
Level 16	52200
Level 15	48950
Level 14	45700
Level 13	42450
Level 12	39200
Level 11	35950
Level 10	32700
Level 9	29450
Level 8	26200
Level 7	22950
Level 6	19700
Level 5	16450
Level 4	13200
Level 3	9950
Level 2	6700
GROUND FLOOR	0

D

DUNPAR

BETTER BY DESIGN

35 CAWTHRA AVE.
35 CAWTHRA AVE.

Scale1 : 500North

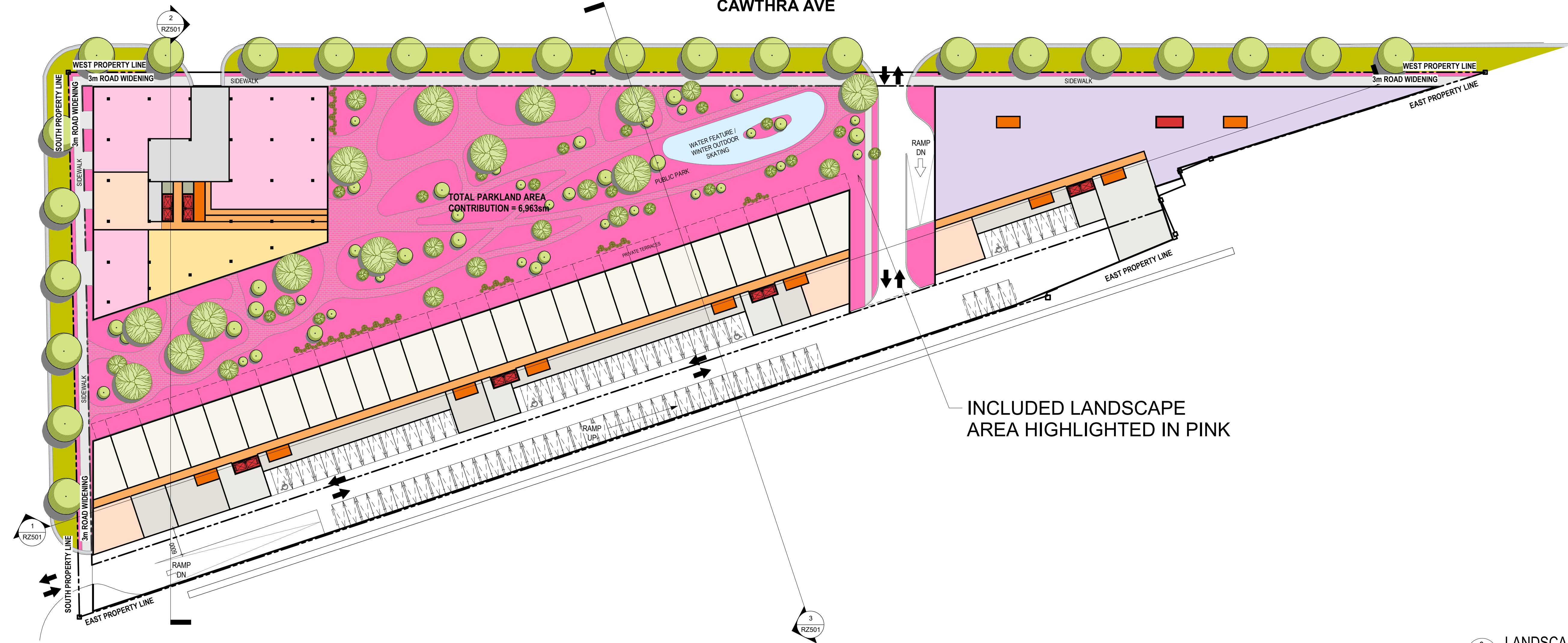
Drawing TitleBUILDING SECTIONS

Owner/Developer

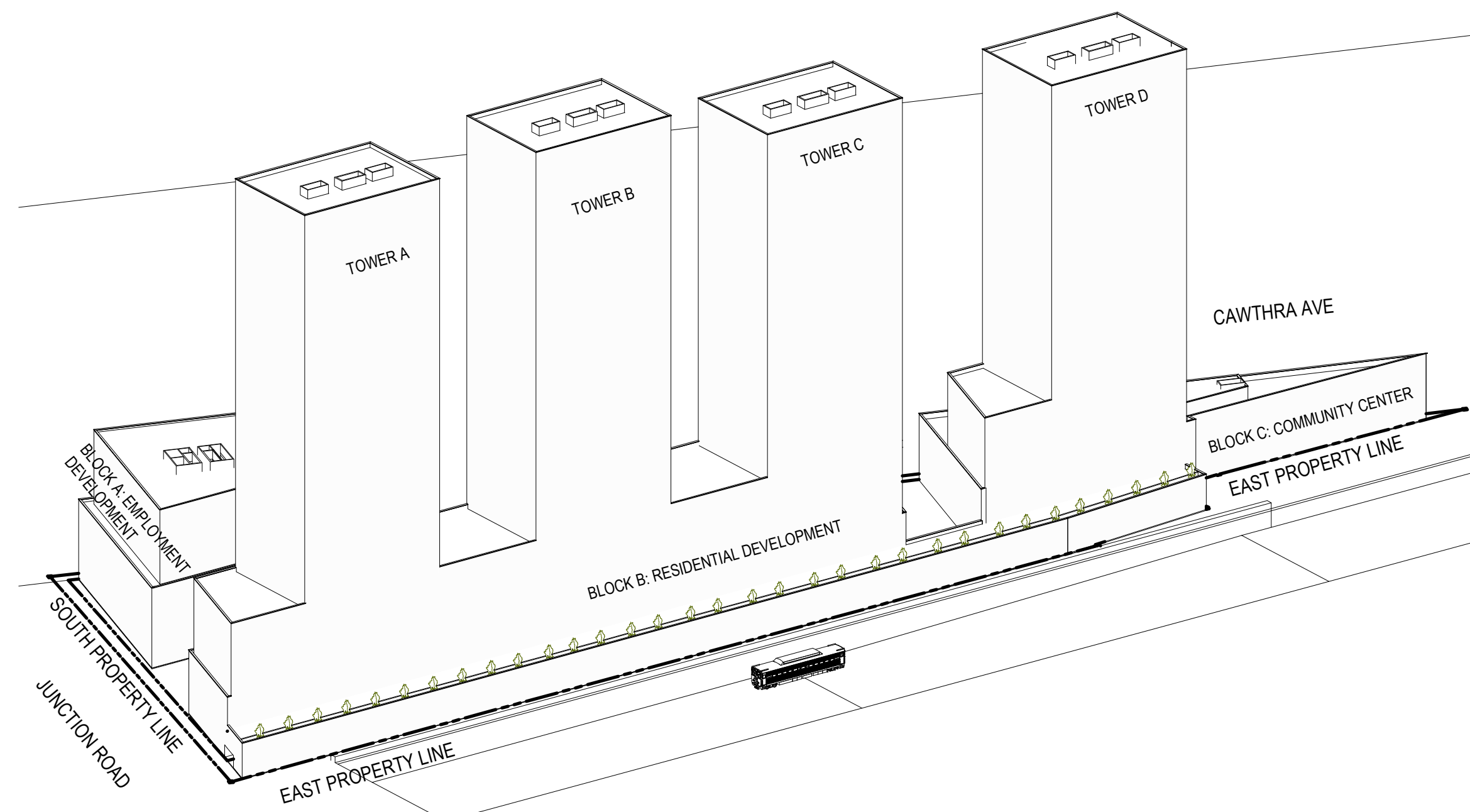
Drawn byChecked byDateAuthorChecker08/24/21Page No.RZ501

