

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
5230 DUNDAS STREET WEST AND 3825 BLOOR STREET WEST, TORONTO
OUR FILE: 1512'P'**

On behalf of our clients, 1930338 Ontario Inc. and Six Points Plaza Limited, please accept this submission regarding the review by the Province of the City of Toronto's Official Plan Amendment 570 ("OPA 570").

Our client is the owner of Six Points Plaza, municipally addressed as 5230 Dundas Street West and 3825 Bloor Street West (hereinafter the "Subject Lands") and shown below on **Figure 1**, within the Kipling Protected Major Transit Station Area ("PMTSA") (SASP 626 in OPA 570).



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

The Subject Lands are located less than 300 metres to the Kipling Subway Station on Line 2 Bloor-Dundas Line and the Kipling GO Station.

The Subject Lands are within the Etobicoke Centre which is an Urban Growth Centre in the Growth Plan. The City of Toronto's current planning regime for this area, the Etobicoke Centre Secondary Plan, dates back to 2002. The Subject Lands are designated *Mixed Use Areas*, with the Etobicoke Centre Secondary Plan identifying them as being in the Six Points Focus Area and the Islington Village Area, with the tallest buildings being located along Dundas Street West, transitioning to mid-rise heights along Bloor Street West.

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.**"*

As the Subject Lands are located within an Urban Growth Centre, the minimum target density by 2031 per Policy 2.3.2.2 is to be 400 persons and jobs per hectare.

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 PMTSAs and prevent the underutilization of land and the transit infrastructure investments made by the Province and the City. This is even more significant given the location of the PMTSA within an Urban Growth Centre.

With these principles and policies in mind, we provide the following general commentary on the City's PMTSA 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 626 of OPA 570 sets out a limit less in than that required by the Growth Plan as shown on **Figure 2** below.

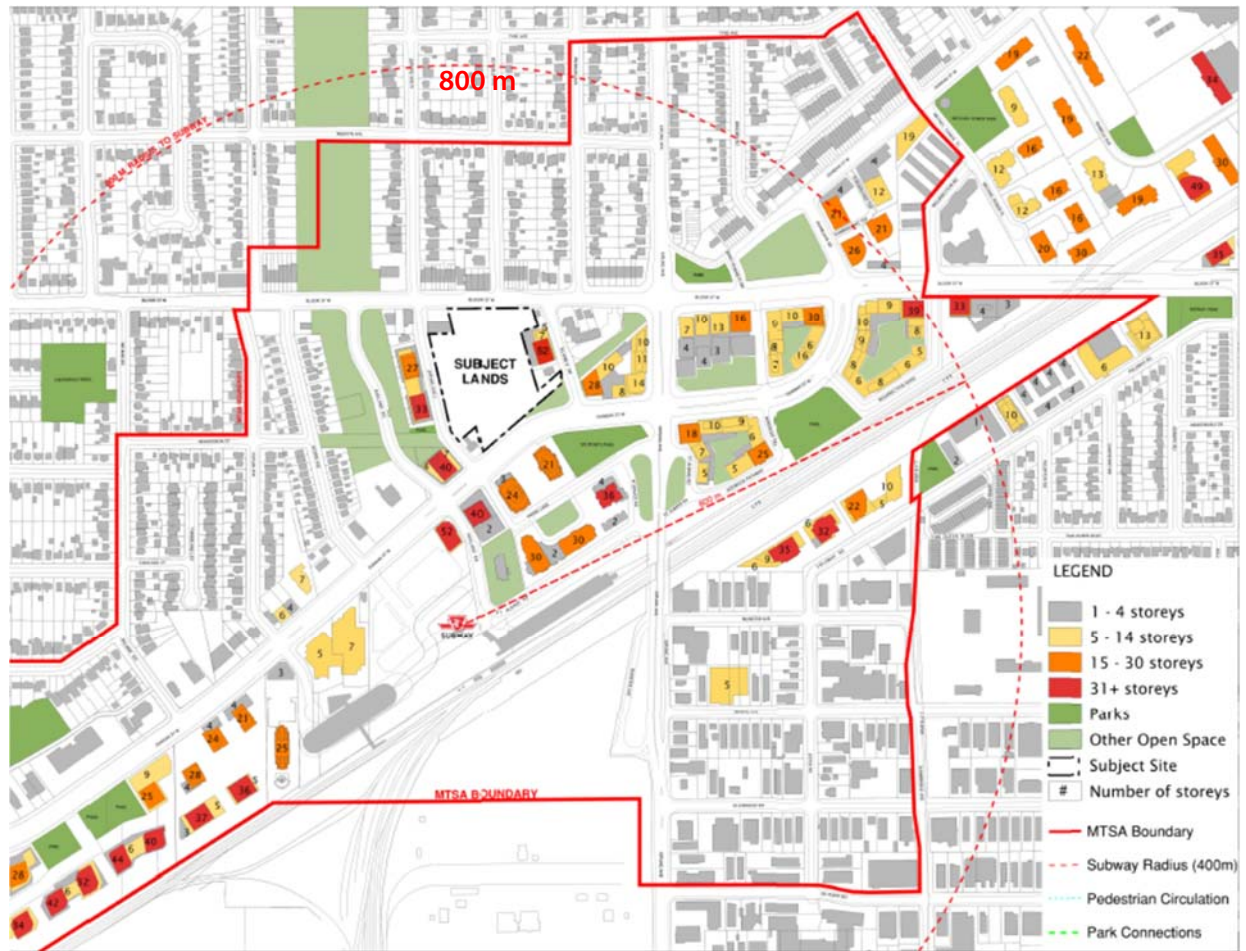


Figure 2 – Comparison of SASP 760 Limits versus Growth Plan 800 m radius

While we are noting the discrepancy of the PMTSA boundaries versus those 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 these densities are not reflective of either existing policy direction nor approved or proposed densities in the PMTSA. 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 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) (and in this case *Employment Areas* as well at 0.3 FSI), 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 626 of OPA 570

With the above general observations provided, we request that SASP 626 be modified to reflect increased minimum densities. To this effect, we note the following observation for the SASP 626 area.

