



Via Digital Delivery

May 7, 2025

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

Attention: Nancy Martins, City Clerk's Office

Re: *Draft Official Plan Amendment 804*
Planning and Housing Committee Item No. 2025.PH21.1
2, 4 and 6 Lansing Square & 2550 Victoria Park Avenue, Toronto

We are planning consultants to 2509225 Ontario Inc., owner of the above captioned lands located at the southwest corner of Sheppard Avenue West and Victoria Park Avenue (the "Subject Site"). On behalf of our client, we are writing to provide our comments on Planning and Housing Committee Item No 2025.PH21.1 regarding draft Official Plan Amendment No. 804 ("Draft OPA 804").

As outlined in this letter, we have the following concerns with Draft OPA 804 and specifically the redesignation of Block 4 of the Subject Site from *General Employment Areas* to *Regeneration Areas*.

Background

ConsumersNext Secondary Plan

On March 26 and 27, 2018, the ConsumersNext Secondary Plan (the "Secondary Plan") was adopted by City Council. It was subsequently appealed to the Ontario Land Tribunal ("OLT") by several parties; however, the majority of the appeals have been resolved and the Secondary Plan is now in force.

The ConsumersNext Secondary Plan provides a comprehensive framework for the development of ConsumersNext area, which is generally bounded by Sheppard Avenue East to the north, Victoria Park Avenue to the east, Highway 401 to the south and Highway 404 to the west. Specifically:

- Section 1 of the Secondary Plan provides the vision and Guiding Principles for the ConsumersNext area;
- Section 2 includes urban structure policies. The Secondary Plan Area is organized around a series of smaller geographies, called Districts, Nodes, Corridors and Main Streets, which allow for public realm and built form strategies tailored to specific locations;
- The Subject Site falls entirely within the Sheppard and Victoria Park Node as shown on Map 38-5, Districts and Nodes Plan. Policy 2.5.5 recognizes this Node as a prominent intersection and transit interchange where the most intense levels of development can be located;
- Section 3 includes Land Use and Economic Development policies. The Secondary Plan recognizes the Consumers Road Business Park is an important employment centre, particularly for the office sector, as it contains one of the largest concentrations of office workers outside of the Downtown;
- Section 4 includes Public Realm policies including those pertaining to streets and streetscapes, parks, privately owned, publicly accessible open spaces, pedestrian connections and the greenway and public art as shown on Map 38-7, Greening Plan;
- Section 5 includes Built Form policies and provides that mixed use intensification is anticipated within the Sheppard and Victoria Park Corridors, as well as within the Nodes;
- Section 6 includes policies related to mobility and transit based on the ConsumersNext Transportation Master Plan which focuses on improving access to the business park and balancing modes of transportation to ensure a range of travel choices encouraging sustainable travel behaviour;
- Section 7 provides direction on housing and community services and facilities;
- Section 8 provides direction on the environment and resiliency; and
- Section 9 includes implementation policies which include a number of strategies to manage growth through the expansion and enhancement of the transportation network, the comprehensive planning of large sites and the appropriate sequencing of development through phasing.

Site-Specific By-law 1006-2022(OLT)

On January 8, 2024, the OLT issued an Order approving By-law 1006-2022(OLT) allowing the comprehensive redevelopment of the Subject Site with five new development blocks bisected by a network of public streets and open spaces, including: two residential mixed-use towers of 43-storeys (Tower A) and 30-storeys (Tower B) on Block 1; two residential mixed-use towers of 25-storeys (Tower C) and 35-storeys (Tower D), a 6-storey residential building (Building F) and retention of an existing 12-storey office building on Block 2; a 4-storey residential building (Building

G) and retention of the existing 8-storey office building on Block 3; an 11-storey office building and a 6-storey parking structure with retail space on the ground floor on Block 4; and a 4,843 square metre public park on Block 5.

Block 4, which is located at the southwest corner of the Subject Site and is designated *General Employment Areas*, is required to provide a minimum non-residential gross floor area ("GFA") of 2,700 square metres devoted to a combination of office, medical office, or software development and processing.

By-law 1006-2022(OLT), as amended pursuant to Minor Variance Application No. A0456/24NY, represents the culmination of more than six years of collaboration between 2509225 Ontario Inc. and City staff towards the mixed-use redevelopment of the Subject Site.

Additionally, as part of the approval, several community benefits were secured through a Section 37 Agreement, including: 160 new affordable rental dwelling units; cash contributions of \$2.7 million towards the improvement of the Pleasant View Library, \$500,000 for Public Art and \$100,000 for bike share stations; two new privately owned, publicly accessible spaces; 4 car-share spaces; and a new 4,843 square metre public park, among other things.

