

January 30, 2023

Project No. 20314

Hon. Steve Clark, MPP, Minister
Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
777 Bay Street – 13th Floor
Toronto, ON M7A 2J3

Attn: Jennifer Le

Dear Minister Clark:

**Re: Request to Modify City of Toronto OPA 570 Prior to Ministerial Approval
ERO File No. 019-5937
351 – 365 Royal York Road, City of Toronto**

Introduction

We are writing on behalf of 2711895 Ontario Inc., owner of the lands located at the northeast corner of Royal York Road and Newcastle Street, municipally known as 351, 353, 355, 357, 359, 361, 363 and 365 Royal York Road (the “Subject Site”). On July 30, 2021, 2711895 Ontario Inc. submitted applications for Rezoning and Site Plan Control for the development of a 10-storey mixed-use building on the Subject Site, which are currently under review.

The Subject Site forms part of the Mimico Protected Major Transit Station Area (“PMTSA”) as delineated by Site and Area Specific Policy (“SASP”) 692 of Official Plan Amendment (“OPA”) 570, which was adopted by City Council on July 21, 2022. The Subject Site designated *Mixed Use Areas* in the City of Toronto Official Plan and it is located immediately adjacent to the boundary of the Mimico-Judson Secondary Plan (OPA 331), but does not fall within the Secondary Plan area.

The Mimico PMSTA as shown on Map 2 of SASP 692 encompasses the entirety of the Mimico Triangle area and the lands along the east and west sides of Royal York Road with a minimum density of 2.0 FSI (“Floor Space Index”). In our opinion, a minimum density of 2.0 FSI is not appropriate for this context and is inconsistent with the existing municipal and provincial policy framework, which encourages an integrated approach to transportation and land use planning. These policies promote the development of complete communities within built-up urban areas in order to support the efficient use of land and transit infrastructure. Current provincial and municipal policy focuses on optimizing areas that are well served by municipal infrastructure, including higher-order public transit. In this regard, the subject site is located 210 metres north of the Mimico GO Station. The minimum density of 2.0 FSI is significantly lower than recent approvals in the area, which include net densities ranging from 5.9 FSI to 15.4 FSI.

Accordingly, we are writing to request that the Minister of Municipal Affairs and Housing modify OPA 570 as follows:

- Revise SASP 692 Map 2 – “Minimum Densities, Mimico Protected Major Transit Station” to increase the minimum densities as indicated on **Figure 1** below and **Attachment A** to this letter .

