

February 9, 2024

Hon. Paul Calandra
Minister of Municipal Affairs and Housing
777 Bay Street - 17th Floor
Toronto, ON
M7A 2J4

Dear Minister Calandra:

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

Toronto Official Plan Amendment 644
Conversions and Related Matters - Modification Request
Request for Referral to Ontario Land Tribunal - Section 17 (55) Planning Act
33 & 39 Davies Avenue, Toronto

We act for Davies Ave Holdings Inc., and 39 Davies Ave Holdings Inc., owners of the lands at 33 & 39 Davies Avenue in the City of Toronto. The subject lands were the subject of a request to the City of Toronto for a conversion from Employment to Mixed Use Areas as part of the City's current municipal comprehensive review exercise. The City has declined to approve the conversion, as part of their consideration of Toronto Official Plan Amendment 644, which considered 45 requests for such conversions.

We are writing to request that the Minister modify Official Plan Amendment 644 to designate the lands at 33-39 Davies Avenue as Mixed Use Areas. In the alternative, we ask that the Minister refer the question of the appropriate designation of the lands to the Ontario Land Tribunal for a hearing pursuant to section 17 (55) of the Planning Act.

This submission includes, as attached, a planning report from Urban Strategies, and a Land Use Compatibility memorandum from WSP, both supporting the conversion of the lands at 33-39 Davies Avenue.

The subject lands are immediately abutting a community park, and within a neighbourhood of overwhelmingly residential uses. The employment designation of the lands is largely an historical artifact - dating to an earlier era when this area adjacent to the Don River had a largely industrial character.



33-39 Davies Avenue site indicated in red.

The redesignation of the site as mixed use will actually result in a better fit and greater compatibility with the prevailing neighbourhood character.

The Employment designation of the lands is an historical curiosity, reflecting the early Toronto industrial period when the area was dominated by industry located along the Don River, and its outlet to the Toronto Harbour. At that time, the waterways played a critical role in goods transportation, and as a discharge channel for the effluents and by-products of industrial processes. This industrial character was strengthened after a new, straightened, dog-leg channel for the Don River was dug in 1890-1891 - resulting in the current alignment of the river from just south of the current Bloor viaduct. The Davies right-of-way existed at that time, dead-ending at the north at what was originally a bend in the Don River before the rechanneling - the actual road ending at Matilda, as is the case today. Of interest, Davies is one of just a handful of streets on the east side of the Don River shown as being serviced with water pipes by the the City according to an 1876 map of the system in the Toronto Historical Atlas.

