

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 570 – ERO #019-5937; MINISTRY #20-OP-227259
2939-2941 EGLINTON AVENUE EAST, TORONTO
OUR FILE: 20452'D'

On behalf of our client, 2941 Eglinton East Limited Partnership, 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 2939 and 2941 Eglinton Avenue East (hereinafter the "Subject Lands") and shown below on **Figure 1**.

The Subject Lands have a total lot area of 0.46 ha (1.15 acres), with approximately 61 metres of frontage along Eglinton Avenue East.

We are providing this letter to provide general commentary to the Province on OPA 570 and recommending general revisions to the OPA and specific recommendations for Site and Area Specific Policy 625 ("SASP 625"), the Protected Major Transit Station Area ("PMTSA") for the Eglinton GO Station located immediately to the east of the Subject Lands. The Subject Lands are proposed to be within this PMTSA.



Figure 1 – Location of the Subject Lands (in red)

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 ("MTSA") (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 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 570 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 625 of OPA 570 sets out a limit far less in many cases than that required by the Growth Plan as shown on **Figure 2** below.

While we are noting the discrepancy of the MTSA boundaries versus that 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).

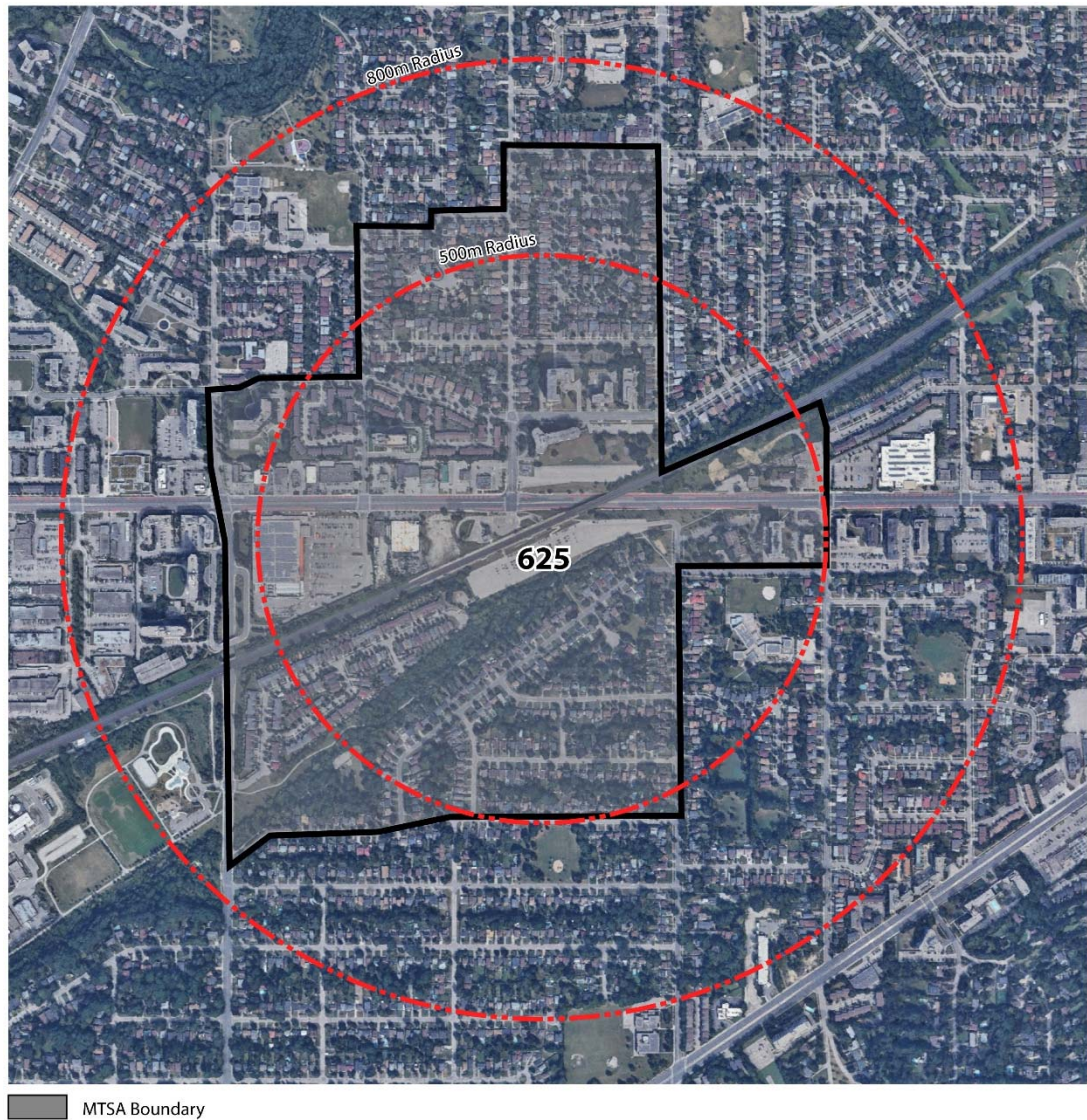


Figure 2 – Comparison of SASP 625 Limits versus Growth Plan 500 to 800 m radius