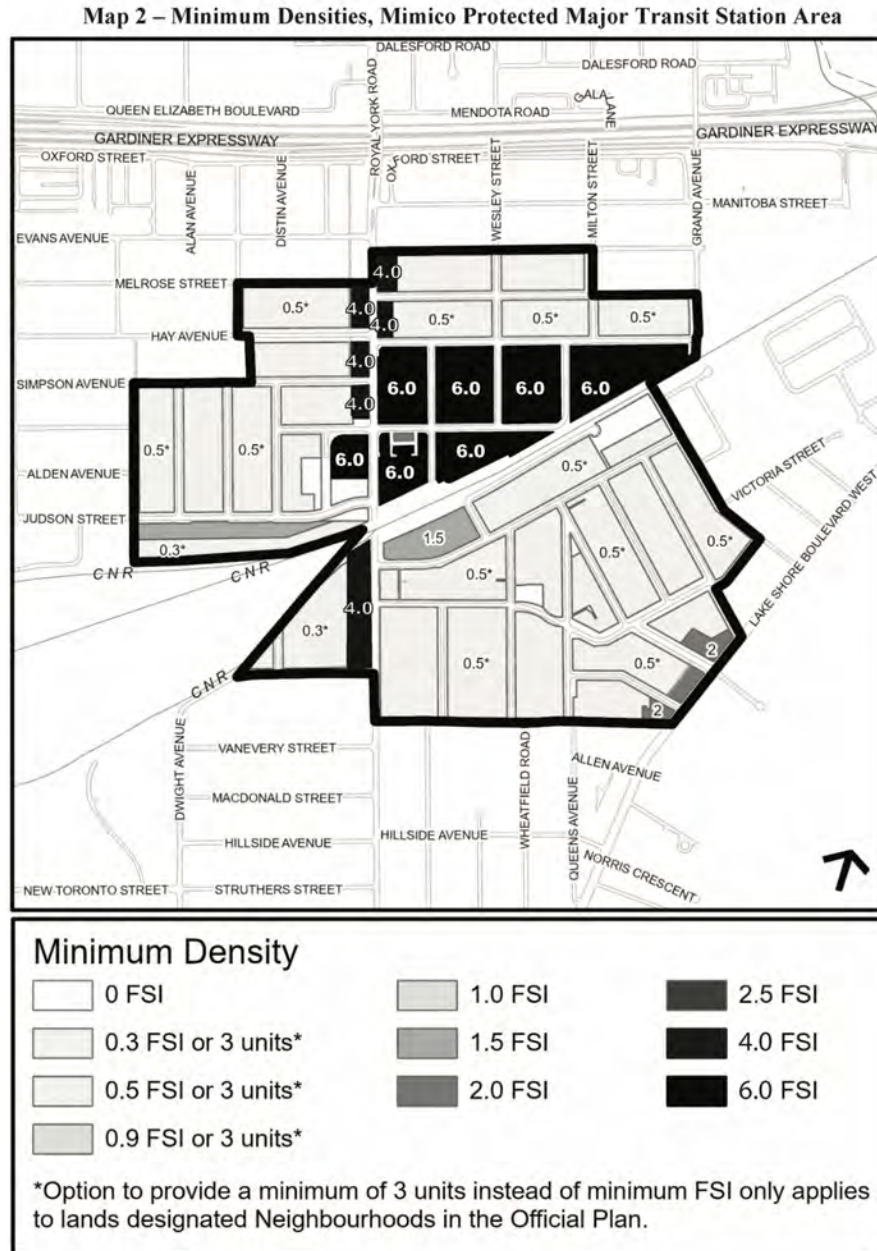


Figure 1 – Requested modification to Map 2 of SASP 692 (Subject Site in red)

For the reasons outlined in this letter, it is our opinion that the minimum densities in the Mimico PMTSA should be increased to between 4.0 FSI and 6.0 FSI within the *Mixed Use Areas* designated lands identified on **Figure 1** above and **Attachment A** to this letter. The proposed minimum densities would be consistent with the current policy framework and ensure the optimization of infrastructure and transit investment for lands surrounding the Mimico GO station.

Site and Surroundings

The Subject Site is located on the east side of Royal York Road, between its intersection with Portland Street and Newcastle Street in the City of Toronto. It is located approximately 210 metres northeast of the Mimico GO Station. At present, the Subject Site is occupied by eight one-storey detached houses with garages that are accessed by individual driveways.

To the immediate north of the Subject Site are three properties containing one-storey detached houses, similar to those presently found on the Subject Site (367, 369 and 371 Royal York Road). Further north, at the southeast corner of Royal York Road and Portland Street, is a three-storey mixed-use building, which is occupied a drapery store and residential dwellings above. A corresponding ground-level parking lot abuts the building to its east.

To the immediate east of the Subject Site is a one-storey industrial building and associated outdoor storage area at the south end of the property (101 Portland Street). This building is currently occupied by several businesses.

To the immediate south of the Subject Site (at 349 Royal York Road) is a three-storey mixed-use building, containing retail at grade and residential dwellings above with a surface parking lot fronting onto Royal York Road. Further south, south of Newcastle Street, are 4 blocks of 3-storey townhouses fronting onto Royal York Road, Newcastle Street, Peelar Mews, and Windsor Street (331-347 Royal York Road, 61-77 Newcastle Street, 15-31 Peelar Mews, and 16-34 Windsor Street).

Further south, on the south side of Newcastle Street is a vacant parcel of land and surface parking lot associated with the Mimico GO station (27-39 Newcastle Street). The vacant property and adjacent Mimico GO station lands (315-327 Royal York Road) have been approved for a mixed-use development that is comprised of two blocks and include an integrated transit station and 6 residential towers with heights ranging between 22 and 36 storeys (Grand Central Mimico). Block 1 (315-327 Royal York Road) has an approved gross floor area ("GFA") of 58,000 square metres, a gross density of 9.5 FSI and a net density of 15.4 FSI. Block 2 (27-39 Newcastle Street) has an approved GFA of 95,200 square metres as well as a gross density of 6.6 FSI and a net density of 12.1 FSI.

