

January 26, 2023

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

Dear Ms. Le:

**RE: SUBMISSION ON OPA 570 – ERO #019-5937; MINISTRY #20-OP-227259**  
**25 AUDLEY STREET, TORONTO**  
**OUR FILE: 1690A**

On behalf of our client 1066266 Ontario Limited (“Rietz”) please accept this submission regarding the review by the Province of the City of Toronto’s Official Plan Amendment 570 (“OPA 570”) respecting the lands located at 25 Audley Street (hereinafter the “Subject Lands”) and shown below on Figure 1. **We are requesting reconsideration of the minimum density applied to the lands from 2.0 FSI to 5.94 FSI.**



**Figure 1** – Location of the Subject Lands

## Background Information

Applications for the Subject Lands were made in 2016 and 2017 respectively to redevelop them for a 26 storey, mixed use building. On February 11, 2020, the Local Planning Appeal Tribunal (now the Ontario Land Tribunal or OLT) issued a decision for the partial approval of the applications. At that time, the densities of the proposed development in the Mimico-Judson area, inclusive of the Subject Lands was known to the City. The implementation of changes to Official Plan Amendment 331 ("OPA 331") as well as site specific a Zoning By-law Amendment for the proposal followed through an OLT Order issued on August 12, 2022. The approved development was for a 26 storey mixed use building, containing 479 residential housing units and 2,059 sq m of non-residential floor area. A density of 5.94 times the net site area resulted out of the built form proposal.

## Request of the Province

As part of the OPA 570 process, City staff issued a report dated June 2022, entitled "City-wide 115 Proposed Major Transit Station Area/Protected Major Transit Station Area Delineations: Final Report" identified that the density measures recommended for the various SASPs, including the densities for the Mimico Protected Major Transit Station Area ("PMTSA"):

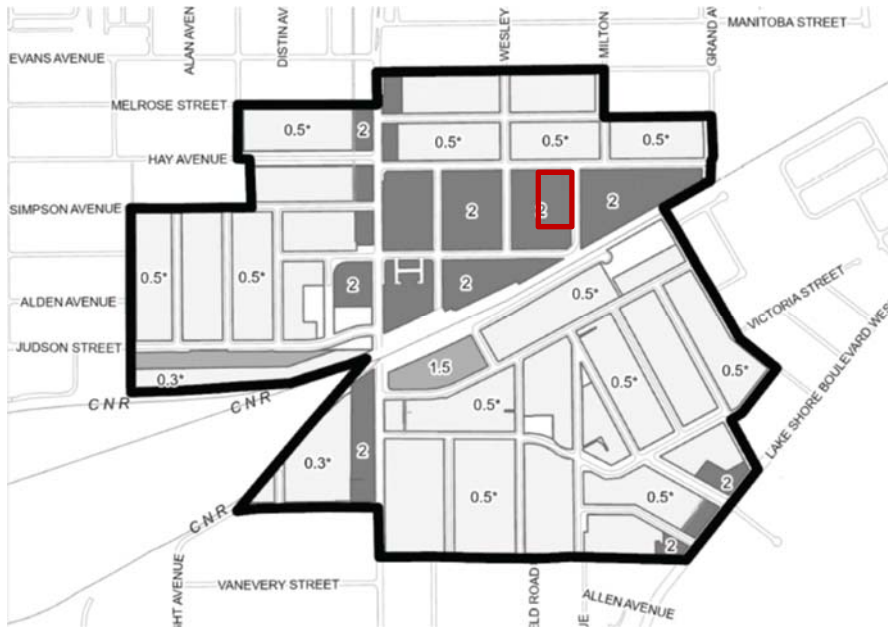
*"are based on existing Council-approved development frameworks, including: in effect Official Plan land use designations within the identified areas; as-of-right zoning by-law permissions, density permissions included in secondary plans; and approved developments that have not yet been built."*

Further, the current PPS and Growth Plan further reinforce the need for planning approvals to achieve optimization of land use and infrastructure through an intensification-first approach to growth management. Within this provincial policy framework, the Growth Plan directs planning authorities to go beyond minimum growth targets identified therein, where appropriate. Policy 1.2.3. of the Growth Plan states the following:

*"Within the framework of the provincial policy-led planning system, decision-makers are encouraged to go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of this Plan."*

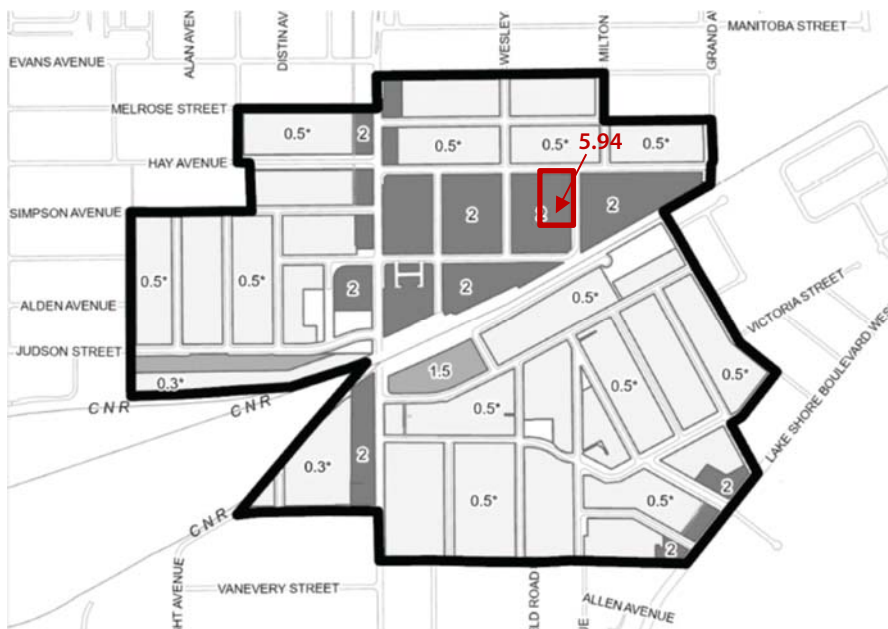
The determination of minimum densities within a PMTSA demands a qualitative assessment. Defaulting to the minimums set out in the Growth Plan is not appropriate, particularly where it has already been demonstrated that a greater level of density can be achieved. That is the case in Mimico-Judson.

On this basis, the densities set out in the Mimico PMTSA should have reflected those of the approval granted to the Subject Lands (and other adjacent lands) as set out in the 2020 OLT decision. It did not. As shown on Map 2 of Site and Area Specific Policy, the minimum density established for the Subject Lands is 2.0 FSI as shown in the excerpt below.



**Figure 2** – OPA 570 Proposed Minimum Densities for SASP 692 (Subject Lands shown in red)

The proposed density of 2.0 FSI is artificially low and does not reflect the density of the approved development for the Subject Lands, nor are they close to that which has been approved for other adjacent lands. Further, Policy 2.2.4.2 of the Growth Plan requires municipalities to: “will delineate the boundaries of major transit station areas in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station.” Given the City has limited the Mimico PMTSA to less than 800 metres, it is imperative that the minimum densities be increased to optimize the transit infrastructure of the Mimico GO station. As such, we request that OPA 570 be modified accordingly for the Subject Lands to recognize a minimum density of **5.94 FSI** on Map 2 of Site and Area Specific Policy 692.



**Figure 3** – OPA 570 Proposed Minimum Densities for SASP 692 modified to show the Subject Lands (shown in red) at 5.94 FSI

We believe the requested revision is appropriate, reasonable and makes OPA 570 clear, and unambiguous and understandable to the public. The revision recognizes the existing permissions and implements the stated rationale for the densities proposed in OPA 570 by City staff as noted above. Further, the modification will ensure that the transit supportive density approved for the Subject Lands is clearly identified to support the transit investments made by the Province for this area.

Should you have any questions or require further clarification, please feel free to contact the undersigned.

Thank you.

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'David A. McKay', is written over a light orange rectangular background.

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

cc      *Client*  
            *Barry Horosko, Horosko Planning Law*