



Barristers & Solicitors
Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7
Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

January 4, 2023

Our File No.: 181965

Via Email (Alejandra.Perdomo@ontario.ca)

Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
16th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Attention: Alejandra Perdomo

Dear Sirs/Mesdames:

**Re: ERO Number 019-5868
Ministry Reference Number 20-OP-222176
City of Toronto Official Plan Amendment No. 591
1 Heron's Hill Way, City of Toronto**

We are solicitors for Paradise Developments Heron's Hill Inc., the owners of the property known municipally in the City of Toronto as 1 Heron's Hill Way (the "**Property**"). On June 1, 2020, after pre-consultation with City staff, our client filed official plan amendment and rezoning applications for the Property (the "**Applications**"), which the City of Toronto (the "**City**") declared complete as July 29, 2020. The Applications were also considered by the City as part of its municipal comprehensive review process leading to the City's adoption of Official Plan Amendment No. 591 ("**OPA 591**"), which is now before the Minister of Municipal Affairs and Housing (the "**Minister**").

We are writing on behalf to provide our client's comments to the Minister regarding OPA 591. For the reasons set out below, our client supports the proposed redesignation of the Property to *Mixed Use Areas*, but would recommend revisions to certain site-specific policies

Background

The Property is located on the south side of 1 Heron's Hill Way, just south of Sheppard Avenue East. Existing uses of the Property are a 2-storey office building (our client's office headquarters and customer décor centre and associated surface parking lot. The east portion of the Property remains vacant. The Property, which has a total site area of 0.64 hectares, is clearly underutilized and can accommodate significant intensification in accordance with the existing context. The Property also meets the definition of Major Transit Station Area in the Growth Plan based on the

Property's proximity to the existing Don Mills subway Station and the planned Sheppard East LRT station.

The Applications proposed intensification of the Property with a 34-storey mixed-use building while retaining the existing 2-storey office building. The Applications would deliver approximately 334 residential units. Between the existing office building and non-residential space in the new building, the Applications would also provide approximately 3,342 square metres of employment gross floor area. Approval of the Applications would also enable provision of land at the east end of the Property for the planned extension of Heron's Hill Way to Boneset Road as provided for in the ConsumersNext Secondary Plan.

Comments Regarding OPA 591

Based on the materials submitted in support of the Applications, it is clear that the Applications represent good planning and urban design. The proposal will result in the desirable intensification of underutilized lands having excellent access to existing infrastructure, including a variety of transportation options, in accordance with the applicable policy framework. The proposed development will assist in achieving Provincial and City policy directions promoting intensification within built-up areas, including opportunities for residential rental units and employment gross floor area. Finally, from a built form and urban design perspective, the proposal appropriately responds to and harmoniously fits within the existing and planned context for the Property.

Approval of OPA 591 would facilitate the proposed redevelopment of the Property. However, our client would suggest minor revisions to OPA 591 to achieve conformity with Provincial policies and enable timely approval of the implementing zoning by-law amendment. In particular:

- Height and gross floor area permissions should be included to provide clear guidance regarding appropriate built form for the Property.
- The proposed employment gross floor area should be secured independent of the total gross floor area approved for the Property.
- Clarification should be provided that only the conveyance of lands for the proposed road extension is required.
- OPA 591 should be updated to reflect new provisions of Bill 23 as applied to the proposed Privately-Owned Publicly-Accessible (POPS) and affordable housing. In particular, any potential requirement for inclusionary zoning should be implemented in accordance with the *Planning Act* and the City's resulting inclusionary zoning by-law.

To facilitate appropriate revisions to OPA 591, our client has prepared revisions to the proposed site and area specific policy. A blackline version of the proposed site and area specific policy is attached.

Please do not hesitate to contact us if any further information is required.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

Encl.

