

Draft Delineations for the Protected Major Transit Station Areas within the Downtown Secondary Plan and Draft Citywide MTSA Policy Directions

Date: March 30, 2021

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: Ward 10 - Spadina-Fort York; Ward 11 - University Rosedale and Ward 13 - Toronto Centre

SUMMARY

In June 2020, City Planning initiated the Growth Plan Conformity and Municipal Comprehensive Review ("the MCR") which includes the delineation of 180+ Major Transit Station Areas (MTSAs) to meet Provincial intensification requirements by July 2022. The introduction of Protected Major Transit Station Areas (PMTSAs) is part of the MCR. An equity lens is being applied to this work program that prioritizes the delineation of PMTSAs to enable the implementation of inclusionary zoning as an affordable housing tool, where market conditions could support it.

This report presents the policy approach for advancing the implementation of Major Transit Station Areas and Protected Major Transit Station Areas, and the proposed delineations within the Downtown Secondary Plan. This report is intended as the basis for consultation of the draft Official Plan Amendment (OPA) that includes 16 Site and Area Specific Policies (SASPs) that delineate Protected Major Transit Station Areas (PMTSAs) within the Downtown Secondary Plan area. The draft policy directions for the introduction of a new Chapter 8 of the Official Plan will be refined following consultation and brought forward as part of the final Official Plan Amendment.

The 16 PMTSA delineations included in this draft OPA would implement the Minister approved Downtown Plan and address the requirements of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") and Section 16(15) of the *Planning Act*. Adoption of the final OPA which includes the PMTSA delineations would put in place the required prerequisite framework to enable the application of inclusionary zoning in the Downtown once the Inclusionary Zoning policies and PMTSA policies are in effect.

The draft OPA and PMTSA delineations establish minimum targets for people and jobs per hectare based on the land use designations in the Downtown Plan approved by the Minister in June 2019. The draft PMTSAs introduce minimum density requirements,

consistent with the Downtown Plan, and Section 16(15) of the *Planning Act*, and do not propose any changes to maximum development permissions.

City Planning staff will use the draft PMTSAs and draft policy directions as a basis for consultation, prior to advancing a Final Report for City Council's adoption in the fourth quarter of 2021. The Minister of Municipal Affairs and Housing is the approval authority for the delineation of Protected Major Transit Stations Areas and the Minister's decision is not appealable.

RECOMMENDATIONS

The Chief Planner & Executive Director, City Planning recommends that:

1. Planning and Housing Committee authorize the Chief Planner and Executive Director, City Planning to use the draft Official Plan Amendment as the basis for consultation and bring forward a Final Report by the fourth quarter of 2021.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

EQUITY IMPACT STATEMENT

The Official Plan provides a vision for the City grounded in principles that assure a successful and healthy future. A founding principle of the Official Plan is that Toronto's future must be diverse, inclusive and equitable. The provision of adequate and affordable housing is the cornerstone of building inclusive and equitable communities.

The draft Official Plan Amendment for 16 Protected Major Transit Station Areas in the Downtown advances the implementation of Provincial policy requirements that would enable the use of inclusionary zoning policies, once in effect, to secure new affordable housing through the development approval process as envisioned by Provincial legislation.

DECISION HISTORY

At its meeting on May 22, 23 and 24, 2018, City Council adopted the Downtown Official Plan Amendment No. 406 (the Downtown Plan). OPA 406 included amendments to the

Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

On June 5, 2019, the Minister of Municipal Affairs and Housing issued a Notice of Decision approving Official Plan Amendment No. 406 (the Downtown Plan) with modifications bringing the Downtown Plan into force and effect. The Minister's approval can be found here: <https://www.toronto.ca/legdocs/refdocs/11189.pdf>

At its meeting on June 29, 2020, City Council approved the recommended approach and work plan for the Growth Plan Conformity and Municipal Comprehensive Review (MCR) - Work Plan (PH 14.4). Council approved a prioritization strategy for the delineation of 180+ Major Transit Station Areas (MTSAs) across the City that advances the delineation of PMTSAs before completion of the MCR to support the implementation of inclusionary zoning. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

At its meeting on December 16, 2020, City Council adopted Official Plan Amendment 482 (OPA 482), Protected Major Transit Station Areas, for the Finch West Transit Station Area and Sentinel Transit Station Area, and Official Plan Amendment 482 (OPA 483), Keele Finch Secondary Plan. OPA 482 introduced the City's first Protected Major Transit Station Areas under section 16(15) of the *Planning Act*. OPA 482 has been submitted to the Minister of Municipal Affairs and Housing for approval. Introduction of the necessary Bills for the Keele Finch Secondary Plan have been withheld until the Minister of Municipal Affairs and Housing has made a decision on OPA 483.

