

February 3, 2023

Honourable Steve Clark
Minister of Municipal Affairs & Housing
Ministry of Municipal Affairs & Housing
Province of Ontario
777 Bay Street, 17th floor
Toronto, Ontario
M7A 2J3

Dear Minister Clark:

RE: SUBMISSION ON OPA 540 – ERO #019-5936; MINISTRY #20-OP-221476
1095-1111 DANFORTH AVENUE, TORONTO
OUR FILE: 21364H

On behalf of our client, 1095-1111 Danforth Project GP Inc., please accept this submission regarding the review by the Province of the City of Toronto's Official Plan Amendment 540 ("OPA 540").

Our client is the owner of the lands located at 1095-1111 Danforth Avenue (hereinafter the "Subject Lands") and shown below on **Figure 1**, within the Donlands Station Major Transit Station Area ("PMTSA") (SASP 617 in OPA 540).



Figure 1: Location of Subject Lands (in red) shown in relationship to Donlands Subway Station

The Subject Lands are located on the southeast side of the intersection at Danforth Avenue and Byron Avenue, approximately 150 metres west of Greenwood Avenue. The Subject Lands occupy approximately 76 metres of frontage along Danforth Avenue, 30 metres of frontage along Byron Avenue to the west, and have a depth of approximately 42 metres. The Subject Lands are approximately 300 metres from the Donlands Subway Station and 500 metres from the Greenwood Subway Station on the Bloor-Danforth Line 2.

The Subject Lands are within an Avenue and designated *Mixed Use Areas* which are areas intended for growth and intensification.

Intent of Major Transit Station Areas and Issues with the City's Approach

At the heart of the Growth Plan is the embodiment in policy that lands must be efficiently used and infrastructure, and specifically transit, be optimized. This is clearly set out as the second of the Growth Plan's Guiding Principles:

"Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability"

This is further enunciated in Section 2.1, Context (emphasis added):

*"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.**"*

And:

*"This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to major transit station areas and other strategic growth areas, including urban growth centres, and promoting transit investments in these areas. **To optimize provincial investments in higher order transit, this Plan also identifies priority transit corridors and the Province expects municipalities to complete detailed planning for major transit station areas on these corridors to support planned service levels.**"*

The policies dealing specifically with Major Transit Station Areas (MTSAs) (Section 2.2.4) refine these statements with specific directives (emphasis added):

2.2.4.2 *For major transit station areas on priority transit corridors or subway lines, upper-and single-tier municipalities, in consultation with lower-tier **municipalities, 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.***

2.2.4.3 *Major transit station areas on priority transit corridors or subway lines will be planned for a **minimum density target** of:*

- a) **200 residents and jobs combined per hectare for those that are served by subways;**
- b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit; or
- c) 150 residents and jobs combined per hectare for those that are served by the GO Transit rail network.

2.2.4.6 Within major transit station areas on priority transit corridors or subway lines, **land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited.**

2.2.4.9 Within all major transit station areas, **development will be supported**, where appropriate, by:

- a) **planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;**
- b) fostering collaboration between public and private sectors, such as joint development projects;
- c) **providing alternative development standards**, such as reduced parking standards; and
- d) **prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.**

In totality, these policies were intended to incentivize intensification in MTSA's and prevent the underutilization of land and the transit infrastructure investments made by the Province and the City.

With these principles and policies in mind, we provide the following general commentary on the City's MTSA process and specifically the resulting OPA 540 document presented for approval to the Province:

1. MTSA Limits Have Not Been Maximized

The Growth Plan defines MTSA's as:

"The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk."

Our observation is that in many cases the City has not utilized the full 500 to 800 metre radius, rather reducing this to less than 800 metres and in a number of cases to less than 500 metres. This does not fulfill Policy 2.2.4.2 as cited above which requires municipalities to maximize the size of the area and the number of potential transit users that are within walking distance of the station.

In the case of area surrounding the Subject Lands, as an example, SASP 617 of OPA 540 sets out a limit far less in many cases than that required by the Growth Plan as shown on **Figure 2** below.

