



Date: May 7, 2025

Via E-mail: phc@toronto.ca

Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto

Dear: Nancy Martins

**Re: Item PH2.1 - Official Plan Amendment to Align with Provincial Legislative and Policy Changes Related to Employment Areas – Decision Report
1 Heron's Hill Way**

We are the 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*").

As described fully below, the purpose of this letter is to a) confirm that the *Subject Site* is not subject to Site and Area Specific Policy 10.4, and b) to formally request that the manner in which the western portion of the *Subject Site* is currently designated and is proposed to be dealt with through the proposed Official Plan Amendment 804 be modified so that it approves a *Mixed Use Areas* designation for the *Subject Site* in its entirety as it represents the logical and appropriate land use designation for the *Subject Site* and it acknowledges that the remaining western portion of the *Subject Site* to be re-designated *Regeneration Area* does not constitute an Area of Employment and it should not be left as an orphan parcel of land that should be attached to a larger Local Area Study as possibly envisioned by OPA 804.

The *Subject Site* has a noteworthy development approvals history commencing with a pre-application consultation meeting in October 2019. Formal and fulsome applications for an approval of an Official Plan Amendment and Rezoning were filed on June 1, 2020 (the "development applications") prior to the commencement of City of Toronto Municipal Comprehensive Review (the "MCR"). The formal commencement of the MCR began on August 4, 2020. Despite the filing of *development applications* filed before the commencement of the MCR, the Planning Department still elected to review and process the *development applications* concurrently through the MCR process (the *development applications* were formally referred as the first (Number 001) "requests to convert employment areas" in the City's tracking of such requests.

City Council adopted Official Plan Amendment 591 (“OPA 591”- By-law 1106-2022) in July 2022. OPA 591 redesignated the majority of the lands that occupy the eastern portion of the site from *General Employment Areas* to *Mixed Use Areas* and amended the Consumers Next Secondary Plan by adding a Site and Area Specific Policy (SASP) to permit a mixed use and mixed income development on the eastern portion of the *Subject Site* subject to a number of conditions including the provision of a minimum of 3,342 square metres of employment gross floor area of the total gross floor area across the entire lands (comprised of 2,227 square metres of existing employment gross floor area contained in the existing building located on the western end of the *Subject Site* and 1,115 square metres to be provided in the mixed use and mixed income building permitted on the eastern end of the *Subject Site*. OPA 591 also contained additional requirements involving the extension of Heron’s Hill Way to the Boneset Road Connection, the provision of a minimum of 520 square metres of Privately Owned Publicly Accessible Space (“POPS”) and included requirements for the provision of affordable housing. OPA 591 also included several additional amendments of the Consumers Next Secondary Plan to allow for a maximum density of 4.6 FSI calculated on the *Subject Site*, amongst other provisions.

Following an extensive and comprehensive review of the *development applications* on June 20, 2023 North York Community Council considered a Decision Report from Community Planning dated June 5, 2023 recommending approval of the Zoning Amendment component of the *development applications* to permit a 34-storey mixed use building on the eastern portion of the site while retaining the existing 2-storey office building on the westerly portion of the site. The proposed development included 334 residential units, with a total gross floor area of 29,740 square metres resulting in a density of 4.54 times the area of the lot. At City Council at its meeting of October 11 and 12, 2023, Council decided to approve the application in principle and withhold the introduction of the necessary Bills until such time as the Minister of Municipal Affairs and Housing approves OPA 591 as it applies to the Subject Site and also included a number of other conditions including that the Chief Planner and Executive Director, City Planning confirm that the Bills do not require any changes beyond technical and stylistic changes as may be required as a result of the Minister’s decision and require that the landowner enter into agreements to deliver the POPS described above as well as the appropriate agreement to secure the delivery of affordable housing.

The Minister of Municipal Affairs and Housing approved OPA 591 without modification on December 12, 2023. As such, pursuant to the City Council approval in principle of October 11 and 12, 2023, our client has made eight (8) rezoning submissions to perfect the site-specific Zoning By-law that was attached to the Council decision of the aforementioned date. We have also been in discussions with the Planning Department about the requirements placed on the *Subject Site* to provide affordable housing notwithstanding the

fact that the *Subject Site* does not fall within an Inclusionary Market Area as identified in OPA 557 nor does it fall within a Protected Major Transit Station Area and the aforementioned application to amend the Official Plan filed in June 2020 was filed before the commencement of the MCR. We have also been in discussions about obligations to build new non-residential floor area in the eastern portion of the site given the findings, conclusions and recommendations of Parcel Economics Inc. in cooperation with Gladki Planning in a report entitled “Office Space Needs Study” dated November 18, 2024.