The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH19.1>

BACKGROUND

City Planning initiated the Growth Plan Conformity and Municipal Comprehensive Review (MCR) in June 2020. A significant component of this work is the implementation of an intensification strategy under the Growth Plan that directs Transit Oriented Development (TOD) and prioritizes growth where transit and other infrastructure currently exist or is planned. This work includes the delineation of 180+ Major Transit Station Areas.

Major Transit Station Areas

Major Transit Station Areas (MTSAs) are defined in the Growth Plan as areas within an approximate 500-800 metre radius of a transit station and representing a 10-minute walk. To satisfy the Growth Plan requirements, the City is required to individually delineate the boundaries for 180+ MTSAs and to demonstrate that each MTSA is planned to achieve the established minimum density target.

The Growth Plan prescribes minimum density targets for the number of residents and jobs per hectare for MTSAs. Subway stations are assigned a minimum of 200 residents

and jobs per hectare; light rail transit is assigned 160 residents and jobs per hectare; and GO Transit stations are assigned 150 residents and jobs per hectare. The delineation of an MTSA "maximizes the size of the area and the number of potential transit users that are within walking distance of the station" (Growth Plan 2.2.4.2).

Protected Major Transit Station Areas

Protected Major Transit Station Areas (PMTSAs) will become a subset of the 180+ MTSA's. Under Policy 2.2.4.5 of the Growth Plan, the City can delineate PMTSAs before the MCR is completed provided the delineation is in accordance with Section 16(15) of the *Planning Act* (2020). Section 16(15) calls for Official Plan policies that:

- Identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated in the area;
- Identify the authorized uses of land and of buildings or structures on lands in the area; and
- Identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.

The Minister's Decision on PMTSAs cannot be appealed to the Local Planning Appeal Tribunal. If approved by the Minister, matters addressed in the approved PMTSA that are reflected in the City-initiated Zoning Bylaw Amendment are likewise not appealable under section 34(19.5) of the *Planning Act*. No amendments to a PMTSA are permitted without the approval of the Minister, inclusive of minor variances.

Downtown Plan (TOCore)

City Council adopted the Downtown Official Plan Amendment No. 406 (the Downtown Plan) in May 2018 and it was subsequently approved with modifications by the Minister of Municipal Affairs and Housing in June 2019.

The Downtown Plan is a comprehensive and integrated policy framework to shape growth in Toronto's Downtown over the next 25 years. The Downtown Plan is a response to rapid growth, with projections showing a potential doubling of the Downtown population and a near-doubling of employment by 2041.

As an identified Urban Growth Centre in the Growth Plan, the Downtown is planned to achieve a minimum density target of 400 residents and jobs per hectare. The Downtown Plan identifies the land use designations targeted for growth, with varying scales and degrees of intensity. These designations include *Mixed Use Areas 1*, *Mixed Use Areas 2*, *Mixed Use Areas 3*, *Regeneration Areas* and *Institutional Areas*. The areas for growth are described in policy language within the Downtown Plan and align with the land use designations.

Inclusionary Zoning

Providing housing that is affordable to a wide range of residents and located to meet the needs of people throughout their life cycle, is essential to the goal of an inclusive Downtown and City. While the challenges around affordable housing are not unique to Draft Delineations for the PMTSAs within the Downtown Secondary Plan and Draft Citywide Policy Directions

the Downtown, the existing policy framework established through the Minister approved Downtown Plan establishes the necessary conditions to implement inclusionary zoning.

Provincial regulation permits the City to implement an inclusionary zoning policy framework. In order to bring forward inclusionary zoning policies, in-depth analysis is required to be completed, including analysis of housing demand and supply and financial impacts.

The implementation of inclusionary zoning is limited to PMTSAs (or where a Development Permit System by-law is in place) under Section 16(5) of the *Planning Act*. The identification and delineation of PMTSAs in areas of high growth and strong market conditions, like the Downtown, has been identified as a priority component of the City's Growth Plan conformity exercise. Additional information on the proposed inclusionary zoning framework can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH16.7>.

