



January 24, 2023

The Honourable S. Clark, MPP  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> floor,  
Toronto, Ontario, M5G 2E5

**Attention: Ms. Jennifer Le,**  
Municipal Services Office – Central Ontario,  
16<sup>th</sup> Floor, 777 Bay Street

Dear Minister Clark,

**Re: Proposed City of Toronto Official Plan Amendment No. 570 – Mimico PMTSA  
Ministry of Municipal Affairs ERO No. 019-5937 (Ministry Ref. No. 20-OP227259)  
Statutory Ministerial Consultation of Proposed Toronto OPA 570 Establishing  
PMTSAs in Accordance with Section 16(16) of the *Planning Act***

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I am the planning consultant for two recently approved development interests within the City's proposed OPA 570 Mimico PMTSA (SASP 692).

On behalf of my clients (Vandyk Group of Companies), I am pleased to submit my comments and recommendations in respect of the above for your and the Minister's consideration.

#### **Executive Summary & OPA 570 Modification Recommendations**

In considering Section 16 of the Planning Act, the intent is understood to be that the contents of Official Plan policies should be clear, unambiguous and understandable to the public.

In respect of the properties located within the Mimico PMTSA, namely 23 Buckingham Street and the TOD MZO properties at 315-327 Royal York Road, 1 Windsor Street and 27-39 Newcastle Street), OPA 570 fails to:

- appropriately recognize prior approvals;
- appropriately identify if the proposed density factors are intended to be "net" or "gross" FSI factors;
- provide policy language or accurate FSI densities that have now been approved through SASP statements, implementing Zoning By-law amendment and the TOD MZO for these subject properties in order to confirm the stated intent that the proposals were based on existing Official Plan, SASP and Zoning By-law approvals; and
- appropriately demarcate and include all of the lands that are contained within the MZO.

In consideration of Policy 2.2.4.2 of the Growth Plan and inconsideration of my planning assessment, I recommend that Schedule “36” (SASP 692) of OPA 570 be modified in order to appropriately reflect the approved densities, in order to optimize the transit infrastructure of the Mimico GO Station and in order to provide a clear and understandable message to the public in respect of the City’s intention for densities that support the transit-supportive FSI factors within this PMTSA area, as follows:

- (i) In respect of the 23 Buckingham Street property, Map 2 be modified, as shown on Attachment 1 to this letter, to identify an FSI of “7.3 \*\*” and that a footnote be added to the Legend to clarify as follows “\*\* = Net Density”; and
- (ii) In respect of the 315-327 Royal York Road, 1 Windsor Street and 27-39 Newcastle property, Map 2 be modified, as shown on Attachment 1 to this letter, as follows:
  - (a) Appropriately demarcate and include all of the lands that are contained within the MZO;
  - (b) Identify an FSI of “9.5 \*\*\*\*” for that portion of the property west of Windsor Street and an FSI of “6.6 \*\*\*\*” for that portion of the property east of Windsor Street and that a footnote be added to the Legend to clarify as follows “\*\*\*\* = Gross Density”.

I have had an opportunity to discuss my assessment with the planners retained by other major landowners in this area of the SASP 692 (east of Royal York Road and north of the rail corridor).

I understand that they and their respective clients similarly agree that OPA 570 and the related SASP 692 are flawed and that they will be making similar submissions for your consideration in respect of their specific interests.

### **Background: Mimico PMSTA Approvals Context**

The supporting staff 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, including the densities for the Mimico PMTSA, *“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.”*

In respect of the current status of Mimico PMTSA approvals, the City of Toronto adopted the Mimico-Judson Secondary Plan (OPA 331) in 2016 for employment and “Mixed Use Area” uses based on guiding principles that, among others, intended to *“unlock underutilized lands for transit supportive mixed use development”*.

Following a number of Hearings and some settlement discussions with the City, the Ontario Land Tribunal (OLT) confirmed a modified OPA 331 together with implementing Site and Area Specific Policy (SASP) statements.



The Minister of Municipal Affairs and Housing also issued a Ministerial Zoning Order (Ontario Regulation 337/22) for the Vandyk and Metrolinx Mimico Station Transit-Oriented Development (TOD).

With the approved Mimico-Judson Secondary Plan, the related SASP statements, the implementing Zoning By-law amendments and the TOD MZO, significant portions of the Mimico PMTSA located east of Royal York Road and north of the rail corridor have now already been approved for intensification providing for well over 4,500 residential units, all within an approximate 10-minute walking distance of the Mimico Station.

