

February 1, 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

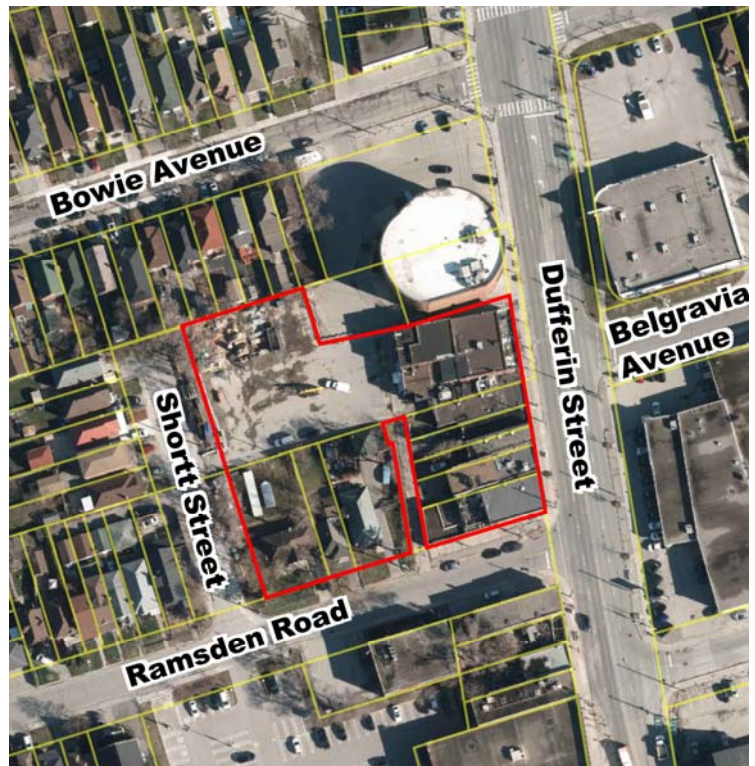
Dear Minister Clark:

**RE: SUBMISSION ON OPA 570 – ERO #019-5937; MINISTRY #20-OP-227259  
2402-2418 DUFFERIN STREET AND 4-10 RAMSDEN ROAD, TORONTO  
OUR FILE: 14134E**

On behalf of our clients Lindvest (Dufferin) Developments Limited, 2796661 Ontario Inc. and 2404 Dufferin Holdings Limited (“Lindvest”) 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 2404-2418 Dufferin Street and 4-10 Ramsden Road (hereinafter the “Subject Lands”) and shown below on **Figure 1**.

The total lot area of the Subject Lands is approximately 5,329 sq. m (1.32 acres), with 60 metres of frontage along Dufferin Street, 74.54 metres of frontage along Ramsden Road, and 76.28 metres of frontage along Shortt Street.

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 675 (“SASP 675”), the Protected Major Transit Station Area (“PMTSA”) for the Fairbank Station on the Eglinton Crosstown LRT, the PMTSA within which the Subject Lands are proposed to be included.