To the west of the Subject Site, between Newcastle Street and Simpson Avenue, are a row of 2-storey traditional mainstreet buildings that contain ground level retail and residential

dwellings above. The retail spaces include a corner store, a variety shop, and a small department store (362, 364, and 366 Royal York Road). Adjacent to 366 Royal York Road is a small surface parking lot which takes access from Simpson Avenue. 362 Royal York Road also includes a small rear parking lot. To the south is a car dealership and service centre with a surface parking fronting onto Royal York Road (360 Royal York Road).

Policy and Regulatory Framework

Provincial Policies

The Provincial Policy Statement, 2020 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The subject site is also subject to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended by Amendment No. 1 in 2020 (“the Growth Plan”), which sets out regional growth management policies for the Greater Golden Horseshoe area.

With respect to the PPS, one of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, Part V of the PPS contains a number of policies that promote intensification, redevelopment, and compact built form, particularly in areas well served by public transit. Specifically, Policy 1.1.3.2 supports densities and a mix of land uses which efficiently utilize land, resources, infrastructure and public service facilities; and which are transit-supportive, where transit is planned, exists, or may be developed. Policy 1.1.3.3 directs planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the usage of land supply and infrastructure. Key objectives in the Growth Plan support the development of complete communities and promote transit-supportive development adjacent to existing and planned higher order transit. This is further emphasized in Section 2.1 of the Plan:

“To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of

housing options... It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change.”

The Subject Site is located within a “strategic growth area” pursuant to the Growth Plan (i.e. lands with a focus on accommodating intensification and higher-density mixed uses in a more compact built form). “Strategic growth areas” include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields.

In this respect, the Subject Site is located within a “major transit station area” as defined by the Growth Plan, as it is approximately 210 metres north of the Mimico GO station. Accordingly, the site is located within the Mimico PMTSA as delineated by SASP 692 of City-adopted OPA 570.

Planning for major transit station areas is addressed in Section 2.2.4. Policy 2.2.4(2) requires the City of Toronto to delineate the boundaries of “major transit station areas” on priority transit corridors or subway lines “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”. Policy 2.2.4(3)(c) goes on to require that “major transit station areas” on GO rail lines be planned for a minimum density target of 150 residents and jobs combined per hectare.

With regard to targets, Policy 5.2.5(1) provides that the minimum intensification and density targets are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS, or any other provincial plan.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities which, among other things, feature a diverse mix of land uses including residential and employment uses, and convenient access to local stores, services, and public service facilities; expand convenient access to a range of transportation options and public service facilities; and provide for a more compact built form.

With respect to forecasted growth, Schedule 3 of the Growth Plan, as amended by Growth Plan Amendment No. 1, forecasts a population of 3,650,000 and 1,980,000 jobs for the City of Toronto by 2051. The 2016 Census data indicates that population growth in Toronto is continuing to fall short of the past and updated Growth Plan forecasts. The City’s population growth from 2001 to the 2016 population of 2,822,902 (adjusted for net Census undercoverage) represents only 73.2% of the growth that would be necessary on an annualized basis to achieve the population forecast of 3,650,000 by 2051.

City of Toronto Official Plan

The City of Toronto Official Plan designates the Subject Site as *Mixed Use Areas* on Map 15. The lands to the north, south, west and east are also designated *Mixed Use Areas*. The majority of the lands to the east within the Mimico-Judson Secondary area were recently re-designated from *Regeneration Areas* to *Mixed Use Areas* by way of Official Plan Amendment (“OPA”) 331.

Mixed Use Areas are intended to create a balance of high quality commercial, residential, institutional, and open space uses that reduce automobile dependency, meet the needs of the local community, and will provide new jobs and homes for Toronto’s growing population on underutilized lands. The Plan also states that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office, and service employment in Toronto in the coming decades, as well as much of the new housing.

OPA 570

At its meeting on July 21, 2022, City Council adopted OPA No. 570, which included the delineations of 57 PMTSAs throughout the City and introduced new SASPs for the 57 PMTSAs.

