

TORONTO LANDS CORPORATION
Official Plan Amendments 405 and 406 – Summary of Provincial Modifications and Potential Impacts on TLC/TDSB

To: Chair and Members of the Toronto Lands Corporation

Date: September 26, 2019

Recommendation:

1. That the report *Official Plan Amendments 405 and 406 – Summary of Provincial Modifications and Potential Impacts on TLC/TDSB* be received and forwarded to TDSB for information.

Rationale:

This report summarizes recent modifications made by the Minister of Municipal Affairs and Housing (the Minister) on two City-initiated official plan amendments adopted by City Council on the Yonge-Eglinton Official Plan Amendment 405 (OPA 405) and the Downtown Official Plan Amendment 406 (OPA 406), which implement new secondary plans for these two high growth areas of the City. This report also provides an assessment of the potential impacts of the Minister's modifications on the Toronto District School Board (TDSB) and Toronto Lands Corporation (TLC) interests.

Yonge-Eglinton Secondary Plan (OPA 405)

Location

The Yonge-Eglinton area is focused around the intersection of Yonge Street and Eglinton Avenue in its secondary plan. Extending across 600 hectares, the secondary plan area is home to over 61,000 residents and over 34,000 employees.

The secondary plan area is generally bounded by Briar Hill Avenue and Blythwood Road to the north, Mount Pleasant Cemetery to the south, Bayview Avenue to the east, and Chaplin Crescent and Latimer Avenue to the west (see Appendix B). The area is represented by TDSB Trustees for Wards 8 and 11.

Context

The Yonge and Eglinton area, also known as Midtown, is made up of a collection of diverse and distinct neighbourhoods with varying functions, scales, development histories and characters. Distinguishing features of Midtown include historic main streets, office nodes, landscaped apartment neighbourhoods, tree-lined side streets and a range of parks and open spaces. This area of the City has been experiencing sustained growth since the early 2000s.

The Yonge and Eglinton secondary plan area includes the Yonge-Eglinton Centre, one of four centres identified in the City of Toronto's Official Plan and an Urban Growth Centre in the Province of Ontario's *Growth Plan for the Greater Golden Horseshoe* (Growth Plan, 2017). Urban Growth Centres are required to be planned as focal areas for regional community service facilities and commercial, recreational, cultural, and entertainment uses. They are also required

to accommodate and support the transit network and act as high-density major employment centres with significant population and employment growth.

Policy Framework History

The first phase of Midtown in Focus (2012-2015) included improvements to the public realm for the Yonge and Eglinton Urban Growth Centre and surrounding area and resulted in the release of an Open Space and Streetscape Master Plan (2015).

In 2015, on the heels of the Open Space and Streetscape Master Plan, City Council directed City staff to undertake an additional phase of work as a response to the rapid change in Midtown. The focus of the study was to provide clarity on the appropriate intensity of growth. The study developed an integrated planning framework and infrastructure growth strategy, which would be coordinated by City Planning in partnership with Toronto Water, Transportation Services, Parks, Forestry and Recreation, Social Development, Economic Development and Culture, Finance and Administration and Children's Services. TDSB's Planning and Strategy Division were also involved during the development of this study.

As a result of extensive consultation with the TDSB staff, City staff agreed to include policies addressing student accommodation pressures in the area, such as the requirement of phasing development to commensurate with community facilities and protecting for the opportunity for either a standalone school or a school located in the podium of a mixed use building within the study area.

The Midtown in Focus study was also meant to address the Official Plan's requirement for Avenue Studies for Midtown's five avenues, building on the Eglinton Connects study (May 2014), to establish contextually appropriate policy direction to inform re-zonings and/or comprehensive amendments to the zoning by-law.