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 lot typical main street lot would only be five to six storeys in size.

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:

“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 MTSAs 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 625 of OPA 570

With the above general observations provided, we request that SASP 625 be modified to reflect increased minimum densities. To this effect, we note the following observation for the SASP 625 area.

1. Minimum Densities Do Not Reflect Proposed Developments

There has been increased interest in intensification within the SASP 625 area, as shown in **Figure 5**. These are in addition to our client’s proposal, at 8.79 FSI on the Subject Lands.

	ADDRESS	USE	HEIGHT (STOREYS)	FSI	RESIDENTIAL UNITS
1	320 MCCOWAN RD	Residential	29 storeys	5.0	483
2	2911 EGLINTON AVENUE E	Industrial	6 Storeys	3.57	0
3	2956 -2990 EGLINTON AVE E	Mixed Use	37 Storeys	7.36	935
4	3060 EGLINTON AVE E	Residential	4 Storeys	.72	80
5	3095 EGLINTON AVE E	Mixed Use	12 Storeys	5.0	173
6	3150 EGLINTON AVE E	Mixed Use	11 Storeys	4.54	148

Figure 5– Surrounding Proposed Developments

Further, there is significant opportunities for further growth in this PMTSA as depicted in our analysis of the area as shown in **Figure 6**. These potential redevelopment sites range in potential densities from 1.5 FSI to 8.79 FSI including:

1. The Subject Lands at 8.79 FSI
2. 2916-2938 Eglinton Avenue East at 5.6 FSI
3. Multiple potential sites at 2911 Eglinton Avenue East at 6.1 to 8.6 FSI

