

August 2, 2023

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

RE: ERO No: 019-6813
Review of Proposed Policies Adapted from A Place to Grow and Provincial Policy Statement to Form a New Provincial Planning Policy Instrument

This letter has been prepared in response to the posting on the Environmental Registry of Ontario regarding the Province's new draft Provincial Planning Statement (PPS). It is understood that the Province is consulting on proposed policies for an integrated province-wide land use planning policy document that will incorporate existing and amended policies of the Provincial Policy Statement, 2020 and a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019. As a trusted homebuilder of some of the most prestigious communities in Ontario, LIV Communities offers the following comments on the draft Provincial Planning Statement:

- **Municipal Comprehensive Review:** The current Growth Plan requires municipalities to conduct Municipal Comprehensive Reviews (MCRs) to implement provincial population and employment forecasts, undertake integrated planning, establish minimum intensification and density targets (amongst other requirements). Under the draft PPS policies, municipalities will no longer be required to conduct MCRs. Rather, municipalities may continue to apply provincial 2051 targets at a minimum and carry out individual forecasting as needed. These changes are positive and will provide municipalities greater independence and flexibility in land use planning and will alleviate delays associated with the administration of land use policies (i.e., appeals).
- **Urban Boundary Expansions:** Currently, an urban boundary expansion may not occur in advance of an MCR. By removing the MCR requirement and providing an evaluation framework for municipalities to consider privately-initiated applications, landowners will no longer have to wait 5 to 10 years until the municipality determines whether to expand the urban boundary. As local population and employment growth will be forecasted at the local level and municipalities will be required to maintain a minimum 15-year supply of land for residential development, urban boundary expansions will be able to occur at any time. This will allow privately initiated urban boundary expansions and, in turn, allow more homes to be built faster, which LIV Communities supports. However, Policy 3.1.3 may present a stumbling block to this new permission, in that the optimization of existing infrastructure must be considered prior to developing new infrastructure.
- **Planning for People and Homes:** LIV Communities supports Section 2.1.4 of the draft PPS, which includes the removal of clauses from Policy 1.1.1 of the existing Provincial Policy Statement. The draft PPS contains policies in other sections to ensure development is supported by infrastructure and public service facilities and occurs in a logical manner.
- **Strategic Growth Areas:** Section 2.4 of the draft PPS integrates the concept of Strategic Growth Areas derived from the Places to Grow: Growth Plan for the Greater Golden Horseshoe, 2019. The draft PPS policies provide greater flexibility by allowing municipalities to determine the size and location of Strategic Growth Areas, which include Urban Growth Centres, and Major Transit Station Areas, and other areas where growth or development may be focused. Municipalities will also be able to set appropriate minimum density

targets for these areas. LIV Communities supports the streamlined approach to the incorporation of this draft PPS Section 2.4.

- **Provincially Significant Employment Areas:** The Province is proposing to remove policies concerning Provincially Significant Employment Zones (PSEZs), as put forth in 2019 under the Growth Plan. LIV Communities is supportive of the removal of the classification of PSEZs, as the added layer of planning policy contributes little to the protection of areas of employment as well as prohibits the ability to achieve a complete community in proximity to places of employment.
- **Employment Area – Appeal Right:** Despite the removal of the PSEZs and refinement of ‘Employment Area’, Section 22 (7.3) of the Planning Act continues to prohibit appeals to employment area removals. It is recommended that policy be incorporated within the Planning Act to broaden appeal rights on employment area removals. It is proposed that policy be crafted which allows select third-party appeals if certain tests, such as the achievement of draft PPS Sec. 2.8, have been demonstrated. This would ensure the protection of employment lands while still allowing the broadening of the uses in an appropriate fashion.
- **Employment Area:** Considerable changes are proposed to employment policies, including the implementation of a new definition of ‘employment areas’, which is to be updated both within the *Planning Act* and within the proposed PPS. The definition emphasizes how employment areas are perceived in terms of compatibility, economic value and the importance of maintaining heavy industry, manufacturing and large-scale warehousing. Proposed Policy 2.8.2.4 will now allow municipalities to remove employment lands if there is a need for the removal and the removal does not negatively impact the viability of the employment area, and existing or planned infrastructure are available to accommodate the proposed use. This is a positive direction that is supported by LIV Communities.
- **Employment Areas - Transitional Uses:** Within the proposed PPS policies on Employment Areas, transitional policies (Section 2.8.1.3 and Section 2.8.2.2) have been introduced. However, the intent of these policies would benefit from further delineation. Improvements could occur by way of an explicit definition or metrics outlining the specific locations of “transition areas”. Defining this and outlining the key differences and planning objectives for these distinct areas (as opposed to Employment Areas) would be helpful in clarifying locations for non-employment uses and broadening locations to potentially achieve housing. The benefits would be particularly useful for employment areas that are evolving in land use (i.e., manufacturing to office), those which are in proximity to existing, stable residential areas or could facilitate the creation of land use buffers between sensitive land uses and employment areas.
- **Institutional Buildings:** Within Section 2.2 Housing, the draft PPS includes permitting and facilitating the conversion of existing commercial and institutional buildings for residential uses to provide for a range and mix of housing options. The draft PPS Policy 3.1.6 recommends that planning authorities and school boards should consider and encourage innovative approaches to the design of schools and child care facilities to promote more efficient and compact communities. LIV Communities supports the introduction of these policies that are expected to result in local land use policy and zoning changes that will permit new housing on surplus school sites without the need for Official Plan Amendment and Zoning By-law Amendment Applications, which will bring more housing units to the more quickly. The integration of schools into high-rise developments in areas with compact built form will encourage the efficient use of lands within greenfield areas, which LIV also supports.
- **Natural Heritage:** LIV Communities acknowledges that the Provincial government will consider revisions to the Natural Heritage policies within Section 4.1 of the draft PPS and that there will be an opportunity to review proposed changes through a separate posting on the Environmental Registry of Ontario.

- **Noise:** Within Policy 3.4.2 a), the current Provincial Policy Statement prohibits new infill residential development and other sensitive land uses above the 30 NEF, with some planning authorities adopting more restrictive policies and prohibiting said uses above the 28 NEC. LIV Communities believes the current policy should be updated with language that planning for residential and other sensitive uses “shall be informed by the latest NEF forecasts (as available)”, rather than specify the NEF in the policy. This will ensure that the policy reflects the current forecast. It is also recommended that the language be strengthened in the draft PPS through explicit direction that “official plans shall not contain provisions that are more restrictive than Policy 3.4.2 a)”. It is believed that these recommendations will protect both the operation and viability of the airport, as well as broaden the ability to deliver housing.
- **Privately Initiated Secondary Plans:** Secondary Plans provide additional land use policies for the development and/or redevelopment of certain areas, and the method of secondary planning varies across the Province. While some municipalities develop secondary plans internally, others allow secondary plans to be initiated and formulated by private landowners in accordance with certain process requirements (i.e., public consultation). LIV Communities recommends that the draft PPS include clarification that secondary plans may be advanced through private landowners, as a means of achieving provincial interests in an accelerated manner, by speeding up the administration of the process.

CONCLUSION

This submission is intended to provide further information to the Ministry in consideration of the new proposed PPS planning document. It is the hope of LIV Communities that the above comments will assist in the Province’s changes and implementation of the proposed Provincial Planning Statement. Should there be any questions or a need for further information, feel free to reach out to myself.

Sincerely,

LIV Communities

A handwritten signature in blue ink, appearing to read 'A. Mulder', is written over a light blue horizontal line.

Andrew Mulder
Executive Director, Land Development