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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 537 – Keele-St. Clair Secondary Plan

We writing on behalf of a large group of landowners who represent the most prominent sites located within the area of the Keele-St. Clair Secondary Plan (the “**OPA 537**”) in the City of Toronto (the “**City**”). OPA 537 was adopted by City Council on May 11, 2022 and has been sent to the Minister of Municipal Affairs and Housing for approval pursuant to the *Planning Act*. OPA 537 is intended to permit new density around the new St. Clair-Old Weston Station GO Transit/SmartTrack Station to conform with minimum provincial Growth Plan targets.

The above noted stakeholders took part in the City's consultation process and worked collaboratively with City staff and the local Councillors in formulating many aspects of OPA 537 over the past year, however the final version contains several significant issues which remain outstanding that we wish to draw to your attention to as still requiring modification.

1. Trees

Requested Change:

Modify Policy 2.4 a. by adding “where appropriate” at the end of the sentence.

Rationale:

Not all sites require or can accommodate new trees to be induced as part of the development site as contemplated by the draft policy. For example, the Station Block where 40% of the lands are being given for the new St. Clair-Old Weston Station GO Transit/SmartTrack Station or in other cases where large new on-site parkland is being dedicated.

2. Shadowing

Requested Changes:

Modify Policy 3.6 g. by amending “maximize sunlight and minimize” to “adequately limit”.

Modify Policy 8.4 by amending “maximize access to direct sunlight and daylight” to “adequately limit shadowing”.

Rationale:

These modifications are to create consistency with Citywide OPA standards.

3. Parkland DedicationRequested Change:

Insert new Policy 3.6 i. to be inserted immediately below 3.6.h as: “In the case of the Station Block parkland dedication shall be satisfied by way of cash-in-lieu of parkland.”

Rationale:

The owner of the Station Block has agreed to convey to Metrolinx approximately 40% of its land for the new major transit station, on the premise that the remainder of the Station Block lands (which afterward can just barely accommodate 3 towers) would be subject no further material reduction or expropriation which jeopardized the potential for 3 towers. However, as written there remains a technical possibility that the City could require parkland dedication on site, which would cause complications to this agreement to convey land for the new station, (because the Station Block would now no longer be able to fit 3 towers). This modification to OPA 537 simply ensures that the owner of the Station Block may pay cash-in-lieu of parkland (which is a very commonly used option provided for under the *Planning Act*), as opposed to the owner having to actually convey parkland on the Station Block – thereby preserving the new major transit station arrangement.

4. Non-Residential Gross Floor AreaRequested Change:

Modify Policy 7.1 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 OPA 537 area. The office/retail market is almost non-existent in the OPA 537 area meaning that if the proposed non-residential GFA requirements were built those spaces would be largely empty, unproductive space in the midst of a housing crisis. 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, and will expedite implementation of the Province’s Housing Supply Action Plan objectives. 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, still ensuring a vibrant mixed-use community is still created.

5. Mix of Uses

Requested Change:

Modify Policy 7.2 by deleting “to the satisfaction of the City,” in the middle of the second sentence.

Rationale:

This policy relates to the phasing 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 above even more onerous and detrimental. By removing the words “to the satisfaction of the City” it ensures that they will not later demand it all being built up front. This requested change will just require a phasing 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).

6. Transition

Requested Change:

Modify Policy 8.5 by changing it to “In order to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, tall buildings on sites or blocks that immediately abut *Neighbourhoods* may limit such impacts through a range of measures, including but not limited to minimum tower setbacks, or angular planes, where appropriate.”.

Rationale:

This policy is about transitioning building heights down to the nearby low rise residential areas (that are designated *Neighbourhoods* in the Official Plan). However, if read literally this clause currently arguably imposes a severe height restriction on lands that are nowhere near the low rise *Neighbourhood* designated areas. This clarification makes it clear that this transition concept applies to those development blocks that directly abut *Neighbourhoods*, not to lands much further away.

7. Building Heights

Requested Changes:

Modify Policy 8.9 a. by amending “40” to “50”.

Modify Policy 8.10 by amending “45” to “54”.

Modify Policy 8.12 a. by amending “35” to “45”.

Modify Policy 8.16 e. is modified by amending “25” to “34”.

Rationale:

These requested changes are an opportunity to achieve additional residential density and much needed housing units next to the proposed new St. Clair-Old Weston Station GO Transit/SmartTrack Station within a new emerging community. The density requirements in OPA

537 barley meet the threshold of the required minimum density for a Major Transit Station Area and these changes would ensure that the minimum provincial Growth Plan targets are not only met, but met in a timely manner in keeping with the government's ambitious new housing creation targets, and closer to when the new station infrastructure comes online.

8. Phasing

Requested Changes:

Modify Policy 9.2 a. by deleting “and the planned improvements identified in the St. Clair Avenue West Area Transportation Master Plan” at the end of the sentence.

Modify Policy 9.2 b. by amending “is substantially complete, to the satisfaction of the City,” to “has commenced” in the middle of the sentence and by adding “where appropriate” at the end of the sentence.

Delete Policy 9.2 c.

Rationale:

All of the development sites in proximity to the St. Clair-Old Weston Station GO Transit/SmartTrack Station already contain frontage on public highways so therefore do not rely on the planned Transportation Master Plan, nor has a firm timeline been established for the implementation of that plan. Likewise, it would be inadvisable to have the occupancy status of thousands of newly constructed residential units left in limbo because the transit station construction were delayed. Such conditions will make it very difficult for residential development projects to proceed at all in advance of the station being entirely completed. Finally, the primary objective of OPA 537 is to create a new mixed use community, not to plan and design around the scant few remaining expiring industrial uses.

9. Amended Mapping

Requested Change:

Modify Schedule 1 by replacing it with amended mapping.

Modify Schedule 2 Map 17, Land Use Plan by replacing it with amended mapping.

Rationale:

This requested change is an opportunity to convert two small orphaned employment designated parcels located at 189-195 Old Weston Road and 35 Cawthra Avenue, as well as a portion of the former rail spur identified as Utility Corridors which is now a prospective development site in private ownership to Mixed Use Areas which will allow for much needed additional residential density within the area of OPA 537.

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

A handwritten signature in black ink, appearing to read 'M. Foderick', written over a light grey circular stamp.

Michael Foderick

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