

February 9, 2024

Hon. Paul Calandra
Minister of Municipal Affairs and Housing
777 Bay Street - 17th Floor
Toronto, Ontario
M7A 2J3

**Re: Toronto Official Plan Amendment 644
ERO Number 019-7441
Ministry Reference Number 20-OP-232096**

**Toronto Official Plan Amendment 644 - Conversions
Request for Modifications to Permit Mixed Use Development
1543-1551 The Queensway, 66-76 Fordhouse Boulevard**

Toronto Official Plan Amendment 644 Should be Modified to Designate the Lands at 1543-1551 The Queensway and 66-76 Fordhouse Boulevard as Mixed Use in the Toronto Official Plan

Dear Minister Calandra;

We act for 572989 Ontario Inc., 1370443 Ontario Limited, 2038980 Ontario Inc. and 1545 The Queensway with respect to the lands at 1543-1551 The Queensway and 66-76 Fordhouse Boulevard. The subject lands are the subject of a conversion request to permit a mixed use development on the lands. However, the City of Toronto has maintained the Employment Area status of all the lands, redesignating them as General Employment by Toronto Official Plan Amendment 644. The effect of this continued Employment Area designation is to block the proposed mixed use development, and its associated community services and residential development. If approved as adopted by Council, the Amendment will block redevelopment of the lands for mixed use until the next Municipal Comprehensive Review - likely a decade or more away. This will prevent the critical expansion of community services needed to meet increasing demand for support for those facing poverty.

We are writing to request that the Official Plan Amendment 644 be modified to designate the lands as mixed-use areas, to allow development to proceed and achieve intensification. These lands are also intended to accommodate significant new expanded facilities for the Haven on Queensway - a non-profit, faith-based organization providing considerable social services to this neighbourhood, ranging from a food bank and clothing for those in need, to programs for young mothers, and homelessness outreach.

In addition, the owners intend to include a conveyance of land to the City of Toronto for use as part of the Mayor's new housing initiative.

This submission is also accompanied by a planning opinion from Bousfields (which attaches a Land Use Compatibility Study from GradientWind Engineers), and a Land Economics opinion from urbanMetrics.

The proposed mixed use development has been designed by Harari Pontarini Architects. A concept perspective is shown below:



City of Toronto Official Plan Amendment 644 responds to conversion requests for 45 locations across the City. However, rather than approving the conversion requests for this site, the City chose to maintain their status as Employment Area, designating the lands as *General Employment Areas*.

The continued Employment designation blocks any future mixed use or residential development. It means that planning applications to permit the mixed use and mixed income development can not even be filed with the City.

We are requesting that the Minister modify Official Plan Amendment 644 by designating the subject lands as Mixed Use Areas. This will allow the opportunity to deliver meaningful housing, and critical community social services in partnership with Haven on The Queensway in this emerging intensification corridor.

