

May 6, 2025

City of Toronto
Planning and Housing Committee
c/o Nancy Martins
City Clerk's Office
City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Members of the Planning and Housing Committee,

Re: *Draft Amendment 804 to the Official Plan for the City of Toronto*
2225, 2235 and 2255 Sheppard Avenue East

We are the planning consultants for Groupe Mach, the owners of the above-noted lands, located on the south side of Sheppard Avenue East between Consumers Road and Victoria Park Avenue (the "subject site").

Subject Site and Background

The subject site is approximately 5.6 hectares in area with frontage on Sheppard Avenue East, Atria Boulevard, Settlers Road and Ann O'Reilly Road and is occupied by:

- a 4-storey office building at 2255 Sheppard Avenue East in the northeast portion along Sheppard Avenue East and Atria Boulevard;
- two office towers connected by a podium at 2225 and 2235 Sheppard Avenue East in the south portion along Settlers Road;
- a tennis court with a temporary dome structure in the northwest portion; and
- associated landscaped open space and surface parking areas.

The lands at 2255 Sheppard Avenue East are designated *Mixed Use Areas* in the Official Plan. The remainder of the subject site is currently designated *General Employment Areas* and is proposed to be redesignated to *Regeneration Areas* through draft Official Plan Amendment 804 (OPA 804), subject to proposed Site and Area Specific Policy 10.4 in the ConsumersNext Secondary Plan.

The properties in the northwest portion of the block (Atria IV) were rezoned in 2014 (By-law 1079-2014(OMB)) and have been developed with four residential buildings (8, 19, 23 and 43 storeys), a 5-storey mixed-use building along the Sheppard Avenue frontage, new public streets (the east/west portion of Ann O'Reilly Road and the north/south portion of Atria Boulevard) and two new public parks on the west side of Atria Boulevard.

Groupe Mach is currently advancing a comprehensive redevelopment of the subject site with two residential towers located on the west portion of the site generally where the tennis court and surface parking area are located and 4 residential towers where the 4-storey office building is located (2255 Sheppard Avenue East). We have discussed the proposed development with Planning staff and are in the process of preparing the necessary application submission(s).

Comments on Draft OPA 804

On behalf of our client, we are writing to provide comments on OPA 804. We have reviewed the draft OPA and are generally supportive of the proposal to redesignate the south portion of the subject site to *Regeneration Areas*, however, we have several concerns, as outlined below:

- **Proposed Policy 10.4(b) states “No form of residential uses, overnight accommodations or live-work uses are permitted in *Regeneration Areas* prior to the adoption of new or updated Secondary Plan policies that follow the completion of a local area study and provide a framework for new development on the lands that includes residential uses, overnight accommodations and/or live-work uses.”**

In our opinion, the proposal to preclude residential uses until the completion of a local area study is problematic. It is not consistent with policy direction within the Provincial Planning Statement 2024, which emphasizes the importance of building housing to serve a fast-growing province:

“More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031. Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.”

The application of this proposed policy has the potential to unnecessarily delay the Province’s goal to bring much needed housing to market due to the uncertainty regarding timing of the study. If the Secondary Plan process were to be City-led, the timing for its completion would be open-ended and beyond the control of individual landowners. Accordingly, it could hinder the ability of landowners who are prepared to proceed with housing projects to advance their plans,.

From a practical perspective, we understand the City's intent is that the local area study leading to a new or updated Secondary Plan for the ConsumersNext area would include the items set out in proposed Policy 10.4(d). In our opinion, these matters can appropriately be addressed as part of a site-specific Official Plan Amendment and rezoning application. As such, precluding residential uses until the local area study is complete is not reasonable or necessary.

While the nature of the ConsumersNext area will evolve with the introduction of residential uses south of the Sheppard Avenue frontage, the existing Secondary Plan already provides an area structure including locations of new public streets, pedestrian connections, parks, views and vistas, a transportation implementation plan, etc. In our opinion, many elements of an updated study have already been completed and studied over the past several years through the process leading up to the adoption of the ConsumersNext Secondary Plan. Restarting the process is not required.

