



PLANNING AND URBAN DESIGN

3 February 2023

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Attention: **Alejandra Perdomo**
 Louis Bitonti

RE: **Approval to amend a Municipality’s Official Plan:**
 ERO Item 019-5934
 Ministry Reference Number 20-OP-227259
 City of Toronto Official Plan Amendment No. 575
 Major Transit Station Areas

ERO Item 019-5868
Ministry Reference Number 20-OP-222176
City of Toronto Official Plan Amendment No. 591
Employment Conversion Request and Site & Area Specific Policy 564

Subject Site: 4577 Steeles Avenue East, City of Toronto
Our File: 21.526.01

WND Associates has been retained by TerraBona Development Ltd. (“TerraBona”) to assist in its Employment Areas Conversion Request for the lands known municipally as 4577 Steeles Avenue East (the “subject site”) in the City of Toronto (the “City”). The purpose of this letter is to recommend that the Minister of Municipal Affairs and Housing consider modifications to OPA 575, SASP 709 and OPA 591, SASP 564 as discussed herein.

During its July 19-22, 2022 meeting, City of Toronto Council adopted Amendment 575 (“OPA 575”) including Site and Area Specific Policy 709 (“SASP 709”) to delineate the boundary of Major Transit Station Area – Milliken Station which includes the subject site. OPA 575 also prescribes the minimum density target within the MTSA and references its authorized land uses as illustrated in Map 19 and within Chapter 4 of the City of Toronto Official Plan and applicable Site and Area Specific policies .

City Council also adopted Amendment 591 (“OPA 591”) to the City of Toronto Official Plan to convert the land use designation of the subject site from *General Employment Areas* to *Mixed Use Areas* and replace Site and Area Specific Policy 564 (“SASP 564”) to enable a mix of permitted uses, including residential. OPA 591 was adopted, pursuant to a request submitted on August 3, 2021 by WND Associates on behalf of TerraBona, for employment area conversion, through the City of Toronto’s municipal comprehensive review.

For the reasons outlined below, we recommend the following revisions to OPA 575 and OPA 591:

OPA 575, SASP 709

1. Consider an amendment to Schedule “14” of Amendment 575, policy b) to increase the minimum population and employment target of 150 residents and jobs combined per hectare to 250 residents and jobs per hectare which would be consistent with the minimum target north of Steeles Avenue East in the City of Markham (which comprises the north half of the Milliken GO MTSA).

In summary, consideration should be given to aligning the minimum densities for the in-force York Region PMTSA 16 and the Toronto Council-approved Milliken GO MTSA which are adjacent policy areas, and which benefit from equivalent levels of local and higher-order transit service.

OPA 591, SASP 564

2. Amend policy 1. m) D. a) to read *“a minimum employment gross floor area of 580 square metres on the lands will: i) be comprised of uses permitted in Core Employment Areas and General Employment Area and must be compatible with residential uses; and, ii) be developed prior to or concurrent with any residential uses on the lands.”* and,
3. Delete adopted policies 1.m) D. b to f, pertaining to the provision of affordable housing and inclusionary zoning.

In summary, provision of 580 square metres of employment GFA would provide for replacement of the existing employment gross floor area which is currently occupied by low-density employment opportunities including a car wash.

Additionally, it is not appropriate to impose affordable housing obligations derived from Toronto’s Inclusionary Zoning policies in OPA 557, on the subject site, given that it is not located within a Projected Major Transit Station Area or an Inclusionary Market Area.

Contextual information pertaining to the subject site, and rationale for the recommended modifications to OPA 575 and OPA 591 is provided herein.

Background

The subject site is located at the southwest corner of Steeles Avenue East and Redlea Avenue, east of Kennedy Road in the Milliken neighbourhood in the northeast area of the City of Toronto and the former City of Scarborough (**Figure 1**).