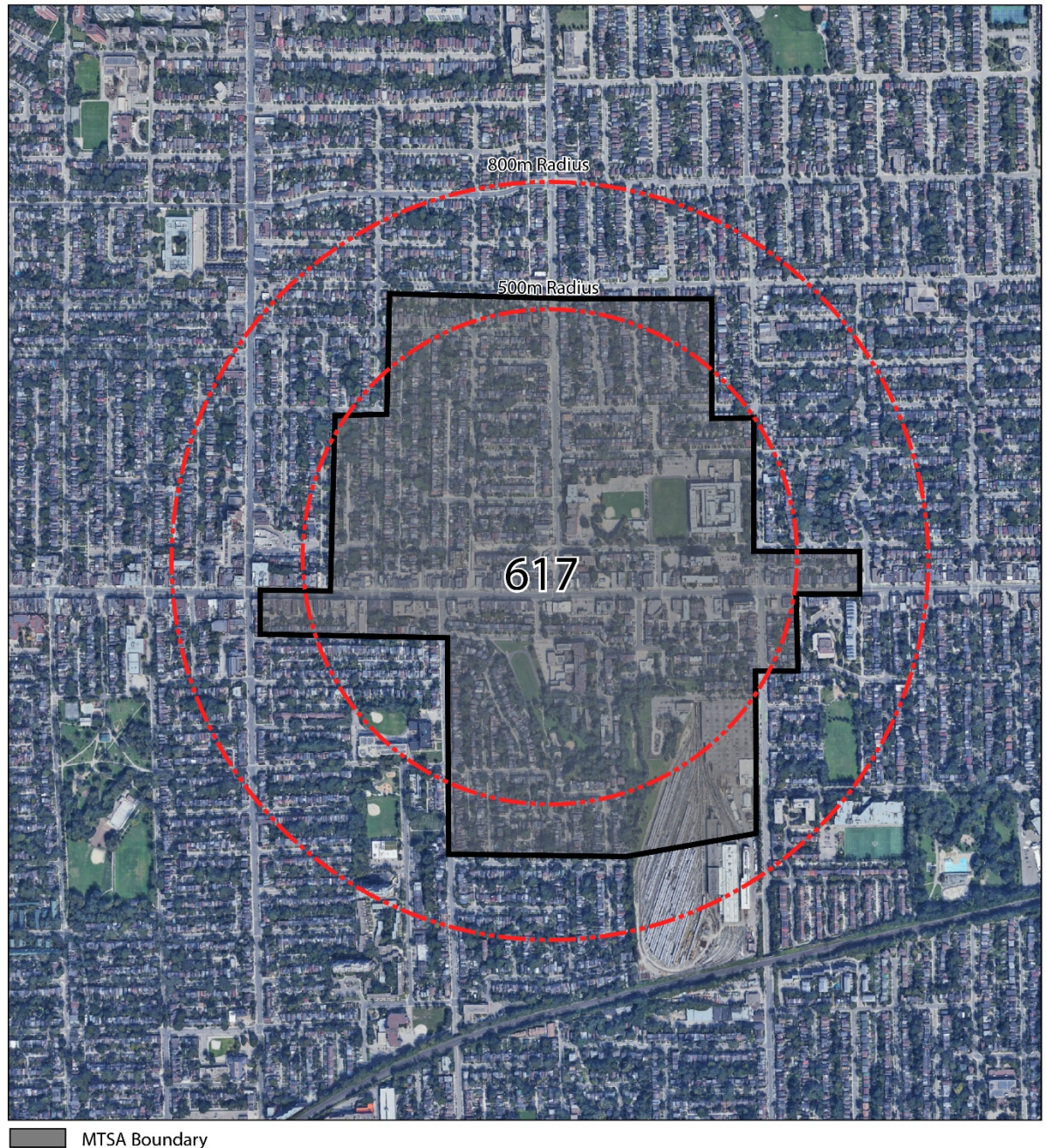


Figure 2 – Comparison of SASP 617 Limits versus Growth Plan 500 to 800 m radius

While we are noting the discrepancy of the PMTSA boundaries versus that are set out in the Growth Plan, we are not proposing modifications to the boundaries. Instead we believe these boundaries can remain and still be supportable, provided increased minimum densities occur in the PMTSA limit (see further discussion below).

2. The Proposed Minimum Densities Are Artificially Low

Our general observation is that the City has set the minimum densities artificially low and are not reflective of either existing policy direction nor approved or proposed densities in the MTSA. To

this effect, even at significantly high density areas (such as Yonge-Eglinton or Yonge-Bloor), the highest minimum density set by the City has been 3.5 FSI. For context, a building with 3.5 FSI on a typical main street lot would only be five to six storeys in size. As noted above, given the height permissions along this section of Danforth Avenue, we believe at least 5.0 FSI can be achieved (if not more).

