

May 6, 2025

Our File No.: 230951

Via E-mail – *phc@toronto.ca*

Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins

Dear Sirs/Mesdames:

Re: Item PH21.1 – Official Plan Amendments to Align with Provincial Legislative and Policy Changes Related to Employment Areas – Decision Report

We are counsel to 225 Yorkland Blvd Inc., the registered owner of the lands known municipally as 225 Yorkland Boulevard (the “**Site**”). We write on behalf of our client to provide its comments with respect to proposed Official Plan Amendment No. 804 (“**OPA 804**”). While our client believes a *Mixed Use Areas* designation would be appropriate for the Site and surrounding area, it recognizes that the proposed redesignation to *Regeneration Areas* advances the planning framework in a manner that supports a complete community. However, our client has concerns with some of the site and area specific policies proposed to guide the local area study contemplated for the area.

The Site

The Site is located on the west side of Yorkland Boulevard, east of Highway 404 and south of Sheppard Avenue East. Currently designated *General Employment Areas* in the Official Plan, the Site is approximately 5,781 square metres and has approximately 76.5 metres of frontage on Yorkland Boulevard. It is currently the site of a 4-storey office building and associated surface parking.

The Site has good transit access, which is planned to be enhanced in the coming years with a new higher-order transit station. There are extensive TTC bus routes currently serving the area, including a bus stop just 60 metres from the Site. Further, Sheppard Avenue East is planned to accommodate a new LRT/subway line within the next 10 years, including a planned station at Consumers Road, less than 600 metres from the Site.

OPA 804

Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) received Royal Assent on June 13, 2023. Bill 97 specifically narrowed the definition of “area of employment” to traditional manufacturing, warehousing and related uses. At the same time, Bill 97 confirmed that office, retail and institutional uses are not business and economic uses, unless directly associated with manufacturing, warehousing or related uses. This new definition is directly linked to the definition of “employment area” in the PPS 2024, which similarly limits the scope of areas of employment.

These changes make clear that office uses such as those on the Site cannot be considered an “area of employment” for *Planning Act* or PPS purposes. Accordingly, our client supports OPA 804’s proposed removal of the Site from the *General Employment Areas* land use designation. In our view, a *Mixed Use Areas* designation would be appropriate for the Site, given its location and its proximity to transit, among other things. However, our client appreciates that the City is at least proposing a redesignation to *Regeneration Areas*, as it sets the stage to plan for a truly mixed use community in the area that advances the City’s priorities, including new housing.

Regardless of whether the Site is designated *Mixed Use Areas* or *Regeneration Areas*, our client has concerns with certain aspects of Site and Area Specific Policy 10.4, which is proposed to be added to the ConsumersNext Secondary Plan (the “SASP”) through OPA 804. These concerns include the following:

- Policy (c) of the SASP requires a minimum of 15% of the total GFA on the lands (or 1.0 times the area, whichever is greater) to be provided as non-residential GFA. While a mix of uses in the area is appropriate, the SASP should not predetermine a minimum requirement without first conducting an appropriate study to determine the extent of demand for such space in the area. Such a study – described as a Commercial Demand Analysis – is provided for in the SASP. The amount of non-residential GFA required in the area should be an output of that study, not predetermined in the absence of analysis. Accordingly, policy (c) should be removed. A properly supported policy can be adopted following completion of the local area study and the Commercial Demand Analysis.
- Policy (f) of the SASP requires the preparation of a Housing Plan, which will require the provision of 5% to 7% of new ownership residential GFA as affordable housing, or other mechanisms for requiring affordable housing. This policy is problematic in a number of respects. First, we question the City’s legal authority to require affordable housing outside of its authority under the inclusionary zoning provisions of the *Planning Act* (which are not applicable to the ConsumersNext area). Second, and in any event, the Province has clearly indicated through its decisions on other conversion OPAs that it is not appropriate to impose affordable housing requirements as a condition of redesignating lands. Through those decisions, the Province revised many policies to encourage, rather than require, affordable housing. The same approach should be used here.

Based on these comments, our client asks that Planning and Housing Committee and City Council revise OPA 804 before adoption. In our view, a *Mixed Use Areas* designation is appropriate for the Site and would appropriately implement provincial policy direction. In any event, the SASP should be revised to address the issues relating to non-residential GFA and affordable housing, as outlined above.

Our client also encourages the City to commence the local area study for the area as soon as possible following approval of the redesignation of the ConsumersNext area. Our client looks forward to engaging with staff through that process.

Yours truly,

Goodmans LLP



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cc. Client
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