

Official Plan Conformity to the Growth Plan

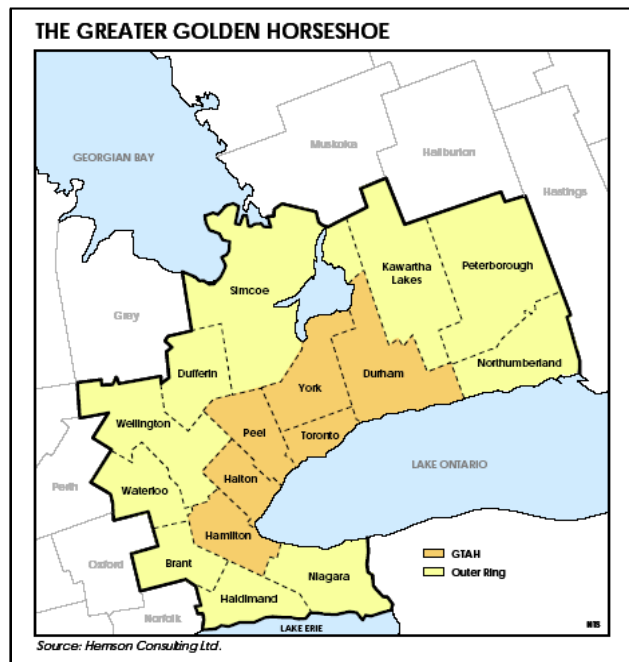
Date:	January 14, 2008
To:	Planning and Growth Management Committee
From:	Gary Wright, Chief Planner and Executive Director
Wards:	All
Reference Number:	Pg090002

SUMMARY

On June 16, 2006 the Provincial Growth Plan for the Greater Golden Horseshoe came into effect under the authority of the *Places to Grow Act, 2005* (the Act).

The Growth Plan provides growth management policy direction and its underlying legislation requires that all decisions by planning authorities within the Greater Golden Horseshoe (GGH) conform to the policies and intent of the Growth Plan. The extent of the Greater Golden Horseshoe is shown on the accompanying map.

Municipal official plans are considered by the Province to play a key role in the implementation of the Growth Plan’s objectives and as such requires GGH municipalities to bring their respective Official Plans into complete conformity with the Growth Plan by June 2009.



Over the past eighteen months, City Planning staff in consultation with staff from the Ministry of Energy and Infrastructure (formerly the Ministry of Public Infrastructure Renewal) has been reviewing the Official Plan’s conformity to the Growth Plan. The result of this work, along with relevant background materials, was submitted to the Province for its consideration in late 2007.

The Province completed its review of the submitted materials in the 3rd quarter of 2008 and has officially informed the City that on the whole the Official Plan generally conforms to the Growth Plan (Attachment 1). In particular the Province acknowledged our efforts in protecting employment areas, focusing intensification in intensification areas, building complete communities and creating transit-supportive neighbourhoods. They did note, however, that additional work within a few key policy areas would be required in order to reinforce the Official Plan's conformity with the Growth Plan. Those policy areas are:

1. Recognition of the Growth Plan's population and employment projections for the City of Toronto;
2. Inclusion of minimum density targets for the Official Plan's *Centres* identified as Urban Growth Centres in the Growth Plan; and
3. Enhanced protection of the City's stock of employment lands from conversion to non-employment uses by amending Policy 4 of Official Plan Section 4.6 – *Employment Areas*.

Discussion of these Provincial requirements and an outline describing City Planning staff's proposed actions are contained within this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Notice for the public meeting under the Planning Act be given in accordance with the regulations under the Planning Act.
2. Staff schedule consultation meetings with interested parties to obtain their comments on the proposed amendment.
3. The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

There are no financial implications.

DECISION HISTORY

The Growth Plan is a further step in the Province's development of its 'Places to Grow' initiative for managing growth throughout the GGH. Key milestones of this initiative include:

1. June 2004 – release of a Discussion Paper;
2. February 2005 – release of a Draft Growth Plan for the GGH;

3. June 2005 – Passage of the *Places to Grow Act*, which provides the legislative authority for the proposed Growth Plan;
4. November 2005 – release of a Proposed Growth Plan for the GGH; and
5. June 2006 – The Growth Plan came into effect.

The City has provided comments to the Province at each successive stage of the Plan's development. Generally these comments have supported the initiative, but have requested changes to the Plan along with a greater Provincial commitment to funding infrastructure (especially transit) to support the Plan.

Links to the City's previous comments are provided below.

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040928/plt6rpt/cl005.pdf>
<http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/plt3rpt/cl009.pdf>
<http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/plt3rpt/cl014.pdf>
<http://www.toronto.ca/legdocs/2006/agendas/council/cc060131/plt1rpt/cl004.pdf>
<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/plt6rpt/cl010.pdf>

ISSUE BACKGROUND

The Growth Plan is intended to provide a framework for implementing the Provincial government's vision for building stronger, prosperous communities by better managing growth within the Greater Golden Horseshoe to the year 2031. The Plan is intended to guide decisions on a wide range of issues – transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection – and builds on other key Provincial initiatives such as the Greenbelt Plan, Planning Act reform and the Provincial Policy Statement, 2005.

Although the Growth Plan is not intended to replace municipal official plans, it does provide growth management policy direction. Municipal official plans are considered by the Province to play a key role in the implementation of the Growth Plan's objectives and as such the legislation requires GGH municipalities to bring their respective official plans into complete conformity with the Growth Plan by June 2009.

COMMENTS

Over the past eighteen months, City Planning staff in consultation with staff from the Ministry of Energy and Infrastructure reviewed the Official Plan's conformity to the Growth Plan. City Planning staff undertook an extensive analysis of the policies of the Official Plan and subsequently presented Provincial staff with information and material demonstrating that the City of Toronto's Official Plan generally conformed to the Growth Plan.

This analysis included a comparison of the Growth Plan's policies with relevant corresponding policies within the Official Plan. The findings of this exercise were summarized for Provincial staff. In some instances City Planning staff determined that a number of Growth Plan policies were not applicable to the City of Toronto (i.e. Section 2.2.7 of the Growth Plan regarding Designated Greenfield Areas). In other instances a

number of Growth Plan policies referred to actions and/or processes that will be undertaken by the Province and/or municipality that do not require an Official Plan response (i.e. policy 5 of Growth Plan Section 2.2.3 - General Intensification states that the Minister of Public Infrastructure Renewal, in consultation with affected municipalities will verify and delineate the built boundary).

For the remaining applicable Growth Plan policies, staff determined that relevant policies did exist within the Official Plan that adequately addressed the conformity requirements of the *Places to Grow Act*. Staff referred to these Official Plan policies as “Interpretive Policies” and determined that they were generally focussed in the following policy areas:

1. Population and Employment forecasts;
2. General Intensification;
3. Urban Growth Centres;
4. Major Transit Station Areas and Intensification Corridors; and
5. Employment Lands.

The Official Plan, which consists of Chapters 1 through 5, the Secondary Plans of Chapter 6 and the Site and Area Specific Policies of Chapter 7 are interrelated and together form a comprehensive document through which the policies, spirit and intent of the Growth Plan are implemented. Staff also provided background materials documenting the development of the Plan’s population and employment projections as well as the development potential and assessment of lands surrounding its major transit station areas and within its intensification corridors referred to in the Official Plan as *Avenues*.

Provincial Response

In its letter dated July 28, 2008, Provincial staff responded to the City’s submission. In its response, the Province informed the City that on the whole the Official Plan generally conforms to the Growth Plan. In particular the Province acknowledged our efforts in protecting employment areas, focusing intensification in intensification areas, building complete communities and creating transit-supportive neighbourhoods. Provincial staff did note however that additional work within a few key policy areas would be required in order to reinforce the Official Plan’s conformity with the Growth Plan. Those policy areas are identified below.

Population and Employment Forecasts

The Province has reiterated that the population and employment forecasts contained in Schedule 3 of the Growth Plan are to be used as the basis for planning and growth management. As such, the City will need to make the necessary amendments to the Official Plan to recognize the Growth Plan’s numbers.