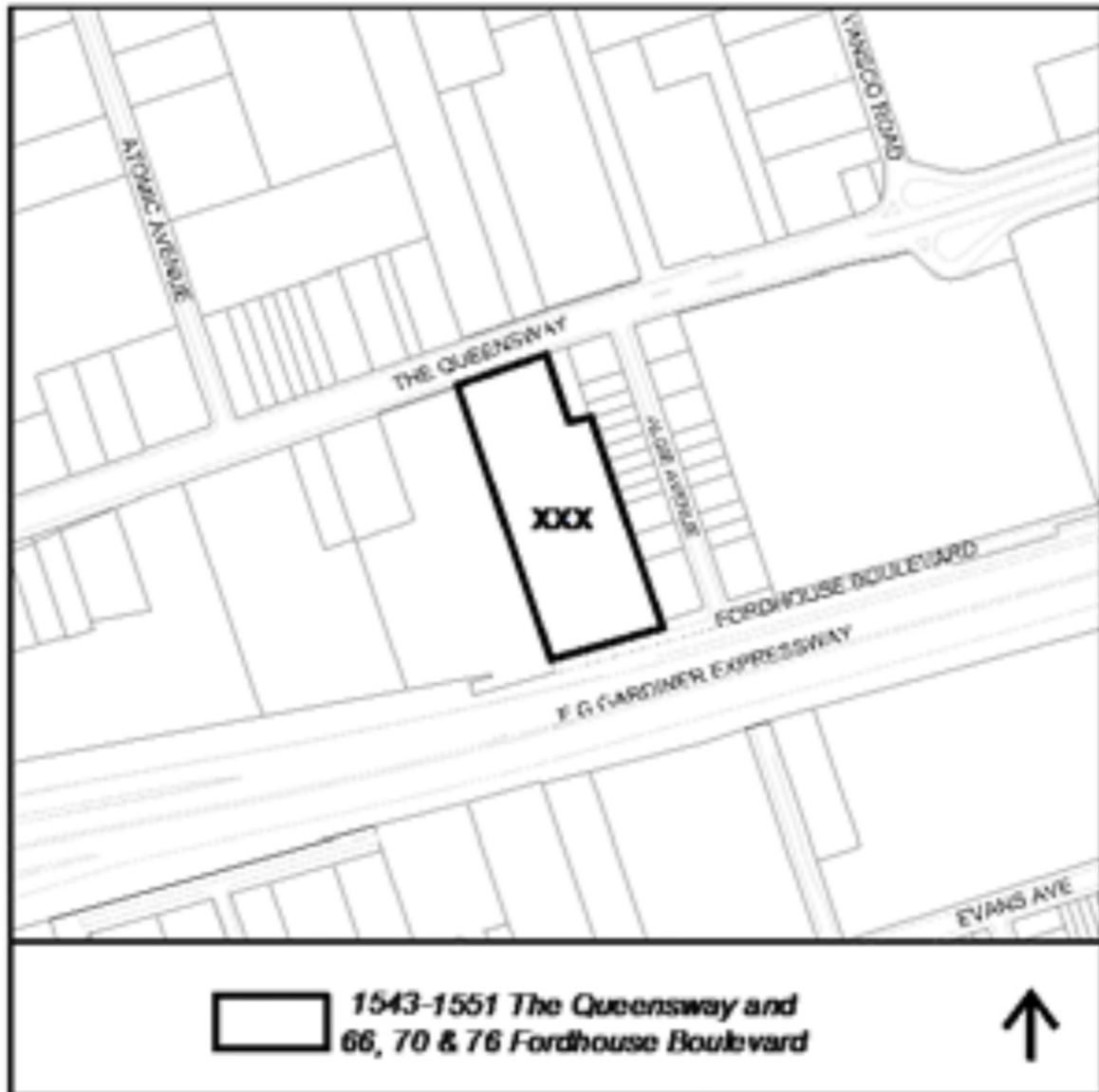
Such modification will help to accelerate the process of approving intensification applications. It will deliver housing and economic activity consistent with the provincial vision, with less excessive process, and in a faster time frame.

We are requesting that the following modifications be made to Official Plan Amendment 644, including by including a new Site and Area Specific Policy XXX as below:

Modify Official Plan Amendment 644 to add SASP XXX as follows:

Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy XXX for the lands known municipally in 2023 as 1543-1551 The Queensway and 66, 70 & 76 Fordhouse Boulevard as follows:

XXX. 1543-1551 The Queensway and 66-76 Fordhouse Boulevard



A mixed-use and mixed-income development is permitted provided that:

a) A minimum of 3,600 square metres of the gross floor area on the lands will be community services and facilities that:

- i) will be comprised of uses such as a food bank, retail, office and educational services, and a daycare facility;
- ii) will be constructed on the land prior to, or concurrent with, any residential gross floor area.

b) Any 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 7 per cent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 per cent of the total new residential gross floor area shall be secured as affordable rental housing;