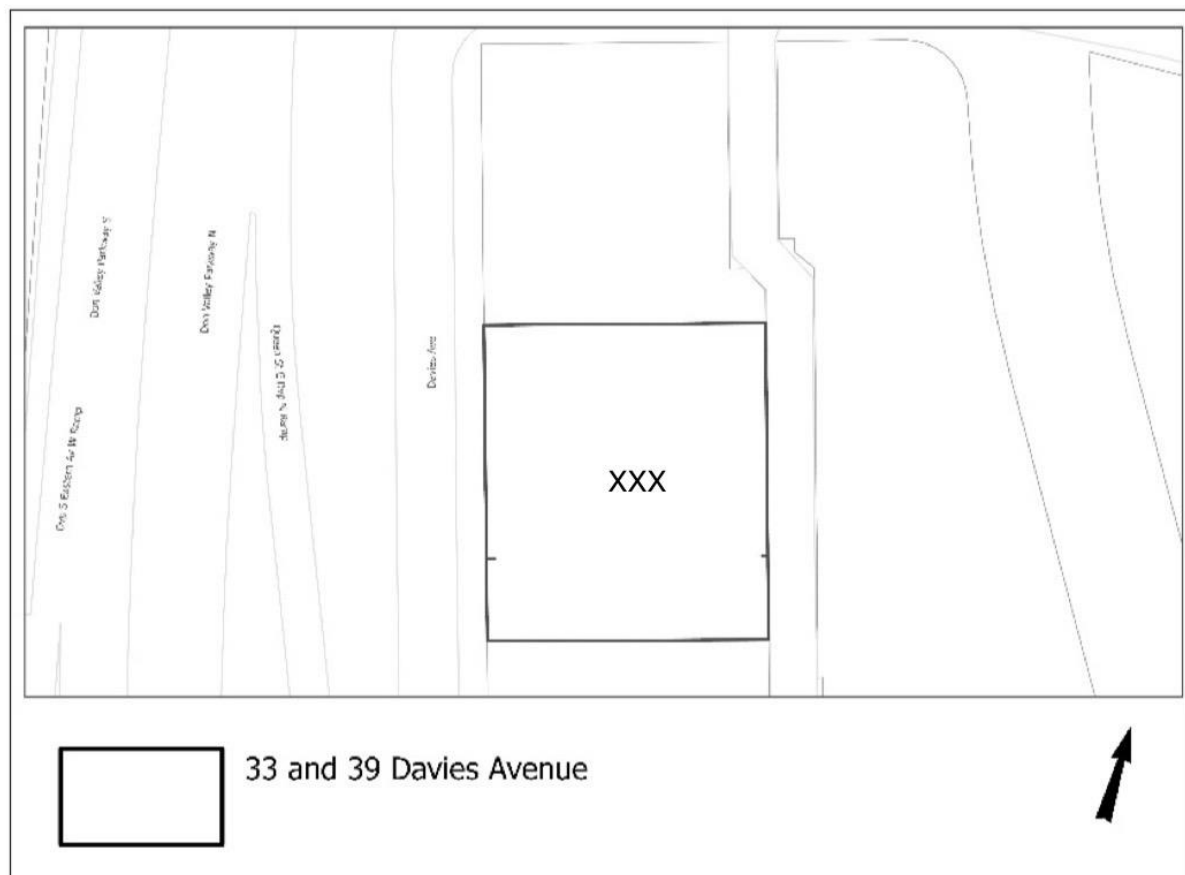
We are requesting that the Minister modify Toronto Official Plan Amendment 644 to designate the lands as Mixed Use Areas encourage residential intensification. The modification should be implemented through the inclusion of a new Site and Area Specific Policy having application to the subject lands, as follows:

1. Amend land use map 18 to designate 33-39 Davies Avenue as *Mixed Use Areas*

(xvi) Chapter 7, Site and Area Specific Policies is amended as follows:

- i) adding Site and Area Specific Policy XXX and the associated map below, for the lands known in 2023 as 33-39 Davies Avenue as follows:

XXX. 33-39 Davies Avenue



- a) Provide a minimum of 1,000 square metres of employment gross floor area that will be comprised of uses permitted in Core Employment Areas and General Employment Areas that are compatible with residential uses as determined by a Compatibility/Mitigation Study.
- b) Sensitive land uses, including new residential uses will be located, designed and buffered to mitigate impacts from, and be compatible with, the ongoing operation and expansion of nearby employment uses, and any new employment uses within the surrounding Core Employment Areas.
- c) As part of a complete Zoning By-law Amendment application, a Compatibility/Mitigation Study, Noise Impact Study and Vibration Study shall be submitted, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction.
- d) New development containing residential units on the lands will secure a minimum amount of affordable housing as follows:
 - a. if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing; or
 - b. if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;
 - c. 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; and
 - d. 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) Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2027, the affordable rental housing required in Policy d) i) will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.
- f) Policy (d) does not apply to:
 - a. development or redevelopment containing less than 100 new residential units and less than 8,000 square metres of new residential gross floor area; or
 - b. the portions of a development or redevelopment containing residential care homes, retirement homes, nursing homes or student residences.
- g) The provision of affordable housing required by Policy d) and Policy e) shall be secured through one or more agreements with the City.
- h) Conditions to be met prior to the removal of a holding provision on the lands shall include the following:
 - a. 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
 - b. 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.
- i) 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 d) and Policy e) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy d) and Policy e) above.

Such modification will help to accelerate the process of delivering an increased housing supply and jobs in the Leslieville Major Transit Station Area, in accordance with Provincial policy direction.

Minister has the Jurisdiction to Modify, or to Refer the Subject Lands to the Tribunal for a Hearing

Under section 17 of the Planning Act, the Minister of Municipal Affairs is the approval authority for the Toronto Official Plan resulting from its Municipal Comprehensive Review process. Under section 17 (34) (a) of the act, the Minister, in acting as the approval authority, may “approve, modify and approve as modified or refuse to approve a plan”. This would allow the Minister to modify the designation on the lands in question to remove the employment designation, without delaying the coming into force of all other aspects of the Official Plan Amendment.

