

June 19, 2023

Via e-mail: nycc@toronto.ca

City Clerk,
Attention: Matthew Green, Administrator,
North York Community Council,
100 Queen Street West, 2nd Floor, West Tower
Toronto, Ontario M5H 2N2

Dear Mr. Green,

**Re: 1 Heron's Hill Way
Request to Amend the Zoning By-law
North York Community Council Agenda Item NY6.3
Application Number 20 150974 NNY 17 OZ**

We are planning consultants to Paradise Developments Heron's Hill Inc., owner of the above captioned lands, a 6,491 square metres property on the south side of Heron's Hill Way, generally south of Sheppard Avenue East and east of Yorkland Road (the "subject site"). An application was filed on June 1, 2020, in support of an Official Plan Amendment and Zoning By-Law Amendment.

Our client secured approval for a Site and Area Specific Policy (SASP) for its lands in Official Plan Amendment 591 (OPA 591, By-law 1106-2022). The adopted SASP allows for a mixed use and mixed-income development on a large portion of our client's lands east of its existing 2-storey existing head office. As a condition of the SASP, our client is required to provide a minimum of 3,342 square meters of employment gross floor area, a minimum of 520 square metres of Privately Owned Publicly Accessible Space ("POPS"). A permitted density of 4.6 FSI is permitted across the entire site with a maximum building height restriction of 120 metres. Despite the fact that Inclusionary Zoning does not apply to the subject lands, a number of affordable housing requirements were imposed in the event that a condominium development is pursued. This matter is the subject of a discrepancy in the report from Community Plan described below.

Since the date the original application was filed three years ago, we have made five re-submissions of drawings and technical supporting studies. In our most recent filing, I made the following statement in my covering letter that accompanied a number of supporting studies and other materials:

"it is patent that commenting agencies and departments were either not provided

or did not review our detailed 24 page letter dated March 6, 2023, and 12 page detailed comment matrix dated March 3, 2023 which comprehensively dealt with every comment provided to us to date. We are very disappointed our efforts to address substantive issues was clearly not afforded any attention by the commenting agencies and departments. We are especially disappointed in the response we have received from Engineering & Construction Services.”

We are in receipt of a report from the Director, Community Planning, North York District dated June 5, 2023 which constitutes a report recommending approval of the rezoning application subject to a number of pre-conditions that would allow for the tabling of draft implementing Zoning By-laws. However, one of the numerous conditions includes a condition that the applicant is to address the conditions indicated in Section A of the memorandum from Engineering and Construction Services dated June 13, 2023. We have reviewed the report from Community Planning and the ECS memorandum dated June 13, 2023 (and received on June 14, 2023) with our client and have several concerns with the aforementioned memorandum from ECS including issues such as a requirement for a revised Traffic Study for the proposed intersection improvement at the Sheppard Avenue East and Yorkland Road /Highway 404 ramps intersection, a parallel study to be filed for the Traffic Signal Group. In addition our client has ongoing concerns dealing with a requirement for a loading study for its existing head office and requirements dealing with off-site sidewalk widening improvements.

In addition, our client has concerns about condition 6(c) as it is written. Recommendation 6(c) states that “in the event that a purpose built rental housing development is constructed, a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable housing.”

In terms of the interpretation of this condition and the underpinning requirements included in the SASP, I offer the following observations and opinion:

- Clearly recommendation 6 has to be read in its entirety and there is an obvious internal inconsistency between items (b) and (c), however, in my opinion what is noteworthy is that the SASP **does not** require the provision of affordable housing in the event that purpose built rental is built. This opinion is further based on the fact that despite the fact that the subject lands are not in an inclusionary market zone (IZ), the manner in which affordable housing was to be secured was intended to be consistent with how affordable housing is secured in other inclusionary market zones – namely that no affordable housing is required for purpose built rental projects (refer to By-law 941-2021; and
- The SASP was, in my opinion, secured with the understanding outlined above and we would disagree with the interpretation that should our client elect to build a purpose built rental project a 5% of the total new residential gross floor area shall

be secured as affordable rental housing (recommendation 6 (c). If, on the other hand, a condominium development is proposed a minimum 7 percent of the total new residential gross floor area shall be secured as affordable ownership housing or a minimum of 5 percent of the total new residential gross floor area shall be secured as affordable rental housing (consistent with the SASP).

We look forward to speaking on this matter at the North York Community Council meeting scheduled for June 20, 2023.

Yours truly,

Bousfields Inc.



Tony Volpentesta, MCIP, RPP

TJV/kah:jobs

cc: Client