On December 2017, City staff presented a proposed secondary plan to City Council. The proposed plan consisted of a new planning framework for the Yonge-Eglinton secondary plan area with detailed direction related to the appropriate scale, form and location of future growth, land use, parks and public realm, community services and facilities, housing, transportation, resilience, municipal servicing and implementation direction. It also identified anticipated amendments to the City's Official Plan. City staff received direction to undertake further community consultation on the proposed Plan, which included consultation with TDSB staff, and to present a final recommended official plan amendment to City Council in the second quarter of 2018.

On July 23, 2018, City Council adopted OPA 405, which included a new Yonge-Eglinton secondary plan as well as amendments to relevant policies and maps in the Official Plan. OPA 405 updated the policy framework for Midtown, which had not been comprehensively updated since 2002 and was a response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. The OPA's goal was to ensure that growth positively contributes to the vitality and quality of life in one of Toronto's most dynamic neighbourhoods and includes policies with respect to schools.

On August 9, 2018, the City Council-adopted OPA 405 was submitted to the Minister for review and approval, pursuant to Section 26 of the *Planning Act*.

Downtown Secondary Plan (OPA 406)

Location

Downtown comprises of a 17 square kilometre area, or 3 per cent of Toronto's land area, yet makes up roughly 40 per cent of the non-residential gross floor area and 38 per cent of the residential units proposed in the city. Almost 240,000 people were living downtown in 2016 and the population is projected to nearly double to 475,000 by 2041, which is growing at four times the rate of the rest of the City.

Downtown is generally bounded by Bathurst Street to the west, Dupont Street and Rosedale Valley to the north, Don River to the east and Lake Ontario to the south in the Downtown Plan (see Appendix C). The area is represented by TDSB Trustees for Wards 9 and 10.

Context

Similar to the Yonge-Eglinton area, the downtown is also identified as an Urban Growth Centre in the Growth Plan, 2017. It is to be planned as a focal area for regional community service facilities and commercial, recreational, cultural, and entertainment uses and is required to accommodate significant population and employment growth. The City's Official Plan also identifies the Downtown as a place for substantial employment and residential intensification.

Many of these policies are being implemented in a number of master-planned areas in the Downtown such as the Central Waterfront, the Railway Lands, the East Bayfront and the West Don Lands. However, significant infill development has occurred within downtown's mature urban fabric (i.e. the Church Street and King-Spadina areas), and the related infrastructure has not always been delivered concurrently with this development.

Policy Framework History

On May 7, 2014, City staff launched a study entitled "*Comprehensive to the Core: Planning Toronto's Downtown*" in response to the recent intensification of downtown. The study developed an integrated planning framework and infrastructure growth strategy, which would be coordinated by City Planning in partnership with Toronto Water, Transportation Services, Parks, Forestry and Recreation, Social Development, Economic Development and Culture, Finance and Administration and Children's Services. TDSB's Planning and Strategy Division were also involved during the development of this study.

Similar to the Midtown in Focus Study, as a result extensive consultation with the TDSB, City staff agreed to include policies requiring the phasing of development to commensurate with community facilities in the proposed Downtown Study. City staff also included a policy exempting replacement schools from total gross floor area permissions when redeveloping a site as an incentive to support community service facility needs.

In order to complete this study, City Planning led a three-year inter-divisional initiative called "TOcore" to create a 25-year downtown plan. The purpose of TOcore's efforts was to ensure that growth positively contributes to Toronto's downtown as a great place to live, work, learn play and invest by determining:

- I. how and where future growth will be accommodated, shaped and managed; and,

- II. what physical and social infrastructure will be needed, where it will go and how it will be secured.

The cumulative work of the TOcore initiative was to establish a new downtown secondary plan. The Study comprised of three phases:

1. *Phase 1* assessed existing conditions and trends in the downtown, determined opportunities and challenges for growth management and infrastructure development, and then recommended emerging directions to Council.
2. *Phase 2* included a detailed assessment of how the planning framework for downtown needs to be recalibrated to manage growth.
3. *Phase 3* involved fine-tuning and adoption by Council of the Downtown secondary plan and accompanying strategies.