These approved projects reflect density factors ranging from 4.0 to 6.8 to 7.5 and to 9.5 FSI, all consistent the City's 2016 guiding principle of unlocking underutilized lands for *"transit supportive mixed use development"*.

However, despite the assurances identified in the June 2022 supporting Staff Report that the densities for the Mimico PMTSA *"are based on existing Council-approved development frameworks"*, OPA 570 (SASP 692) incorrectly identifies minimum densities of 2.0 FSI for those *"approved developments that have not yet been built"* that are noted above.

### **Background: 315-327 Royal York Road, 1 Windsor Street and 27-39 Newcastle Street Approvals**

In April 2022, the Minister issued a Ministerial Zoning Order (Ontario Regulation 337/22) for the Vandyk and Metrolinx Mimico Station Transit-Oriented Development (TOD).

The provincial Metrolinx interests include the 27 Newcastle St., 1 Windsor St. and the 315-327 Royal York Rd. properties, which include the current and the soon to be reconstructed Mimico Transit Station of the City's proposed PMTSA (refer to Figure 1).

Vandyk's interests (2495065 Ontario Inc. and 2402871 Ontario Inc., two Vandyk Group of Company interests) include the 39 Newcastle Street and the 327 Royal York Road properties.

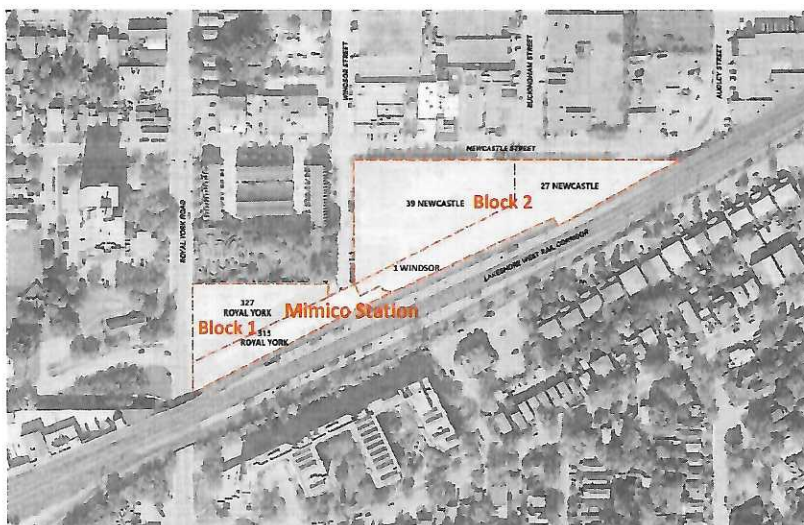


Figure 1

In addition to new Mimico Transit Station facilities, the TOD MZO provides for 6 towers and a total of 151,000 square metres of Gross Floor Area.

Specifically, within Block 1 (refer to Figure 1), the MZO approval provides for 2 towers with heights of 115.5 metres and 118.5 metres, including 55,800 square metres of Gross Floor Area.

Within Block 2, the MZO approval provides for 4 towers with heights of 119.0 metres, 77.0 metres, 101.5 metres and 119.5 metres, including 95,200 square metres of Gross Floor Area.

The MZO provides for a TOD redevelopment that includes an overall gross Floor Space Index (FSI) density of 7.5 times the area of the lot (excluding gross floor area devoted to the Mimico Station transportation and transit facilities), with densities ranging from 9.5 FSI Block 1 and 6.6 FSI for Block 2, with individual densities of up to 15.4 FSI as might be calculated on portions of the Blocks.

Net densities are not expected to be a consideration, subject to the submission of Site Plan Approval applications and the City's determination of any Privately-Owned but Publicly Accessible Space (POPS) to be possible conveyance considerations. Site Plan Approval applications are expected to be filed with the City in early 2023.

### **Background: 23 Buckingham Street Approvals**

23 Buckingham Street, located within the Mimico PMTSA (refer to Figure 2), is a Vandyk Group of Companies (1282555 Ontario Inc.) property interest.

The Ontario Land Tribunal (OLT) confirmed a development approval in 2020 with the implementing Site and Area Specific Policy (SASP) and related implementing Zoning By-law amendment being confirmed this past Summer.