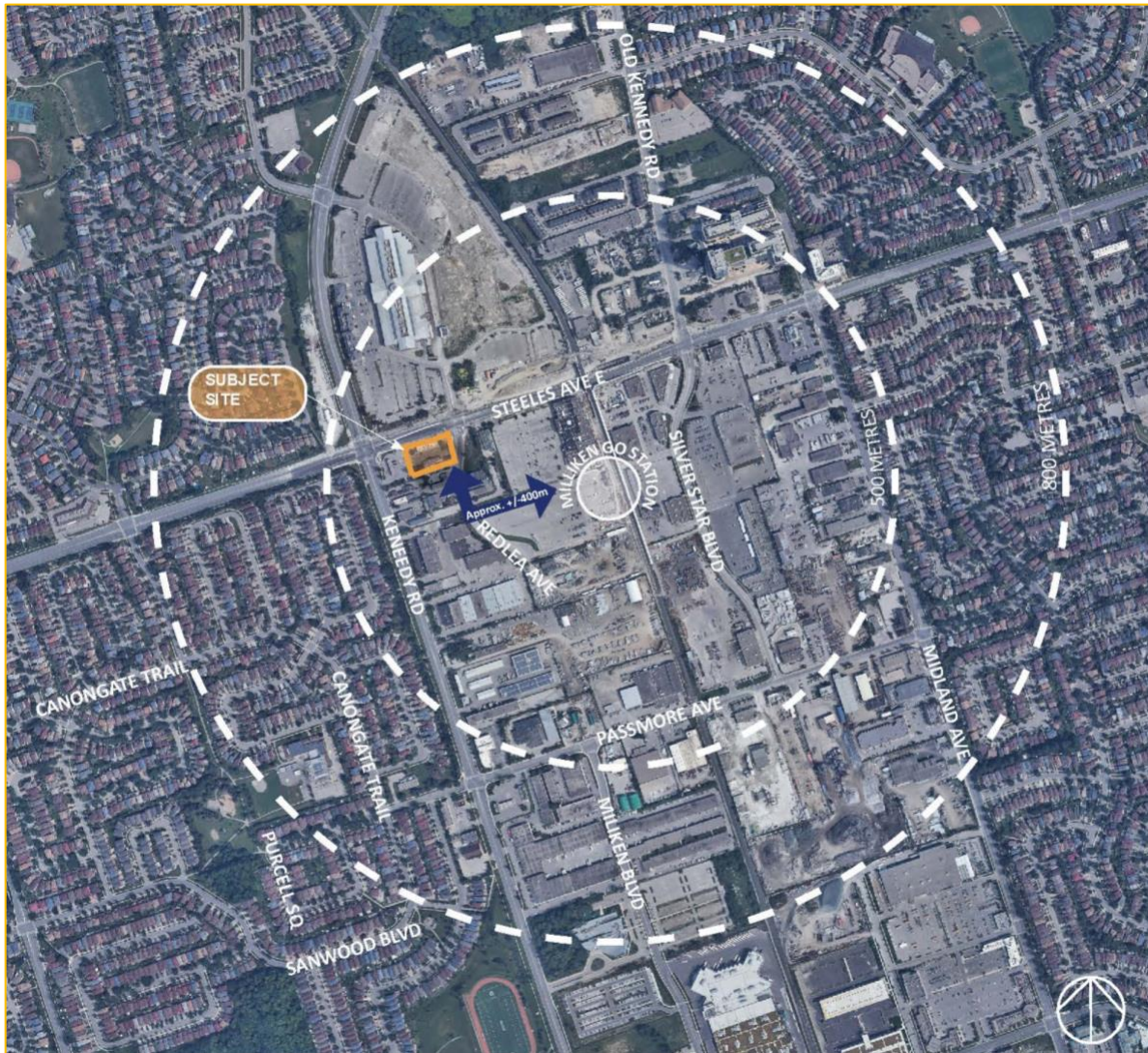


Figure 1. Contextual Aerial Photo of Subject Site

The subject site has an approximate area of 0.26 hectares (0.66 acres) with frontages of 61.19 metres (201 feet) along Steeles Avenue East and 42.23 metres (139 feet) along Redlea Avenue. Two buildings currently occupy the subject site consisting of a one (1) storey commercial building oriented along Steeles Avenue East within the north area of the site, and a one (1) storey carwash facility to its south. Surface parking and drive aisles associated with the carwash facility occupy most of the central and west portions of the subject site with landscaping along the south and north edges of the site.