1. Minimum Densities Do Not Reflect the Recent Approved and Proposed Developments

The minimum densities do not reflect recent approvals and applications in the area or good planning. The highest FSI that is proposed in the PMTSA is 2.0, which is particularly troublesome given this also an Urban Growth Centre. This low minimum density is compared with approved or recent applications which range from 3.42 FSI to 28.48 FSI as shown on the table below.

Location	FSI	Status
Subject Lands	7.94	Under review

8-26 Jopling Avenue	11.38	Approved
4-10 Beamish Drive	16.09	At OLT
5-7 Jopling Avenue	17.5	Under review
5238 Dundas Street West	13.9	At OLT
5251 Dundas Street West	28.48	Under review
3741-3751 Bloor Street West	3.42	Approved
56-58 Fieldway Road	6.22	Under review
5415 Dundas Street West	6.7	Approved
5140 Dundas Street West	4.42	Under Review

It is clear that the City has not appropriately set minimum densities that are reflective of either existing conditions, approved or what has been proposed in this area. It is therefore recommended that the minimum densities be increased substantially. These modifications are shown on **Figure 3** below.

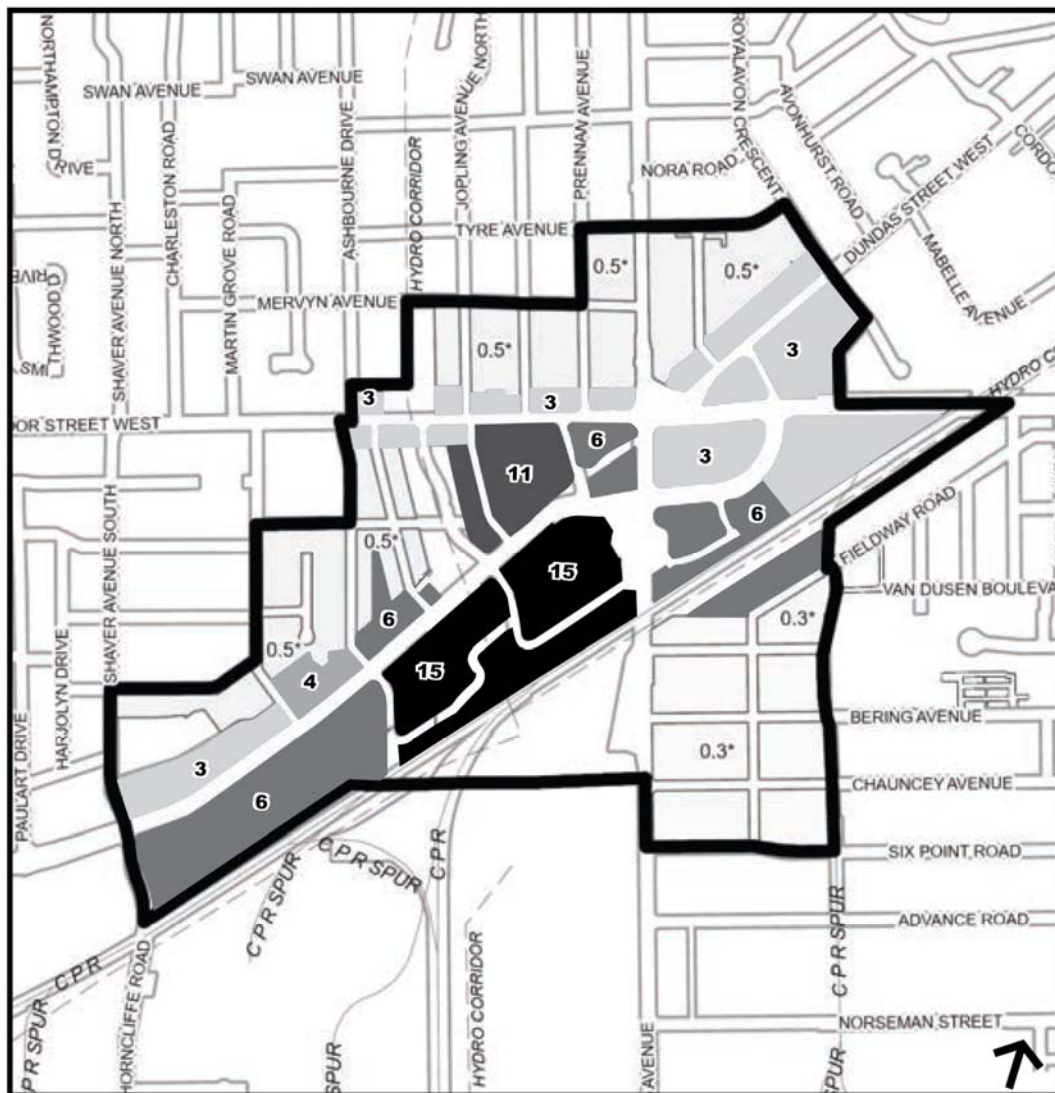


Figure 3 – Proposed Minimum Densities for SASP 626

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.

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 *Clients*