In the alternative, under the Minister’s Planning Act referral powers under section 17 (55), the Minister could refer the City’s decision (in Official Plan Amendment 644) on the requested conversion for the lands at 33-39 Davies Avenue to the Ontario Land Tribunal for a hearing, while still modifying or approving the balance of the Official Plan Amendment.

Growth Plan Permits Conversions Only Through a Municipal Comprehensive Review

Under policy 2.2.5.9 of the Growth Plan for the Greater Golden Horseshoe, employment conversions “may be permitted only through a municipal comprehensive review”. Thus, if the conversion is not approved now, it will likely be a decade or more before it will be considered again.

Only once a conversion is in place, can required applications for official plan amendment, rezoning, and site plan approval commence. On their own, these application processes typically take many years in Toronto. Thus, if conversion is not approved at 33-39 Davies Avenue, the delivery of any new housing supply will likely be delayed for at least fifteen years or more.

Conversion of 33-39 Davies Avenue Would Reflect Market Realities, Changing Area Character and Surrounding Planning Context

The subject lands are in an area that has been undergoing transition for some time, with a series of planning decisions delivering conversions from employment to residential uses, and gentle residential intensification in the neighbourhood.

By way of Toronto Official Plan Amendment 653, the City has adopted the conversion of the site on the same street at 9 Davies Avenue.

Immediately to the east of the site, Joel Weeks Park serves the community. The approximately 1 hectare park was developed in partnership with the Toronto Community Housing Corporation, and has been described by a community organization as “the centrepiece of the regeneration of a neighbourhood, and exemplifies excellence in design team collaboration, community consultation and the coming together of a community.” The park features basketball courts, a children’s playground, and a water play area.

The lands to the north and east of the park are a residential neighbourhood developed by Toronto Community Housing composed of apartments and townhouses. Further east and north is traditional grade-related housing dating to the original development of the community.

As a result, the 33-39 Davies site is already bordered by a long-established residential neighbourhood. This fundamental residential neighbourhood character makes this site an appropriate location for mixed use development including residential intensification.

The market is also demonstrating that there is very limited demand on Davies Avenue for the space for the employment uses currently permitted. The building to the north - at 43 Davies - has been vacant for over four years. The building at 2 Matilda has seen the closure of Merchants of Green Coffee, as well as the loss of the other uses in that building - the office, the music/production workshop and event space uses have all ceased to operate.

Simply put, the market is demonstrating the limited demand for space as currently designated, in declining physical plant, in this area. Conversion as proposed by the owners at 33-39 Davies will improve the prospect of attracting economic uses, by providing new, state of the art space. A conversion to a mixed use designation is the best way to maintain the role of this area in providing jobs to local residents, at the same time as delivering significant new housing.

It Appears Unlikely that this Site Will Develop or Be Used for Manufacturing or Warehousing - The Purpose of the Employment Area Protection

It appears unlikely that this site will be developed or used for manufacturing or warehousing in the foreseeable future. The surrounding area has been transitioning away from employment for some time. The approved and existing community context makes it an increasingly inappropriate location for the heavy truck traffic, and the associated effects that would result from such an employment use.

If this site was being approached as a blank canvas today, it is unlikely that a planner would recommend an initial designation to provide for manufacturing or warehousing. For the same reason, it is not appropriate to maintain the employment designation on this site.

The Existing Approvals, and the Community Context, Make Conversion the Right Planning Choice for 33-39 Davies Avenue

The lands to the east represent stable residential neighbourhoods, which are undergoing gradual change and residential intensification. That includes the significant redevelopment of the troubled Don Mount Court Community Housing Complex (originally constructed with 232 units in 1968) into a new, mixed-income, community of 419 dwelling units named Rivertowne, completed in 2011.

The proposed introduction of a residential use on the site would be far more appropriate for, and compatible with, the existing community context than warehousing or manufacturing.