Urban Growth Centres (UGCs)

The Growth Plan states that the UGCs in Toronto will be planned to achieve a gross combined density of 400 residents and jobs per hectare. As such the City will have to recognize the Growth Plan’s minimum UGC density target either within the parent Official Plan or the relevant Secondary Plan.

Employment Areas

The Province has determined that Policy 4 of Official Plan Section 4.6 – *Employment Areas* does not conform to the Growth Plan. As such an amendment to this section of the Official Plan will be required.

Proposed Actions

City Planning staff propose the following actions with respect to the three key policy areas identified by the Province.

Population and Employment Forecasts

Schedule 3 of the Growth Plan sets out population and employment forecasts that, as required by Policy 1 of Growth Plan Section 2.2.1 – Growth Forecasts, “will be used for planning and managing growth in the GGH”. The Growth Plan’s forecasts for Toronto are different than those that the Minister of Municipal Affairs and Housing added to the Official Plan in March 2003:

	<u>Official Plan</u>	<u>Growth Plan</u>
Population, 2031	minimum 3.000 million	3.080 million
Employment, 2031	minimum 1.835 million	1.640 million

CMHC has reported that between 1996 (the Census year which is the base year for the Official Plan’s population target) and October 2008, 120,553 units were built. In addition, 47,189 units have been approved, but are not yet built. Thus, 167,742 housing units have been approved and/or completed in the City since 1996. This represents 70% of all housing units required to meet the Official Plan’s projection.

The Growth Plan target is based on the 2001 Census. Since that time, to October 2008, 134,637 units have been approved and/or completed or over 40% of all housing required to meet the Growth Plan target by 2031. It should be noted that fully 65% of the housing units approved since the Official Plan was adopted were in the priority growth areas of the Official Plan; the *Downtown and Central Waterfront, Regeneration Areas, Centres and Avenues*.

City Planning staff view these findings as an indicator that the City is well on its way to achieving its population targets either in the Official Plan or the Growth Plan and more importantly that the Official Plan’s growth management strategy of directing growth to the priority areas is working. It should be noted that the Growth Plan requires Toronto to use the Growth Plan’s 2031 population target of 3.08 million for planning and growth management in the City. Although the Growth Plan’s target exceeds the Official Plan’s target of 3.0 million by approximately 80,000 residents, City Planning staff have determined that there is enough land designated as *Mixed Use Areas* throughout the City to absorb the additional number over the 2008 to 2031 growth period.

Although the population forecasts used by the Official Plan and the Growth Plan are quite similar and as discussed above achievable, there is a discrepancy between the employment target of the Official Plan and the forecast of the Growth Plan.

In order to meet the conformity requirements of the Province, an amendment to Policy 3 of Official Plan Section 2.1 “Building a More Liveable Urban Region” is necessary to recognize the Growth Plan’s figures. As the City has previously stated in earlier comments to the Province throughout the development of the Growth Plan, the Growth Plan’s employment forecast significantly underestimates the economic growth potential of Toronto. As the City of Toronto’s Long-term Employment Land Strategy prepared in 2007 by Hemson Consulting noted, the Official Plan employment target is achievable provided that the City protects its existing stock of employment lands and undertakes a number of initiatives now being pursued by Economic Development. City staff’s report on this strategy can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2007/ed/bgrd/backgroundfile-3361.pdf>.

City Planning staff do not recommend an amendment that would delete the current employment forecast in policy 3 in favour of the Growth Plan’s lower employment number. Staff have taken the position that exceeding the Growth Plan’s employment target as contained within the Official Plan would not have serious implications to the broader objectives of the Growth Plan. In fact it is reasonable to conclude that achieving the Official Plan’s higher employment target would actually advance the Growth Plan’s overall vision of directing both population and employment growth into existing, transit accessible, built up areas. As such, staff propose that a range, which includes the population and employment numbers within both Plans be considered. Under this proposed amendment, the Growth Plan’s lower employment forecast would be considered the minimum that the City would target achieving by 2031.

