



February 28, 2019

Charles O'Hara  
Ontario Growth Secretariat  
Ministry of Municipal Affairs  
777 Bay Street  
c/o Business Management Division, 17th floor, Toronto ON M5G 2E5

Dear Mr. O'Hara,

**Re: ERO 013-4504, Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017**

Thank you for the opportunity to comment on proposed changes contained in Amendment 1 to the Greater Golden Horseshoe (GGH) Growth Plan 2017.

The proposed changes represent a significant improvement to the current Growth Plan and reflect some of the comments that RESCON has made to the Ministry during its earlier consultation on implementation issues related to the Growth Plan.

RESCON represents more than 200 residential builders of high-rise, mid-rise and low-rise buildings in the province. The focus of RESCON's work is on technical standards; labour relations; industry research and innovation; health and safety; regulatory reform and streamlining; as well as training and apprenticeship.

RESCON's comments have focussed mainly on mass transit station areas where there is a real opportunity to add substantially to housing supply in the GGH while reducing gridlock on our congested roads.

The proposed changes are an important step in the right direction toward faster municipal planning updates in mass transit station areas. However, we believe additional measures are necessary including *Planning Act* amendments, that will help address chronic municipal under-zoning, which we see as a major impediment to increasing supply in areas currently and potentially served by transit. The comments in this submission should also be considered in conjunction with RESCON's January 25 comments in response to the Housing Supply Action Plan. Some of the recommendations in the January 25 submission are included in this report as well.

Thank you again for the opportunity to provide input to the Growth Plan and we would be happy to further discuss any of the ideas in this submission.

Best regards,

**Richard Lyall**  
President

*Encl. RESCON Comments on Amendment 1 to the Growth Plan*



## RESCON Comments on Amendment 1 to Growth Plan

As noted in the consultation document, proposed changes included in Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017, are intended to address potential barriers to increasing the supply of housing, creating jobs, and attracting investment.

Proposed changes to the Growth Plan address the following topics:

- Employment area planning
- Settlement boundary expansions
- Small rural settlements
- Agricultural and natural heritage systems
- Intensification and density targets
- Major transit station areas

### Focus of RESCON's comments

RESCON's comments focus mainly on the following topics:

- 1. Major transit station areas (MTSAs)**
- 2. Employment area planning**

MTSAs are important because they represent a major challenge in aligning provincial Growth Plan priorities with municipal planning realities. Redevelopment near MTSAs are a key part of the solution to address our housing supply deficit and address road congestion. MTSAs in the City of Toronto alone, allow for an opportunity to provide well over 100,000 housing units near under-utilized MTSAs and along transit-served avenues. Currently MTSAs represent huge public sector infrastructure investments that are chronically under-zoned. If we can fix and speed up Ontario's provincial and municipal planning regime for MTSAs then we can apply some of those approaches for other areas of the GGH.

RESCON's comments and recommendations on MTSAs and Employment area planning, may be addressed through a combination of changes to the Growth Plan, the *Planning Act* and possibly other provisions.

RESCON's comments in this report build on previous RESCON submissions including a December 10, 2018, letter to the Ontario Growth Secretariat, and RESCON's commentary as part of the Housing Supply Action Plan consultation in January.

While the other topics outlined in Amendment 1 are also important, these matters have been thoughtfully addressed by the Ontario Home Builders Association (OHBA) and other industry associations.



## 1. Major transit station areas (MTSAs)

Key proposed changes under Amendment 1, include:

**Official Plan amendments for MTSAs in advance of a municipal comprehensive review.** The Growth Plan, including minimum density targets in MTSAs, is required to be implemented, under 5.2.3.2 b) and c), through a “coordinated approach” which requires Official Plan updates through a municipal comprehensive review. A proposed amendment allows municipalities to update their Official Plans in accordance with *Planning Act* provisions related to Official Plans as outlined under section 16(15) or (16). Under the proposed amendment, an official plan for protected major transit station areas must address certain issues, specifically it must delineate the boundaries of MTSAs and identify minimum density targets for these areas. Under the proposed amendment, an Official Plan update can be undertaken in advance of the next municipal comprehensive review, notwithstanding 5.2.3.2 b) and c) of the Growth Plan (which calls for a comprehensive municipal review for MTSAs).

**Minister approval of lower densities.** A proposed amendment clarifies that the Minister can approve lower density targets including, where among other factors, development is severely restricted on a significant portion of the lands within the designated area, or a major trip generator or feeder service will sustain high ridership at the station or stop. These two factors allowing lower densities were included in the original provision.