Surrounding land uses consist of a mix of commercial, industrial, transportation infrastructure, open space and residential, including substantial new residential approvals. Land uses immediately surrounding the subject site include:

North: Steeles Avenue East, a designated Major Arterial road with a planned right-of-way width of 36 metres. Opposite the roadway within the City of Markham is the Pacific Mall shopping centre. The York Region Protected Major Transit Station Area 16 (“PMTSA 16”) – Milliken GO Station is located north of Steeles Avenue East and is bound by Kennedy Road to the west, Victoria Avenue to the north, and lands fronting the east side of Old Kennedy Road and Midland Avenue to the east and provides for a minimum density of 250 people and jobs per hectare.

East: Redlea Avenue, a designated local street. On the east side of Redlea Avenue are existing commercial and employment uses, and the Milliken GO Station along the Stouffville GO Train Line. A mixed-use redevelopment is proposed for 4631 Steeles Avenue East consisting of mid to high-rise built form and is under review. The Splendid China Mall is located along the west side of the GO railway corridor consisting of an indoor shopping centre with surface parking. In February 2019, the OLT approved a mixed-use redevelopment proposal by Global Fortune of the surface parking area of the mall consisting of mid to high-rise built form including three towers.

West: Adjacent to the subject site is a Petro Canada gas station at the southeast corner of Steeles Avenue East and Kennedy Road, which is a designated Major Arterial road with a planned right-of-way width of 36 metres. Opposite Kennedy Road are residential areas in a reverse-lotted orientation within the City of Toronto, and City of Markham predominantly consisting of detached dwellings. A landscape supply facility is located at the northwest corner of Kennedy Road and Steeles Avenue East.

South: Existing commercial, industrial, and institutional uses including restaurants, automotive repair shops, a place of worship, and retail uses in low-rise form.

The subject site is currently served by weekday and weekend southbound and northbound GO train service on the Stouffville line from Milliken GO Station. Several Toronto Transit Commission (TTC) bus transit routes serve the subject site including Kennedy (Route 43), Steeles East (Route 53), and Steeles East Express (Route 953).

Construction by Metrolinx to complete a grade separation (underpass) of Steeles Avenue East beneath the Stouffville GO Line, and enhancements to the Milliken GO Station were expected to be completed in late 2022. The station and roadway upgrades will improve safety and connectivity of Steeles Avenue East while enabling increased all-day two-way GO train service. Post-construction, the nearest platform entrance to the subject site will be approximately 275 metres east at Steeles Avenue East.

Additional planned improvements to the boundary road network include the future extension of Redlea Avenue, south to Passmore Avenue. An easement to accommodate this future road extension is in place and was identified by City staff as a necessary upgrade to the local road network to enable the LPAT approved mixed-use redevelopment of the Splendid China Mall.

Site and Area Specific Policy 709 – Milliken Station Major Transit Station Area

The subject site is located within the delineated boundary of the City of Toronto Milliken GO Major Transit Station Area. Schedule “14” to the adopted OPA 575 includes SASP 709 which includes the delineated boundary of the Milliken Station MTSA within the area bound by Steeles Avenue East to the north, Fenton Road and Port Royal Trail to the east, Passmore Avenue to the south, and Kevin Grove Avenue and Canongate Trail to the west (**Figure 2**).



Figure 2. Milliken GO MTSA and York Region PMTSA 16 Boundary Map

Policy b) of SASP 709 directs that development within the MTSA is planned for a minimum density of 150 people and jobs per hectare. Policy c) states that permitted land use uses are identified by the land use designation of Official Plan Map 19 and applicable Site and Area Specific Policies. OPA 591, as discussed below, has been adopted by City Council and would redesignate the subject site from *General Employment Areas* to *Mixed Use Areas*.

York Region Protected Major Transit Station Area 16 – Milliken GO Station

Adjacent to the City of Toronto adopted Milliken Station MTSA and opposite Steeles Avenue East, in the City of Markham, is York Region Protected Major Transit Station Area 16 (“PMTSA 16”) – Milliken GO Station. PMTSA 16 was implemented in November 2022 following provincial approval of the new York Region Official Plan (**Figure 2**).

Although the subject site is not located within York Region PMTSA 16, the Regional policies contribute to the planned and emerging land use and built form context in the vicinity of the Milliken GO Station. It is notable that the in-force policies of PMTSA 16 prescribe a greater minimum density for development of 250 people and jobs per hectare than within the adopted City of Toronto Milliken Station MTSA where a minimum density of 150 people and jobs per hectare is provided.