Urban Growth Centres (UGCs)

(Policy 5a) of Growth Plan Section 2.2.4., “Urban Growth Centres”, requires UGCs in Toronto be planned to achieve a combined gross density target of 400 residents and jobs per ha. City Planning staff have commented to the Province that the *Downtown* and the UGCs (shown as *Centres* in the Official Plan) are anticipated to meet the Growth Plan’s density target given the growth management policies and targets within the Official Plan. Staff have also undertaken an analysis of development and the planning frameworks within the Official Plan’s four *Centres* and have confirmed that three out of four could exceed the Growth Plan’s target under a minimum development scenario and under a maximum development scenario will significantly exceed the Growth Plan’s target. It should be noted that under the Growth Plan, if, at the time the Growth Plan came into effect, an Urban Growth Centre is already planned to achieve, or has already achieved, a gross density that exceeds the minimum density target as set out in the Growth Plan, that higher planned or achieved target will be considered the minimum density target for that Urban Growth Centre.

Although the Province generally agreed that it was likely the City of Toronto would meet or exceed the Growth Plan's density target in its respective UGCs, Provincial staff expect the Growth Plan's target to be incorporated into the Official Plan as an absolute minimum. As such City Planning staff, propose that the Growth Plan's density target of 400 residents and jobs per hectare as a minimum density target be added to Policy 2 of Official Plan Section 2.2.2 – *Centres*, which identifies the urban structure objectives that are to be incorporated into the relevant Secondary Plans for the *Centres*.

With respect to the boundaries of the Province's UGCs, three of the four UGCs (North York Centre, Etobicoke Centre and Scarborough Centre) generally correspond with the boundaries of the *Centres* as shown on Map 2 of the Official Plan. The Province's finalized boundary for the fourth UGC, Yonge-Eglinton, differs significantly from what is currently shown on Map 2 of the Official Plan. The Province's UGC boundaries include areas between Yonge Street and Mount Pleasant Road on both the north and south side of Eglinton Avenue that are designated in the Official Plan as *Apartment Neighbourhoods*.

Policy 2.2.4.3 of the Growth Plan states that "Municipalities will delineate the boundaries of the urban growth centres in their official plans". In fulfilling this requirement, municipalities are permitted to make "minor necessary adjustments" to the size and location of the boundaries. The Yonge-Eglinton Centre is currently the subject of City initiated Official Plan and Zoning By-law amendments that are intended to implement the results of the focused review of the *Centre's* policy framework. The focused review was initiated prior to the Growth Plan's enactment and involved significant community consultation that, at the time, did not consider the Province's proposed Urban Growth Centre boundaries.

Before proceeding with incorporating the Provincial UGC boundary as required under the Growth Plan's legislation, Council has directed staff to hold additional consultations with the local community regarding the Province's Growth Plan initiative with particular focus on the Province's boundary for the Yonge-Eglinton UGC. City Planning staff will also address the City's legislative requirements in terms of recognizing the Provincial boundary within the Official Plan and the possible options available to the City in meeting that requirement.

Employment Areas

As previously noted the Province's letter recognized the City's efforts in protecting its employment lands from conversion to non-employment uses. As the above mentioned Long-Term Employment Lands Strategy stressed, achieving either the City's Official Plan employment target or the Growth Plan's employment target depends entirely upon the City's success in protecting its current stock of employment designated lands. Some recent decisions by the Ontario Municipal Board favouring conversions of employment lands for non-employment uses such as the decision issued January 3, 2008 by the Board with respect to the retail application at 1780 Markham Road, reinforce the need to ensure that the employment policies in the Official Plan offer sufficient protection to the City's existing stock of employment designated lands.

In their evaluation of the City's conformity submission, Provincial staff determined that Policy 4 of Official Plan Section 4.6 "*Employment Areas*" appeared to permit such conversions without the requirement that a Municipal Comprehensive Review be undertaken. As such the Province has determined that Policy 4 does not conform to the Growth Plan. As the Provincial Growth Plan has established a higher standard for applications for employment land conversions, City Planning staff propose that Policy 4 be repealed in its entirety.