As it relates to the Subject Site, OPA 570 introduced SASP 692, which applies to the Mimico PMTSA and encompasses the Subject Site. SASP 692 specifies a minimum population and employment target of 200 residents and jobs combined per hectare, with a minimum density of 2.0 FSI specified for the Subject Site.

Mimico-Judson Secondary Plan

On August 12, 2022, the Ontario Land Tribunal (“OLT”) issued an order approving the final version of the Mimico-Judson Secondary Plan. The Subject Site is located west of the Mimico Judson Secondary Plan area and therefore it does not apply; however, given its proximity, a brief overview is provided below.

One of the Secondary Plan’s four guiding principles is to unlock underutilized lands for transit-supportive mixed-use development. Specifically, the Secondary Plan provides that intensifying both residential and employment uses in the Mimico Triangle Area within walking distance of the Mimico GO station leverages investment in transit infrastructure to balance transportation choices for new residents and employees.

The Secondary Plan redesignated the properties to the immediate east of the Subject Site from *Regeneration Areas* to *Mixed Use Areas “B”*, followed by *Employment Areas “A1”* farther east, and *Employment Areas “A2”* to the southeast. The proposed *Mixed Use Areas “B”* lands specify a maximum height of 6 storeys to ensure a smooth transition into the lower-density *Employment Areas “A1”* and *“A2”*. In these latter two areas, height will be limited to four storeys.

Other properties near the Subject Site in the Mimico Triangle Area have permissions for tall buildings, such as the block to the southeast (Block C), which has permissions for three towers with heights of 36 storeys, 30 storeys and 22 storeys, and the block to the east (Block D), which includes approvals for buildings of 12 storeys, 24 storeys, 36 storeys, and 39 storeys. Development approvals in the area are detailed in **Table 1** below.

Zoning

The Subject Site is subject to both the Toronto City-wide Zoning By-law 569-2013, as amended, and the Etobicoke Zoning Code, as amended.

Under Zoning By-law 569-2013, the Subject Site is zoned Commercial Residential (CR), which permits dwelling units in a range of residential building types, including apartment buildings, mixed use buildings and townhouses; and a wide range of non-residential uses, including offices, retail stores, personal service shops, eating establishments, financial institutions, recreation uses and community centres. The zoning permits a maximum density of 3.0 times the area of the lot, with a maximum non-residential density of 3.0 FSI and a maximum residential density of 2.2 FSI.

Under the Etobicoke Zoning Code, the Subject Site is considered Commercial (C). Within the Commercial zone, a range of uses are permitted, including dwelling units located over a commercial use, offices, retail stores, supermarkets, restaurants, car sales rooms and lots, places of worship, hotels, libraries, and medical centres, among others.

Planning Opinion

The PPS, the Growth Plan, the Official Plan and the Mimico-Judson Secondary Plan all support intensification on sites well-served by municipal infrastructure, particularly higher order public transit. In this regard, it is our opinion that the area surrounding the Mimico GO station should be developed at transit-supportive densities to support and optimize investments in public transit.

From an urban structure perspective, densities typically peak within *Mixed Use Areas* adjacent to higher-order transit stations, such as GO stations, and decrease farther away from a station. This structure is evident and supported from a policy perspective throughout the City of Toronto. This structure is also reflected in the recently approved densities in the Mimico Triangle bounded by Portland Street to the north, the C.N. rail corridor to the south and east and Royal York Road to the west.

To that end, the majority of the lands surrounding the Mimico GO station, within the Mimico Triangle and along Royal York Road, are designated *Mixed Use Areas* within the PMTSA boundaries. As noted above, the Official Plan directs that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming

decades, as well as much of the new housing. Accordingly, the properties with the greatest achievable densities are located within *Mixed Use Areas* and in close proximity to the Mimico GO station.

However, the highest minimum density included in SASP 692 is 2.0 FSI, which includes the lands immediately adjacent to the Mimico GO Station and all of the *Mixed Use Areas* designated lands. It is our opinion that that the minimum density of 2.0 FSI is artificially low, and is therefore not appropriate given the area's proximity to higher-order transit. A density of 2.0 FSI would not encourage the level of intensification envisioned by the existing provincial and municipal policy framework.