An application for Draft Plan of Subdivision was filed by the owner on December 17, 2020, followed by applications for Site Plan Approval for Blocks 1 and 4 on April 26, 2022.

A comprehensive framework for new development on the Subject Site was established through By-law 1006-2022(OLT), which was informed by a Block Context Plan, Public Realm Plan and Phasing Plan, and applications for Draft Plan of Subdivision and Site Plan Approval on Blocks 1 and 4, all of which implement the vision and policies of the Secondary Plan. These applications have comprehensively considered land use compatibility, employment, built form, housing, community services and facilities, parks, public realm, transportation and phasing, among other matters.

Proposed Redesignation of Blocks 4 and 5

Draft OPA 804 proposes to amend Toronto Official Plan Chapter 6, Section 38, ConsumersNext Secondary Plan by adding SASP 10.4. Among other matters, OPA 804 proposes to redesignate Blocks 4 and 5 of the Subject Site from *General Employment Areas* to *Regeneration Areas* and introduce new land use permissions. Prior to the introduction of residential uses, Draft OPA 804 would require 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 include residential uses.

No timeline has been established for the ConsumersNext Regeneration Area local area study, and the subsequent new or updated Secondary Plan policies.

Concerns with Draft OPA 804

We have the following concerns with Draft OPA 804 and the proposed development criteria listed in SASP 10.4 to the ConsumersNext Secondary Plan.

General Concerns

The ConsumersNext Secondary Plan, rezoning approval, Draft Plan of Subdivision and Site Plan applications have established a comprehensive mixed-use development framework on the Subject Site, including on Block 4 which is designated *General Employment Areas*. It is our opinion that if Draft OPA 804 were to be approved in its current form, it would replicate this process and delay the development of Block 4.

Pursuant to Bill 97 and the Provincial Planning Statement 2024 (“PPS 2024”), Block 4 is not located within an “area of employment” given that it does not contain manufacturing, warehousing or related uses. The provincial legislation clearly directs that mixed use development is to be encouraged outside of these areas to support complete communities. Accordingly, mixed use development is encouraged at this location and an official plan amendment application to allow residential uses on Block 4 could be filed today.

Contrary to the intent of Bill 97, OPA 804 would significantly delay an application to allow residential uses on Block 4. While OPA 804 proposes to introduce residential land use permissions, it does not include timing for the commencement or completion of a local area study. Should City Council adopt Draft OPA 804, it would then be subject to Ministerial approval pursuant to O. Reg. 396/24. Only after this could the City initiate a local area study, which could include several phases and public engagement sessions with the surrounding community. Upon completion of the local area study, new or updated Secondary Plan policies would need to be prepared by City staff and forwarded to City Council for adoption. In total, this process could take several years to complete.

Given this uncertainty, it is our opinion that OPA 804 would significantly prejudice the timely development of Block 4 and is therefore contrary to the intent of Bill 97.

Response to SASP 10.4 Development Criteria

It is our opinion that the development criteria listed in SASP 10.4 have been satisfied as part of the rezoning approval and associated development applications on the Subject Site. In particular:

10.4(b) 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.

By-law 1006-2022(OLT) rezoned the Subject Site to CR 1.0 (c1.0;r0.0) SS1 (x372), EO (x17) and ON. The CR Zone applies to Blocks 1, 2, and 3, the EO Zone applies to Block 4 and the ON Zone applies to Block 5. The CR Zone permits a range of residential and non-residential uses, and the EO Zone permits a range of non-residential uses with a minimum non-residential GFA.

The site-specific by-law established a framework for new development that includes a wide range of residential and non-residential uses on the Subject Site, including on Block 4. Accordingly, a local area study, new or updated Secondary Plan are not required to evaluate residential uses on Block 4.

10.4(c) 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 Areas 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.

Block 4 is required to provide a minimum non-residential GFA of 2,700 square metres devoted to a combination of a combination of office, medical office, or software development and processing. The minimum required non-residential GFA was established in consultation with Economic Development staff during the review of Minor Variance Application No. A0456/24NY. The minimum non-residential GFA proposed through OPA 804 would be contrary to the approval on Block 4 and would not reflect the established office needs on the Subject Site.

10.4(d) *In addition to the matters identified in Official Plan Chapter 4, Policy 4.7.2, Regeneration Areas, the local area study leading to the new or updated Secondary Plan for the lands will include:*

i. A Land Use Plan that provides for the redesignation of lands to Mixed Use Areas, Apartment Neighbourhoods, Neighbourhoods, General Employment Areas, and/or Parks and Open Space Areas, as appropriate. The Land Use Plan will determine:

A) densities across the lands to be included within the new or updated Secondary Plan;

B) the permitted non-residential uses as well as maximum percentages of these uses that contribute to the non-residential gross floor area; and

C) compatibility between the lands and nearby land uses.

