



2023-02-03

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing

Ministry of Municipal Affairs and Housing  
College Park 17th Floor  
777 Bay Street  
Toronto, Ontario

**Via Environmental Registry of Ontario (ERO) Number: 019-5937**

**Re: City of Toronto Official Plan Amendment 570 (SASP 692)**

Dear Mr. Clark,

WSP has been retained and is acting on behalf of CN Rail (CN) and are pleased to have this opportunity to provide comments on the City of Toronto's OPA 570 (SASP 692). On July 19, 2022, Toronto City Council adopted a Final Report titled Our Plan Toronto: City-wide 115 Proposed Major Transit Station Area/Protected Major Transit Station Area Delineations.

This approval included OPA 570 (SASP 692), which established a Protected Major Transit Station Area (PMTSA) around Mimico Station. It requires a minimum of 200 residents and jobs combined per hectare. Land use designations did not change through this amendment, but rather refer back to the existing planning policy framework, including Map 15 of the Official Plan and the policies of the Mimico-Judson Secondary Plan.

On September 12, 2022, the Minister of Municipal Affairs and Housing used their authority pursuant to subsection 17(40.1) of the Planning Act to suspend the 120-day decision making timeline for a number of OPAs, including OPA 570 (SASP 692). OPA 570 (SASP 692) is currently awaiting Provincial approval, with a commenting deadline of February 3, 2023.

We respectfully ask that the Ministry take into consideration CN's comments in reviewing and approving this OPA. These comments are intended to ensure that planning for land uses in the vicinity of rail facilities is undertaken in such a way that the economic function and long-term operation of rail systems are protected. The PPS sets out that sensitive land uses be appropriately designed, buffered and/or separated from major facilities, including rail facilities. The comments provided are intended to strengthen the City's growth management and land use compatibility policies.

We request further consideration be given to policies that specifically reflect the Provincial Policy Statement, 2020 (PPS) and the Growth Plan (2020), which builds upon the PPS with respect to additional land uses that require assessment. Under the Places to Grow Act, if there is a conflict in policy, the policy that does the most to protect human health prevails.

### **Context**

The defined PMSTA area immediately abuts the eastern portion of CN's Mimico freight yard, which is currently utilized by VIA and GO Transit for the maintenance and storage of trains. The lands to the east of the yard are designated as Employment, Mixed Use Areas and Neighbourhoods in the Official Plan. OPA 570 (SASP 692) assigned minimum densities, where no minimums previously existed, of 0.3 FSI, 2.0 FSI and 0.5 FSI (or 3 units) respectively.

The lands to the north of the yard were formerly Regeneration lands, but were redesignated to Mixed Use Areas (up to a maximum height and density of 4 storeys and 0.15 FSI), under the Mimico-Judson Secondary Plan in 2016. There is a Neighbourhoods designation further north across Judson Street, that is not included in the Secondary Plan. OPA 570 (SASP 692) increased the minimum density in the Mixed Use Areas designation from 0.15 FSI to 0.3 FSI and 1.5 FSI. A minimum density of 0.5 FSI (or 3 units) was applied to the Neighbourhoods lands further north.

These new higher densities that were introduced by OPA 570 (SASP 692) intensify existing land uses and increase the capacity of existing sensitive land uses, so the PPS and Growth Plan must be suitably addressed.

### **Policy**

In Land Use Compatibility policy 1.2.6.1, the PPS requires Major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. Where avoidance is not possible, policy 1.2.6.2 states that adjacent sensitive land uses are only permitted if the following criteria are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
  - b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
  - c) adverse effects to the proposed sensitive land use are minimized and mitigated;
- and

d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

In the Growth Plan, policy 2.2.5.8 adds additional land uses that require assessment. It states, development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.

### **Comments**

In the City's Final Report, dated June 20, 2022, these Land Use Compatibility policies were not acknowledged. Since these new densities intensify the land uses and increase capacity of existing sensitive land uses around a major facility and through The Planning Act, then these policies should be addressed. Alternatively, if proposing to increase minimum densities, it should only be for non-sensitive uses, or the municipality needs to justify that they can satisfy the requirement under the PPS to increase density near a major facility. There is not a clear assessment that sensitive land uses near Major Facilities cannot be avoided per Section 1.2.6.1 of the PPS. It is our opinion that this assessment needs to be completed.

Further, it is our opinion that the Mimico MTSA creates an opportunity to meet additional Growth Plan objectives such as, for example, changing the land use to General Employment to expand on the economic/job growth goals for the City of Toronto. Section 5.2.4.5 of the Growth Plan notes that there is great importance associated with planning for needed infrastructure and public services that are contextually appropriate to ensure development can achieve a mix of diverse land uses and open spaces. Through doing this, a complete community can be achieved.



### **Conclusion**

CN requests that MMAH amend the adopted policies to include specific references to provincial land use compatibility policies, as outlined above.

Thank you again for your consideration of this letter and review of the Mimico PMTSA Official Plan Amendment. We look forward to continuing to work with MMAH and the City of Toronto to ensure that this important industry is properly managed by the Province's land use framework. Please do not hesitate to contact me if you have any questions.

Yours very truly,

**WSP CANADA INC.**

A handwritten signature in black ink that reads "C.B. John-Baptiste". The signature is written in a cursive, flowing style.

Chad B. John-Baptiste, MCIP, RPP  
Director, Planning – Ontario

Copy: Eric Harvey, CN Rail  
Ms. Katarzyna Sliwa, Dentons Canada LLP