Furthermore, outside the peak node of properties immediately adjacent to the Mimico GO station, the majority of developable lands within the PMTSA boundary are designated *Neighbourhoods* (approximately 66%), have a corresponding minimum density of 0.5 FSI and therefore are not envisioned to accommodate most of the planned growth anticipated for the area. Accordingly, it is our opinion that within the SASP 692 boundaries, there are limited opportunities to achieve the prescribed population and employment targets. Therefore, greater intensification within the peak node is desirable and appropriate. As such, we believe that the minimum densities should be increased to reflect the existing and planned urban structure of the Mimico PMTSA, to support the implementation of the policy framework and to reflect the existing approvals in the area.

Table 1, below, summarizes approved densities in the area surrounding the Mimico GO station. Recently approved densities ranged from 5.9 to 15.4 FSI, which are significantly higher than the minimum densities contained in SASP 692.

Table 1 – Densities of Approved Developments in the Area

Address	Mimico-Judson Secondary Plan Designation	Mimico- Judson Secondary Plan Block	MTSA Min. Density (FSI)	Approved Density (FSI)
25 Audley St	<i>Mixed Use Areas</i>	D	2.0	5.9
2-10 Audley St, and 29-71 Portland St	<i>Mixed Use Areas</i>	E	2.0	6.1
23 Buckingham St	<i>Mixed Use Areas</i>	D	2.0	7.3
1 Audley St and 8 Newcastle St	<i>Mixed Use Areas</i>	D	2.0	11.6

27-39 Newcastle St	<i>Mixed Use Areas</i>	C	2.0	12.1
315-327 Royal York Road	N/A	N/A	2.0	15.4

Given the current planning framework, the approved densities within the Mimico PMTSA, and the planned and approved densities in proximity to other GO stations, we are writing to request that the Minister increase the minimum densities for the *Mixed Use Areas* designated lands within the Mimico PMTSA to the minimum densities illustrated on **Figure 1** above and **Attachment A** to this letter.

It is our opinion that future developments within the PMTSA should employ good urban design and built form principles. Accordingly, a transition to areas of lesser intensity, minimum separation distances and mitigation of built form impacts should be considered when determining appropriate minimum densities within the PMTSA.

To that end, lands that have sufficient depth and distance from *Neighbourhoods* designated properties could accommodate larger buildings with minimum densities of 6.0 FSI, which is consistent with the low end of the approved densities within the Mimico PMTSA. Conversely, shallower *Mixed Use Areas* designated properties that abut *Neighbourhoods* may not be able to achieve the same level of intensification and may be appropriate for the development of mid-rise buildings that transition down in height to the rear. In those cases, it is our opinion that a minimum density of 4.0 FSI is more appropriate, which is indicative of a mid-rise building typology.

In our opinion, a minimum density range of 4.0 FSI to 6.0 FSI on *the Mixed Use Areas* designated lands within the PMTSA would be consistent with the planned context and would support the broader policy goals of the PPS, Growth Plan, and Official Plan by optimizing and integrating land use and transportation objectives within an identified intensification area. The proposed modification to OPA 570 would assist in facilitating the revitalization of the Mimico Triangle and surrounding area and ensure that existing transit infrastructure and investment is utilized to its full potential.

Moreover, increasing the minimum density would ensure that new development contributes positively to the population and job forecasts set out in the Growth Plan and the Official Plan. In this regard, the current (2016) density within the PMSTA is only 57 people and jobs per hectare, which is well below the minimum target of 200 people and jobs per hectare in the Mimico PMTSA as set out in SASP 692.

In considering the emphasis and importance placed on optimizing lands in proximity to higher-order transit with greater intensification in order to achieve current Provincial policy objectives and to make more efficient use of this infrastructure, we believe that higher minimum densities is not only appropriate, but prudent.