As currently proposed, the draft inclusionary zoning framework would apply to complete applications submitted after January 1, 2022. A further report on Inclusionary Zoning is targeted for the June Planning and Housing Committee meeting.

The Minister has 120 days to approve Council's adoption of an OPA delineating the PMTSAs. As such, the draft PMTSAs for the Downtown are targeted to be in effect in the early part of 2022.

COMMENTS

This report is part of the intensification strategy outlined in City Planning's Growth Plan Conformity and MCR Work Plan ([PH 14.4](#)). A major component of the intensification strategy is to direct Transit Oriented Development (TOD) and prioritize growth in areas where transit exists or is planned, including MTSAAs. The sixteen (16) draft PMTSAs for the Downtown are part of 180+ MTSAAs required for delineation under the Growth Plan.

Draft OPA - Downtown Protected Major Transit Station Areas

This draft OPA was developed to advance the delineation of sixteen Protected Major Transit Station Areas (PMTSAs) that align with the approved Downtown Plan. The draft PMTSAs are proposed to be included as individual Site and Area Specific Policies contained within a new Chapter 8 of the Official Plan.

The identification and delineation of PMTSAs in the Official Plan would among other matters enable the City to implement inclusionary zoning in the delineated areas of the Downtown when such a framework is in effect. This would support City and Provincial policy objectives for achieving affordable housing.

Delineation

The draft OPA is intended to satisfy requirements in both the *Planning Act* and Growth Plan. The boundaries of each draft PMTSA were delineated based on a walkshed analysis. This analysis took into account the walkability to stations using existing streets and pedestrian access, limitations or constraints that could impede walkability (e.g. steep ravine, impassable infrastructure, impact of a back facing lot), and any unique or special characteristics of the local context (e.g. access to the PATH to and from Union Station).

People and Jobs per Hectare

The draft OPA establishes minimum population and employment targets for each of the sixteen delineated PMTSAs which meet or exceed the minimum people and jobs per hectare targets set out in Growth Plan Policy 2.2.4.3 for subway stations (200 people and jobs per hectare). The PMTSAs have been planned to achieve and exceed the identified minimum density for people and jobs through the land use designations and development permissions in the Downtown Plan.

The minimum population and employment targets are intended to apply across the entire delineated area for each draft PMTSA. As the entire delineated area is planned collectively to meet or exceed the minimum targets, this may result in individual developments not meeting the minimum population and employment targets. The intent of the draft PMTSA framework is to recognize that some areas will intensify more than others as development occurs over time.

Based on the policies of the Downtown Plan, staff developed sixteen draft SASPs (Attachment 1) through the interpretation of the Downtown Plan policies, designations, and the existing development pipeline. Staff's analysis resulted in the following PMTSA population and employment density targets:

- Spadina Station (SASP 597): 300 people and jobs per hectare
- St. George Station (SASP 598): 400 people and jobs per hectare
- Bay Station (SASP 599): 900 people and jobs per hectare
- Bloor-Yonge Station (SASP 600): 900 people and jobs per hectare
- Sherbourne Station (SASP 601): 500 people and jobs per hectare
- Wellesley Station (SASP 602): 1000 people and jobs per hectare
- College Station (SASP 603): 1200 people and jobs per hectare
- Dundas Station (SASP 604): 1900 people and jobs per hectare
- Queen Station (SASP 605): 2000 people and jobs per hectare
- King Station (SASP 606): 2000 people and jobs per hectare
- Union Station (SASP 607): 1700 people and jobs per hectare
- St. Andrew Station (SASP 608): 1700 people and jobs per hectare
- Osgoode Station (SASP 609): 1700 people and jobs per hectare
- St. Patrick Station (SASP 610): 1500 people and jobs per hectare
- Queen's Park Station (SASP 611): 900 people and jobs per hectare
- Museum Station (SASP 612): 700 people and jobs per hectare

Authorized Uses of Land

The draft PMTSAs acknowledge the authorized uses of land are set out through the land use designations in Map 18 of the Official Plan in accordance with the Downtown Plan.

