

February 2, 2023

Hon. Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street - 17th Floor
Toronto, Ontario
M7A 2J3

Dear Minister Clark:

**Re: Toronto Official Plan Amendment 570
ERO Number 019-5937
Ministry Reference Number 20-OP-227259**

**Toronto Official Plan Amendment 570
Major Transit Station Areas
Request for Modifications to Site and Area Specific Policy 673
1860-1868 Keele Street**

We act for Block (Keele Eglinton) Developments Limited (“Block”), owners of the lands at 1860-1868 Keele Street in the City of Toronto. The subject lands are within Site and Area Specific Policy area 673 (in this case Keele Major Transit Station Area) established by Toronto Official Plan Amendment 570.

The amendment includes mapping that establishes artificially low minimum densities for the subject lands. We are writing to request that the policies be modified to include more meaningful minimum densities, that will serve as an incentive to achieve intensification at the relevant transit station areas. This submission is also accompanied by a planning report from Bousfields.

The City of Toronto has adopted Official Plan Amendment 570, which establishes Major Transit Station Area policies for 57 Major Transit Station Areas. The amendment includes mapping for each major transit station area that includes minimum densities.

However, these densities have been set at such artificially low levels that the policies will fail to achieve the principal objective of encouraging intensification at major transit stations. In many cases, the minimum densities are well below the densities of existing buildings, or approved development proposals. Virtually nowhere will the proposed minimum densities serve as meaningful incentives to intensify development.



Block site outlined in red. Keelesdale station is immediately south of the site.

We are requesting that the Minister modify the minimum density mapping in site and area specific policy 673 in Official Plan Amendment 570 to reflect higher minimum densities. Such modifications will help to accelerate the process of approving intensification applications. It will deliver housing and economic activity consistent with the provincial vision, with less excessive process, and in a faster time frame.

Major Transit Station Areas Have Been Established in the Planning Act as Locations Where the Province Envisions Intensification and Concentrations of Population and Jobs that Will be Transit-Reliant

Previous provincial Governments amended the Planning Act introducing sections 17(15) and (16) which provide for the establishment of Protected Major Transit Station Areas. Among other things, these sections include provisions for the establishment of minimum densities in these areas. To reflect the priority that the province places on the importance of delivering growth in the Protected Major Transit Station Areas, the statute does not permit appeals to the Tribunal of any of the minimum density policies. The policy direction inherent in these changes has been maintained by the current Government.

At the time the Planning Act changes were presented to the Legislature, the Minister outlined the objectives as follows:

“To make the best possible use of our government’s transit investments and to help support municipal control over local planning, we are proposing a new planning tool that municipalities can use. This tool would allow municipalities to designate and zone protected major transit station areas. The province or an approval authority would approve these policies when they’re being put in place and whenever they are being changed. When the municipality designates these areas, there would be no appeal of the official plan policies on the number of residents and jobs in the area or on building densities and heights. Once designated, the municipality would zone for density and height requirements meant to support transit service.

There would only be limited opportunities to appeal the zoning requirements. Zoning would need to conform with the provisions and standards set out in the official plan and provincial plans and policies. Municipalities would be able to plan for and develop transit-supportive densities to ensure that they have residents close to transit to encourage the transit ridership that makes the operation of transit cost-effective.”

The clear intention of the new statutory provisions was to smooth the way for the intensification of areas around transit stations. This was seen both as a sound planning approach that will reduce congestion and encourage use of public transit. This was also seen as a way of ensuring that public investment in transit infrastructure was then used efficiently by ensuring development in the vicinity of stations.

Provincial Growth Plan Emphasizes that the Policy Direction of Major Transit Station Areas is to Deliver a “High Level of Employment and Residential Densities”

The Growth Plan for the Greater Golden Horseshoe even more clearly establishes that the provincial objective behind the establishment of Major Transit Station Areas is to achieve intensification - higher densities - around transit stations.

Policy 2.2.4 specifically addresses Transit Corridors and Transit Stations. Policy 2.2.4.8 requires that all Major Transit Station Areas “*be planned and designed to be transit-supportive*”. The Growth Plan defines transit-supportive as: “*Relating to development that makes transit viable and improves the quality of the experience using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. ...*”. The clear policy objective is to see higher densities encouraged through the use of minimum density designations.