Policy 4 of Official Plan Section 4.6 states:

"Consideration may also be given to permit large-scale and stand-alone retail stores in locations on major streets, as shown on Map 3, that do not form the boundary of *Employment Areas*, other than in the Central Waterfront, only by way of an Official Plan Amendment, if it can be demonstrated, among other matters, that:

- a) such development will not undermine the stability of the *Employment Area* and will have particular regard for the viability of industrial uses;
- b) sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets; and
- c) the economic health of nearby shopping districts is not adversely affected."

Policy 4 simply reflects the right of applicants under the *Planning Act*, to submit an application to a municipal authority to amend an official plan. Since the enactment of the Growth Plan, Council is now required to render its decisions on such applications based on a review of their conformity with the Growth Plan. With respect to applications to amend the Official Plan to convert employment designated lands for non-employment purposes, the Growth Plan now obliges Council to only consider such applications upon the completion of a municipally initiated Municipal Comprehensive Review (MCR), the requirements and contents of which are set out in policy 5 of Growth Plan Section 2.2.6 "Employment Lands" and are also to be read in conjunction with the employment land policies contained within the 2005 Provincial Policy Statement.

Policy 4 does not make reference to the Growth Plan's requirement that consideration to permit large-scale and stand alone retail stores, considered by the Growth Plan (Section 2.2.6 Policy 5) to be non-employment uses, can only be undertaken upon the completion of an MCR. As such in the absence of such a review, Policy 4 does not conform to the Growth Plan.

City Planning staff will bring forward an Official Plan Amendment that deletes Policy 4 in its entirety from Section 4.6. and that also provides further policy revisions to the employment policies to ensure that Council's policy intent for these lands is clearly expressed.

Next Steps

The Growth Plan's underlying legislation, *Places to Grow Act, 2005* requires that municipalities bring their Official Plans into conformity with the Growth Plan by June of 2009. In order to adhere to this deadline, City Planning staff are proposing to proceed with the drafting of the above noted Official Plan Amendments for Council's consideration at its meeting scheduled for May 25, 2009. As part of this exercise, City Planning staff propose holding a city-wide community consultation and open house for the public in March 2009 with a report describing the findings of that consultation being brought forward in May of 2009.

CONTACT

Barbara Leonhardt,
Director, Policy and Research
City Planning Division
Tel. No. (416) 392-8148
Fax No. (416) 397-3821
E-mail: bleonha@toronto.ca

SIGNATURE

Gary Wright
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

1. Letter dated July 28, 2008 from Mr. Ron Glenn, Director, Growth Policy, Planning and Analysis, Ontario Growth Secretariat to Ms. Barbara Leonhardt, Director, Policy and Research City Planning Division.

Attachment 1

**Ministry of Energy and
Infrastructure**

6th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2
Tel: 416 325-0424
Fax: 416 325-8440
www.ontario.ca/pir
www.energy.gov.on.ca

**Ministère de l'Énergie et de
l'Infrastructure**

6^e étage, édifice Mowat
900, rue Bay
Toronto (Ontario) M7A 1L2
Tél. : 416 325-0424
Télééc : 416 325-8440
www.ontario.ca/pir
www.energy.gov.on.ca



July 28, 2008

Barbara Leonhardt
Director
Policy and Research, City Planning Division
City of Toronto

Dear Ms. Leonhardt,

Re: Toronto Official Plan conformity to the Growth Plan for the Greater Golden Horseshoe

I am writing further to our meeting of February 6, 2008 in which staff from the City and this Ministry discussed the City of Toronto Official Plan (OP) conformity with the Growth Plan for the Greater Golden Horseshoe (GGH).

The Ontario Growth Secretariat (OGS) has reviewed your analysis with respect to the City's Official Plan and its conformity with the Growth Plan for the Greater Golden Horseshoe. We appreciate the opportunity to work with and encourage the City to continue to work with Ontario Growth Secretariat in the implementation of the Growth Plan.