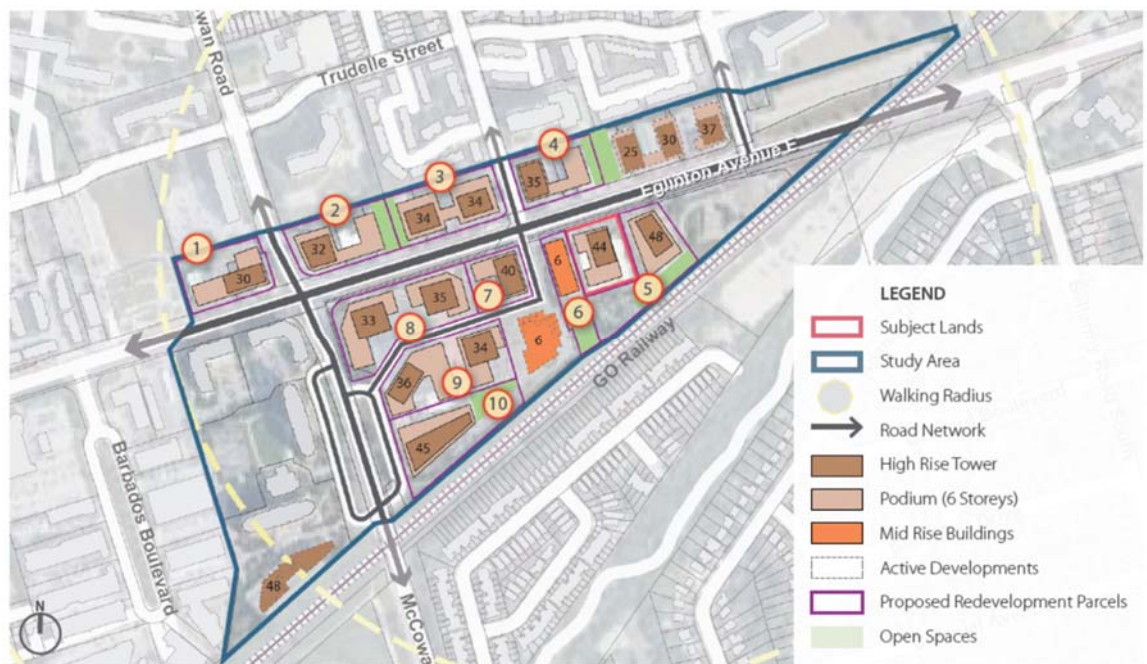


Figure 6– Development Potential Analysis along Eglinton Avenue East (McCowan Road to Eglinton GO Station)

It is clear that the City has not appropriately set minimum densities that are reflective of either what is proposed or possible in this area nor represent good planning. It is therefore recommended the minimum densities in the PMTSA be increased substantially in order to optimize the transit infrastructure of the Eglinton GO Station. These modifications are shown on **Figure 7** below.