On September 7, 2017, the proposed Downtown secondary plan was presented to the Planning and Growth Management Committee for input, followed by public consultation on December 2, 2017 and April 23, 2018.

On May 22, 23 and 24, 2018, City Council adopted OPA 406 to implement the updated Downtown Plan as well as amendments to relevant policies and maps in the Official Plan. OPA 406 is the first comprehensive update to the Downtown Plan since the mid-1970s. OPA 406's goal is to provide an updated planning framework to ensure that growth is paralleled with the timely provision of infrastructure after an unprecedented decade of growth and development that has significantly transformed the downtown.

On August 9, 2018, the City Council-adopted OPA 406 was submitted to the Minister for review and approval, pursuant to Section 26 of the *Planning Act*.

Minister of Municipal Affairs and Housing's Decision

On June 5, 2019, the Minister issued two Notices of Decision (Decisions) approving OPAs 405 and 406 with modifications. The Minister's stated objective of these modifications is for these policy documents to align with Bill 108 objectives (Bill 108 – the *More Homes, More Choice Act* was introduced on May 2, 2019 by the Minister to amend 13 statutes, with the stated objective of increasing housing supply to address housing affordability).

The Minister made 194 modifications to OPA 405 and 224 modifications to OPA 406.

Both the Yonge-Eglinton Secondary Plan (OPA 405) and Downtown Plan (OPA 406) were undertaken as integrated planning processes and were accompanied by a series of infrastructure plans, strategies and assessments that were calibrated to the anticipated growth set out in these areas. The Minister's Decisions require additional analysis by TLC/TDSB and City staff on future accommodation needs given the Minister's intention to increase the supply of housing for both areas. TLC will continue to monitor and be involved in early stages of planning initiatives and proposed development applications in the city, and will report back on any significant changes that result from the effects of the Minister's decisions in the Yonge-Eglinton and Downtown areas.

More information on the Minister's modifications to OPA 405 and 406 and how the changes may impact TLC/TDSB are provided in Appendix A.

For a detailed redline version of the Minister's policy modifications to OPA 405, visit:

https://www.toronto.ca/wp-content/uploads/2019/07/8ee0CityPlanning_OPA405_redline.pdf

For a detailed redline version of the Minister's policy modifications to OPA 406, visit:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135952.pdf>

Appendices:

- Appendix A Modifications to OPA 405 and 406
- Appendix B Yonge-Eglinton (OPA 405) – Study Area Map
- Appendix C Downtown (OPA 406) – Study Area Map
- Appendix D Yonge-Eglinton (OPA 405) – Midtown Building Height Ranges Comparison by Character Area

Routing:

- TLC Board: September 26, 2019
- TDSB Board Cycle: October 2019

From:

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APPENDIX A: Modifications to OPA 405 and 406

Common Modifications to OPAs 405 and 406 – General Themes:

Many of the modifications made in both Decisions are common to both OPAs, such as replacing prescriptive numeric standards that provide certainty and predictability with more policy guidance. Other similar changes include introducing new "transit optimization" policies and directing transit-supportive development within the vicinity of transit stations. Below is a summary comparing the Council-adopted Plans and the Minister's modifications to these OPAs, based on themes that may have potential impacts on TDSB/TLC mandate:

1. Alignment with Bill 108 Provisions and its Stated Objective of Increasing the Supply of Housing:
(See OPA 405 Section 1.1 and OPA 406 Section 11.1)

Modifications to both OPA 405 and 406 allow for increased residential intensification throughout the Yonge-Eglinton and Downtown areas. For example, the Decision removes references to the limitations on the number of tall buildings and building height directions in the Yonge-Eglinton area and it also removes the minimum size requirements of larger units in both Downtown and Yonge-Eglinton areas. These modifications are consistent with the Province's stated goal to increase housing supply with the goal of increasing affordability in an overheated housing market. The increase of housing supply in these areas will ultimately have an impact on student projections and school accommodation, as more residential development and population growth is expected to occur.