By-law 1006-2022(OLT) established a mix of land uses, heights and densities on the Subject Site, which were informed by a land use compatibility study. Accordingly, it is our opinion that the criteria in Policy 10.4(d)(i) have been satisfied.

ii. A Phasing Strategy and Implementation Plan to provide for the sequencing of development, including the provision of infrastructure and services. The Phasing Strategy:

A) will set out the amount of non-residential gross floor area to be constructed in each phase, prior to, or concurrent with residential gross floor area to provide a balance of employment and residential growth in all phases of development; and

B) may include the use of holding provisions to provide for the orderly sequencing of development in phases, including the provision of infrastructure and services;

The approved Section 37 Agreement on the Subject Site outlines the required phasing on the Subject Site. Accordingly, it is our opinion that the criteria listed in Policy 10.4 (d)(ii) have been satisfied.

iii. A Community Services and Facilities Strategy that identifies community space and facilities needs and sets out priorities to support growth which may include potential locations and phasing as well as opportunities for co-location;

The City of Toronto completed a community services and facilities study as part of the ConsumersNext Secondary Plan titled Taking Stock: Consumers Road Community Services and Facilities Profile Report in October of 2015. In addition, the rezoning application on the Subject Site included a Community Services and Facilities Study dated May 2019, which further reviewed community services and facilities in the area. Accordingly, it is our opinion that the Policy 10.4(d)(iii) has been satisfied.

iv. A Public Realm Strategy that applies the City's "Complete Streets" and "Green Streets" principles and establishes a network of public streets, development blocks, pedestrian and cycling facilities and connections, and parks and open spaces that contribute to a safe, comfortable and connected public realm. The Public Realm Strategy will be developed in conjunction with the Transportation Plan, Green Infrastructure Strategy, and Parks and Open Space Plan;

v. A Parks and Open Space Plan that identifies the location of new public parks, open space, and Privately Owned Publicly-Accessible Space ("POPS") and will include consideration for consolidated public parks;

vi. Built Form Strategy that set out the framework for the appropriate built form policies that outline built forms types, organization, setbacks, scale, massing and heights of new development;

vii. An Infrastructure Master Plan that identifies water, sanitary, stormwater and hydro infrastructure requirements and development strategy;

The rezoning, Draft Plan of Subdivision and Site Plan Approval applications implemented a comprehensive framework for public realm, parks and open space, built form and infrastructure on the Subject Site. As part of the rezoning application, a Functional Servicing and Stormwater Management Report was required to assess water, sanitary, stormwater and hydro infrastructure requirements for the Subject Site, including on Block 4. Accordingly, it is our opinion that Policies 10.4(d)(iv) to (vii) have been satisfied.

viii. A Transportation Plan that:

A) build on the findings of the ConsumersNext Transportation Master Plan for the ConsumersNext Secondary Plan to provide updated recommendations to support new development;

B) ensures that the transportation network and infrastructure can accommodate existing and new development and provide efficient and safe transportation network for all modes including cycling and walking;

B) identifies transportation infrastructure for the lands; and

C) identifies local and regional transportation network improvements to support growth in the study area, including consideration of Sheppard Subway Extension study.

A Transportation Impact Study was submitted in support of the rezoning application, which informed the design of public streets, reviewed traffic, transportation and transit infrastructure in the area, and the provision of parking on the Subject Site. Accordingly, it is our opinion that Policy 10.4(d)(viii) has been satisfied.

ix. A Green Infrastructure Strategy that includes consideration of low impact development, stormwater management systems, and trees;

As part of the rezoning application, a Landscape Plan and a Functional Servicing and Stormwater Management Report were submitted to review green infrastructure on the subject site. Accordingly, it is our opinion that Policy 10.4(d)(ix) has been satisfied.

x. An Energy Strategy to address energy conservation including peak demand reduction, resilience to power disruptions and small local integrated energy solutions that incorporate renewable, district energy, combined heat and power or energy storage to address the City's targets of carbon reduction; and

An Energy Strategy and Energy Calculations Report was submitted as part of the rezoning application on the Subject Site. Accordingly, it is our opinion that Policy 10.4(d)(x) has been satisfied.

xi. A Commercial Demand Analysis that considers market needs in the area for commercial non-residential space, such as light industrial, office and retail uses, which are compatible with sensitive uses and can inform the level of employment gross floor area required to meet the demand.