Site and Area Specific Policy 564 – Official Plan Amendment 591

At its July 19-22, 2022 meeting, City of Toronto Council adopted Planning and Housing Committee Item PH35.15 being By-law 1106-2022 to adopt Amendment 591 to the Official Plan for the City of Toronto pertaining to Policies for Employment Areas. The City Clerk certified By-law 1106-2022 on July 28, 2022.

OPA 591 adopted an amendment to the Land Use Plan on Map 19 to redesignate the subject site from *General Employment Areas* to *Mixed Use Areas*. Additionally, Chapter 7, Site and Area Specific Policies was amended by deleting an existing SASP and replacing it with a new SASP, which, which applies to the subject site and includes the following:

- a) *A minimum employment gross floor area of 580 square metres or 10 percent of the total gross floor area on the lands, whichever is greater, will:*
 - i) *be comprised of uses permitted in Core Employment Areas and General Employment Areas and must be compatible with residential uses; and*
 - ii) *be developed prior to or concurrent with any residential uses on the lands.*
 - b) *A mixed-use and mixed-income development is permitted, provided that any new development containing residential units on the lands will secure a minimum amount of affordable housing as follows:*
 - i) *if a condominium development is proposed, a minimum of 10 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 7 percent of the total new residential gross floor area shall be secured as affordable rental housing; or*
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- ii) if a purpose-built rental development is proposed after 2025, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing;*
 - iii) the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and*
 - iv) the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.*
 - c) Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required in Policy b) i) will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.*
 - d) The provision of affordable housing required by Policy b) and Policy c) shall be secured through one or more agreements with the City.*
 - e) Conditions to be met prior to the removal of a holding ("H") provision on the lands shall include the following:*
 - i) Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and*
 - ii) The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.*
 - f) If an Inclusionary Zoning By-law takes effect and becomes applicable to any development on the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in Policy b) and Policy c) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of Policy b) and Policy c) above.*
 - g) As part of a complete Zoning By-law Amendment application, the following will be submitted:*
 - i) a Compatibility/Mitigation Study peer reviewed and implemented, at the applicant's expense, to the City's satisfaction; and*
 - ii) a Rail Safety and Rail Mitigation Report, peer reviewed and implemented, at the applicant's expense, to the City's satisfaction, and reviewed by the applicable rail operator.*
 - h) Sensitive land uses, including new residential uses will be located, designed and buffered to mitigate impacts from, be compatible with, and not impede the continuation of and the expansion of existing employment uses, and any new employment uses within the surrounding General Employment Area.'*
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City of Toronto Official Plan Amendment 557 – Inclusionary Zoning (“IZ”) Policy

On November 12, 2021, the City of Toronto adopted Amendment 557 to its Official Plan (“OPA 557”), by By-law 940-2021 which would require new residential developments to include affordable housing units. The Minister has not yet approved OPA 557, and it is not in force.

OPA 557 applies to development sites in both a Protected Major Transit Station Area and an Inclusionary Market Area as shown on Map 37. The subject site is not located in a PMTSA or within an Inclusionary Market Area.

As detailed on the Notice of Adoption, by the City Clerk, dated November 23, 2021, the IZ Official Plan policies and Zoning By-law regulations would include the following measures:

- *requiring 5 to 10 percent of condominium developments as affordable housing beginning in 2022, depending on where the development is located and whether affordable ownership units or affordable rental units are secured;*
- *increasing requirements incrementally to 8 to 22 percent by 2030;*
- *ensuring units stay affordable for at least 99 years;*
- *setting rents and ownership prices based on new income-based definitions of affordable;*
- *deferring inclusionary zoning requirements for purpose-built rental developments until 2026;*
- *exempting mid-rise development proposing fewer than 100 units and less than 8,000 square metres of residential gross floor area;*
- *an approach to a procedure to monitor and ensure units remain affordable and an approach to distributing net proceeds of the sale of affordable ownership units;*
- *circumstances and conditions under which offsite units would be permitted; and*
- *phase-in and transition provisions.*

Comment and Discussion

OPA 575, SASP 709

1. Consider an amendment to Schedule “14” of Amendment 575, policy b) to increase the minimum population and employment target of 150 residents and jobs combined per hectare to 250 residents and jobs per hectare which would be consistent with the minimum target north of Steeles Avenue East in the City of Markham (which comprises the north half of the Milliken GO MTSA).