We have been intently following the proposed Official Plan Amendment 804 and have attended an Open House held on May 1, 2025, and have read a report entitled “Official Plan Amendments to align with Provincial Legislative and Policy Changes Related to Employment Areas – Decision Report dated April 23, 2025, and have read and reviewed the proposed OPA with our client. The report provides a description of how the proposed OPA 804 aligns with the definition of “area of employment” in the *Planning Act* pursuant to Bill 97 (the *Helping Homebuyers, Protecting Tenants Act, 2023*) as limited to manufacturing uses, research and development in connection with manufacturing anything, warehousing uses, including uses related to the movement of goods, retail uses and office uses that are associated with uses noted above, facilities that are ancillary to the uses mentioned above and any other prescribed businesses and economic uses.

Insofar as the Consumers Road Business Park which the aforementioned Planning report describes as an “office park largely built during the 1970’s and 1980’s..... and home to approximately 550 establishments and 18,870 jobs.” The Consumers Road Business Park is subject to the *Consumers Next Secondary Plan*, adopted by City Council in March 2018. The staff report and associated draft Official Plan Amendment 804 proposes to redesignate 60 hectares of the *General Employment Area* lands be redesignated to *Regeneration Areas* in alignment with the *Planning Act* and PPS 2024. The report acknowledges that *Regeneration Areas* is a land use designation to “guide growth in both jobs and population” and attaches a requirement that a Secondary Plan be approved prior to development proceeding.

OPA 804 does introduce a new Site-Specific Policy proposed to be embedded within the ConsumersNext Secondary Plan. Site and Area Specific Policy 10.4 (*SASP 10.4*) entitled “ConsumersNext Regeneration Area does not apply to the *Subject Site*. *SASP 10.4* proposes to limit the permitted uses to those uses permitted by the *General Employment Areas* and *Regeneration Areas* designations including interim uses, with the exception of residential uses, overnight accommodation and live-work uses are permitted on the lands identified on the map identifying *SASP 10.4* until such time as a local area study is completed which results in a framework for new development on the lands that includes residential uses, overnight accommodation and/or live work uses. In addition, there are prescribed minimum areas for non-residential uses, prescribed contents for the Local Area Study, a Transportation Plan, a Green Infrastructure Strategy, an Energy Strategy, a Commercial Demand Analysis and a Housing Plan addressing Affordable Housing.

While SASP 10.4 does not apply to the *Subject Site*, draft OPA 804 does propose to redesignate the western portion of the *Subject Site* that remains designated *General Employment Areas* to *Regeneration Areas* (as per Tile 13 of the draft OPA 804) and, as stated above, it is excluded from the area that is proposed to be subject to SASP 10.4. The combination of these two events would, in my view, create a condition whereby the western portion of the *Subject Site* is an orphan parcel whereby it is acknowledged that the underlying *General Employment Areas* designation is inappropriate given the definition of area of employment as now included in the Planning Act and PPS 2024 and that it is unwarranted to be the subject of the Local Area Study as identified in Map 10.4 that accompanies SASP 10.4. We respectfully request that the Committee strongly consider redesignating the western portion of the *Subject Site* to *Mixed Use Areas* given the fact that it does not form an area of employment, it is an appropriate Mixed Use development site that is part of the same property that has already been redesignated *Mixed Use Areas* and is surrounded by existing mixed use development to the north, and east and is separated from other areas to be subject to SASP 10.4 by Yorkland Road to the west.

I kindly request that my name be added to the notification list for OPA 804. If you have any questions, please do not hesitate to contact me at 416-947-9744 ext. 255.

Yours very truly,

Bousfields Inc.



Bousfields Inc.

Tony Volpentesta, MCIP, RPP

cc: Mr. Ron Baruch, Paradise Developments Heron's Hill Inc.