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” which identified that the density measures recommended for the various SASPs:

“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.”

We observe that in many instances this statement is not reflected in the minimum densities established in the SASPs of OPA 570. In many instances the SASPs do NOT reflect approved densities, as-of-right zoning permissions nor the City’s approved projects/instruments in various land use designations. For example, in many instances on lands designated *Mixed Use Areas* on major streets, it is very common for development to be approved at 3.0 to 5.0 FSI (or more depending on the location – at Yonge and Eglinton, the densities approved have exceeded 28 FSI).

Furthermore, 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.

Lastly, given that a majority of the MTSA’s are *Neighbourhoods* designated lands, and assigned a 0.5 FSI (or lower), this leads to the conclusion that additional minimum densities are required in proximity to the transit stations in areas designated where further growth can occur (i.e. *Mixed Use Areas, Apartment Neighbourhoods*, specific SASPs) to fulfill the requirements of the Growth Plan.

The conclusion of this planning opinion is that the City has not met its obligations of Policy 2.2.4.2 through these combination of observations. This leads to a lack of incentive for development to occur, potentially leading to an underutilization of land and transit infrastructure not being optimized.

Specific Recommendations for SASP 617 of OPA 540

With the above general observations provided, we request that SASP 617 be modified to reflect increased minimum densities. To this effect, we note the following observation for the SASP 617 area.

1. Minimum Densities Does Not Reflect Proposed & Approved Developments

There has been increased interest in intensification within the SASP 617 area along Danforth Avenue, as shown on the table below. As can be seen, densities approved and proposed are significantly higher than what the City has set out in SASP 617 as currently drafted – even though there were a number of applications approved in the SASP prior to the adoption of OPA 540 with higher densities.

Location	SASP 617 FSI	Approved / Proposed FSI	Status
Subject Lands (1095-1111 Danforth Avenue)	2.0		Under review
975 Danforth Avenue	2.0	7.53	At OLT
654-656 Danforth Avenue	2.0	20.63	Under review
14 Dewhurst Avenue	0.5	2.15	Approved (2017)
1030 Danforth Avenue	2.0	4.73	Approved (2016)

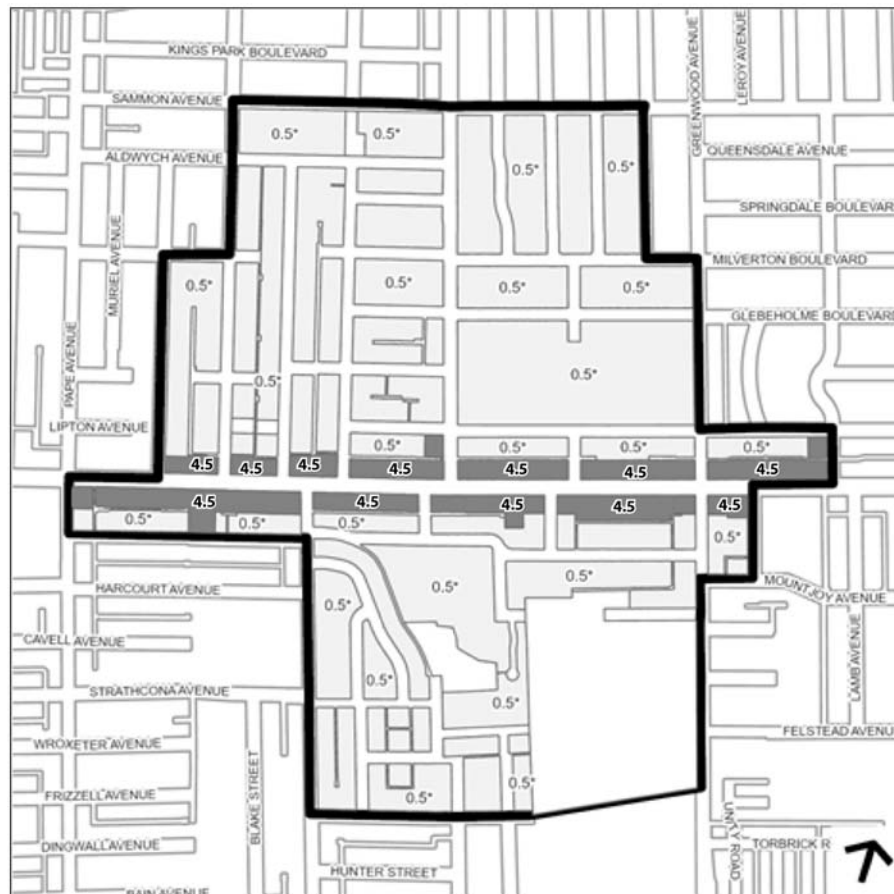


Figure 5 – Proposed Minimum Densities within SASP 617

It is clear that the City has not appropriately set minimum densities that are reflective of either what has been approved or proposed in this area. It is therefore recommended that lands immediately in SASP 617 should have increased minimum densities reflective of this reality and to support the Donlands Subway station. Where there are approved developments within these areas which are less than the minimum density proposed, this in my opinion, reflects the potential for these sites to yield more density, which is an appropriate policy position given the Provincial goal to optimize transit infrastructure investment. These modifications are shown on **Figure 5** above.

Submission Proposes Alternative Minimum Density Mapping Reflecting Current Development Trends

As noted previously, there are numerous examples where the above proposed minimum density regime is occurring. Our client is proposing similar transit oriented development that is an appropriate example of the intensification that can occur and should be incentivized by increased minimum densities in a MTSA.

The proposal on the Subject Lands is to demolish the existing church and funeral home on the Subject Lands and redevelop the site with a stepped 9-storey mixed-use purpose-built rental building. The proposed development would result in 13,122.20 square metres (141,246 square feet) of gross floor area consisting of 12,492.80 square metres (134,471.38 square feet) of residential gross floor area and approximately 629.40 square metres (6,775 square feet) of commercial gross floor area (4.6 FSI). This provides for a total proposed residential unit count of 228 rental housing units consisting of a mix of bachelor/studio, two-bedroom, three-bedroom units and four-bedroom units. The application was submitted with a complete application package of plans and supporting reports including a fulsome Planning and Urban Design Rationale report. The applications are still in the approvals process. An image of the proposal is shown below in **Figure 6**.



Figure 6 – Rendering of proposed development of the Subject Lands

In our opinion, this proposal reflects the Growth Plan and Provincial Policy Statement while appropriately addressing good planning and urban design principles. As discussed in thorough detail in our Planning and Urban Design Rationale Report, the proposed development is reasonable and represents a transit supportive development density. As concluded by our report:

- The proposal provides a mixture of residential unit types and sizes to meet Provincial and City housing targets (adding a 228 rental residential units).
- The proposed density is transit supportive, adding new ridership to the Donlands Subway Station through the proposed mixture of residential and retail uses.
- The massing and scale of the proposed buildings are appropriate given the existing and planned context and will compliment future intensification proposed in the area. The proposal is considered an appropriate height for a property within an area where appropriate mid-rise heights and densities has already been approved and built.
- The proposed development will be appropriately massed and will create a pedestrian friendly atmosphere at-grade. The proposed building will incorporate retail uses and residential lobbies to provide animation along Danforth Avenue.
- The proposed building height will provide presence within the Mixed Use Area within this PMTSA. The introduction of a more substantial built form (critical mass) on this site provides a more framed and enhanced streetwall condition compared to what exists within the area today.

In our opinion, this example epitomizes the type of intensification required in an MTSA to ensure that the objectives of the Growth Plan are achieved.

Conclusion

We trust that our general and specific discussions on the concerns with OPA 540 as drafted will be reviewed and considered by the Province. Without development occurring at appropriate densities, an underutilization of the Province's infrastructure investments will occur and we will all struggle to bring more housing to the market as is crucially needed. The key is to establish appropriate minimum densities which will incentivize the type of development projects that are required in order to optimize the transit infrastructure in the PMTSA. To do so would be in the public interest and would represent good planning.

We believe the requested revision is appropriate, reasonable and makes OPA 540 clear, and unambiguous and understandable to the public. Indeed, an important policy instrument such as this that sets unfathomably low minimum densities would, in my view, only yield public confusion as to the planned direction for PMTSAs. The revision implements transit supportive development density that will ensure that the development approved in the PMTSA optimizes 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 dark ink, appearing to read 'D. McKay', is written over a light orange rectangular background.

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

cc *Clients*