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;

iii) the unit mix of 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; and

iv) if a purpose-built rental development is proposed there is no requirement for affordable rental housing.

c) The provision of affordable housing required by policy b) shall be secured through one or more agreements with the City.

d) 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 h) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of policy b) above.

e) Sensitive land uses, including new residential uses will be located, designed and buffered to mitigate impacts from, be compatible with, and not impede the continuation of and the expansion of existing employment uses, and any new employment uses within the surrounding General Employment Areas.

f) As part of a complete Zoning By-law Amendment application, a Compatibility/Mitigation Study will be submitted and peer reviewed, at the applicant's expense, to the City's satisfaction, that identifies any necessary mitigation measures to be incorporated into the development design.

- **Revise “Appendix 1 - Map 2 Urban Structure, Employment Area Modifications” to remove the subject site from this map.**
- **Revise “Appendix 2 - Map 34 Official Plan Designations” to redesignate the subject site to *Mixed Use Areas*.**

The Subject Site Will Be an Important Part of a Growing Social Services Hub in this Community

The proposed development on this site proposes to deliver important community social services in a hub-type environment, where there is a demonstrated need for such services. The owners have partnered with Haven on The Queensway, and propose to deliver space for housing, a food bank, a clothing bank and other community social services in a safe, welcoming space.

Haven on the Queensway is a faith-based non-profit social services organization that has grown out of the work of The Church on the Queensway, a church located across the street from the site on the north side of The Queensway. Since Haven was established in 2009, it has sought to provide support to the most vulnerable in the community, and a bridge to self-sufficiency through resources, support and counselling.

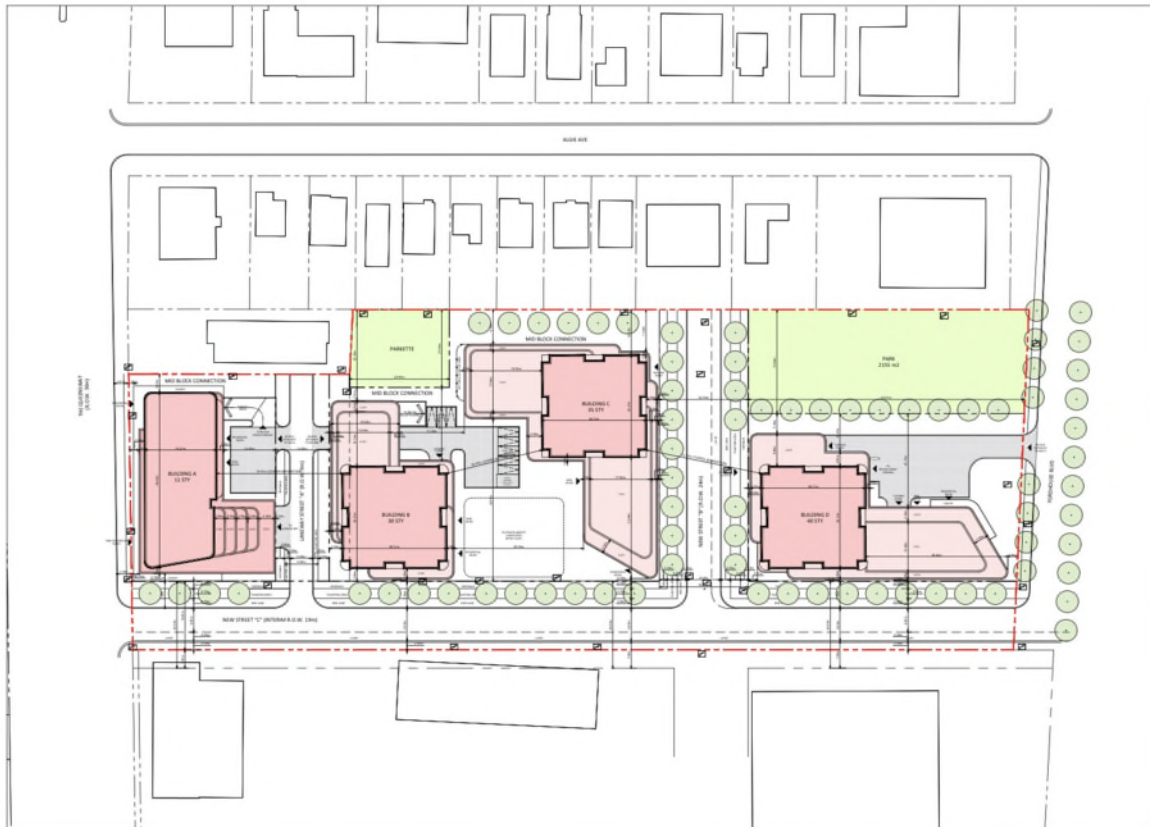
Specific programs currently offered include a food bank, Haven’s Closet (free clothing to individuals and families going through a crisis), First Care (providing support and resources such as food, , diapers, and formula to young parents),