A Site Plan Approval application was filed in July 2021 and is expected to be approved in early 2023. The related Draft Plan of Condominium applications were filed in October 2021.

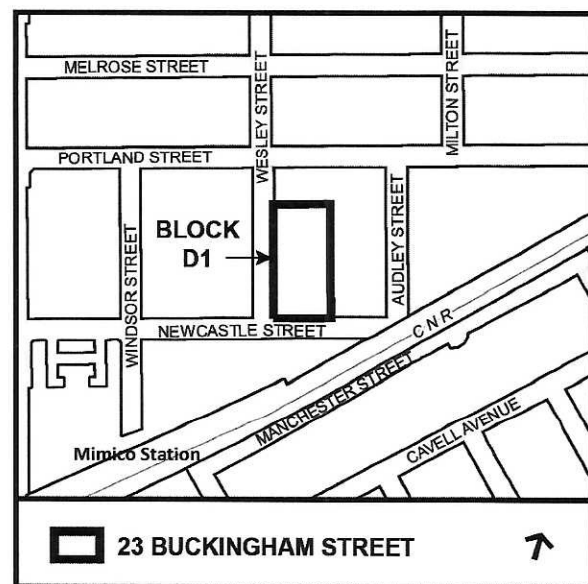


Figure 2

The development approval provides for 3 towers of with heights of 123.0 metres, 90.0 metres and 46.0 metres, including 57,000 square metres of Gross Floor Area with an overall net Floor Space Index (FSI) density of 7.3 times the area of the lot (a Gross FSI of 6.6 prior to conveyances).

### **Background: OPA 570 Issues**

In considering Section 16 of the Planning Act, the intent is understood to be that the contents of Official Plan policies should be clear, unambiguous and understandable to the public.



In considering the directions of the Growth Plan (Office Consolidation 2020), the province has identified an interest in ensuring that 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*” (Policy 2.2.4.2). Within the Mimico PMSTA, it is imperative that the minimum densities identified in OPA 570 (SASP 692) appropriately reflect the approved densities in order to optimize the transit infrastructure of the Mimico GO Station and in order to provide a clear, unambiguous and understandable message to the public in respect of the City’s intentions that support the transit-supportive density factors within this PMTSA area.

Within that context, and specifically in respect of the noted above (23 Buckingham Street and the TOD MZO approval for 315-327 Royal York Road, 1 Windsor Street and 27-39 Newcastle Street), OPA 570:

- (i) Fails to appropriately recognize prior approvals, particularly those that are at significantly greater densities, whether on an individual site or for a larger area, than the City’s proposed FSI factors identified for the Mimico PMTSA, and thus does not provide a clear, unambiguous and understandable message to the public in respect of the City’s intention for densities that support the transit-supportive FSI factors within this PMTSA area;
- (ii) Fails to appropriately clarify whether the City’s proposed FSI factors identified for the Mimico PMTSA are intended to be based on a gross or net site basis and thus does not provide a clear, unambiguous and understandable message to the public in respect of the manner in which OPA 570 is to be interpreted or implemented; and
- (iii) Despite the assurances identified in the supporting Staff Report (dated June 2022) that the densities for the Mimico PMTSA “*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*”, the proposed policy fails to provide policy language to confirm that intention nor does it reflect the FSI densities that have been approved for these subject properties and thus, by proposing density factors of 2.0 FSI instead, it does not provide a clear, unambiguous and understandable message to the public in respect of the manner in which OPA 570 is to be interpreted or implemented in order to effect that intention nor of what has already been approved; and
- (iv) Fails to appropriately demarcate and include all of the lands that are contained within the MZO.

#### **OPA 570 Modification Recommendations**

In consideration of the above, I recommend that Schedule “36” (SASP 692) of OPA 570 be modified in order to appropriately reflect the approved densities, in order to optimize the transit infrastructure of the Mimico GO Station and in order to provide a clear and understandable

message to the public in respect of the City's intention for densities that support the transit-supportive FSI factors within this PMTSA area, as follows:

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Should the Ministry have any questions or require further clarification, please do not hesitate to contact me.

Yours truly,  
**Opus Management Inc.**

Paul J. Stagl, RPP  
President

cc: Ms. M. Bassani, Aird & Berlis, LLP  
Mr. J. Mamone, Vandyk Group of Companies



Attachment 1: Map 2 of Schedule 36 (SASP 692) of OPA 570 is revised as follows:

