



May 13, 2015

Dear Chair and Planning and Growth Management Committee Members,

Re: PG 4.3 Planning Act - Proposed Amendments Introduced Through Bill 73, Smart Growth for Our Communities Act, 2015

At the May 5, 2015 meeting of City Council, I put forward a Members Motion (MM6.11) *Ahead of the Curve: Preparing for Inclusionary Zoning for the City of Toronto* seconded by Councillor Ana Bailão. I have attached the motion to this letter. This motion was referred to Planning and Growth Management Committee, but because of the timing of the meetings was referred to the meeting of June 18, 2015.

Recommendation 2 of MM6.11 is:

City Council request the Province, as part of Bill 73 Smart Growth for Our Communities Act, 2015, to make appropriate reforms to the Planning Act to include permissions for municipalities to enact inclusionary zoning for affordable housing of all types.

This recommendation is regarding the same matter dealt with through PG4.3 before the Committee on May 14, 2015. I have spoken with City staff and we agreed that it makes sense procedurally and practically for this recommendation to be moved as an amendment to PG4.3.

Recommendation 27 of PG4.3 refers to Attachment 1 of the staff report, which deals with a position taken in our last term of Council that includes inclusionary zoning. However, the City's request for inclusionary zoning is significant and should be elevated to one of our requested amendments to Bill 73. As the Toronto Star May 5, 2015 editorial *An Obvious Fix/ Toronto should endorse an obvious way to boost affordable housing* outlined, inclusionary zoning is essential reform that warrants strong support from Council to help trigger legislative changes at Queens Park. We have that opportunity now with today's item PG4.3.

I am therefore asking that PG4.3 be amended to include:

City Council request the Minister of Municipal Affairs and Housing to amend Bill 73 to make appropriate reforms to the Planning Act to include permissions for municipalities to enact inclusionary zoning for affordable housing of all types.

Sincerely,

Mike Layton
City Councillor
Ward 19, Trinity-Spadina

City Council**Notice of Motion**

MM6.11	ACTION			Ward:All
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Ahead of the Curve: Preparing for Inclusionary Zoning for the City of Toronto - by Councillor Mike Layton, seconded by Councillor Ana Bailão

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Planning and Growth Management Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Mike Layton, seconded by Councillor Ana Bailão, recommends that:

1. City Council direct the City Manager, the Chief Planner and Executive Director, City Planning and the Director of the Affordable Housing Office to report to Planning and Growth Management Committee on a strategy to implement inclusionary zoning in the City of Toronto.
2. City Council request the Province, as part of Bill 73 Smart Growth for Our Communities Act, 2015, to make appropriate reforms to the Planning Act to include permissions for municipalities to enact inclusionary zoning for affordable housing of all types.
3. City Council request the Province to include affordable housing as part of the review of the Growth Plan and Greenbelt Plan.

Summary

The Ontario Ministry of Municipal Affairs and Housing is currently undertaking three parallel public consultations impacting housing in municipalities: the Long-term Affordable Housing Strategy, Bill 73 Smart Growth for Our Communities Act, 2015 proposing changes to the Planning Act, and the Growth Plan for the Greater Golden Horseshoe.

Inclusionary zoning would empower the City to make responsible land use decisions that would have lasting benefits to the city and province. Inclusionary zoning allows us to build complete communities, it would help us to build a more affordable city and to overcome inequalities between communities.

Despite the City of Toronto's repeated requests for inclusionary zoning over the last decade, the Province does not permit Ontario cities the authority to enact inclusionary zoning. Meanwhile, our City is desperately in need of more affordable housing.

Inclusionary zoning would empower the City to require developers to include a percentage of affordable housing units in residential developments with over 20 units and in return they could receive fast tracked approvals and other incentives. This would help us to create a steady and growing supply of affordable rent and affordable homeownership units across the City, building and fostering mixed-income neighbourhoods and providing our residents with more equal access to resources and opportunities.

The Affordable Housing Committee at its meeting on Monday April 27, 2015 requested that the City provide a submission to the Province of Ontario's Long-Term Affordable Housing Strategy consultation, and that the submission reiterate the City of Toronto's request for inclusionary zoning powers so that we can ensure more affordable rent and homeownership units are built throughout the city. The other two consultations being hosted by the Province provide us with additional opportunities to request inclusionary zoning.

The Provincial Government has also introduced Bill 73, Smart Growth for Our Communities Act, 2015 proposing changes to the Planning Act. Bill 73 has replaced a private members Bill 39 on Planning Statute Law amendments on the Government agenda and in doing so, omitted the proposed provision for municipalities to incorporate inclusionary zoning for affordable housing in developments that include 20 or more housing units.

The Ministry of Municipal Affairs and Housing is currently undertaking a review of the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan. These plans aim to manage the rapid population growth and employment growth in Ontario. Any growth strategy must include provisions for the need for affordable housing.

There appears to be an appetite for inclusionary zoning from some Members of Provincial Parliament and across political party lines, but it will take the City some time to develop the policies and procedures required for implementation. The City should make sure it is in a position to implement inclusionary zoning as soon as permission is granted so that there is no delay in taking action to build a more affordable city.

Background Information (City Council)

Member Motion MM6.11

Opinion / Editorials**Toronto should endorse an obvious way to boost affordable housing: Editorial**

With Ontario's waiting list for affordable housing longer than ever it's time Queen's Park instituted a long-overdue reform: inclusionary zoning.



DAVID COOPER / TORONTO STAR

Toronto Councillor Mike Layton's push for inclusionary zoning deserves support.

Published on Mon May 04 2015

With more than 168,000 Ontario households stuck on waiting lists for affordable housing — [breaking previous records](#) — it's time Queen's Park enacted a long overdue and obvious reform.

It wouldn't require a substantial investment from the province or from city halls. Yet it would help create thousands of affordable housing units, especially in large urban areas like Toronto.

All that's required is a change in existing rules. Through a long-proposed fix called "inclusionary zoning," developers working on major residential projects would be *required* to set aside a certain percentage of units for low-income people. The industry wouldn't have a choice. It would have to make allowance for society's least fortunate, in exchange for incentives such as more favorable density allowances.

Hundreds of cities in the United States have this rule and it has helped create affordable housing that otherwise wouldn't exist. But Ontario municipalities are forbidden, by provincial law, from using inclusionary zoning.

In an effort to change that, Councillor Mike Layton ([open Mike Layton's polycard](#)) wants Toronto to push for having such zoning allowed under proposed changes to Ontario's Planning Act. [Layton's motion](#), to be debated at a two-day city council meeting starting on Tuesday, would also have staff draft a strategy to implement inclusionary zoning in Toronto.

These proposals warrant strong support from council, with the ultimate goal of triggering legislative

change at Queen's Park.

Inclusionary zoning has been urged for years, including through [a variety of private members bills](#), but Ontario's Liberal government has steadfastly refused to institute this reform. It has argued that the province's existing, incentive-based system is good enough. It allows municipalities to make ad hoc deals with developers willing to include affordable housing in their projects in exchange for other benefits.

But that creates a patchwork system, with some developers co-operating and others refusing to help. The advantage of inclusionary zoning is that no one building a substantial number of residential units is allowed to opt out. All developers are treated equally and all share an obligation to address the needs of those can't afford market prices.

Layton's motion would apply inclusionary zoning provisions to any new development with more than 20 residential units. He doesn't include a specific percentage of units to be set aside for low-income people, but in other jurisdictions it is typically 10 to 20 per cent.

The development industry is, of course, adamantly opposed to any such change. Its generosity in dispensing political contributions might well explain the reluctance of government to enact reform. Meanwhile, there's a rising and desperate need for affordable housing. Just last year Ontario's already-intolerable waiting list grew by more than 3,600 households. In these circumstances, inclusionary zoning represents essential reform.