**Figure 1** – Location of the Subject Lands

## 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:

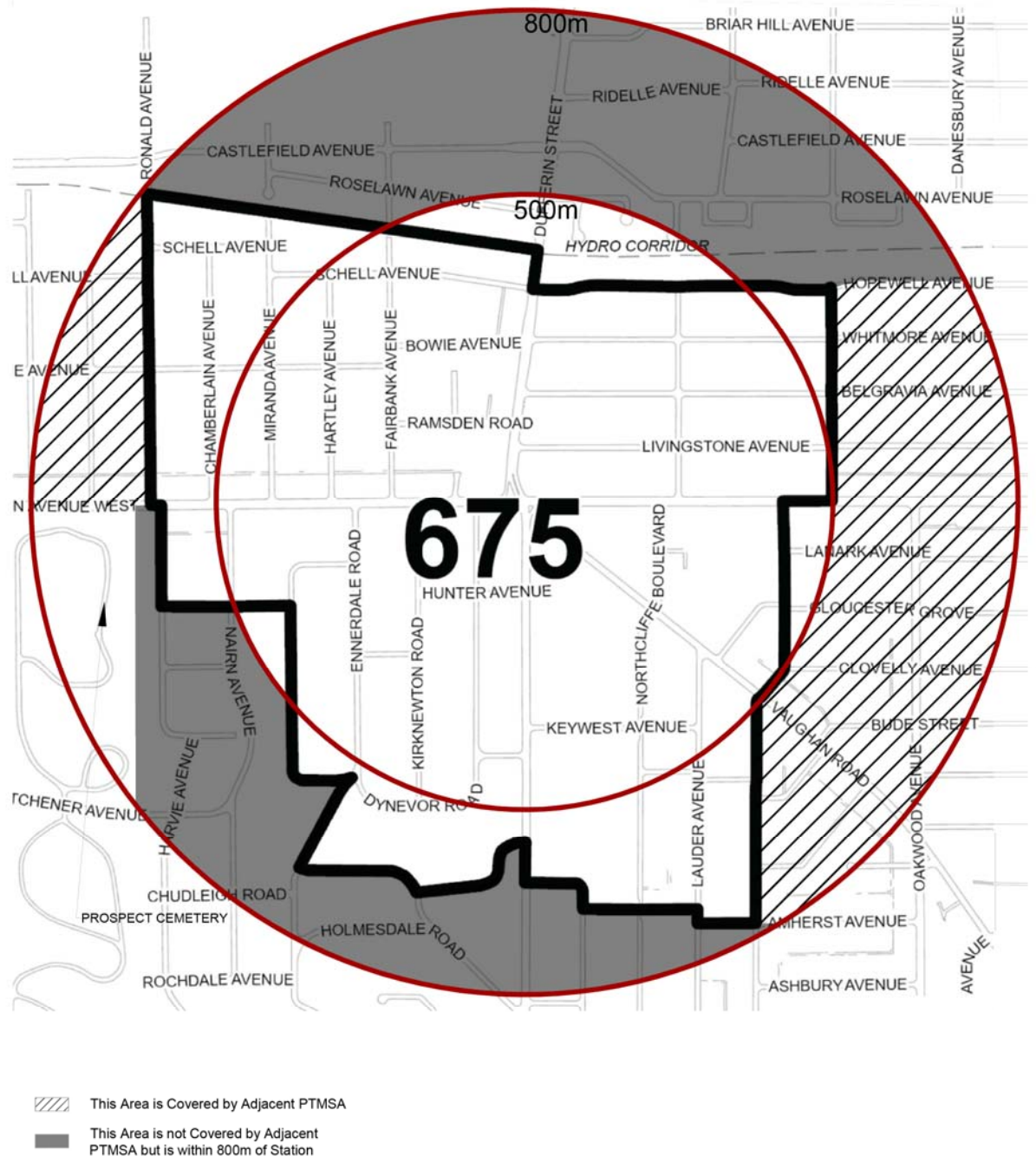
## **1. MTSA Limits Have Not Been Maximized**

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 675 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.



**Figure 2** – Comparison of SASP 675 Limits versus Growth Plan 500 to 800 m radius

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, provided increased minimum densities occur in the MTSA 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.

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.”*

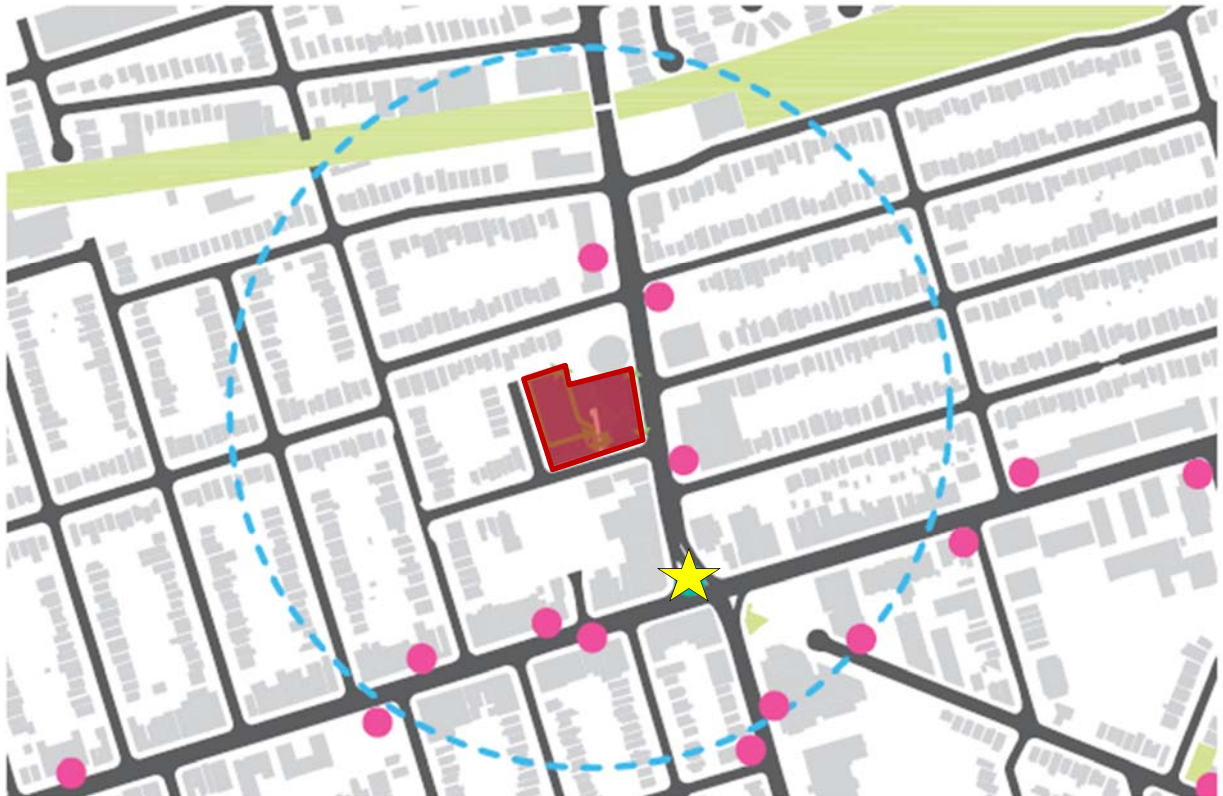
The determination of minimum densities within a PMTSA demands a qualitative assessment. Defaulting to the minimums set out in the Growth Plan is not appropriate, particularly where it has already been demonstrated that a greater level of density can be achieved.

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.

## Background of the SASP 675 Area

SASP 675 covers the area surrounding the Fairbank LRT station located at Dufferin Street and Eglinton Avenue West. The main station is located at the southeast corner of the intersection with a northern entrance located at the northwest corner of the intersection. For context and the reason for our commentary, our clients lands are located at the northwest corner of Dufferin Street and Ramsden Road. The Subject Lands are located just over 100 metres north of the newly constructed north entrance of the Fairbank Station on the Crosstown LRT line as shown below in **Figure 3**.