2. Community Service Facilities and the Removal of Schools from the Definition:
(See OPA 405 Section 2.2.1, 6.1, 6.2, 6.5, 6.8, 6.10 and OPA 406 Sections 10.2 and 15)

A theme in the Council adopted plans was to link the provision of infrastructure to growth and the increase in residents. The Council-adopted Plans defined infrastructure as physical infrastructure, community service facilities including schools, green infrastructure and parks. The Plans included a policy that development will not be permitted to outpace the provision of infrastructure to ensure that these components of a complete community are available for existing and future residents.

The Minister's modifications generally maintain the infrastructure definition, except schools are omitted from the definition. Further, specific policies in both OPAs that referred to the phasing of development aligning with the adequate provision of school accommodation have been removed, in addition to policy language (in OPA 405), which made reference to development contributing towards the delivery of community service facilities through satellite public schools, as well as exploring the satellite school concept as an alternative delivery model.

Notwithstanding, TLC staff will continue to rely on policies found in the City's Official Plan and Provincial documents such as the *Planning Act*, the Growth Plan (2017) and the Provincial Policy Statement (PPS, 2014), which recognize that schools are integral components of complete communities, that adequate provision/capacity of school facilities must be taken into account when identifying locations for future growth, and the need for coordination/integration of land use planning and public service facilities.

Community Services and Facilities Strategies (CS&Fs) were developed to inform the policies and implementation of both OPAs. These identify community space and facility needs and set out priorities to support growth by the CS&F sector (recreation, child care, library, public schools, and human services). The Strategies take a comprehensive approach to securing required infrastructure, ensuring collaboration amongst sectors, and aligning strategic, capital and operational directions and decisions where possible. They are to be reviewed regularly to ensure that, as the community changes and progress is made in providing new, renovated and/or expanded facilities, it is reflected in the City's approach to the delivery of CS&F. TLC staff will also continue to rely on CS&Fs as supporting documents to understand population projections and community service needs to support growth in Yonge-Eglinton and Downtown.

3. Intensity of Development Near Major Rapid Transit Stations:
(See OPA 405 Section 2.2.2, 2.4.1 and 2.4.2 and OPA 406 Section 6.18, 6.35 and 6.37)

The Council adopted plans supported intensification around existing or planned Major Transit Station Areas (MTSAs). The Minister's modifications have added policies to these Plans to emphasize that these areas will be planned to accommodate even higher density development to optimize return on public investment in transit. New policy language has also been added stating that development in these areas *will be supported by fostering* collaboration between the public and private sectors and the provision of alternative development standards.

In accordance with the updated Growth Plan (2019), MTSAs are now defined as areas within an approximate 500 to 800 metre radius of a transit station, whereas these areas were previously defined as having a 500 metre radius. This modification is expected to increase housing supply in these areas which will ultimately have an impact on student projections and school accommodation.

4. Protecting Outdoor Spaces (School Yards) from Shadow Impacts:
(See OPA 405 Section 5.1.1, 5.6.4 and 5.6.5 and OPA 406 Section 9.17 to 9.21)

The Council adopted plans contained policies limiting development from casting net-new shadows on outdoor spaces, including school yards during specified times of the year and day. These policies have been amended to reduce some of the standards around timing and replacing them with more general language around the need for "adequate" sunlight on school yards to maintain their "utility".

Another consideration regarding protecting outdoor and school yard space from shadow is the fact that the Decision has removed references to the limitations on the number of tall buildings, building height and building separation distances, which could have implications for increased shadow impacts.

5. Removal of the Holding Provision:
(See OPA 405 Section 9.5.1 and OPA 406 Section 14)

Holding provision policies that were tailored specifically for the Yonge-Eglinton area and Downtown area have been deleted. These policies included language about the provision of adequate community service facilities as well as phasing development as potential

conditions to be met prior to the removal of a holding provision. Given the absence of these policies in the final OPAs, TLC can continue to depend on the City's Official Plan, which includes policies enabling the use of holding provisions (Section 5.1.2 of the City's Official Plan).