There are No Land Use Compatibility Concerns if Conversion Is Approved and Residential Development Takes Place

There are no nearby manufacturing uses that would have their operation constrained under provincial land use compatibility guidelines, should residential development take place on the lands at 33 Davies. The site is not located within the area of influence of any facilities with Environmental Compliance Approvals.

There are no Class II or Class III facilities (the facilities with greatest impact) in the area. The least significant facilities under the provincial guidelines are Class I facilities, which have a “low probability” of producing concerns related to “noise, Odour, dust and/or vibration”. There is only one Class I facility within the identified 20 metre separation distance - Dempsey Corporation, a distribution business. While identified as having potential for noise impact, upon further study, the land use compatibility consultants WSP concluded that the operation was “an office with little to no potential for large scale on-site distribution activities. As a result, noise impacts from Dempsey Corporation are not expected at the Site.”

WSP concluded that, “There are no existing major facilities located within the immediate area of the site which would adversely affect sensitive land uses, and vice versa.”

In conclusion, there are no issues arising from residential development limiting sensitive uses or the ongoing operation of area businesses, related to the provincial land use compatibility guidelines from the Ministry of the Environment.

33- 39 Davies Avenue Satisfies the Growth Plan Criteria for Conversion

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 33-39 Davies Avenue 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. The site is forecast to deliver approximately 164 units of housing, as well as more jobs than the existing uses on site.

LAND NOT REQUIRED FOR EMPLOYMENT - The subject lands are not appropriately located for the type of manufacturing or warehousing uses that an Employment Area designation is intended to protect, under Provincial policy. The market has amply demonstrated this - the local businesses that do operate are not such space-extensive manufacturing or warehousing operations on large lots, as contemplated by provincial policies protecting employment areas. The parcel is too small to serve such needs, and increasingly, such uses prefer to locate further to the peripheries of the City. To the extent that the location is appropriate for office uses, such uses are best accommodated under a mixed use area designation. The proposed redevelopment of the site would maintain more jobs on site than the existing use.

SUFFICIENT OTHER LANDS MAINTAINED FOR EMPLOYMENT - While the subject lands are not appealing to prospective manufacturing or warehousing 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. 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 - To the extent that this policy seeks to protect the viability of the surrounding employment area for manufacturing and warehousing, such uses have long ago largely ceased to operate in this area. Most of the uses that currently exist can continue to be permitted under more appropriate land use designations - including mixed use areas. The recent trend of businesses closing in this area demonstrates the market's lack of interest in Davies avenue as a destination for economic activity - especially as the physical buildings continue to decline from a lack of investment. By providing for employment within a mixed use development on site, the renewed investment will actually strengthen the potential role of the site in contributing to the viability of the area as a location for economic activity, businesses and jobs.

SUFFICIENT INFRASTRUCTURE AND PUBLIC SERVICES - The 33-39 Davies site is well-served by infrastructure. It has available water and sewer servicing. (As noted, Davies was one of the first streets east of the Don to be served by municipal water, a century and a half ago!).

Joel Weeks Park is a high quality one hectare park featuring basketball courts, a splash pad and a playground. It is located directly to the east of the site. A total of 24 parks and open spaces are located within one kilometre of the site, including the very large Riverdale Park and Riverdale East Parks, lining either side of the Don Valley to the north. The Lower Don Trail, part of one of the most significant trail systems for cycling, running and walking in Toronto, is just a short walk away, running alongside the River. It connects to the City's lakefront trails, and an abundance of ravine parkland trails, bringing them all is within easy reach of potential residents.

Four Community and Recreation Centres are within one kilometre. The Ralph Thornton Community Centre, a short distance to the east on Queen Street, is located in a designated heritage building, and is home to many community programs and meeting spaces. Active recreation is accommodated close by on Queen Street in the Jimmie Simpson Recreation Centre, including two swimming pools, a gymnasium, games room, multipurpose room and other community space. Outside, the park features a ball diamond, basketball court, pickleball courts, sport field, tennis courts, skate board space and more.

Eight schools are within 1000 metres of the site. Queen Alexandra Middle School, Eastdale Collegiate, and Dundas Junior Public School are all close by.