We acknowledge the City's efforts in protecting employment areas, focusing intensification in intensification areas, building complete communities and creating transit-supportive neighborhoods.

The following comments are as a summary of our discussion and in response to your analysis on conformity to the Growth Plan.

Employment Forecasts

Toronto Official Plan policy 2.1.3 states "Toronto should accommodate a minimum of 3 million residents and 1.835 jobs by the year 2031."

The Growth Plan requires that the forecasts contained in Schedule 3 of the Growth Plan, which projects 3.080 million residents and 1.640 million jobs in Toronto by 2031, be used as the basis for municipal planning and growth management.

The City will need to make the necessary amendments to Toronto Official Plan to recognize the population and employment forecasts provided by Schedule 3 of the Growth Plan to the City.

General Intensification/Urban Growth Centres

In general the Toronto Official Plan conforms to the general intensification and Urban Growth Centre (UGC) policies of the Growth Plan.

The Toronto Official Plan contains high level policies for transit-supportive development for the Centres and Avenues. However, there have been no specific minimum density targets established for the UGCs.

1

The Growth Plan requires Toronto to plan to achieve, by 2031 or earlier, a minimum gross density of 400 people and jobs for each of the five UGCs. Where a UGC is already planned to achieve, or has already achieved a gross density exceeding 400 people and jobs per hectare, this higher density will be considered the minimum target for that UGC. As such, Toronto needs to establish a minimum density target of 400 people and jobs per hectare for the UGCs in its Official Plan, or in the secondary plan specific to an Urban Growth Centre.

Major Transit Station Areas

A significant number of the City's subway stations are designated as Mixed Use Areas, which the Official Plan identifies as areas appropriate for intensification within the local context. For the majority of stations the Mixed Use Areas designation applies to those lands immediately adjacent to the station or those lands that front onto an Avenue.

The Growth Plan requires municipalities to designate Major Transit Station Areas and plan to achieve increased residential and employment densities that support and ensure the viability of existing and planned transit services levels. These areas shall accommodate a mix of residential, office, institutional and commercial development, wherever appropriate.

Having reviewed the background material related to the identification of the nodes and avenues study, we recognize that the direction and policies provided in the City Official Plan support appropriate intensification in Major Transit Areas. The development directed to these areas supports the achievement of the population and employment growth forecast in Schedule 3 and would conform to the Growth Plan.

Employment Areas

Toronto Official Plan policy 4.6.3 permits large scale retail uses through rezoning on the edges of those employment areas that front onto major roads identified in the Official Plan. This policy acknowledges that the City has made accommodation for large scale retail uses under certain unique location requirements. However, the City has not defined large scale retail. The City may wish to define large scale or conversely identify through specific policies and designation where large scale retail uses would be permitted.

Policy 4.6.4 would appear to allow for the conversion of employment uses within an employment area to major retail through an Official Plan amendment. The Official Plan does not give permissions for major retail and as such and this would be considered a conversion within the Growth Plan. The Growth Plan requires a municipal comprehensive review for a conversion of lands within employment area. It would be our position that policy 4.6.4 does not conform to the Growth Plan.

It appears that the City intends to set higher standards to protect employment areas. This includes the fact that the City views the Municipal Comprehensive Review as a significant element of a full Official Plan review to be undertaken at minimum of every five years on a city-wide basis. We would support this approach for employment land protection.

Appeal Process

Toronto staff request that the Province announce a clear supportive role for any new Official Plan policies the City initiates that are intended to implement the Growth Plan particularly if those policies form potential appeals to the OMB.

The Province has an interest in supporting municipalities to achieve the Growth Plan conformity.

We would be happy to meet with the City to further discuss our comments. Thank you again for the opportunity to provide input. If you have any questions, please do not hesitate to contact me at (416) 325-7368.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ron Glenn', with a long horizontal line extending to the right.

Ron Glenn MCIP RPP
Director (A), Growth Policy, Planning and Analysis
Ontario Growth Secretariat
Ministry of Public Infrastructure Renewal

Cc: Victor Doyle, Manager
Municipal Services Office- Central
Ministry of Public Infrastructure Renewal