Helping Seniors (resources for and check-ins for seniors, including workshops and social events), and Hope With Wheels (mobile street outreach).

Haven on The Queensway also special event programming such as Christmas Adopt-a-Family (Dinner and gifts for individual families in need), and an annual Christmas Toy Drive.

Currently, Haven on the Queensway operates from a space next door to the subject site at 1533 The Queensway. The space is no longer adequate for the organization's growing operations as community needs continue to grow. Haven's need for new space for their existing programming is becoming acute, as their current quarters are no longer adequate. Furthermore, they need new large space in order to accommodate their planned new programs and services.

The Queensway location of this site represents a tremendous opportunity for the Haven on The Queensway - this is where their existing client relationships exist, and where their programs, staff and volunteers already operate. The Haven uses are planned for building A, which will front on The Queensway, as shown on the site plan for the proposal below.



The opportunity for new and adequate space will also allow Haven on The Queensway to meet the growing community need, and potentially expand their program offerings in the future - to provide even greater support to the community. This would include the delivery of affordable housing on-site to those in need. In addition to accommodating the existing Haven functions in a building fronting on The Queensway, the building could also accommodate proposed new programs to take place in a proposed community drop-in space. An educational centre is also proposed by Haven to offer educational opportunities to their community in need, such as English as a second language, computer literacy, tutoring, and job search tools.

The Queensway Site Offers Potential to Deliver Significant Housing Supply - Could Deliver 1,401 Units of Housing, Including 208 Affordable Units

The ultimate development concept for the portion of the site proposed for mixed use - adding mixed use buildings, including residential and community social services - offers the potential for a significant addition of new housing supply where there is a strong need for housing. The proposal would ultimately yield a total of approximately 1,401 residential units. Of these, 208 are proposed to be affordable in nature - 82 as rental, and 121 as ownership affordable.

Before the residential component can proceed, conversion from the existing employment designation is required. This submission seeks a Mixed Use Area designation to facilitate the residential intensification of the site.

The requested modifications to the Official Plan Amendment will lay the groundwork to facilitate the construction of housing which will offer an opportunity for new homes for 1,401 families, and a healthy addition to the supply of housing in the province and the City of Toronto.