Minimum Development Densities

The draft PMTSAs address the minimum development density requirement of Section 16(15) of the *Planning Act*. They provide minimum densities using floor space indices (FSI) for all developable lands, excluding streets. Generally, the minimum densities are applied at a block level which allows flexibility for individual sites to not meet the target while some will exceed it. The minimum densities align with the development permissions for *Mixed Use Areas 1*, *Mixed Use Areas 2*, *Mixed Use Areas 3*, *Regeneration Areas* and *Institutional Areas* of the Minister approved Downtown Plan. Given the existing policy and regulatory regimes in the Downtown, which are among the most density permissive in the City, the proposed minimum densities do not call for any changes to maximum development permissions on lands within the draft delineated areas, and all applicable Official Plan policies, including Secondary Plans and Site and Area Specific Policies would continue to apply on individual sites.

Station Area Overlap

The Growth Plan requires each MTSA to be individually delineated. However, considering the distances between stations within the Downtown geography, overlapping delineations are inevitable. The draft PMTSAs reflect individually delineated station areas that include overlapping properties, which satisfies the requirements of the *Planning Act* and Growth Plan. This approach of including overlapping properties does not affect the population and employment targets or minimum densities of the lands.

Draft Policy Directions for a new Chapter 8 of the Official Plan

For the basis of virtual consultation, a series of draft policy directions have been developed to guide implementation of all delineated Major Transit Station Areas (MTSAs) and PMTSAs across the City. Through consultation, staff will discuss the need for interpretation policies and if they are warranted, then staff will refine the draft policy directions and bring them forward as part of the Final Report in the fourth quarter of 2021, recommending a new Chapter of the Official Plan ("Chapter 8").

The draft policy directions could address minimum density targets and individual sites, additions or extensions to existing buildings, amendments to the site and area specific policies for each MTSA, and any other policy objectives. The draft policy directions for consultation are included in Attachment 2.

Conclusion

This report presents sixteen draft Protected Major Transit Station Areas (PMTSAs) as Site and Area Specific Policies that are intended to implement the policies of the approved Downtown Plan, conform to the Growth Plan, and meet the requirements of

Section 16(15) of the *Planning Act*. These draft PMTSAs would set the table for the implementation of an inclusionary zoning framework once in effect.

This report presents a series of policy directions and draft PMTSAs for consultation. Upon completion of the consultation and engagement process, staff will propose final recommended policies to be adopted within a new Chapter 8 of the Official Plan. These policies will guide the implementation and interpretation of all delineated MTSA and PMTSAs across the City.

As required by the *Planning Act*, the draft OPA with the sixteen Site and Area Specific Policies for the draft PMTSAs was provided to the Province for review on March 10, 2021. Where the Province is the approval authority, a draft of a proposed Official Plan Amendment is required to be provided to the Province 90 days prior to notice of the statutory public meeting. It is anticipated that the final proposed PMTSAs and Chapter 8 policies will be brought forward for approval late in the fourth quarter of 2021.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft OPA 524 - Downtown Plan PMTSAs

Attachment 2: Draft Policy Directions for proposed Chapter 8 of the Official Plan

Attachment 1: Draft OPA 524 - Downtown Plan PMTSAs

Submitted as a separate attachment

Attachment 2: Draft Policy Directions for proposed Chapter 8 of the Official Plan

These proposed policy directions and non-policy text for inclusion will be used as the basis for consultation.

Proposed policy direction: *Entire Delineated Area and Individual Sites*

- The minimum population and employment target for major transit station areas and protected major transit station areas are based on all existing and permitted uses. This may result in individual developments within a major transit station area or protected major transit station area not meeting the minimum population and employment targets, while the entire delineated area is planned to meet or exceed them.

Proposed sidebar for inclusion:

- Minimum development densities represent the minimum Floor Space Index (FSI) to be achieved within the identified area. Minimum development densities reflect the underlying land use permissions established by the Official Plan.

Proposed policy direction: *Minimum Development Densities in Protected Major Transit Station Areas*

- The Official Plan is to be read as a whole. The policies of Chapter 8 are not to be read in isolation or to the exclusion of the other relevant policies of the Plan. All relevant policies of the Plan are to be considered in applying the minimum development density requirements. This includes, but is not limited to, matters of urban design, heritage, parks and open space.
- Proposed building additions and extensions to lawfully existing buildings should not be required to meet the minimum density.