The Queen Street streetcar line is a short walk from the site. The site is also located within the City's adopted delineated Major Transit Station Area for the Leslieville station on the Ontario Line, currently under construction, providing significant access to high capacity transportation linking to all parts of Toronto. There is abundant availability of retail and service uses along Queen Street, Broadview Avenue and Gerrard Street.

Two libraries are located within 1000 metres of the site. The Queen Street streetcar gives residents easy accessibility to many of the nearby phenomenally diverse cultural and entertainment offerings of the City.

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.

Housing is an Important Provincial Priority - The Subject Site has The Ability to Deliver Approximately 164 New Residential Units

As reflected in the Provincial Housing Supply Action Plan, the delivery of additional housing supply is an important policy objective of the province, in order to meet the significant and growing demand for such housing.

While there is no specific development application on the site yet, is anticipated that it would develop with a mix office and similar uses in a three storey base building and apartment housing above similar. It is reasonable to conclude that, using typical current unit sizes, such a development would approximately 164 units of new housing.

This site offers the opportunity to deliver a significant increase in housing supply, in an appropriate location, well-served by amenities.

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, nor that such uses would be appropriate in what is a predominantly residential neighbourhood. 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 33-39 Davies Avenue 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, and especially so at this location close to two major transit stations. The lands are not required for employment over the long term, as they already 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. The attached land use compatibility study confirms that there are no issues of this nature related to the site.

INFRASTRUCTURE AND SERVICES - As noted above, the site is ideal for residential development and infill. It represents the incremental expansion of the existing residential community, with appropriately scaled development. This location is close to a station on the Ontario Subway Line now under construction, and just steps from the Queen Street streetcar. As an established complete community, the area has an abundance of services available for future residents.

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

Toronto Planning Staff Have Recommended Against Approval of the Conversion of 33-39 Davies - But Also Recommended Conversion at 9 Davies

The owners of the site made application seeking conversion of 33-39 through the City's Municipal Comprehensive Review process. Planning justification, and land use compatibility reports were provided to the City, both supporting the requested conversion.

A May 17, 2023, the City Planning Staff report for Official Plan Amendment 644, recommended against the conversion, setting out reasons for the recommendation.

The reasons identified in the report were:

- Supply of employment land for diverse employment uses.
- Opportunities for residents to live and work in the City.
- Viability of the employment area.
- Vehicular access - Davies not a Major Street, impact on Don Valley ramp. Need to protect land beside goods movement corridor for manufacturing, warehousing and logistics.
- Need to protect Goods Movement Corridor adjacent lands for manufacturing, warehousing and logistics.
- Land use compatibility.

The actual facts on the ground do not support the purported reasons

Supply of Land

The City planners acknowledge, in their report on this site, that sufficient land is available in Toronto to satisfy anticipated demand for employment uses such as manufacturing and warehousing. As the current mix of users on this site demonstrates, this location does not adequately meet the needs of manufacturing or warehousing businesses.

In addition to a supply of superior locations for employment uses being available in Toronto, there are far more desirable locations on 400 series highways available across the Greater Golden Horseshoe. Such suburban sites lack the kind of traffic congestion found at this downtown Toronto location.

The staff planning report identifies the importance of the area in providing space for “diverse employment uses”. They observe that, “The area contains a cluster of office, creative, studio, light industrial and small business uses.” However, these are not the types of uses contemplated by provincial policy for Employment areas. These uses can be readily accommodated properly under a mixed use area designation, and by way of a Site and Area Specific Policy, if necessary. The proposed development, by incorporating a non-residential component, will accommodate such uses in a mixed use context, strengthening the viability of the uses through new investment, and creating more jobs than is the current situation on site.

Opportunities for Residents to Live and Work in the City

Because the proposed mixed use development will include a non-residential component, in addition to a residential component, it will continue to provide local residents with an ongoing opportunity to live and work in the City. In fact, the project will allow residents to live and work in the same building.

By accommodating more jobs than the current uses on site, the project will actually respond to this planning consideration more favourably than does refusal of the conversion.

Viability of the Employment Area

The non-residential component of the project, and the investment in a new building, will actually strengthen the viability of the area for jobs and economic activity, while increasing jobs on site.