### RESCON comments:

The most significant of these proposed changes is the ability to amend the Official Plan around MTSAs in advance of a municipal comprehensive review. It appears that this change is intended to address a major concern with the Provincial Growth Plan and municipal planning updates: timeframes that the Province permits for municipal Official Plan and zoning updates are much too long. Allowing Official Plans to be updated in advance of a municipal comprehensive review, should accelerate the process to update municipal zoning.

Although the current Growth Plan says that “**planning will be prioritized for major transit station areas on priority transit corridors, including zoning, in a manner that implements the policies of this Plan**”, the fact is that municipalities now have five years to update their Official Plan to align with the Growth Plan and then another three years to update zoning to conform to the updated Official Plan for a total of eight years. This long updating timeline means that out-of-date zoning is in place for so long that the Growth Plan’s requirements can be easily forgotten many years later when there is finally an effort to update the zoning or a builder is seeking a zoning amendment – this can serve to reinforce NIMBY attitudes. The fact that the Province permits and elongated update process, is one major reason for chronic under-zoning in Toronto and some other GTA municipalities. In addition, since Section 37 provisions can be used even with out of date zoning that does not align with the Growth Plan, municipalities are able to use the higher densities allowed by the provincial Growth Plan to extract benefits from builders (in addition to those benefits secured through development charges, site plan control and park land fees). These two provincial planning practices – slow updates and Section 37 - contribute to severe under-zoning which inhibits development and re-development adjacent to MTSAs.



To achieve better development outcomes near MTSA, employment areas and elsewhere in the GGH, we need not only to amend the Growth Plan but also the *Planning Act* and other planning and development-related requirements.

**1. Official Plan amendments prioritized for MTSA:**

As mentioned previously, Amendment 1, allowing official plan updates for MTSA outside of municipal comprehensive review process, is a worthwhile effort and a good step in the right direction.

We should also allow a municipal comprehensive review for a specific geographical area such as an MTSA (defined as the areas within 800 metres of a major transit station), to be fast-tracked. This idea of geographically specific municipal comprehensive reviews could be applied to even the inner portion of an MTSA. Such an approach – which has been suggested by a chief planner in a major GGH municipality – would help to facilitate a coordinated approach to Growth Plan implementation as provided for under 5.2.3.

**2. “Stable neighbourhoods” should not be a competing priority in MTSA areas:**

As mentioned in RESCON’s December 10, 2018, submission on implementation of the Growth Plan, guidance documents (7.1.1) that are part of the 2017 Growth Plan refer to “stable neighbourhoods”. In MTSA areas, neighbourhoods are by definition not stable neighbourhoods given the Growth Plan’s MTSA policy.

Neighbourhoods within MTSA or at least the inner portion of the MTSA should be referred to as “existing neighbourhoods” rather than stable neighbourhoods.

**3. Much faster zoning and other Planning Updates:**

Proposed Amendment 1 changes are a step in the right direction as would be the geographically limited municipal comprehensive review as recommended above. However, these measures are insufficient to achieve faster zoning updates. We also need much more ambitious timeframes for zoning and Official Plan updates. While these matters are beyond the scope of the Growth Plan itself, we see all these provincially controlled planning measures as a package that need to be addressed to achieve the results we need.

In our previous submissions on the Growth Plan and increasing housing supply, we recommended that the timeframe for updating zoning and supporting planning documents (updated official plan and associated secondary plans, etc.), be one year rather than the current eight years, for whole or inner part of the MTSA. This means, for example, that updated zoning or community development permits would be put forward at the same time as new secondary plans. A sense of urgency for updating the “MTSA planning package”, is consistent with the direction in the Growth Plan itself which says that “**planning will**



**be prioritized for major transit station areas on priority transit corridors, including zoning, in a manner that implements the policies of this Plan”.**

**4. Community Development Permits to consolidate zoning and site plan control:**

Even if zoning is quickly updated, there are currently significant problems with the site plan control process. This was a major focus of RESCON’s [2018 streamlining report](#) which recommended a risk-based approach to site plan control timeframes, and modernized agency regulatory agency review processes including provincial review bodies. The 2018 RESCON report also recommended much faster zoning updates, particularly around MTSAs.

Another way to address the problem of slow site plan updates is to replace zoning in MTSAs with properly designed community development permits that combine zoning with site plan control. This will help to ensure that when zoning in MTSAs is quickly aligned with the Growth Plan, there will not be additional delays associated with site plan control approvals. Therefore, an effective community development permit bylaw should be authorized by the official plan and implemented in MTSAs.

**5. Remove Section 37 density bonusing provisions that delay municipal zoning updates:**

As recommended in our submission on the Housing Supply Action Plan, Section 37 should be removed or amended so that it does not apply where zoning is not aligned with the Growth Plan. This will help to remove the current incentive for chronic under-zoning. OHBA has made a similar recommendation.

**6. Provincial planning regulation for MTSAs as a backstop:**

Removal of the Section 37 incentive for under-zoning may improve compliance with recommended planning update timelines, but NIMBY and other factors may contribute to municipal delays. In our previous comments responding to the Housing Supply Action Plan, RESCON recommended that Minister’s zoning powers should be used if municipalities do not meet timelines to update zoning or community development permits for MTSAs. We had also recommended that the Province provide staff support to municipalities to assist with the process of updating planning (in addition to any outside consultants that municipalities are encouraged to engage).

We would add to this recommendation that the Province should prepare a provincial planning regulation for MTSAs that would be applied if municipalities fail to update their official plan, zoning (or community development permits) within the prescribed timeframe. A similar recommendation was made by the Ontario Building Officials Association (OBOA) in their comments for the Housing Supply Action Plan consultation. The Ontario Real Estate Association (OREA) has also recommended that the Province should “mandate or establish zoning rules around transit hubs”. According to OREA, California’s Bill 50 prohibits low density zoning near transit and job centres and reduces parking requirements for new developments. The City of Minneapolis comprehensive plan will allow as of right four-story buildings along all transit corridors with similar proposals in Seattle and San Francisco.



#### **7. Province should direct municipalities to reduce parking standards in MTSAs:**

MTSAs should always have lower parking standards than other parts of the city not as well served by transit. The Provincial Growth Plan could include requirements for municipalities to reduce their parking standards in MTSAs – parking standards may well vary among MTSAs but should in any event be generally lower than parking standards for non-transit-oriented development. Where a municipality does not update its parking standards in updated zoning or community development permits, the Province could, through a provincial MTSA regulation described above, implement a reduced parking standard.

Also, as noted in RESCON’s submission on the Housing Supply Action Plan, in some parts of Toronto such as the Yonge-Eglinton area, there is reliance on outdated combined sewers that use one pipe for both sanitary and storm water. As a result of capacity problems there are numerous combined sewer outfalls where untreated sewage is released at various locations around the city. New development in areas where the ground water table is high, is required not to contribute ground water into the combined sewer system. This means that deep underground parking structures must be water tight (e.g. “bathtubs”) which are impossible to achieve with certainty. A better solution is to allow reduced parking standards and/or above ground parking to minimize groundwater accumulation in foundations.

## **2. Employment Area Planning**

Key proposed changes under Amendment 1, include:

**Provincially significant employment zones.** These are identified by the Minister of Municipal Affairs and Housing that must be protected and cannot be converted through municipal comprehensive review

**Employment land conversions before the next municipal comprehensive review.** This is a one-time window to allow employment land conversions provided that a significant number of jobs are maintained on the site

### **RESCON comments:**

RESCON has advocated for more flexibility with regard to employment land conversions and the proposed changes allowing employment land conversions prior to a municipal comprehensive review will help to achieve that flexibility.

In the case of MTSAs where we have recommended an accelerated process for updating the Official Plan and zoning, that municipal comprehensive review could incorporate the employment land conversions, or the conversions would be undertaken in advance of the municipal comprehensive review as provided for in Amendment 1.

## **3. Other proposed changes in Amendment 1**

Other proposed changes under Amendment 1, include:



**Settlement boundary expansions:** A new policy allows municipalities to adjust settlement area boundaries of 40 hectares outside of a comprehensive municipal review.

**Agricultural and Natural Heritage Systems:** Changes address problems with the quality of provincial mapping and requires the mapping to be implemented in municipal Official Plans before it takes effect.

**Intensification and density targets:** These targets have moved from an one size fits all to reflect different realities in different communities with an intensification range of 60% and a density of 60 residents and jobs per hectare in areas such as the Regions of Peel and York to 50% and 50 residents and jobs per hectare in areas such as the Region of Durham and Halton, and a density target of 40 residents and jobs per hectare in areas such as Peterborough and Simcoe.

### **RESCON comments:**

Improvements in the quality and accuracy of Agricultural and Natural Heritage system mapping will reduce delays and uncertainty, while more flexibility in settlement boundary expansions will allow development to respond to local circumstances. More context appropriate density and intensification targets are also a step in the right direction. RESCON has expressed concern about pushing higher densities in car-oriented areas not served by higher order transit. Also, there continues to be strong consumer demand for ground-oriented housing including detached housing, which can be somewhat better achieved with these revised targets.