As it relates to the subject site and the adjacent Atria IV lands which were recently developed as described above, it is clear that a comprehensive development can proceed, and has proceeded, in the area which includes new buildings, open space and roads that fit into the planned context and urban structure.

- **Proposed Policy 10.4(c) states “A minimum of 15 per cent of the total gross floor area on the lands, or 1.0 times the site area excluding lands conveyed to the City or other public body for new parks, open spaces, natural areas, streets and/or lanes, whichever is greater, will be non-residential gross floor area, and (i) a minimum of 51 per cent of the minimum required non-residential gross floor area will be comprised of (A) uses permitted in *General Employment Area* such as lab, research and development facilities, media, and information and technology facilities; and/or (B) office, medical office, cultural industry spaces, incubator and/or co-working uses; (ii) will be comprised of uses that are compatible with residential uses; and (iii) be developed prior to or concurrent with any residential uses on the lands.”**

While we understand the intent of the proposed policy, it is unclear how the retention of existing non-residential GFA will be considered. In this regard, the subject site includes three existing office buildings, with substantial non-residential GFA, and it is intended that both the Atria II and Atria III office buildings will be retained as part of the comprehensive site redevelopment.

In our opinion, the existing/retained non-residential GFA should be recognized in calculating the minimum percentages and densities specified in the proposed policy. In this regard, the retention of existing office uses will meet the intent of the proposed policy, which is to ensure a mix of land uses in the ConsumersNext area.

As well, as distinct from office redevelopment proposals involving new construction, it will help to ensure the continued operation of existing businesses that are housed within the buildings.

In addition, although we do not disagree with including minimum targets in principle, they should be flexible, and potentially decreased, based on findings in a Commercial Demand Analysis as required by proposed Policy 10.4(d)(xi).

- **Proposed Policy 10.4(d) identifies the elements that would be included in the local area study, as required in proposed Policy 10.4(a).**

As stated above, much of this work was recently completed through the study process leading to the adoption and approval of the in-force ConsumersNext Secondary Plan. In our opinion, the proposed policies in OPA 804 should recognize this reality and provide flexibility for updating the Secondary Plan, rather than necessitating the preparation of a new Secondary Plan.

In this regard, we recognize the importance of the proposed elements, including a Community Services and Facilities Strategy, Built Form Strategy, Housing Plan, etc. As stated above, these can be provided through site-specific development applications.

- **Proposed Policies 10.4(f), (g), (h) and (i) regarding Affordable Housing**

As a matter of principle, in order to ensure a fair and equitable approach to the provision of affordable housing across the City of Toronto, any proposed affordable housing requirements should be applied on a City-wide basis and are not appropriate to include in a Secondary Plan.

Furthermore, from a market perspective, the subject site is located within the Consumers Station Major Transit Station Area and is not located within a Protected Major Transit Station Area, where the City's proposed Inclusionary Zoning (IZ) policies would apply if/when they are approved by the Province. These locations have been studied extensively by the City and were determined not to be viable for affordable housing. Requiring affordable housing on the subject site in the absence of demonstrated financial viability is likely to result in fewer housing units being built within the ConsumersNext area, contrary to the intent of OPA 804.

- **No Appeal Rights**

As detailed in the Notice of Special Public Meeting, OPA 804 is proposed to be subject to Provincial approval, with the result that there would be no ability to appeal OPA 804 to the Ontario Land Tribunal. As a matter of principle, landowners

who are affected by OPA 804 should have the ability to appeal and work with City staff to address their concerns. There is a fundamental issue with eliminating appeal rights, particularly when the reasons for that approach are unclear.

Thank you for your consideration of these comments. If you have any questions or would like to discuss these matters further, please do not hesitate to contact the undersigned or Graham Barrett of our office.

Yours truly,

Bousfields Inc.



Peter F. Smith, MCIP, RPP



Alex Savanyu, MCIP, RPP

cc: *Veronique Alepin, Groupe Mach*
Victor Char, Groupe Mach