

Ministry of  
Municipal Affairs  
and Housing

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Affaires municipales  
et du Logement

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*Sent via email only*

Dear Steven Dixon,

**Re: Provincial Review Comments  
City of Toronto Official Plan Review – Proposed Public Realm and Built  
Form Draft Official Plan Amendments  
MMAH File: 20-OP-182079**

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Thank you for providing the Ministry of Municipal Affairs and Housing (“MMAH”) with the opportunity to review and provide comments on the City of Toronto’s (“the City”) proposed Public Realm and Built Form Official Plan Amendments (“the proposed OPAs”). Ministry staff understand that the proposed OPAs are part of the City’s five-year Official Plan Review and will be submitted to the Province for approval under Section 26 of the *Planning Act*.

The proposed OPAs were received by the City’s Planning and Housing Committee (“PHC”) at its July 3, 2019 meeting. The PHC directed that a final recommendations report with associated OPAs be prepared and an open house and special meeting in fulfilment of Section 26 of the *Planning Act* be held in the third quarter of 2019.

The proposed OPAs seek to amend Section 3.1.1, Public Realm, Section 3.1.2, Built Form and Section 3.1.3, Built Form - Tall Buildings, of the City’s Official Plan. Through these amendments, the City’s existing Official Plan policies for the public realm and built form will be more clearly articulated. Ministry staff understand that the proposed OPAs are outcome oriented and, as they are to apply City-wide, provide flexibility in how public realm and built form objectives will be achieved (by using terminology such as “encourage” or “as appropriate” to address contextual differences across the City). Ministry staff also understand that the policies have been subject to extensive consultation and have been revised to reflect feedback received from the public, agencies and stakeholders, including the development industry.

Ministry staff note that the draft Public Realm Policies were previously circulated to MMAH and pre-consultation One Window comments were provided on April 20, 2018.

**ATTACHMENT 6**  
**LETTER FROM THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING**

Ministry staff note that the previous One Window comments have been satisfactorily addressed or are no longer relevant, given revisions to the proposed OPAs.

The proposed OPAs have been reviewed in the context of the *Planning Act*, Provincial Policy Statement, 2014 (“PPS”), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (“A Place to Grow”).

On May 2, 2019, the government released “More Homes, More Choice: Ontario’s Housing Supply Action Plan” (“the Action Plan”). The Action Plan includes a series of distinct but coordinated initiatives to address housing supply, which includes a review of the PPS. The proposed PPS policies are posted for consultation until October 21, 2019 and may be found here: <https://ero.ontario.ca/notice/019-0279>. Ministry staff encourage the City to review the proposed OPAs against the proposed PPS policies.

Based upon a review of the proposed OPAs, Ministry staff offer the following general and OPA-specific comments.

***General Comments***

Overall, Ministry staff are supportive of the policy updates contemplated by the proposed OPAs, as they provide certainty for the City, development industry and the public by clarifying the role of the public realm and the need for new public streets, introducing general development criteria for built form typologies (such as low-rise, mid-rise and tall buildings) and promoting a walkable city.

*Planning Act*

The *Planning Act* (Section 2), includes matters of provincial interest, including the following that apply to the proposed OPAs:

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and

(r), the promotion of built form that: i) is well-designed, ii) encourages a sense of place, and iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposed OPAs have regard to the above-noted provincial interests, as they provide policies which support well-designed built form (including building typology, shape, scale and massing and transition in scale and context), well-designed private and shared amenity spaces, improvements to the public realm and the creation of public streets.

*Provincial Policy Statement*

The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the built environment. Section 1.5 of the PPS includes policies that promote healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity. In addition, PPS Policy

1.7.1 d) states, “long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning.”

The proposed OPAs are consistent with these policies by enhancing the existing Official Plan policies to provide for a high-quality public realm that supports the achievement of complete communities, including the achievement of public streets and well-designed parks and open spaces. In addition, the policies provide for the design of a comfortable, vibrant, safe and accessible setting. In addition, the proposed OPAs are consistent with the PPS by recognizing that the public realm and built form of development, when well-designed, enhances community identity and encourages a sense of place.

### *A Place to Grow*

A Place to Grow came into effect on May 16, 2019. Ministry staff note that that the proposed policies are also in keeping with A Place to Grow, including policy 5.2.5 (6) which states that “in planning to achieve the minimum intensification and density targets in this Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.”

### ***Proposed Built Form OPA***

While the proposed OPAs are consistent with the PPS, 2014 and conform with A Place to Grow, Ministry staff offer the following comments regarding the proposed Built Form OPA for the City’s consideration:

- Section 3.1.2 Built Form, Second Paragraph:

The non-policy preamble text describes the City’s existing urban structure where intensification is planned to accommodate the majority of growth, which consists of the Downtown, Centres and Avenues.

A Place to Grow introduces the concept of “Strategic Growth Areas” which is also a defined term. More specifically, policy 2.2.1 c) requires that growth will be focused in “Strategic Growth Areas,” including “Major Transit Station Areas.” Ministry staff note that at the time of its municipal comprehensive review to conform to A Place to Grow, the City will need to review its urban structure and should consider updating this preamble text to reflect the concept of “Strategic Growth Areas,” any identified “Major Transit Station Areas”, and any other areas with existing or planned transit service or higher order transit corridors that may be identified as Strategic Growth Areas.

- Proposed Policy 2:

This policy speaks to development providing “usable open space.” The term “usable” is not defined and as written, the intent of the term is not clear.

Ministry staff recommend the City consider using an alternate term (such as accessible) or clarify the intent of the term “usable” through other measures, such as additional sidebar text.

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- Proposed Policy 8:

Policies 6, 7 and 8, together with the associated sidebar text on “Transition in Scale,” speak to the geometric relationship between areas of low-scale development and open spaces and taller, more intense development. The sidebar text identifies tools and/or urban design techniques which the City may use to achieve good transition in scale on a contextual basis.

Ministry staff note that Policy 8 speaks to where development includes, or is adjacent to, parks or open spaces and the achievement of good transition in scale to provide access to sunlight and daylight. While the intent of this policy is clear, it is not clear how good transition in scale between taller, more intense development and parks and open spaces (which may have a height of 0 metres) can be achieved. Ministry staff recommend the City consider updating the existing sidebar text for “Transition in Scale” to address this matter.

- Proposed Policy 11:

This policy speaks to “new indoor and outdoor amenity spaces” associated with multi-unit residential developments. Generally speaking, it requires that such spaces be designed in a high quality manner.

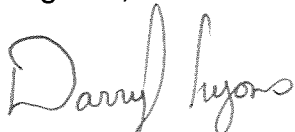
Ministry staff note that this policy appears to be in conflict with the *Building Code*, as Official Plan policies authorized under the *Planning Act* cannot regulate the construction standards of interior spaces. Ministry staff recommend the City revise this policy to read as follows:

“New indoor and outdoor shared amenity spaces provided as part of multi-unit residential developments **will be encouraged to** be high quality, well designed, and consider the needs of residents...”

Once again, thank you for providing the Ministry with an opportunity to comment on the proposed OPAs.

Should you have any questions regarding the above, please do not hesitate to contact me at [Darryl.Lyons@ontario.ca](mailto:Darryl.Lyons@ontario.ca) or 416-585-6048 or Michal Matyjewicz at [Michal.Matyjewicz@ontario.ca](mailto:Michal.Matyjewicz@ontario.ca) or 416-585-6862.

Regards,



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