However, the City of Toronto's approach in Official Plan Amendment 570 establishes minimum densities in Major Transit Station Areas that are so low that they cannot be considered in any way to be encouraging meaningful intensification and the higher densities of development contemplated by the Growth Plan.

Ontario's Housing Action Plan Highlights the Importance of Higher Densities around Transit Stations

The current Government has been moving aggressively to address the housing supply crisis in Ontario. Throughout, the Government has emphasized the importance of development around transit stations to deliver meaningfully to the supply of housing, in the right places.

In November 2022, the Minister released the most recent version of the Provincial Housing Supply Action Plan, entitled "More Homes Built Faster". The plan includes the following:

"Density near transit hubs

Adding more basement apartments will help, but we need to enable more density to truly address the housing crisis. The logical place to put more housing is near major transit hubs, so people can easily get to work, school and back home. Once the minister approves the key development policies for major transit hubs, we're proposing to require municipalities to update their zoning by-laws within one year to help get shovels in the ground faster."

The province has stated clearly that intensification at Major Transit Station Areas is "the logical place to put more housing".

The section from the plan also emphasizes the role of the Minister in ensuring that the "key development policies for major transit hubs" are in place. As such, it is important for the Minister to exercise his powers of modification when considering policies like those in Toronto Official Plan Amendment 570 to ensure that the minimum densities actually encourage housing intensification to happen in major transit station areas.

It is also significant that the Housing Supply Action Plan identifies the need for official plan policies and zoning to be in place quickly to “get shovels in the ground faster” in delivering housing at transit station areas. The approach of the City of Toronto, in setting artificially low minimum densities, seeks to do exactly the opposite. Toronto is creating a situation where further Official Plan amendment and rezoning applications (and the years of related process) are required before the hoped for transit supportive development approvals can be achieved, further delaying the delivery of that housing supply. Simply put, the City’s Official Plan Amendment 570 creates a need for additional process, rather than achieving the provincial objective of moving towards higher as-of-right densities allowing the construction of housing to proceed with less red tape and process delays.

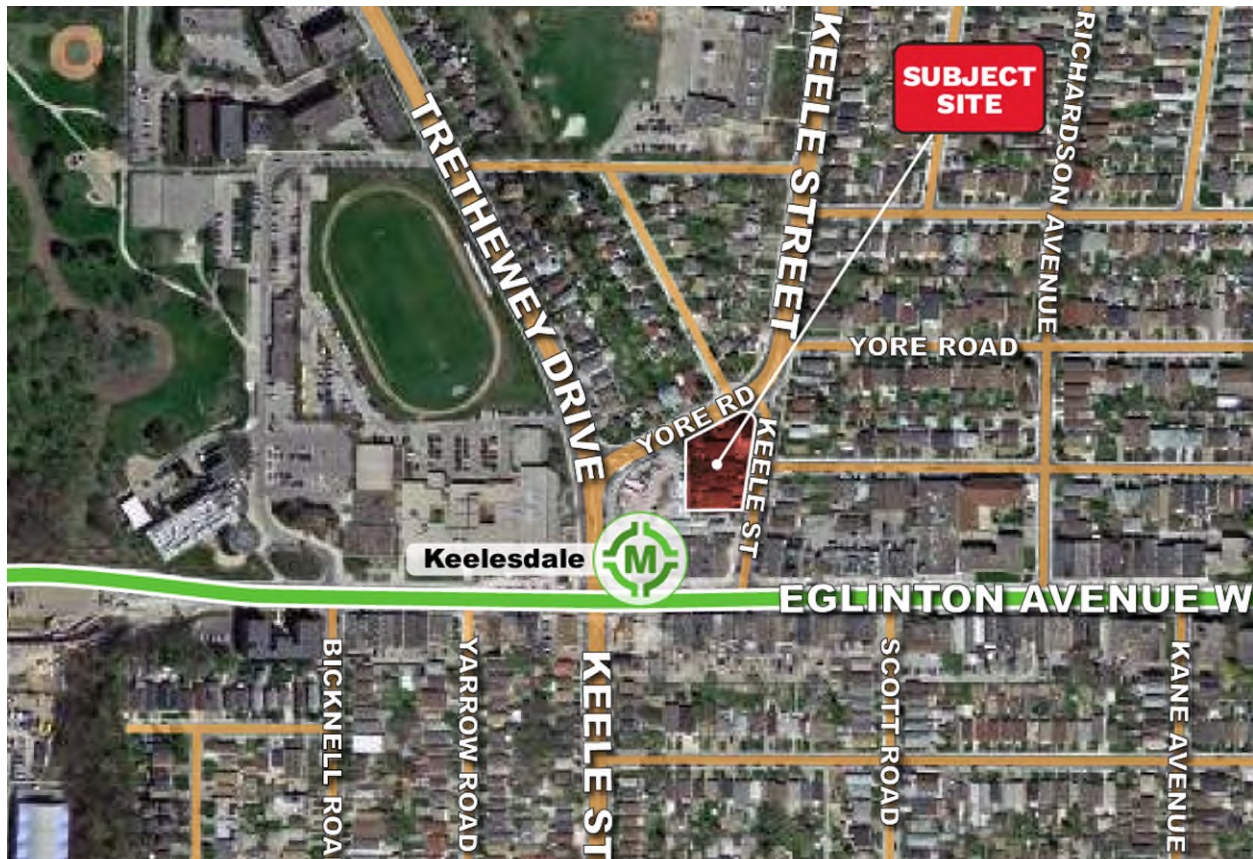
Proposal for 1860-1868 Keele Street Offers Significant Housing Supply - Will Deliver 245 Units of New Housing

The proposal for 1860-1868 Keele Street offers the potential for a significant addition of new housing supply in an ideal location - at a TTC LRT Station intersection. The proposal includes a total of 245 residential units, composed of a broad range and mix of unit sizes.

The Block site is currently the subject of an application before the City of Toronto. Of significance, the location of the proposed development parcel is right beside the Keele station. This development site is in the same small block as the new LTR station. The balance of this block also contains another parcel, with a high density development proposal at 2634-2654 Eglinton Avenue West and 1856-1856A Keele Street. The block is separated from the stable low density neighbourhood in the area by the busy streets surrounding the block - Keele Street, Eglinton Avenue West, Trethewey Drive, and Yore Road - that serve as buffers.

This block containing the Keele station provides an appropriate location and opportunity for high density development that can be undertaken on a comprehensive basis, as demonstrated by the Block development proposal and the application for 2634-2654 Eglinton.

Below is an image illustrating the location of the block containing the site and the Keelesdale LRT station, and its separation from the adjoining residential neighbourhood lands:

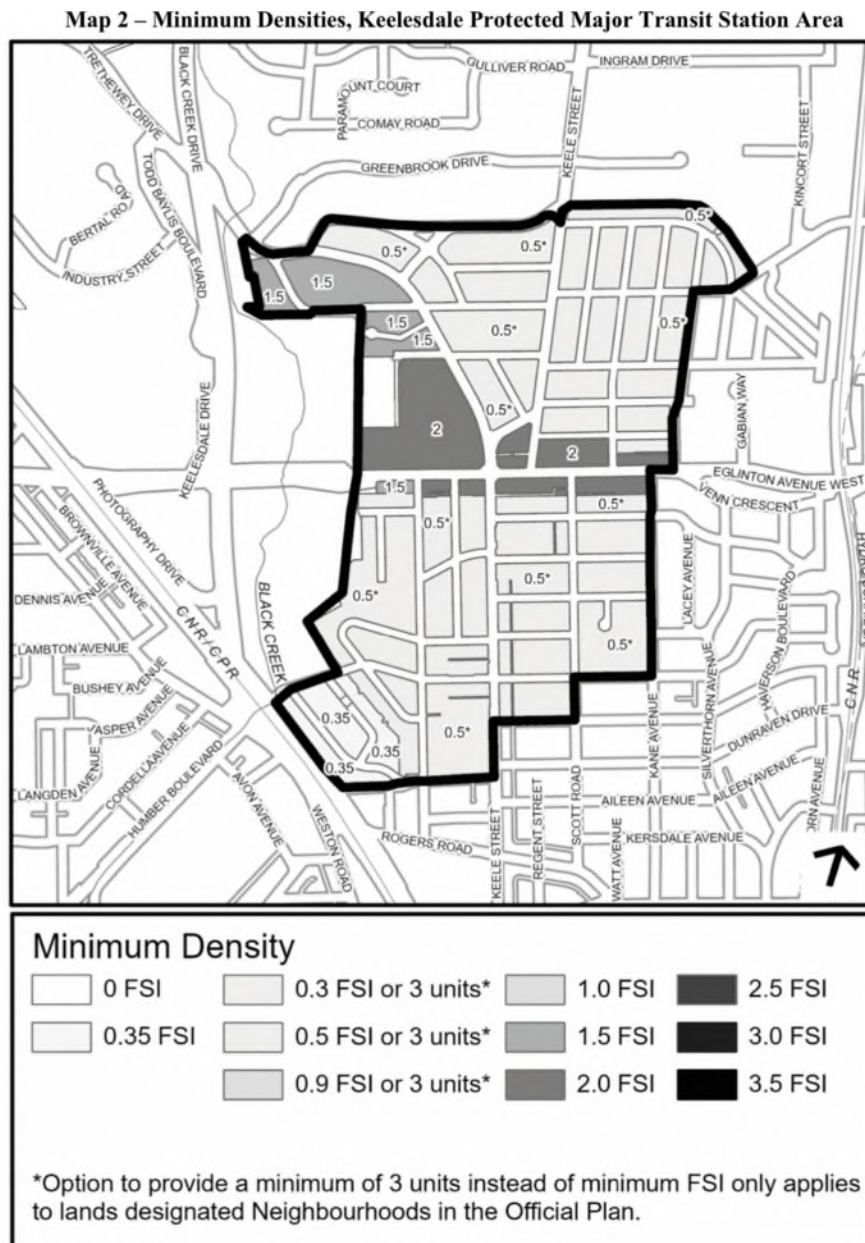


As such, modifications to the Official Plan Amendment to facilitate the construction of this housing will offer an opportunity for new homes for hundreds of families, and a healthy addition to the supply of housing in the province.

Mapping in OPA 570 Applies Artificially Low Densities to the Keelesdale Major Transit Station Area (Site and Area Specific Policy 673)

The Block lands are located north of Eglinton avenue, on the west side of Keele Street, adjacent to the Keelesdale LRT station - which is at the corner of Eglinton and Trethewey Drive/Keele Street. The site is in the Keelesdale Protected Major Transit Station Areas. The Eglinton and Trethewey/Keele intersection is the focus of the Keelesdale Site and Area Specific Policy area 673.

Below is the adopted minimum density map:



The Block site is designated with a minimum density of 2 times the area of the lot. It is unlikely that this is the kind of density, in proximity to an LRT station intersection, that the province would consider to be a high residential density, or meaningful intensification in a transit supportive fashion.

City's Adopted Minimum Densities Are Actually Below Already Planned and Approved Density Permissions

The City of Toronto has established an interactive tool for Major Transit Station Areas. What that tool reveals for the area in question is that it already has higher density permissions generally than the minimum densities established by Official Plan Amendment 570. This demonstrates the extent to which the minimum densities in the amendment are artificially low - and so low as to not serve as an incentive for intensification.

In the table below, the “planned densities” taken from the City’s interactive tool are based upon all sites developing in accordance with their existing planning permissions. These planned density figures account for the in effect Official Plan land use designations, zoning by-law permissions, densities in secondary plans, and approved developments that have not yet been built.

MTSA	Current Planned Density	OPA Minimum Density
Keelesdale LRT Station	220 people/jobs/HA	160 people/jobs/HA

The above figures indicate how meaningless the minimum densities proposed for Major Transit Station Areas in OPA 570 are. They can hardly be seen to serve as an incentive to increase densities, when existing planning permissions ALREADY permit higher densities. It is clear that the City’s exercise in conforming with the Growth Plan, clearly does not conform with the provincial policy direction to meaningfully intensify in Major Transit Station Areas.

Even the Minimum Densities In Official Plan Amendment 570 are Unlikely to Be Achieved as Mapped

The City’s designations are based on a highly unlikely assumption: That all land parcels will develop according to their full potential under the proposed densities.

This assumption is unlikely to be realized for a number of reasons including, among others, the following:

- It is virtually never the case that all land parcels in a particularly area develop at the permitted densities. Some landowners are always “waiting” for better circumstances in the future.
- Many existing structures are economically viable as built, and will not be replaced.
- The densities in OPA 570 are not sufficiently high to make replacement of existing low density structures, with only modestly larger buildings, economically viable.

Similar factors are in play with respect to the existing planning permissions. The City’s tool for Major Transit Station Areas shows that existing development (2016) in the area is well-below currently permitted densities. This reflects the practical reality that it does not make sense for small parcels to redevelop to higher densities if the gains are only modest. The difference must be sufficient to make sense, if actual intensification and development to planning potential is to be achieved.

Paradoxically, the new minimum densities adopted are so low as to not meaningfully encourage redevelopment proposals. Meaningful intensification proposals will still require full Official Plan Amendment and rezoning application processes that will take years - meaning that the area will be more inclined to stagnate, rather than revitalize.

MTSA	Existing Planned Density	Actual Current Density (2016)
Keelestadale LRT Station	220 people/jobs/HA	75 people/jobs/HA (approx.)

The above figures demonstrate that existing planning permissions substantially exceed what actually gets built - by a factor of almost 300% in this area. This underlines the importance of establishing minimum densities that are meaningful if the intensification and increased housing supply sought by the province is to result.

The Keelesdale Area Features Community Services and Amenities to Support the Intensification of the Major Transit Station Area

The Keelesdale Station is in a neighbourhood that is well-served by community infrastructure and amenities - in addition to the LRT line. The area has numerous schools including Charles E. Watson Public School (a block to the north) - with Silverthorn Community School, and Immaculate Conception Catholic School in the neighbourhood. York Memorial Collegiate Institute is scheduled to reopen across the street in three years, after restoration and renovations are concluded. The iconic York Memorial building closed after a large six alarm fire in 2019 - the current provincial Government has provided \$11 million to fund the restoration work. The newly restored and modernized school will house 1300 students, just steps from this site.

There are abundant parks and recreation opportunities nearby. Coronation Park, and Keelesdale Parks North and South are a short walk to the west, with the extensive Eglinton Flats parks a short distance further west. The York Recreation Centre, featuring swimming pools, gyms, and more, is adjacent to Keelesdale Park, at Black Creek and Eglinton.

The area has an abundance of retail, restaurant and service offerings along the Eglinton corridor. That corridor in this neighbourhood is anchored by a No Frills grocery store at Black Creek Drive, and extends east to the full-sized Westwood Mall shopping centre.

This neighbourhood is well-served by important public services and infrastructure, and amenities delivered by both the public and private sector - making it an inviting community for future residents.

The Keelesdale Major Transit Station Area Already Features Planning Applications - All of Which are Seeking Density Permissions Well Above those Contemplated in OPA 570

There are two active applications underway in the Keelesdale Major Transit Station Area. Similarly, in other nearby Major Transit Station Areas along Eglinton (Fairbank, Caledonia, and Mount Dennis), there are also numerous development applications. This reflects the market anticipation and assessment that the areas around these Eglinton LRT stations are well-suited for residential intensification.

The below table summarize these applications:

Address	Official Plan Land Use Designation	PMTSA Min. Density (FSI)	Density (FSI)
Keelestation Station - PMTSA			
2634-2654 Eglinton Avenue West and 1856 and 1856A Keele Street	<i>Mixed Use Areas</i>	2.0	16.7**
1860-1868 Eglinton Avenue West (Proposal)	<i>Mixed Use Areas</i>	2.0	8.96**
Fairbank Station - PMTSA			
1801-1807 Eglinton Avenue West	<i>Mixed Use Areas</i>	2.0	16.7*
1812 Eglinton Avenue West	<i>Mixed Use Areas</i>	2.0	9.56**
2402 Dufferin Street	<i>Mixed Use Areas</i>	2.0	7.25**
775 Vaughan Road	<i>Apartment Neighbourhoods</i>	1.5	13.7**
632 Northcliffe Boulevard	<i>Apartment Neighbourhoods</i>	1.5	11.0**
Caledonia Station - PMTSA			
2400 Eglinton Avenue West	<i>Mixed Use Areas</i>	2.0	7.73**
Mount Dennis - Draft PMTSA			
25 Photography Drive	<i>Mixed Use Areas</i>	3.0	6.38**
11 Hollis Street	<i>Mixed Use Areas</i>	0.0	16.09**
8-16 Locust Street	<i>Mixed Use Areas</i>	3.0	9.7*
9 Oxford Drive	<i>Apartment Neighbourhoods</i>	3.0	12.10**
1240 Weston Road	<i>Mixed Use Areas</i>	2.0	6.06**

Approved *

Proposed **

Minister is Asked to Modify the Minimum Density Mapping for Site and Area Specific Policy Areas 673 in Official Plan Amendment 570

We are requesting that the Minister modify the mapping of minimum densities in the planning area to reflect increased minimum densities.

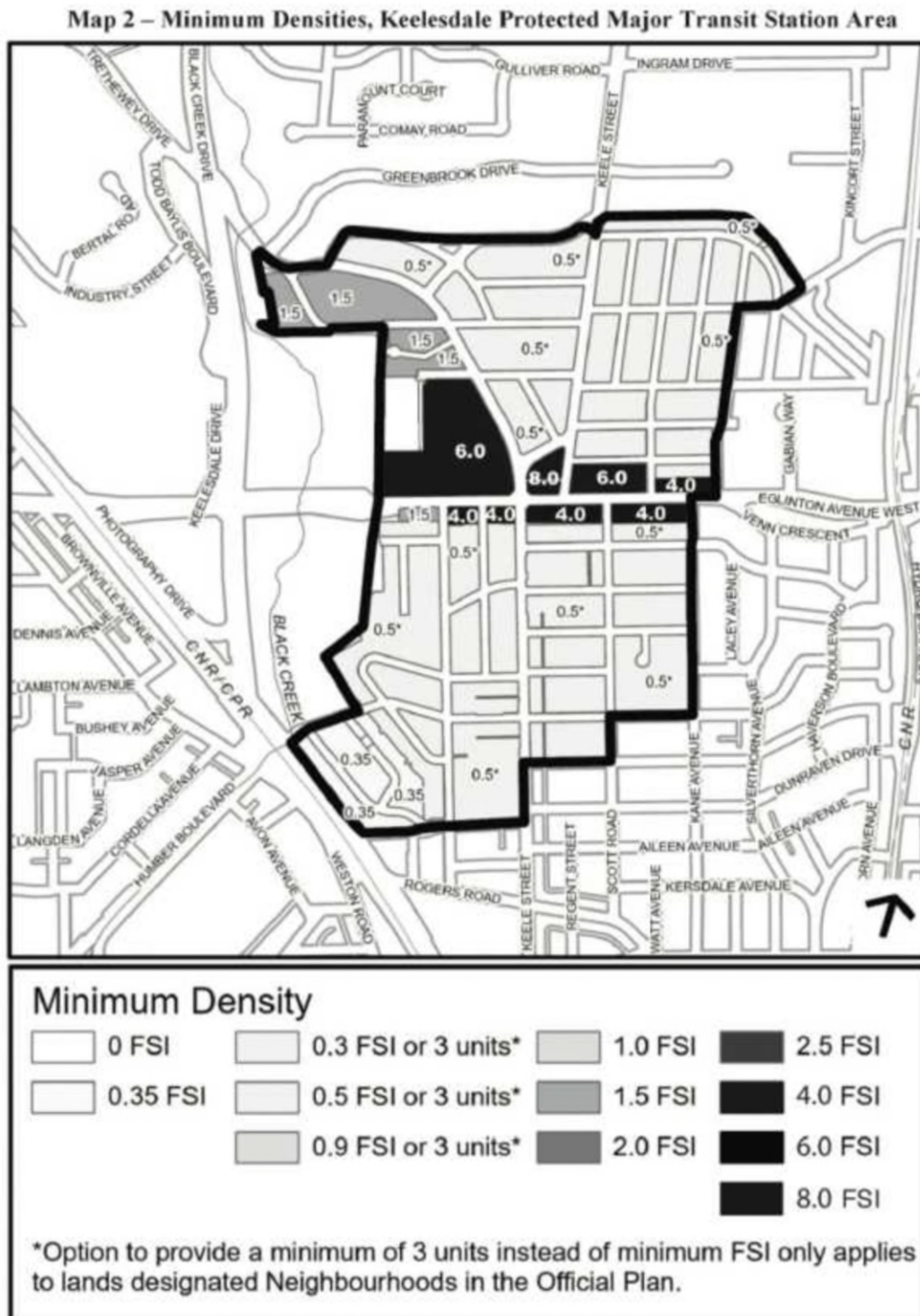
A preliminary analysis was done to investigate alternative minimum densities for properties within the Keele MTSA.

The analysis assessed three key criteria for determining where greater densities may be warranted/feasibly accommodated:

1. Proximity to transit stations - in line with planning policy direction, the greatest heights and densities are assigned nearest to the station, with a gradual downward transition as one moves away from the station.
2. Size of parcel and distance from low rise neighbourhoods - large sites (either existing or where logical land assemblies could feasibly occur) that have sufficient depth and distance from *Neighbourhoods* designated properties can accommodate tower build forms with higher densities.
3. Appropriateness of development based on the City's Eglinton Connects Corridor study.

To support the determination of appropriate alternative minimum densities, planning analysis by Bousfields looked at approved and in-progress development applications and the Eglinton Connects corridor study work related to Toronto Official Plan Amendment 253. Analysis was focused around the Keele & Eglinton intersection.

Below is the recommended minimum density mapping for Site and Area Specific Policy 673 Keelesdale:



Minister Should Modify Toronto Official Plan Amendment 570 as Requested - In the Alternative, The Minister Should Refer the Minimum Density Mapping in OPA 570, SASP 673 to the Tribunal for a Hearing

It is clear that the City of Toronto's Official Plan Amendment 570 is not in conformity with the policies of the Growth Plan, as it does not properly encourage the intensification of Major Transit Station Areas and higher densities in transit supportive development. On the contrary, the City has set the minimum densities at such a low level, that any meaningful intensification will actually require Official Plan Amendment applications and lengthy approval processes, including potential exposure to appeals to the Ontario Land Tribunal. This clearly is not in conformity with provincial policy as articulated in both the Growth Plan and the Housing Supply Action Plan.

Under section 3 of the Planning Act, the Minister is required to act in conformity with Provincial Plans (including the Growth Plan) in making decisions - including exercising his powers as the approval authority for Toronto's Official Plan. Clearly, he cannot approve Official Plan Amendment 570 as adopted by Toronto Council, and be acting in conformity with his section 3 obligations.

The Minister should exercise his authority to make modifications to the amendment as requested in this submission.

In particular, the Minister should modify Toronto Official Plan Amendment 570 by substituting the alternative minimum density mapping for site and area specific policy area 673.

Such modification would ensure that more appropriate minimum densities were established. Under the new provincial rules, the City would be required to make zoning changes to conform with the modified Official Plan Amendment within one year. This will accelerate the potential to achieve final planning approvals on numerous sites - including that at 1860-1868 Keele Street. The outcome will make possible the delivery of a meaningful increase in the housing supply at an early date.

As noted, the Block proposal is currently designed to deliver 245 units of housing. This represents an opportunity to deliver a significant addition to the housing supply in exactly the type of location the Province has identified as ideal for new housing - a site in an LRT Major Transit Station Area.

In the alternative, in the event that the Minister is not prepared to make the requested modifications, we request that the Minister refer the question of the appropriate Minimum Density mapping for SASP 673 to the Ontario Land Tribunal for a hearing.

Yours sincerely,



AIRD & BERLIS LLP

Hon. Peter Van Loan
Partner

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