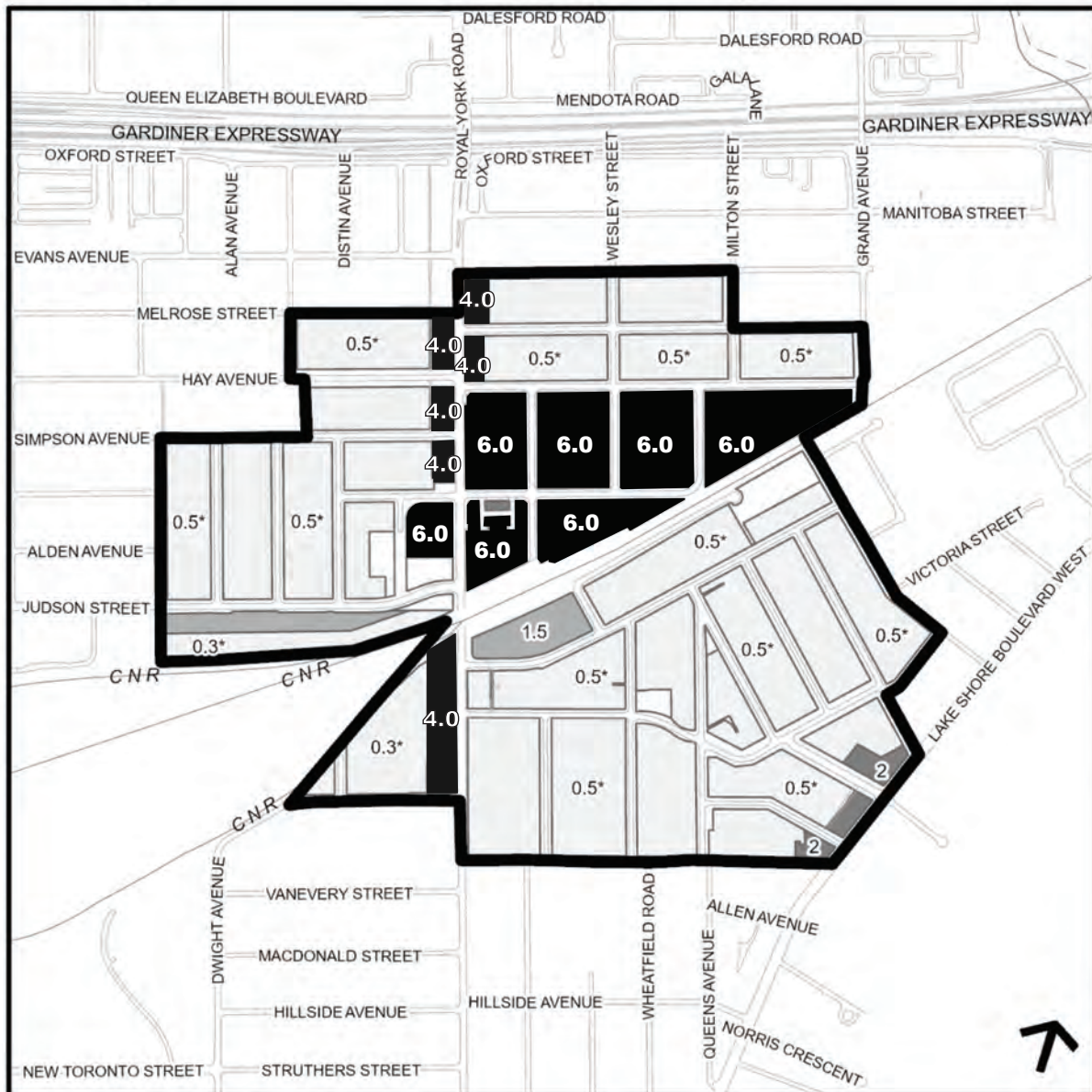
Should you have any questions regarding the contents of this letter, please do not hesitate to reach out to the undersigned or Charlie Smith of our office at csmith@bousfields.ca.





Yours very truly,
Bousfields Inc.



David Morse, MCIP, RPP

cc: Isabel Bercasio, 2711895 Ontario Inc.
Barry Horosko, Horosko Planning Law

Map 2 – Minimum Densities, Mimico Protected Major Transit Station Area**Minimum Density**

 0 FSI	 1.0 FSI	 2.5 FSI
 0.3 FSI or 3 units*	 1.5 FSI	 4.0 FSI
 0.5 FSI or 3 units*	 2.0 FSI	 6.0 FSI
 0.9 FSI or 3 units*		

*Option to provide a minimum of 3 units instead of minimum FSI only applies to lands designated Neighbourhoods in the Official Plan.