Our first recommendation in relation to OPA 575 and SASP 709 is for the Minister to consider an increase of the minimum density of the Milliken GO MTSA. The adjacent York Region PMTSA 16, north of Steeles Avenue, which likewise supports higher-order transit at Milliken GO Station, is currently planned for a minimum density target of 250 people and jobs per hectare. This prescribed minimum density is

reinforced by the new York Region Official Plan, which was implemented in November 2022, following approval by the Minister of Municipal Affairs and Housing.

The Milliken GO MTSA and York Region PMTSA 16 benefit from equivalent levels of local and higher-order transit service, including ongoing enhancements to the Milliken GO Station which will provide improved service both north and south of Steeles Avenue. Additionally, local services mutually benefit residents, employees and visitors within the City of Toronto and City of Markham.

The applicable planning policy regime in both municipalities will reciprocally impact their respective emerging built form, development, and land use context. Accordingly, we recommend that consideration be given to making minimum density targets consistent across both jurisdictions by increasing the minimum density in the City of Toronto's Milliken GO MTSA from 150 people and jobs per hectare to 250 people and jobs per hectare, reflecting the density target of PMTSA 16.

OPA 591, SASP 564

1. Amend policy 1. m) D. a) to read *"a minimum employment gross floor area of 580 square metres on the lands will: i) be comprised of uses permitted in Core Employment Areas and General Employment Area and must be compatible with residential uses; and, ii) be developed prior to or concurrent with any residential uses on the lands."*

As above-noted, the adopted policy pertaining to the provision of employment gross floor area would require that the greater of 580 square metres or 10 percent of the total gross floor area on the lands would be required for a redevelopment of the subject site. Existing employment uses on the subject site consist of a one-storey commercial building and a one-storey car wash facility which have limited employment density in terms of jobs per hectare. The provision of 580 square metres of employment GFA would provide for replacement of the existing employment gross floor area, inclusive of the car wash facility.

The threshold at which the 10% employment GFA would apply is for a proposed redevelopment of 5,800 square metres or approximately 2.23 FSI, a substantially low level of intensity for the subject site. We are concerned that this policy would have the effect of inadvertently limiting the provision of new housing by constraining its feasibility and reducing the overall size of the future development, cutting into floor space that could otherwise be allocated to more dwelling units.

The provision of 580 square metres of employment GFA as part of a future mixed-use redevelopment of the subject site would be consistent with Section 1.3 of the Provincial Policy Statement which directs planning authorities to *"promote economic development and competitiveness by: "providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (Policy a)" and, "encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4 (Policy d)."*

It is our expectation that a one-for-one replacement of existing employment GFA facilitated through the redevelopment of the subject site would expand existing employment opportunities on the site, subject to an evaluation of specific uses which could be facilitated through a development approvals process.

Based on the above, we support the policy requiring the provision of 580 square metres of employment GFA, but **recommend the removal of the additional requirement that 10% of total GFA be allocated for employment uses.**

2. Delete adopted policies 1.m) D. b to f, pertaining to the provision of affordable housing and inclusionary zoning.

The above-noted adopted policies of SASP 564 in OPA 591 pertain to the provision of affordable housing which would be facilitated through a future mixed-use redevelopment of the subject site. These policies are derived from the City of Toronto's OPA 557, which seeks to implement Inclusionary Zoning policies and regulations to development sites in both a Protected Major Transit Station Area and an Inclusionary Market Area as shown on Map 37. Neither of these policy areas apply to the subject site .

Based on the above, we are recommending that adopted policies 1. M) D. b-f be deleted from SASP 564.

Should the affordable housing policies not be deleted as recommended, they should, at minimum, be modified to align with the Province's proposed regulated maximums for a total number of affordable dwelling units consisting of 5% of total dwelling units over a duration of 25 years. It is not appropriate for affordable housing requirements outside of PMTSAs to be greater than those inside of PMTSAs.

We kindly request that this correspondence be received for your consideration. Should you have any questions or require any additional information, please do not hesitate to contact the undersigned or Mike Bennett of our offices.

Yours very truly,

WND associates
planning + urban design



Andrew Ferancik, MCIP, RPP
Principal