6. Requirements for Two- and Three-Bedroom Units:
(See OPA 405 Section 7.1 – 7.3 and OPA 406 Section 11.1)

To achieve a balanced mix of unit types and sizes, the Council-adopted Plans required buildings with more than 80 units to provide:

- I. a minimum of 15 per cent of the total number of units as 2-bedroom units of 87 square metres of gross floor area or more;
- II. a minimum of 10 per cent of the total number of units as 3-bedroom units of 100 square metres of gross floor area or more; and,
- III. an additional 15 per cent of the total number of units be convertible 2-bedroom and 3-bedroom units.

The policy modifications maintain the unit mix requirements. However, the minimum size requirements of these larger units were removed, which could lead to smaller 2 and 3 bedroom units. It is unclear how this change will impact TDSB and TLC interests at this time.

7. Increase in Residential Component of Mixed Use Development
(See OPA 405 Section 2.5.4, 2.5.7 and OPA 406 Sections 6.1 to 6.3)

The Council adopted plans included policies to ensure a balance in the ratio between residential and non-residential development in the both areas. These policies have been amended by removing or lessening restrictions on minimum non-residential requirements in mixed use development, which may have the effect of increasing the residential ratio in proposed development. For example, OPA 406 required development within the Financial District to "ensure no net loss of office and overall non-residential gross floor area." However, the Minister's modifications permit these requirements to be fulfilled on another site within the Downtown, if it cannot be fulfilled on the subject site. This is expected to ultimately increase residential intensification in the Financial District, which may include population increases in areas not anticipating residential growth.

8. Transition and Implementation:
(See OPA 405 Section 10.9 and OPA 406 Section 11.2)

The Decision includes a transition policy in both OPAs clarifying that the Plans only apply to applications submitted after June 5, 2019. Applications submitted prior to June 5, 2019 that are not withdrawn are to be evaluated based on pre-existing plans and policies.

Specific Modifications to OPA 405:

Below is a summary comparing OPA 405 and the Minister's modifications specific to OPA 405, based on themes that have potential impacts on TLC/TDSB:

Building Heights and Setbacks:
(See OPA 405 Section 5.3)

OPA 405 included maps that identified the maximum building heights for the entire Yonge-Eglinton secondary plan area. These maps have been amended with a new policy that provides guidance for taller building heights and height ranges. Furthermore, the Decision includes policies that may allow for additional heights, particularly near transit stations, subject to certain conditions being met. Appendix D provides a comparison of the City staff recommended height limits, the Council-adopted height limits and the new guidance introduced by the Minister's Decision. Taller and denser buildings may result in a greater number of residents and students than initially anticipated. These higher numbers could add more pressure to the school system and will result in even more issues related to school accommodation in Midtown.

At the date of this report, City staff have yet to release updated population projections for Midtown based on the Decision, but once these numbers are released, TLC staff will work with the TDSB and the City to understand and mitigate impacts on local schools.

The Decision also deletes a policy that required a minimum of 12.5 metre separation distance between the tower portion of a tall building and a school-site property. This may impact TDSB properties as smaller setbacks will result in buildings being closer to the mutual property line and closer to school yards/buildings. TLC will continue to work with the development industry to ensure that development proposals adjacent to school sites take into account the safety of students and school staff and other impacts such as wind, noise, privacy, etc.