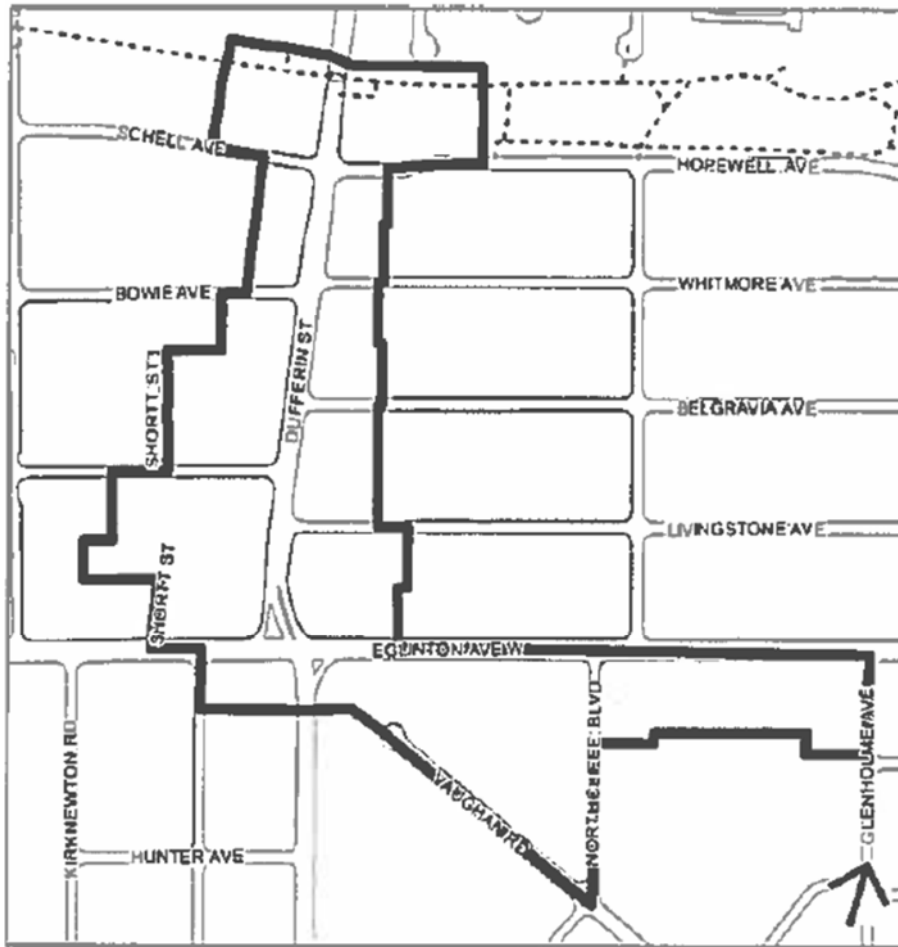


**Figure 3**– Subject Lands (in red) in relation to the Fairbank Station north entrance (yellow star), approximately 100 m away

SASP 675 covers a specific study area within the Eglinton Connects Study Area, which was completed between 2010 and 2014, with the result being the adoption of Official Plan Amendment 253 ("OPA 253"). OPA 253 established Site and Area Specific Policy 477 ("SASP 477") which provided further direction for development in the area, specifically:

*"...be predominately mid-rise, accented with tall buildings at the intersection of Eglinton Avenue West and Dufferin Street that generally implement Tall Buildings Guidelines and provide adequate transition in scale to adjacent mid-rise and low-rise buildings;"*

The limits of SASP 477 are shown below on **Figure 4**.



**Figure 4**– Limits of SASP 477 which was intended to accommodate mid-rise and tall buildings to support the new Fairbank Station

It is noted that while additional intensification was provided for through SASP 477, the underlying land use designations for lands within the SASP, including the westerly portion of the Subject Lands were not modified to reflect the policy direction. This results in lands remaining as *Neighbourhoods* and be restricted to a maximum height limit of four storeys (as per the Official Plan Neighbourhoods policies).

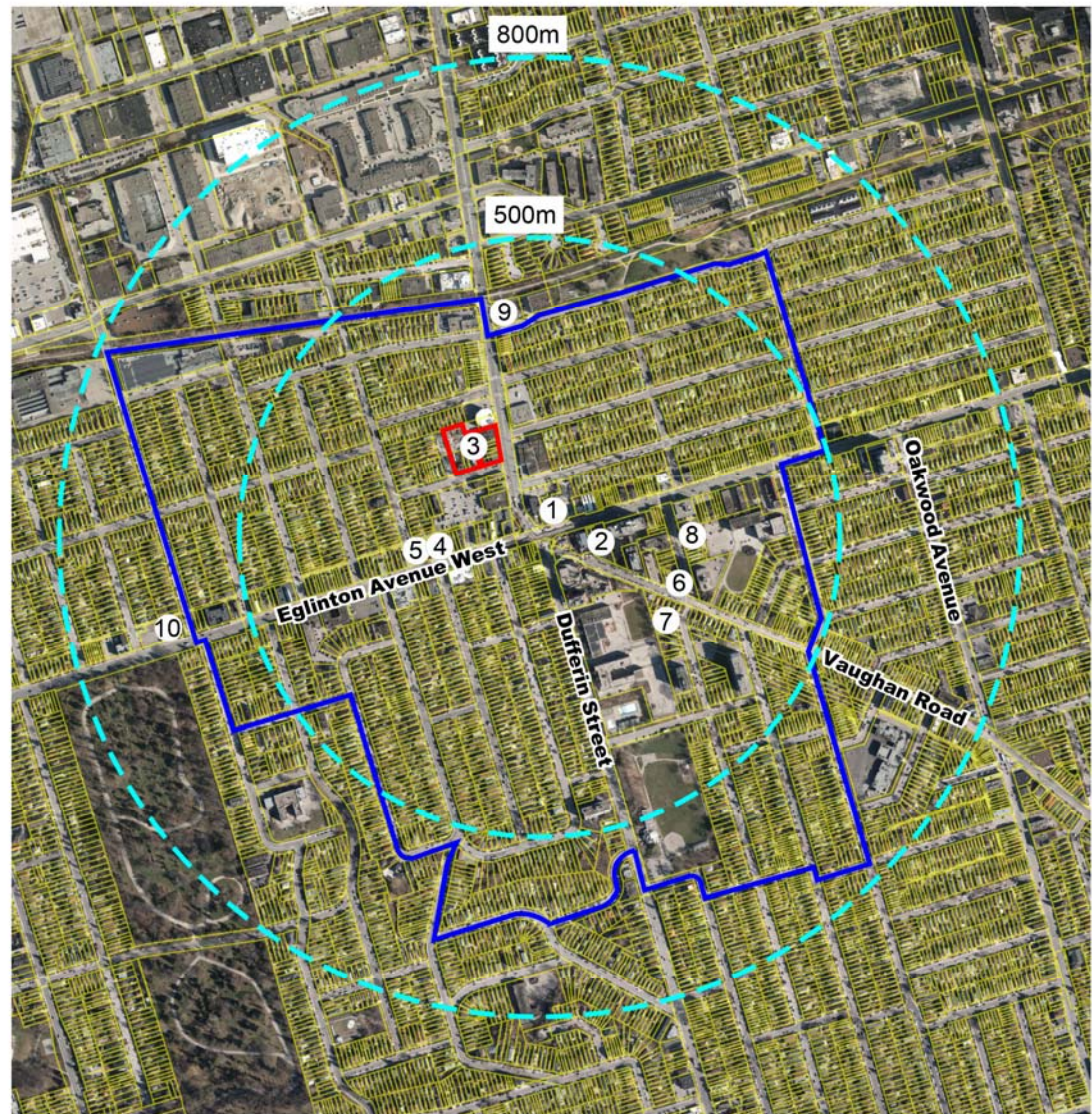
In our respectful submissions, OPA 253 and SASP 477 reflected the 2006 Growth Plan and 2014 Provincial Policy Statement (both of which have now been updated with more emphasis on intensification in and around MTSA. OPA 253 does not reflect the optimization of infrastructure in MTSA as called for in the Growth Plan.

### **Specific Recommendations for SASP 675 of OPA 570**

With the above general observations provided, we request that SASP 675 be modified to reflect increased minimum densities. To this effect, we note the following observation for the SASP 675 area.

## 1. Minimum Densities Do Not Reflect Proposed & Approved Developments

There has been increased interest in intensification within the SASP 675 area, as shown on the table below and **Figures 5** and **6** in particular as a direct result of the introduction of the Eglinton Crosstown LRT.



1	Subject Lands	2	MTSA Area 675	3	
1	1812 - 1818 Eglinton Avenue West 35 Storeys (FSI 9.56)	5	5-7 Fairbank Avenue, 1924 - 1928 Eglinton Avenue West 8 Storeys (FSI 4.75)	9	2433 Dufferin Street 8 Storeys (FSI 4.8)
2	1801-1807 Eglinton Avenue West 41 Storeys (FSI 16.7)	6	775 Vaughan Road 36 Storeys (FSI 13.7)	10	2116 Eglinton Avenue West 8 Storeys (FSI 5.01)
3	4-10 Ramsden Road, 2402-2418 Dufferin Street 24 Storeys (FSI 7.25)	7	632-652 Northcliffe Boulevard 36 Storeys (FSI 11.0)		
4	1886-1928 Eglinton Avenue West 9 Storeys (FSI 5.88)	8	645-655 Northcliffe Boulevard 15 Storeys (FSI 10.3)		