See response to Policy 10.4(c) above.

xii. A Cultural Heritage Resource Assessment that:

A) documents the area's history;

B) ensures that properties of potential cultural heritage value are appropriately identified, understood and conserved; and

C) informs other components of the local area study to ensure that cultural heritage resources are integrated into future policies for growth;

As indicated in the Planning Application Checklist dated October 9, 2018 it was determined that there are no cultural heritage resources of interest on the Subject Site, and therefore a cultural heritage resource assessment was not required. Accordingly, it is our opinion that Policy 10.4(d)(xii) has been satisfied.

xiii. An analysis to determine whether any other policy direction is required for the lands to align with other Secondary Plan policies.

For the foregoing reasons, it is our opinion that the introduction of residential uses on Block 4 would continue to align with the in-force Secondary Plan's vision and no further analysis is required.

10.4(e) The new or updated Secondary Plan will be informed by a Housing Plan addressing a full range of housing, in terms of form, tenure and affordability, including the provision of affordable housing, through a range of mechanisms.

10.4(f) The Housing Plan will be considered as part of the Secondary Plan Study and will guide the provision of affordable housing in the Secondary Plan area. The Housing Plan will identify an affordable housing strategy, the affordable housing requirements, and the range of mechanisms for the delivery of required affordable housing on the lands, through one or more of the following, or other affordable housing approaches which achieve the objectives of the Housing Plan, to the satisfaction of the City:

i. a minimum of 7% percent of the total new residential gross floor area shall be secured as affordable ownership housing for a period of at least 99 years from the date of first residential occupancy of the unit; or

ii. a minimum of 5% percent of the total new residential gross floor area shall be secured as affordable rental housing for a period of at least 99 years from the date of first residential occupancy of the unit; and

iii. there is no minimum requirement for affordable housing within purpose built rental buildings or the portions of a development containing student residences, retirement homes, nursing homes and residential care homes.

10.4(g) In addition, the Housing Plan will:

- i. Address how the unit mix of the affordable housing will reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families; and*
- ii. Consider opportunities to increase the provision of affordable housing beyond the requirements of this SASP in partnership with all levels of government and/or non-profit housing providers.*

10.4(h) The provision of affordable housing required by this SASP shall be secured through one or more agreements with the City.

10.4(i) Holding provisions may be used to ensure the required affordable housing is secured. Conditions to be met prior to the removal of a holding ("H") provision on the lands shall include the following:

- i. Entering into necessary agreement(s) and utilizing other legal mechanisms, satisfactory to the City Solicitor, to secure the provision of affordable housing as required by this SASP; and*
- ii. The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.*

The proposed affordable housing requirements outlined in Policies 10.4(e) to (i) generally align with the obligations on the Subject Site established through to By-law 1006-2022(OLT) and the accompanying Section 37 Agreement. Through these instruments, a minimum of 160 affordable rental housing units are required to be constructed on the Subject Site for at least 15 years and the owner cannot apply to convert the rental units to any other use or demolish the rental units without replacement during this period. Despite the minimum requirement, the owner is now proposing an affordability period of 25 years.

However, it is our opinion that the proposed tenure of 99 years is disproportionately onerous and does not align with the Section 37 Agreement on the Subject Site. Accordingly, proposed affordable housing tenure should be revised from a minimum of 99 to 25 years.

10.4(j) As part of a complete Zoning By-law Amendment application, a Compatibility/Mitigation Study will be submitted and peer reviewed, at the applicant's expense, to the City's satisfaction, that identifies any necessary mitigation measures to be incorporated into the development design.

10.4(k) Sensitive land uses, including new residential uses will be located, designed and buffered to mitigate impacts from, be compatible with, and not impede the continuation of and the expansion of existing employment uses, and any new employment uses within the surrounding Regeneration Areas.

As noted above, these requirements have been addressed through the rezoning application on the Subject Site. The approved mix of land uses established through By-law 1006-2022(OLT) is the result of this comprehensive process. Accordingly, it is our opinion that Policies 10.4(j) and (k) have been satisfied.

Conclusion

The ConsumersNext Secondary Plan, rezoning approval, Draft Plan of Subdivision and Site Plan applications have established a comprehensive mixed-use development framework on the Subject Site, including on Block 4 which is designated *General Employment Areas*. It is our opinion that if Draft OPA 804 were to be approved in its current form, it would replicate this process and delay the development of Block 4.

Pursuant to Bill 97 and the PPS 2024, Block 4 is not located within an "area of employment". The provincial legislation clearly directs that mixed use development is to be encouraged outside of these areas to support complete communities. Accordingly, mixed use development is encouraged at this location and an official plan amendment application to allow residential uses on Block 4 could be filed today. For these reasons, we request that the Subject Site be removed from OPA 804.

If you have any questions or would like to discuss these matters further, please do not hesitate to contact the undersigned or Himanshu Katyal of our office.

Yours truly,

Bousfields Inc.



David Morse, MCIP, RPP

cc: 2509225 Ontario Inc.