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January 17, 2023

VIA ONLINE SUBMISSION

Environmental Registry of Ontario
Municipal Services Office – Central Ontario
16th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Attn: Jennifer Le

**RE: ERO Number 019-5937, City of Toronto Official Plan Amendment No. 570
Delineation of Fifty-Seven (57) Protected Major Transit Station Areas**

We are the lawyers for 2589727 Ontario Ltd., the owner of the property municipally known as 2256 Lake Shore Boulevard West, in the City of Toronto (the “**Property**”). The Property is located at the northwest corner of Lake Shore Boulevard and Legion Road, and southwest of Park Lawn Road. Notably, the Property falls within the boundary of the proposed Park Lawn Protected Major Transit Station Area (the “**Park Lawn PMTSA**”) as delineated on Map 2, Schedule 43 of Official Plan Amendment No. 570 (“**OPA 570**”).

We write on behalf of our client with comments in respect of both the mixed-residential development proposed for the Property and the proposed Park Lawn PMTSA that is now before the Minister of Municipal Affairs and Housing (the “**Minister**”) as part of OPA 570 for decision under the *Planning Act*, R.S.O 1990, c. P 13 (the “**Planning Act**”).

Goals of the PMTSAs

The use of PMTSAs is intended to identify and encourage growth in areas where investment in transit infrastructure can be efficiently leveraged in accordance with Provincial interests and policies under the Provincial Policy Statement 2020 (“**PPS**”) and the Growth Plan for the Greater Golden Horseshoe 2019 (“**Growth Plan**”). PMTSAs are also one of the locations specified under the *Planning Act* where a municipality can effect inclusionary zoning for affordable housing.

Given the importance of these policy objectives – intensification and optimization of investment in transit infrastructure and the provision of affordable housing – it is equally important that the delineation of PMTSAs, the identification of land uses, and the establishment of minimum densities within them be done thoughtfully, thoroughly, and comprehensively.

Proposed Minimum Densities

While OPA 570 appears to meet the bare minimum requirements of the Growth Plan and legislation for the delineation of the proposed PMTSAs, in our view, OPA 570 as proposed falls

short of the comprehensive exercise envisioned and anticipated by the Province in the enabling provisions of the *Planning Act*, especially with respect to the proposed minimum density requirements outlined in the schedules.

Provincial policy direction goes beyond just meeting the minimum standards provided. Section 1.2.3 of the Growth Plan indicates that:

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.

While the City of Toronto (the “**City**”) has provided some information as to how the minimum density requirements were calculated, the Preliminary Staff Report in respect of OPA 570 (dated March 4, 2022) notes that it is expected that many applications, especially those in *Mixed Use Areas*, will exceed these minimums. Despite this acknowledgement, many of the minimum density targets included in OPA 570 were reproduced without upwards adjustment in the Final Staff Report, dated June 20, 2022.

For example, our client’s Property is currently underutilized with a two level self-storage facility and is an excellent candidate for more intense mixed-use residential and commercial development. The Property has an existing Official Plan designation of *Mixed Use Areas*, which are areas identified as primary locations for growth and development. On August 24, 2022, our client submitted a proposal for a mixed-use development comprised of two towers, with heights of 18- and 35-storeys with a joint podium (City Application Nos. 22 200446 WET 03 OZ & 22 200445 WET 03 SA) (the “**Proposed Development**”). The Proposed Development contains a proposed floor space index (“**FSI**”) of 6.28.

Despite the obvious redevelopment potential of the Property, under Map 2, Schedule 43 of OPA 570 the Property has been assigned a minimum density of 2.0 FSI within the Park Lawn PMTSA. No other indication of the redevelopment potential of the Property is disclosed by OPA 570. We fail to see the relevance of assigning a minimum density requirement to properties within the delineated PMTSA boundaries that would self-evidently be exceeded by an application for development on lands directed for growth in the normal course. Unfortunately, this is the approach that characterizes the City’s exercise in putting forward OPA 570.

In our view, OPA 570 represents effectively a download of planning responsibility by the City onto prospective applicants for the determination of the appropriate scale of redevelopment on delineated lands. This being the case, it is important for the Province to be aware of the planning work done by applicants and their consultants on a site-specific basis within the boundaries of the proposed PMTSAs. Where lands within PMTSAs, such as the Property within the Park Lawn PMTSA, have been specifically studied and considered, the outcome of this site-specific exercise is relevant and should be preferred over adherence to or undue deference to the minimum densities provided by the City’s efforts. With respect to the Property, therefore, within the Park Lawn PMTSA – if it is to be approved by the Minister – we would ask that a minimum density

more reflective of the Proposed Development (i.e. 6.28 FSI) be included in OPA 570 for the proposed Park Lawn PMTSA.

On the other hand, should the Minister choose to approve the Park Lawn PMTSA as proposed in OPA 570, the inclusion of minimum density requirements within the delineated lands should be clearly identified and considered as simply that: minimums, which are not determinative of the redevelopment potential of the lands. Densities that are proposed on a site-specific basis that have been studied and proven to be feasible and appropriate should be evaluated on their merits by the City and/or the Ontario Land Tribunal to allow for the best use of the land, in order to meet the goals of Provincial policy, with no deference given to artificially low minimum densities in OPA 570.

Should you have any questions or comments regarding this correspondence please do not hesitate to contact the undersigned.

Yours truly,
Overland LLP

A handwritten signature in black ink, appearing to be 'CJ Tanzola', written in a cursive style.

Per: Christopher J. Tanzola
Partner