Site is Proposed for Participation in Mayor Chow's New Housing Program

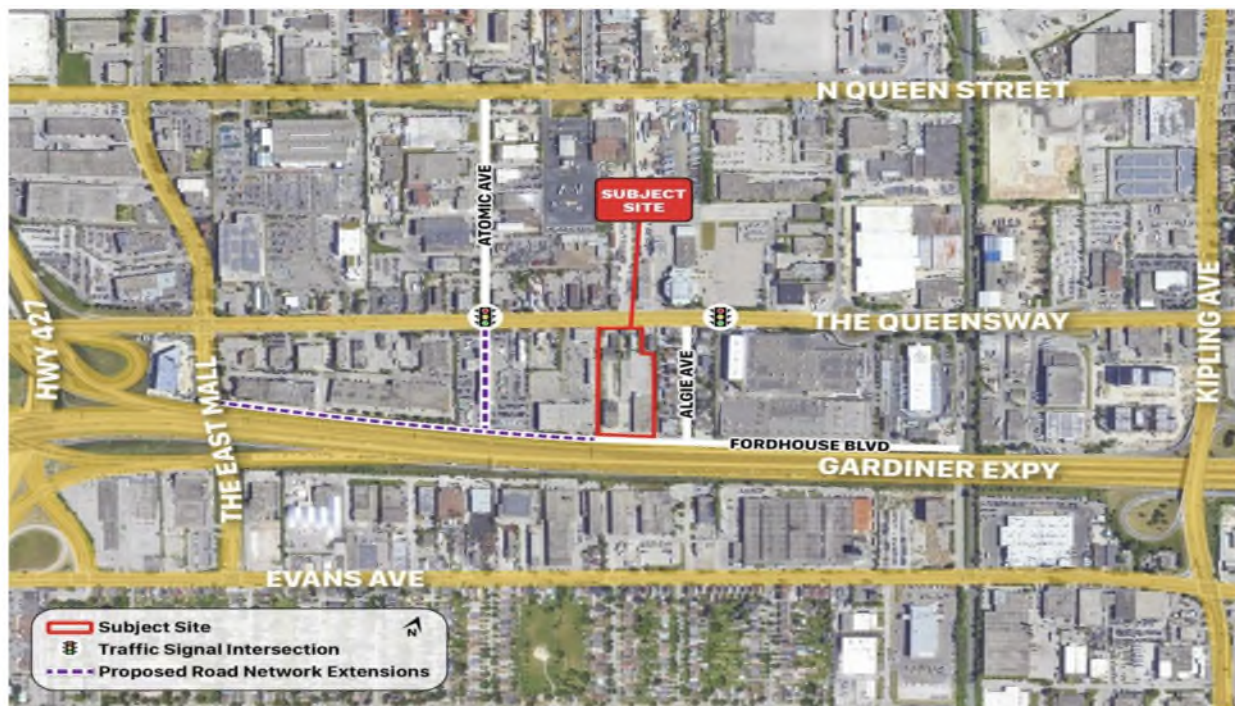
On Wednesday November 8, 2008, City of Toronto Council endorsed a new housing plan proposed by Mayor Chow. This ambitious plan seeks to have the City build 65,000 new rental homes by 2030.

A key foundation of the plan is the use and development of City land and innovative asset-based financing to allow the housing to be built. The owners of this site are proposing to contribute a portion of the site to the City to support the Mayor's housing plan.

The report to Council setting out the plan's details identified large sites, and employment conversions, as two important opportunities to achieve contributions to the City housing plan. The subject site represents both of those categories. For this reason, Provincial modification of the lands to designate them as mixed use areas will facilitate the contribution to the City housing plan.

Area Has Community Services and Infrastructure to Support New Residential Development

The site is well-served by transit. The number 80 bus route runs directly in front of the site on The Queensway. This route extends from Trillium Health Hospital and Sherway Gardens Regional Shopping Centre in the west, to Keele Subway Station at the eastern terminus. Throughout, it intersects and offers transfers to numerous other TTC bus and streetcar routes.



The immediate social services hub role played by Haven on the Queensway underlines the availability of community services in the immediate area. This will only be strengthened with the location of haven facilities within the proposed development.

The area also enjoys many community amenities.

Abundant shopping (including major supermarkets and drug stores), restaurant and service offerings can be found nearby along The Queensway, and also along Kipling Avenue. As noted, The Queensway bus route 80 running in front of the site travels directly to popular shopping centre Sherway Gardens and the surrounding retail agglomeration.

Local schools include Lanor Junior Middle School and Castlebar Junior School.