CAWTHRA AVE

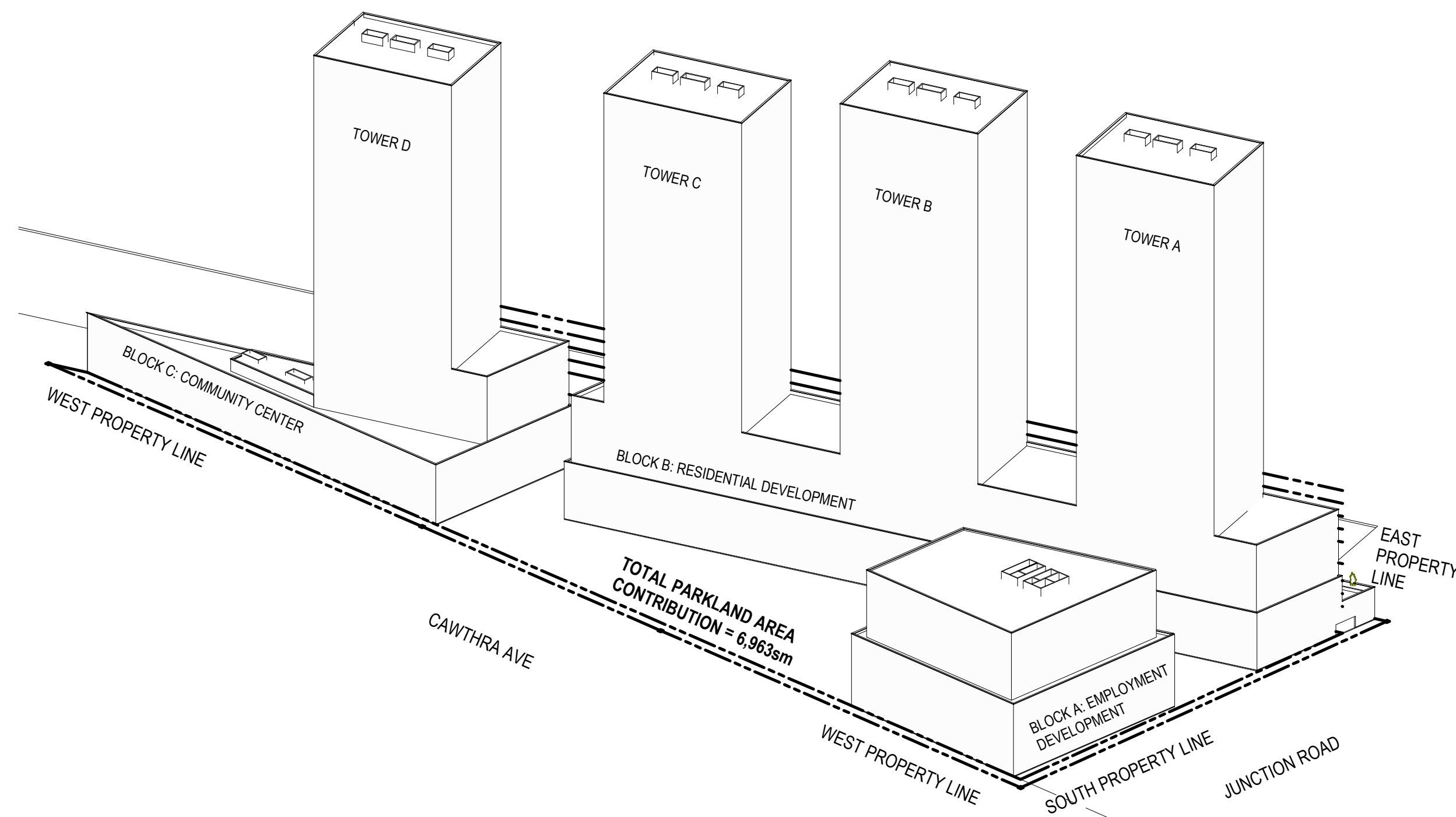
JUNCTION RD



3 LANDSCAPE AREA DIAGRAM
RZ501 1:500



1 SOUTH EAST 3D View



2 SOUTH WEST 3D View

D
DUNPAR
BETTER BY DESIGN

35 CAWTHRA AVE.
35 CAWTHRA AVE.

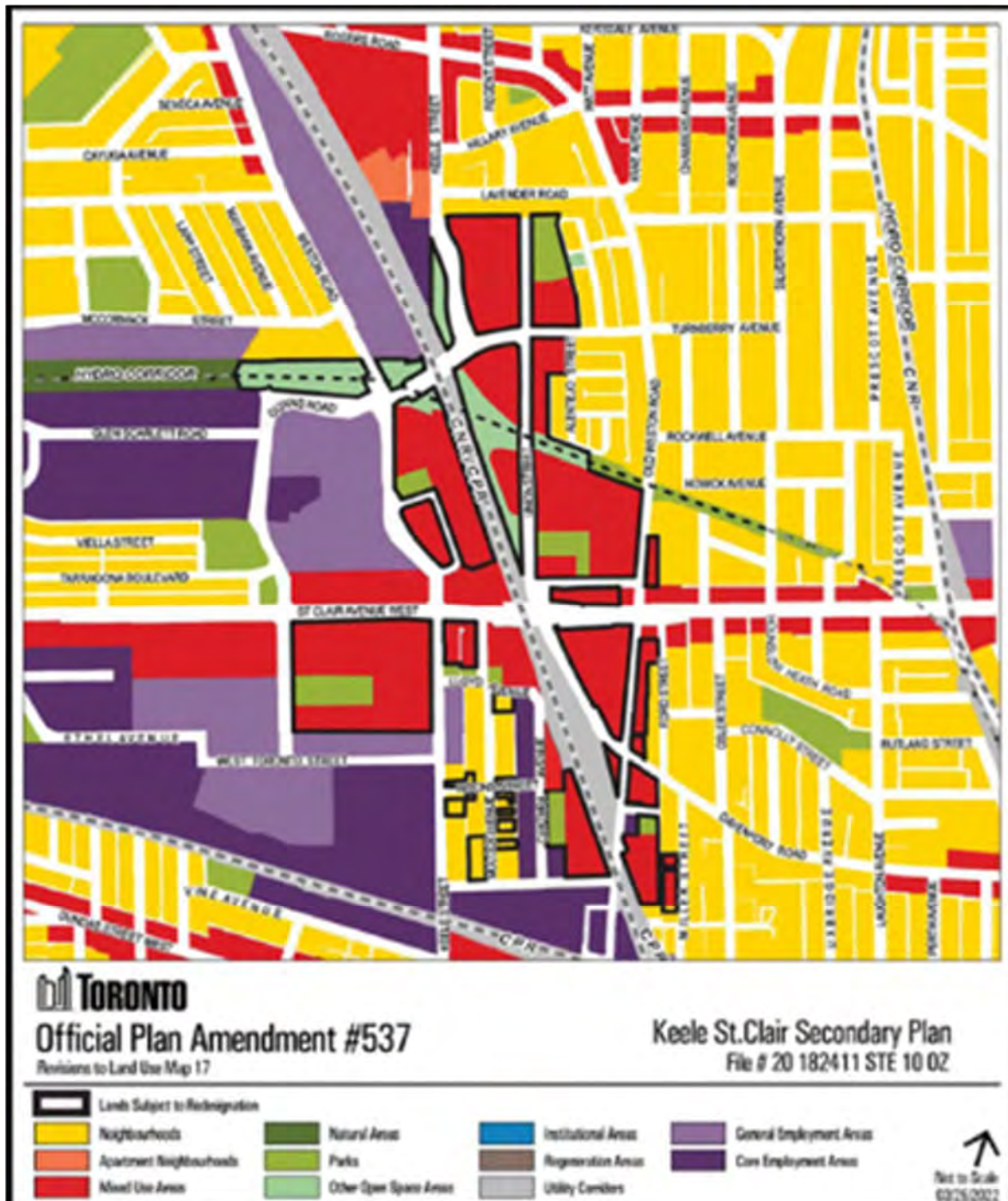
Scale 1:500 North

Drawing Title
3D VIEWS & LANDSCAPE AREA
DIAGRAM

Owner/Developer

Drawn by Author Page No.
Checked by Checker
Date 08/24/21 RZ503

Appendix **B**



Changes to Policies:

1. To Policy 8.5:

- 8.5 ~~Where~~ **For development blocks which abut Neighbourhoods,** where permitted, tall buildings will maintain a minimum tower setback, generally equal to or greater than the total height of the building, from lands designated Neighbourhoods.

2. To Policy 8.16 (e):

- e. Provide for a variety of building types and heights, with maximum tall building heights of approximately ~~25~~**37** storeys, provided tall buildings can accommodate compatibility with nearby employment uses;