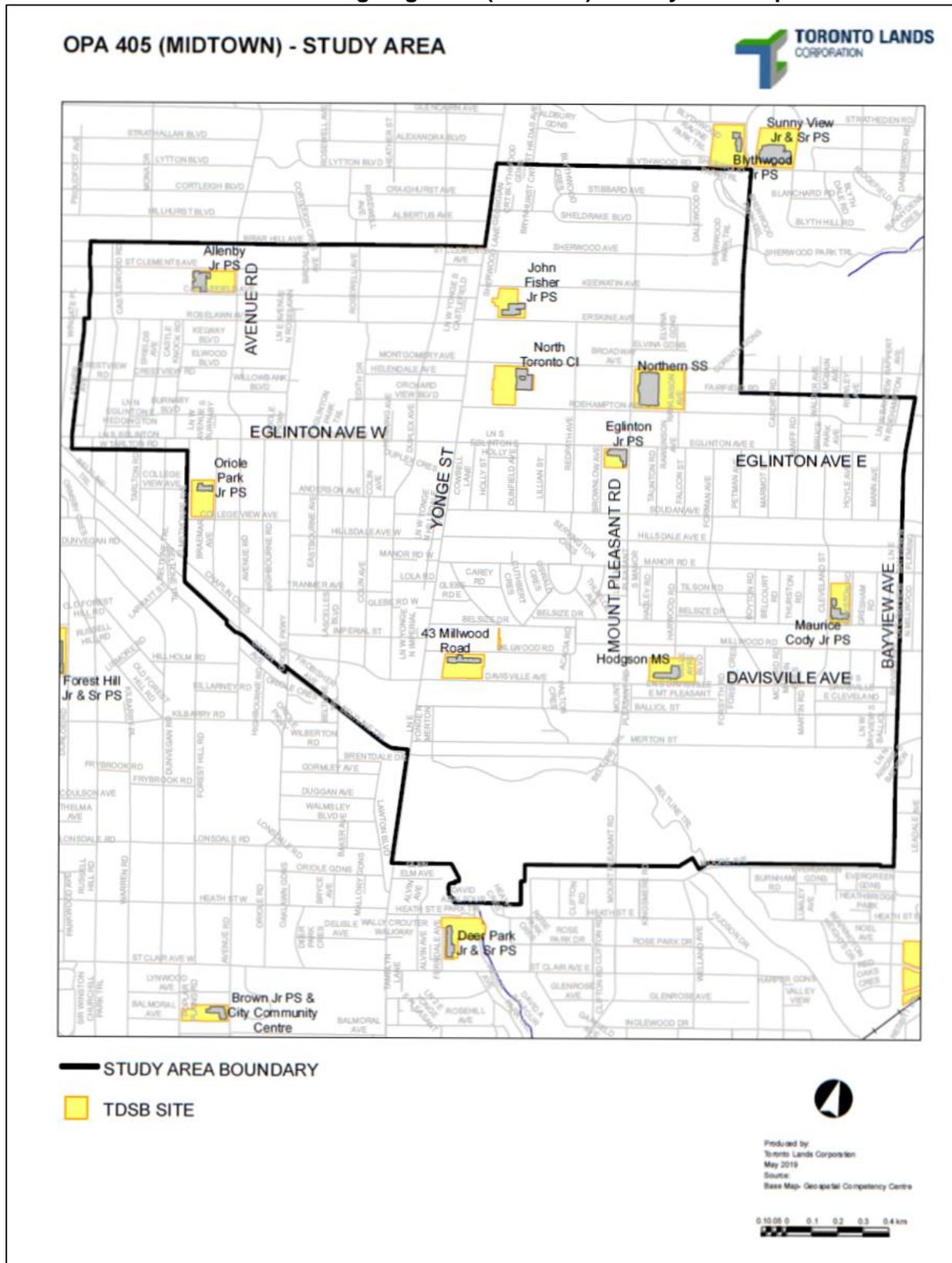
Specific Modifications to OPA 406:

Below is a summary comparing OPA 406 and the Minister's modifications specific to OPA 406, based on themes that have potential impacts on TLC/TDSB:

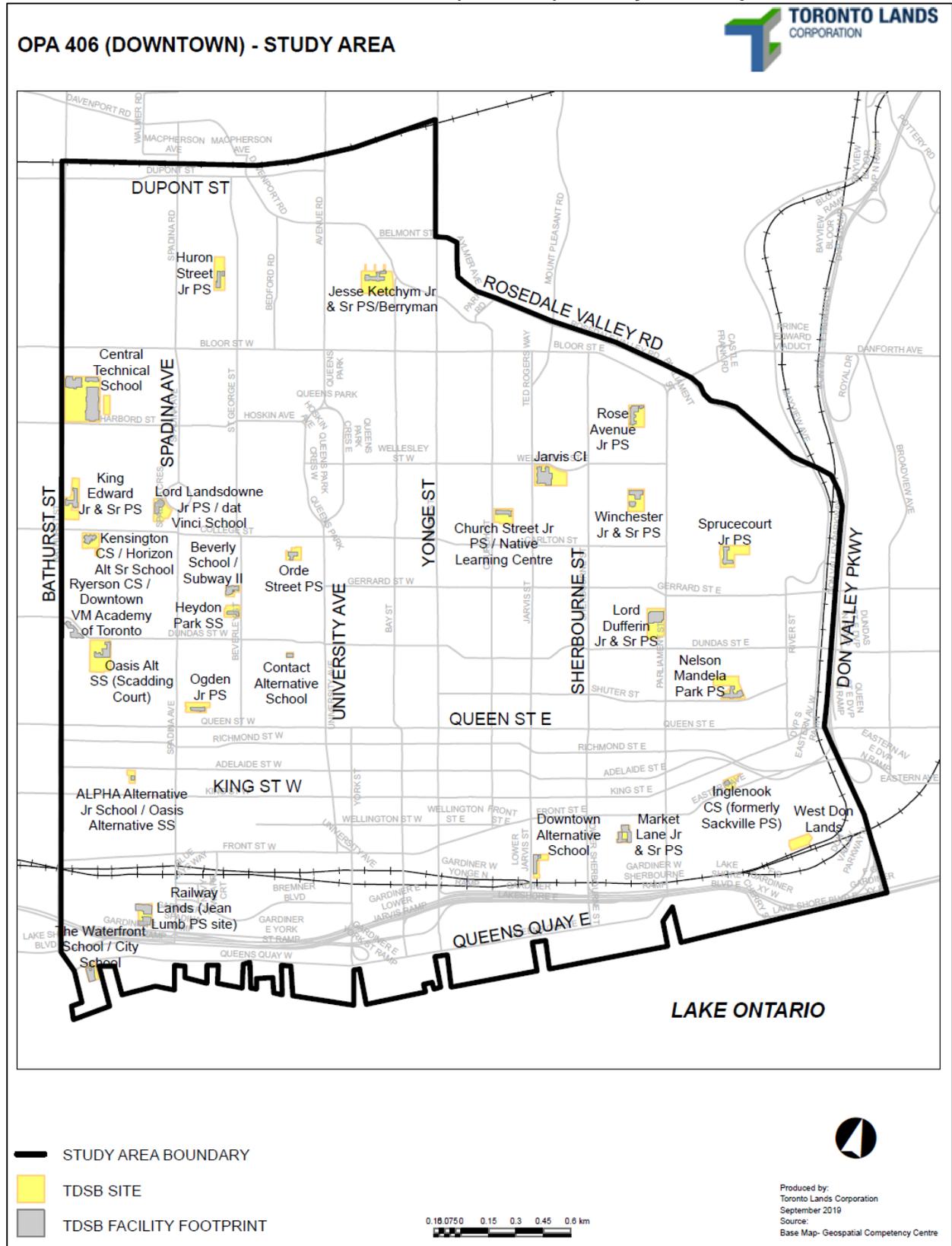
Transition between Areas and Buildings of Differing Scales: (See OPA 406 Section 9.22 to 9.27)

OPA 406 set out detailed guidance on how transition between scale of development should be expressed, in an area that is seeing an increasing number of tall buildings. The modifications have retained most of the Plan's policies on transition but replaced the more prescriptive word "*will*" with the more conditional phrases "*may be required*," "*where necessary*" and "*to achieve compatibility*". The discretion provided in these modified transition policies may result in fewer applicants providing transitions, such as separation distances and stepping down of heights, between areas and buildings of different scales. It will be important for TLC, in its review of development applications near TDSB sites, to consider what types of transition are appropriate to avoid any negative impacts on TDSB sites.