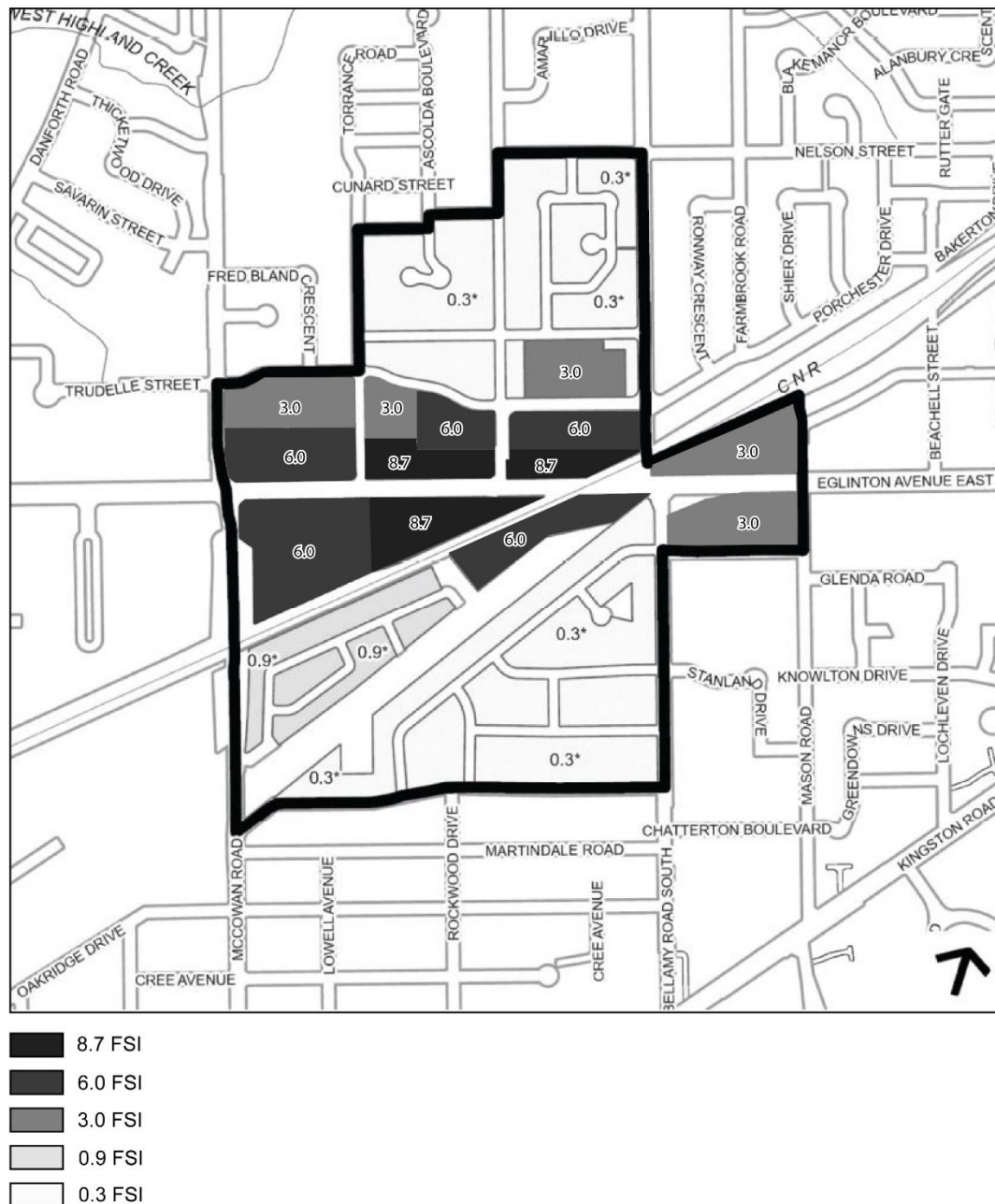


Figure 7– Proposed Minimum Densities for SASP 625

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.

Submission Proposes Alternative Minimum Density Mapping Reflecting Current Development Trends

As a final discussion, the recommendations we are proposing would create significant housing units and employment floor area within the MTSAs. One example, within the examples of densities proposed, is reflected in our client's proposal on the Subject Lands at 2939-2941 Eglinton Avenue East which is the subject of a Zoning By-law Amendment application (submitted September 6, 2022).

As proposed, the development would provide for a 44-storey mixed-use building. The proposed development will have a total gross floor area of approximately 37,419 sq. m., with 288 sq. m of non-residential uses at grade. The total development will have a Floor Space Index ("FSI") of 8.79 times the lot area. A total of 555 residential units are proposed, which includes studio, one-bedroom, two-bedroom, three-bedroom and four-bedroom units. The applications were submitted with a complete application package of plans and supporting reports including a fulsome Planning and Urban Design Rationale report, all of which can be found at the following link:

<https://www.dropbox.com/home/2939-2941%20Eglinton%20Avenue%20East>

The applications are still under review by the City. Images of the proposal are shown below in **Figures 8** and **9**.

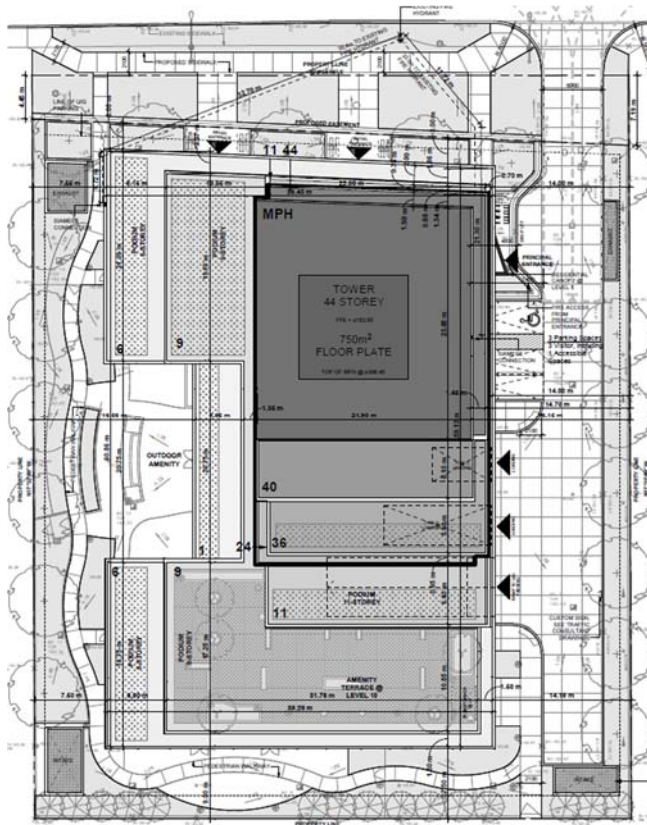


Figure 8– Site Plan showing proposed development of the Subject Lands

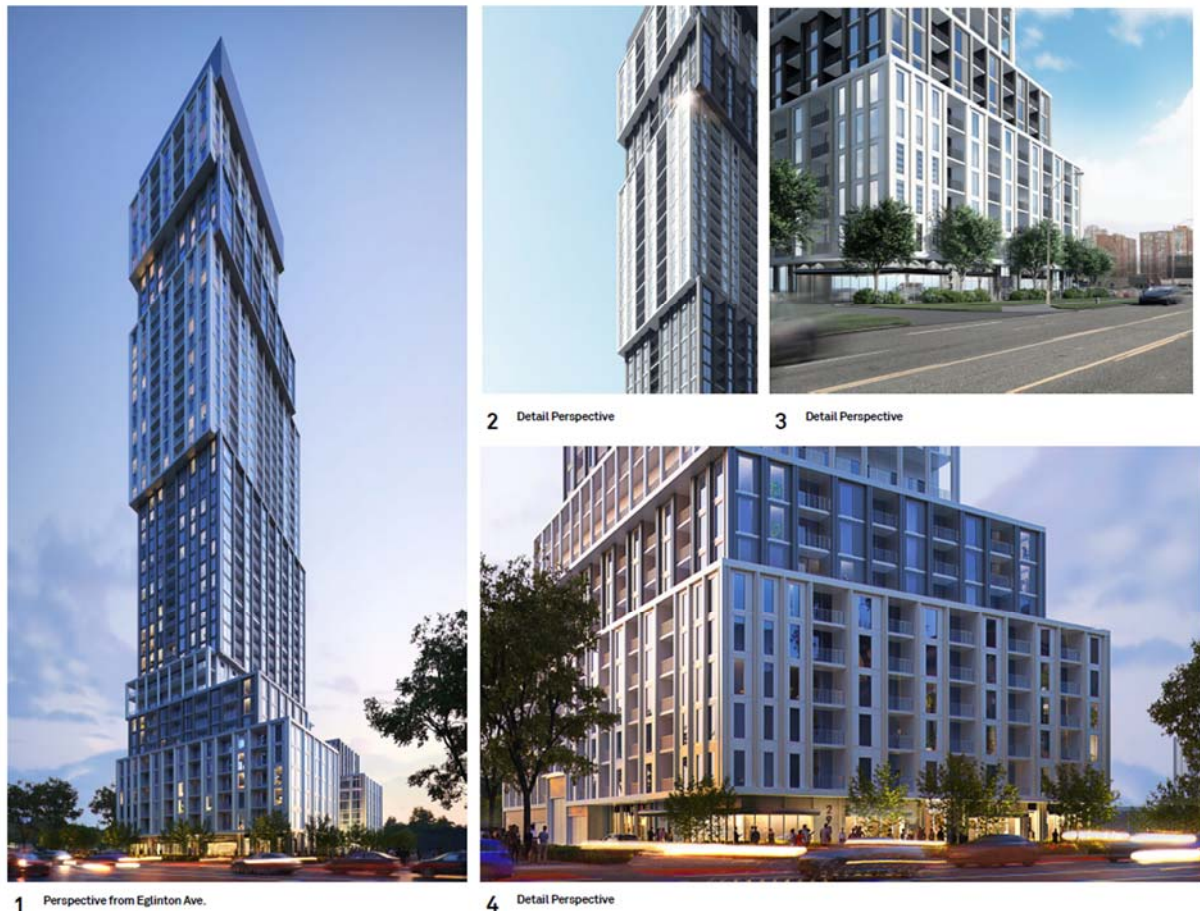


Figure 9 – Renderings of proposed development of the Subject Lands

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 proposed development is adjacent to existing transit facilities. Given this, the proposed development will provide direct transit connection from the development to higher order transit within the City. The proposed density of residential uses will support the existing and future transit infrastructure within the area.
- The Proposal provides a mixture of residential unit types and sizes to meet Provincial and City housing targets adding over 555 new residential units in proximity to the Eglinton GO Station.
- The proposal represents a significantly increased utilization of the land and the optimization of infrastructure, as required by the PPS and Growth Plan, over what exists on-site today.
- The proposed development will be appropriately massed and will create a pedestrian friendly atmosphere at-grade. The proposed buildings will incorporate amenity space, residential lobbies, and units to provide animation along Eglinton Avenue East.

- 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 adjacent to a major street in proximity to the Eglinton GO Station.

In our opinion, this example epitomizes the type of intensification required in a PMTSA 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 570 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 570 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



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

cc Client