By maintaining an employment designation on site, the City will effectively block new investment. Existing buildings will continue to decline, transitioning over time to increasingly marginal users, accelerating the overall decline of the area as a location for economic activity, and adversely affecting its viability. As noted, in contrast to the claim in the staff planning report that this is “a successful and stable employment area” and is “well-functioning”, businesses in this area have been closing and in ongoing physical decline. The building next door at 43 Davies has been vacant for over four years. Uses at 2 Matilda, including Merchants of Green Coffee, the event space, the office, and the music/production workshop, have all closed. Simply put, this is not a “successful and stable employment area”, but rather one in slow decline. The best solution to restoring the viability of the area for jobs is to convert the lands to mixed use, so that businesses can choose this location based upon the investment in renewed and modernized physical plant.

This will not be an area for the location of warehousing and manufacturing, as contemplated by provincial policy for employment areas. It does not meet the needs of such users for space extensive operations, separated from residential neighbourhoods. If the viability of the area is to be maintained for the “diversity of employment uses” identified by Toronto Planning staff that currently exist there, that can best, and most properly, be done by renewal through investment in mixed use buildings incorporating non-residential components.

Significantly, the City has - on the advice of staff - adopted the same philosophy just down the street. They did this in the approval of the conversion at 9 Davies, while including a policy requiring 15% of the gross floor area of the mixed use development to be non-residential job-creating uses.

Vehicular Access - Davies not a Major Street, Impact on Don Valley ramp.

City planners, in their staff report, suggest that the fact that Davies Avenue is not a Major Street means that it is not well-suited to introduce sensitive uses that would add traffic. This rationale is very difficult to accept. The overwhelming majority of the street network in Toronto that is not “a Major Street” is, in fact, composed of streets lined with sensitive residential uses.

This neighbourhood has seen many changes, including the significant intensification resulting from the redevelopment of the Don Mount Court complex into Rivertowne. That change added an additional 187 dwelling units to this area, without any adverse impact on the operations of the local road network and the Don Valley Parkway ramp. The approval of the conversion of 9 Davies, and the anticipated residential development located there, at the entrance to the Don Valley Parkway ramp, would be far more likely to raise transportation issues. However, the City and its planners did not conclude the ramp accessibility issue was a reason to refuse the conversion of 9 Davies. As such, it difficult to see the conversion of 33-39 Davies Avenue being problematic, as it is located further north on Davies, and far past the ramp entrance.

Need to Protect Goods Movement Corridor adjacent lands for manufacturing, warehousing and logistics

City planning staff identify this as an important planning criteria for protecting employment lands according to the Growth Plan for the Greater Golden Horseshoe. However, as staff have acknowledged in their report, this area has “evolved over time” from manufacturing towards a cluster of creative, office and small business enterprises.

There is no serious suggestion from the City staff, or demonstrated demand from the market, that this is an appropriate location for the space-extensive manufacturing, warehousing or logistics type uses that the provincial policy references. As such, this planning concern to protect the lands adjacent to the Don Valley Parkway (as a Goods Movement Corridor) for such space extensive uses, is not serious or realistic at this location.

Land Use Compatibility

The staff report actually does not contend that there are issues of compatibility with respect to the proposed conversion. The staff comment is only that, with respect to the Land Use Compatibility Report that was submitted to the City, “The Peer Reviewer was not able to confirm that the ‘C/M’ study fulfills the City’s terms of Reference”. No specific compatibility problems are identified by the City.

That WSP Land Use Compatibility memorandum submitted does not identify any compatibility issues that would arise under provincial guidelines should the conversion proceed. If conversion is granted, further planning applications will be required, and an updated land use compatibility report will provide the necessary detailed recommendations regarding mitigation of noise from the adjacent Don Valley Parkway, and nearby railway. The WSP Land Use Compatibility memorandum submitted to the City demonstrates that there are no compatibility issues with the conversion of the site, and provides a sufficient basis for the conversion to proceed at this time.

The Minister Should Recognize the Existing Planning and Community Context, and Approve the Conversion of 33-39 Davies Avenue

The dominant character of this neighbourhood, and most of the neighbouring lands, is residential in nature. Seeking to establish manufacturing or warehousing on this site with high external impacts would now represent bad planning, with adverse impacts on the neighbouring residential neighbourhood. Mixed use development, including residential, at 33-39 Davies would be much more compatible with the existing character.