Douglas Park, Connorvale Park (with two baseball diamonds), Queensland Park, and Queensway park are also available to serve local residents. A new park of 2,155 square metres in size (10% of the overall site) is planned to be established as part of the development of this site

As noted, Trillium Health Centre hospital is a short direct bus ride from the site.

To Facilitate the Residential Intensification in this Location, the Mixed-Use Designation is Required - 1543-1551 The Queensway Satisfies the Growth Plan Criteria for Conversion

In order to facilitate the development of the land to deliver residential intensification, a mixed-use designation is required. This submission is requesting a modification to designate the subject lands as Mixed Use. This would be a full conversion of the land from employment. This is permitted under the Growth Plan in the context of a Municipal Comprehensive Review. Toronto OPA 644 is an amendment that is part of the Municipal Comprehensive Review Process.

Policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe sets out the tests for approval of a conversion:

- A) need
- B) lands not required for purpose designated
- C) sufficient lands maintained in municipality for forecast employment growth
- D) proposed uses will not affect the overall viability of employment area
- E) Infrastructure and public services are available

The site satisfies the required provincial criteria for approval of conversion.

NEED - There is a clearly demonstrated need for additional housing. Ontario is undergoing a serious housing supply crisis - which is reflected in escalating housing prices. This site is well-located to contribute to satisfying the need for housing. According to study by Bousfields, the City's historical growth rates, continued forward, will result in Toronto achieving only 73% of its Growth Plan target population for 2051. Additional significant housing growth is required to achieve the Provincially mandated growth requirements. The Mayor's Housing Plan adopted by Toronto Council on November 8, 2023 speaks to the dramatic and severe housing need crisis, and the importance of urgent and dramatic action.

LAND NOT REQUIRED FOR EMPLOYMENT - The subject lands do not function as either manufacturing or major warehousing. A series of interim uses have functioned on site, but there is no demand to use the site as a traditional employment use of manufacturing or warehousing. The conversion of the site will not result in the displacement of a single manufacturing or warehousing business or job. In fact, approval of the conversion will actually increase the number of jobs on site. There are currently less than 40 jobs on this large site - more are anticipated in the proposed development. At the same time, the project will be adding considerable housing potential - which would create additional population, which in turn will result in additional community-based jobs.

SUFFICIENT OTHER LANDS MAINTAINED FOR EMPLOYMENT - While the subject lands are not appealing to prospective employers, there are abundant other lands in Toronto that can better serve that purpose. The Toronto Planning Staff recommendations in the municipal comprehensive review have identified that much land can be converted away from employment without adversely affecting the overall supply of appropriately located employment lands to meet the needs of the market. The OPA 644 proposed designation of the site as general Employment Area effectively means that the lands are already not part of the employment land supply for warehousing and manufacturing to 2051. Thus, there are sufficient and more appropriate lands available in Toronto to meet employment needs to the Growth Plan 2051 horizon and beyond.

NO IMPACT ON VIABILITY OF OTHER EMPLOYMENT AREA - The subject site conversion will in no way will destabilize any other employment uses in the vicinity. There are no nearby industries with which compatibility issues would arise under the Ministry of Environment's Land Use Compatibility Guidelines, if the lands were to develop for mixed use purposes including residential. The area has been in transition for some time now, and its lack of potential for warehousing or manufacturing has already been determined by the marketplace, and will not change as a result of the designation of 1543-1551 The Queensway as mixed use. A Land Use Compatibility study for the site concluded that, "should the proposed development at 1543-1551 The Queensway and 66, 70, and 76 Fordhouse Boulevard be granted approval for residential use, it is not expected to have any land compatibility issues or conflicts with the existing or future employment lands".