APPENDIX B: Yonge-Eglinton (OPA 405) – Study Area Map



APPENDIX C: Downtown (OPA 406) – Study Area Map



APPENDIX D: Yonge-Eglinton (OPA 405) – Midtown Building Height Ranges Comparison by Character Area

Character Area		Staff Recommended	Council Adopted	Provincial Decision
A1	Eglinton Park	4 to 8 storeys	4 to 8 storeys	4 to 10 storeys
A2	Mount Pleasant Gateway	7 storeys	7 storeys	7 to 10 storeys
A3	Eglinton East	8 to 10 storeys	8 to 10 storeys	8 to 12 storeys and within 250m of Mount Pleasant LRT 15 to 20 storeys
A4	Mount Pleasant North	4 to 7 storeys	4 to 7 storeys	15 to 25 storeys on the west side with transitions down and 4 storeys on east side
B1	Erskine and Keewatin	4 to 16 storeys	4 to 16 storeys	25 to 35 storeys along Erskine and 12 to 18 storeys along Keewatin with transitions east to west
B2	Redpath Park Street Loop	8 to 40 storeys	8 to 15 storeys	35 to 50 storeys with tallest buildings on south side of Roehampton
B3	Soudan	7 to 23 storeys	7 to 15 storeys	20 to 35 storeys with heights decreasing south to north and west to east
B4	Davisville	8 to 26 storeys	8 to 15 storeys	25 to 40 storeys with heights decreasing with distance from transit station
C1	Eglinton Way	7 to 8 storeys	7 to 8 storeys	8 storeys
C2	Yonge Street North	7 to 8 storeys	7 to 8 storeys	8 storeys except south of Keewatin/St. Clements 8 to 15 storeys
C3	Yonge Street South	8 storeys	8 storeys	8 to 15 storeys
C4	Mount Pleasant South	7 to 6 storeys	7 to 6 storeys	8 storeys
C5	Bayview-Leaside	7 storeys	7 storeys	8 storeys
D1	Yonge-Eglinton Crossroads	8 to 48 storeys	8 to 35 storeys	35 to 65 storeys with peak at intersection and gradual transitions down
D2	Davisville Station	14 to 29 storeys	14 to 15 storeys	30 to 45 storeys
D3	Mount Pleasant Station	8 to 29 storeys	8 to 29 storeys	20 to 35 storeys
D4	Bayview Focus Area	6 to 23 storeys	6 to 23 storeys	20 to 35 storeys
E1	Eglinton Green line	8 to 56 storeys	8 to 20 storeys	40 to 55 storeys west of Redpath and 30 to 40 storeys east of Redpath
E2	Montgomery Square	8 to 28 storeys	8 to 28 storeys	20 to 30 storeys with heights decreasing south to north and east to west
E3	Henning	8 to 24 storeys	8 to 24 storeys	15 to 35 storeys with heights stepping down towards Edith/Orchard View
E4	Davisville Community Street	4 storeys	4 storeys	Policy 5.3.9 still only allows for low-rise
E5	Merton Street	12 to 16 storeys	12 to 15 storeys	14 to 40 storeys with heights decreasing north-south and east-west

Note: Height ranges are for new buildings and does not include Approved/Constructed buildings for the Staff Recommended or Council Adopted Plans. Refer to Maps 21-11 to 21-16 for permitted heights for specific sites. All mid-rise buildings (five to ten storeys) had the potential for an additional storey subject to meeting certain criteria, as well as an additional storey where a heritage building was being appropriately conserved on site.