**Figure 5**– Surrounding Approved and Proposed Developments



**Figure 6**– Massing Diagram of Surrounding Approved & Proposed Developments in proximity to the Fairbank Station

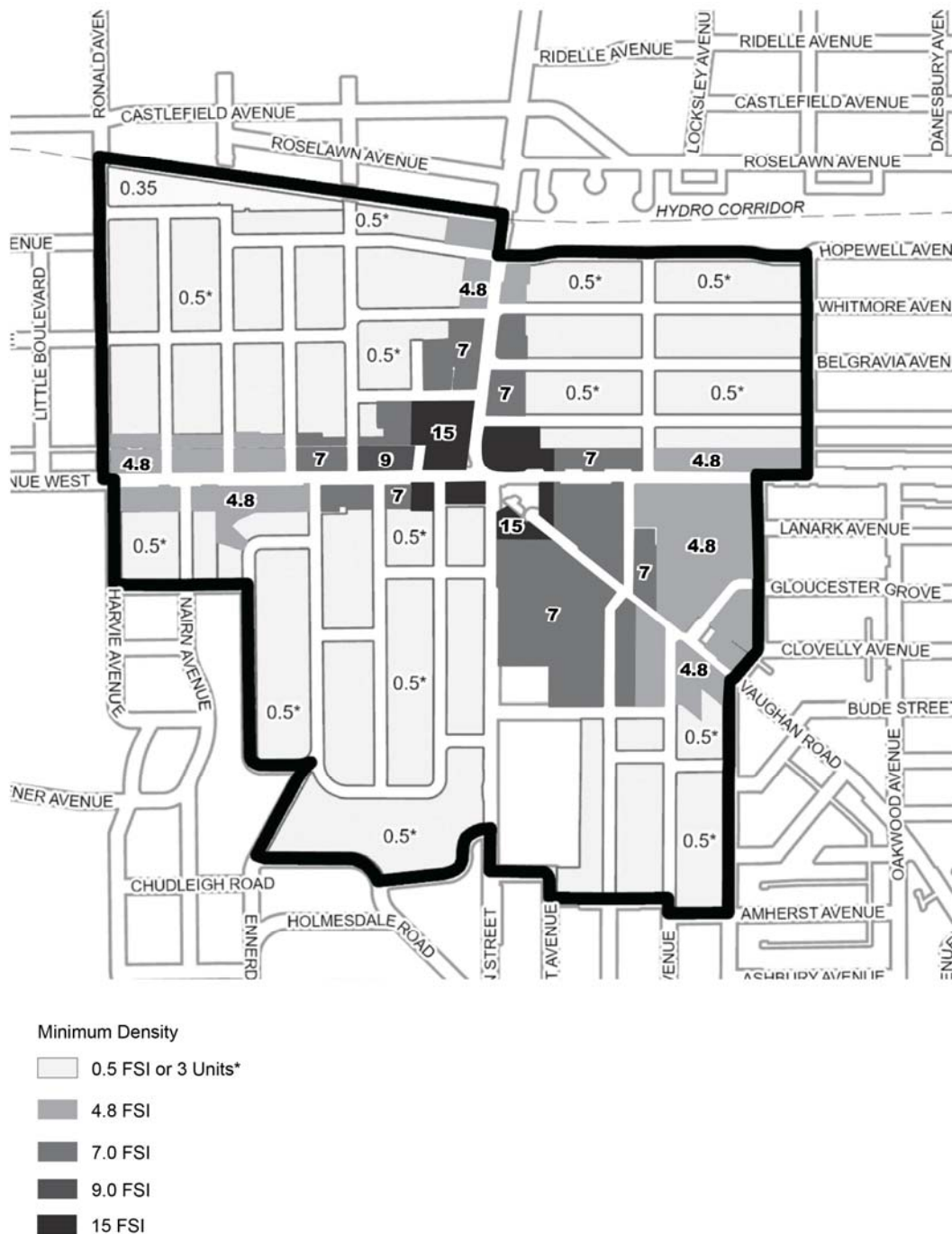
As can be seen, densities approved and proposed are significantly higher than what the City has set out in SASP 675 as currently drafted. For example:

1. Immediately adjacent to the station, Council approved a 41-storey, 16.7 FSI development at 1801-1807 Eglinton Avenue West. The minimum density proposed for this site by SASP 675 is 2.0 FSI.
2. Within 300 metres of the station, development is approved or proposed at densities ranging from 4.75 FSI (5-7 Fairbank Avenue, 1924-1928 Eglinton Avenue West) to 13.7 FSI (775 Vaughan Street). The minimum density proposed by SASP 675 for these areas is 1.5 to 2.0 FSI.
3. At the edges of the SASP, to the north at 2433 Dufferin Street, a development is approved at 4.8 FSI and to the west, at 2116 Eglinton Avenue West, a development is approved at 5.01 FSI. The minimum density proposed by SASP 675 is 2.0 FSI in both cases.

It is clear that the City has not appropriately set minimum densities that are reflective of either what is approved or proposed in this area. It is therefore recommended that lands within 400 metres of the station have a minimum density reflective of this reality. The highest densities should be located on the four corners of the Dufferin Street / Eglinton Avenue West intersection (approximately 100 m deep). This should reflect similar densities which have been approved at 1801-1807 Eglinton Avenue West (i.e. minimum of 15 FSI). The next approximately 300 metres within the SASP 477 limit or a *Mixed Use Area* or *Apartment Neighbourhood* designation should reflect a minimum density of at least 7.0 FSI, again reflective of ongoing development potential. 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.

Beyond this, lands along Dufferin Street, Eglinton Avenue West and adjacent areas designated *Mixed Use Area* or *Apartment Neighbourhoods* should be provided a minimum density of 4.8 FSI, which reflects the lowest approved density to date along Dufferin Street and Eglinton Avenue West. These modifications are shown on **Figure 7** below.



**Figure 7**– Proposed Minimum Densities for SASP 675

## 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 “mid-range” of densities proposed, is reflected in our client’s proposal on the Subject Lands at Dufferin Street and Ramsden Road which is the subject of an Official Plan Amendment and Zoning By-law Amendment application (submitted November 5, 2021).

As proposed, the development would entail redevelopment of the existing low rise residential and commercial properties with a 24 storey, mixed use building and a 9 storey mid-rise residential building. 405 residential units along with 883 sq m of non-residential space and a new park would be created. The proposal would have a density of 7.25 FSI. 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/sh/ojvy8r0j8dt6r99/AADQH\\_6epFkXK2vT9PTAsnjUa?dl=0](https://www.dropbox.com/sh/ojvy8r0j8dt6r99/AADQH_6epFkXK2vT9PTAsnjUa?dl=0)

The applications are still under review by the City and have been appealed to the Ontario Land Tribunal. Images of the proposal are shown below in **Figures 8 and 9**.



**Figure 8–** Site Plan showing proposed development of the Subject Lands, including a new public park



**Figure 9** – Rendering 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 400 new residential units in proximity to the new Fairbank LRT Crosstown Station.
- The design of the Subject Lands focuses on improving the pedestrian environment along the public streets and internally by ensuring safe connection from the proposed buildings by introducing pedestrian walkways from building entrances that connect to the existing public sidewalk.
- The Proposal will add to and improve upon the existing green space and parkland within the community by introducing a new public park of approximately 0.05 ha in size for future residents

to enjoy. This green space is complemented by the Proposal's landscape areas at grade (landscaped setbacks) and above grade across green roofs and outdoor amenity spaces.

- 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 both existing and proposed roads. The Proposal's tower component are appropriately massed, featuring floor plates no larger than 780 sq. m.
- 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 future Fairbank LRT station. Furthermore, an appropriate height transition to adjacent low density areas to the north and west is provided by: locating the tower to the Dufferin Street frontage; and incorporating step backs into the design of the buildings.

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 opinions on the concerns with OPA 570 as provided herein will be reviewed and considered by the Province. Without development occurring at appropriate densities, an underutilization of the Province's infrastructure investments will occur. The key is to establish appropriate minimum densities which will incentivize the type of development projects that are being requested in this MTSA. To do so would be in the public interest and would represent good planning.

It is our opinion that the requested revision is appropriate, reasonable and makes OPA 570 clear, and unambiguous and understandable to the public. The revision implements transit supportive development density that will ensure that the development approved in the MTSA 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**



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