SUFFICIENT INFRASTRUCTURE AND PUBLIC SERVICES - The 1543-1551 The Queensway site is well-served by infrastructure. As a long-standing business area that has been undergoing transition for several decades, the area is well-served by sanitary sewers, storm sewers and water. In addition to a good local road network, the site also has good accessibility to the Queen Elizabeth Way, and the Highway 427 as well as good transit infrastructure networks. Overall, the site is well-served by infrastructure, and by public services required by residents.

In conclusion, it is clear that the proposed conversion satisfies the tests under policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe to allow conversion from employment land to other uses including residential. The enclosed urbanMetrics Land Economics opinion confirms that the site satisfies the economic market tests for conversion under policies 2.2.5.9 a), b), c) and d) of the Growth Plan.

New Planning Act Definition of “Areas of Employment” Limits Permitted Uses to Manufacturing and Warehousing - Which the Market has Demonstrated are No Longer Viable or Desirable for Users at this Location

Under the recent amendments to the Planning Act (not yet proclaimed), the definition of Area of Employment is being more narrowly defined to focus protection on manufacturing and warehousing uses. Of note, office uses will no longer be permitted uses in employment areas (with the exception of the offices that are part of the principal manufacturing or warehousing on site).

There is no evidence that there are any prospective manufacturing or warehousing uses interested in locating at this site. As such, in view of the recently adopted Planning Act definition of Areas of Employment, maintaining the site as employment means that the subject site should be maintained for manufacturing or warehousing - uses which are not going to locate here.

The stubborn determination of the City to continue such a designation will only ensure the continued vacancy of the site for another decade or more.

Emerging Provincial Policy Also Supports Conversion of the 1543-1551 The Queensway Site

Similarly, the proposed Provincial Planning Statement will introduce a new test for conversions. The proposed new test is clearly satisfied by this proposal:

NEED - The need for housing is clear. This is demonstrated by both the Provincial Housing Supply Action Plan, and the City’s new Housing Plan endorsed by Council on November 8, 2023. The subject lands are not required for employment over the long term, as they already largely do not perform that function, and the location is not suitable for the type of employment contemplated by the new Employment Area definition.

IMPACT ON EXISTING EMPLOYMENT AREA AND LAND USE COMPATIBILITY - The proposed conversion will not affect the viability of the broader employment area. The new proposed provincial direction leans heavily on questions of land use compatibility. There are no identified issues of this nature related to the site.

INFRASTRUCTURE AND SERVICES - As noted above, the site works for residential development and infill. Hard services like water, sanitary sewer and roads are established and already serve the site. Social services not only already exist in this area, but are actually proposed for this site.

The proposal for this site satisfies the proposed new tests for a conversion under the emerging provincial policy framework.

Minister Should Modify Toronto Official Plan Amendment 644 as Requested - In the Alternative, The Minister Should Refer the Requested Policy for OPA 644, to the Tribunal for a Hearing

It is clear that the City of Toronto's Official Plan Amendment 644 is not in conformity with the policies of the Growth Plan, in failing to capture the opportunity for this site to deliver considerable new housing - for which there is considerable demand and provincial priority.

The failure to convert the site is not in conformity with provincial policy as articulated in both the Growth Plan and the Housing Supply Action Plan.

The Minister should exercise his authority to make modifications to the amendment as requested above in this submission.

Such modifications would ensure that the conversion of the site is approved, and mixed use development applications (including residential and social services uses) can proceed. It will allow for a significant contribution to, and boost for, the Mayor's new housing initiative. The outcome will be a key step towards the delivery of a meaningful increase in the housing supply.

As noted, the development concept for 1543-1551 The Queensway is currently designed to deliver at least 1,401 units of housing. This represents an opportunity to deliver a significant addition to the housing supply.

In the alternative, in the event that the Minister is not prepared to make the requested modifications, we request that the Minister refer the question of the appropriate policies for OPA 644 applicable to these lands, to the Ontario Land Tribunal for a hearing.

Yours truly,

AIRD & BERLIS LLP



Hon. Peter Van Loan P.C., K.C.
Partner

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