The conversion will allow much-needed housing to be delivered on this site. This housing would be delivered in an ideal community context, where there is a demonstrated market need for such housing

The conversion, if approved, will likely result in about 164 new housing units on site.

The Minister should use his approval powers under the planning act to modify Toronto Official Plan Amendment 644, approving the conversion of the site, and ensure that the lands at 33-39 Davies Avenue are designated as Mixed Use Areas, rather than as Employment Area.

In the alternative, the Minister should use his authority under the planning act to refer the question of the appropriate land use designation for 33-39 Davies Avenue in the Toronto Official Plan, to the Ontario Land Tribunal for a hearing.

Site is Located in a Major Transit Station Area - Established in the Planning Act as Locations Where the Province Envisions Intensification and Concentrations of Population and Jobs that Will be Transit-Reliant

Previous provincial Governments amended the Planning Act introducing sections 17(15) and (16) which provide for the establishment of Protected Major Transit Station Areas.

At the time the Planning Act changes were presented to the Legislature, the Minister outlined the objectives as follows:

“We need to support the achievement of complete communities that offer more options for living, working, learning, shopping and playing—communities that reduce traffic gridlock by improving access to a greater range of transportation options, that provide housing options to meet the needs of people at any age, and that work to revitalize downtowns to become more vibrant and to provide convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing.

The clear intention of the new statutory provisions was to smooth the way for the intensification of areas around transit stations with both new housing and new employment uses. This was seen both as a sound planning approach that will reduce congestion and encourage use of public transit. This was also seen as a way of ensuring that public investment in transit infrastructure was then used efficiently by ensuring development in the vicinity of stations.

Proposal for 33 & 39 Davies Avenue Offers More Jobs after Conversion to Mixed Use Than Currently Exist on Site - Will Accommodate Approximately 130 Full-Time Jobs

The proposal for 33 & 39 Davies Avenue offers the potential for an addition of new employment density in an ideal location – within walking distance to the future Leslieville Ontario Line Station. The current proposal is for a 3 storey office base building with a residential tower above. An office component of this size has the ability to accommodate approximately over 130 full-time jobs in an area directly accessible to transit, potential new residential intensification, and existing retail and commercial amenities. This is significantly more than the current jobs on site.

As such, the conversion will actually increase the number of jobs on site, strengthen the business potential through such new investment, while adding 164 units of new housing.

Below is an image illustrating the location of the site and the nearby existing TTC streetcar lines and the planned location of Leslieville Ontario Line station:



As such, modifications to the Official Plan Amendment to facilitate the construction of this new mixed use building will offer an opportunity for the creation of additional new jobs, and a healthy addition to the supply of the new housing required to be constructed in Toronto and across the province.

Minister Should Modify Toronto Official Plan Amendment 644 By Converting 33-39 Davies Avenue to Mixed Use Areas - In the Alternative, The Minister Should Refer the Appropriate Designation of the Lands to the Tribunal for a Hearing

The City of Toronto's Official Plan Amendment 644 is not in conformity with the policies of the Growth Plan, as it does not properly encourage the delivery of housing in this Major Transit Station Area. Instead, by requiring the subject site to continue to be designated for land uses (manufacturing and warehousing) that will not arrive, the City is simply blocking economic activity, investment in jobs, and limiting the supply of housing. This clearly is not in conformity with provincial policy as articulated in both the Growth Plan and the Housing Supply Action Plan.

Under section 3 of the Planning Act, the Minister is required to act in conformity with Provincial Plans (including the Growth Plan) in making decisions - including exercising his powers as the approval authority for Toronto's Official Plan.

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

In particular, the Minister should modify Toronto Official Plan Amendment 644 by designating the site as Mixed Use Areas.

Such modification would ensure that more appropriate designation is established for both the economic uses contemplated for this area, and to permit residential intensification. This will accelerate the potential to achieve final planning approvals 33 & 39 Davies Avenue. The outcome will make possible the delivery of a meaningful increase in jobs and much needed new housing supply at an early date.

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 designation for 33-39 Davies Avenue to the Ontario Land Tribunal for a hearing.

Yours truly,

AIRD & BERLIS LLP



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Partner

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