PROPOSED AMENDMENT TO OFFICIAL PLAN AMENDMENT NO. 591

l) Chapter 6, Secondary Plans, is amended as follows:

A. Chapter 6, Section 38, ConsumersNext Secondary Plan, is amended by adding Site and Area Specific Policy 1 for the lands known municipally in 2021 as 1 Heron's Hill Way, as follows:

1. 1 Heron's Hill Way

A mixed-use ~~and mixed-income~~ development **with a height of XX metres and a total gross floor area of XX square metres** is permitted on the lands provided that:

- a) Residential uses are only permitted in Area "A" on the SASP Map.
- b) A minimum of 3,342 square metres of employment gross floor area ~~of the total gross floor area~~ across the entire site will:
 - i) be developed and maintained prior to or concurrent with residential uses;
 - ii) be comprised of uses permitted in *Core Employment Areas* and *General Employment Areas* that are compatible with residential uses.
- c) Development of the lands will provide:
 - i) The **conveyance of lands for the** Heron's Hill Way Extension to Boneset Road Connection;
 - ii) A minimum of 520 square metres of Privately Owned Publicly-Accessible Space ("POPS"), ~~which will not be considered as parkland dedication~~; and,
 - iii) With the exception of a limited number of short term or temporary visitor parking, all resident car parking spaces will be located below grade.
- ~~d) **Despite Policies 7.2 and 7.4 of the ConsumersNext Secondary Plan, new development containing residential units on the lands will secure a minimum amount of affordable housing as follows:**~~
 - ~~i) **if a condominium development is proposed, a minimum of 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; or**~~
 - ~~ii) **the affordable housing shall be secured at affordable rents or affordable ownership prices for a period of 99 years from the date of first residential occupancy of the unit; and,**~~

- ~~iii) the unit mix of the affordable housing shall 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.~~
- ~~e) Where a complete application for a Zoning By-law Amendment has not been filed prior to January 1, 2025, the affordable rental housing required by Policy d)i) will increase by 1.5 percent per year. Affordable ownership housing requirements will be set at 1.4 times the affordable rental housing requirements.~~
- ~~f) The provision of affordable housing required by Policy d) and Policy e) shall be secured through one or more agreements with the City.~~
- ~~g) Conditions to be met prior to the adoption of the Zoning By-law shall include the following:

 - ~~i) Entering into a Municipal Housing Project Facility Agreement or such other agreement(s) as may be satisfactory to the City Solicitor to secure the provision of affordable housing; and,~~
 - ~~ii) The submission and acceptance of a Housing Issues Report, to the satisfaction of the Chief Planner and Executive Director, that identifies the unit mix, unit sizes, and how affordable housing requirements will be met.~~~~
- ~~h) If an Inclusionary Zoning By-law takes effect and becomes applicable to any development of the lands, then the Official Plan Inclusionary Zoning policies and by-law, as may be amended, will prevail and the affordable housing requirements in SASP Policy d) and Policy e) will no longer apply, but only provided the applicable Inclusionary Zoning policy and by-law requirements meet or exceed the requirements of SASP Policy d) and Policy e).~~
- di) Policies 7.2 and 7.4 of the ConsumersNext Secondary Plan shall not apply to the lands known municipally in 2021 as 1 Heron's Hill Way, as shown on the map above as Site and Area Specific Policy 1.**
- e)** Where there is a conflict between the policies of the Official Plan and the ConsumersNext Secondary Plan, the policies of this SASP will prevail.
- B.** Chapter 6, Section 38, ConsumersNext Secondary Plan Map 38-4, Potential Tall Building Locations and Maximum Densities, is amended by adding a Maximum permitted FSI of 4.6 calculated across the entire site on the lands known municipally in 2021 as 1 Heron's Hill Way, as shown on the map above as Site and Area Specific Policy 1.
- C.** Chapter 6, Section 38, ConsumersNext Secondary Plan Map 38-5, Districts and Nodes Plan, is amended by adding to the Sheppard and Victoria Park Corridors the portion of the lands shown as Area "A" of the lands known municipally in 2021 as 1 Heron's Hill Way, as shown on the map above as Site and Area Specific Policy 1.
- D.** Chapter 6, Section 38, ConsumersNext Secondary Plan Map 38-6, Land Uses, is amended by adding *Mixed Use Areas* to the portion of the lands shown as Area "A" of the lands

known municipally in 2021 as 1 Heron's Hill way as shown on the map above as Site and Area Specific Policy 1.

- E. Chapter 6, Section 38, ConsumersNext Secondary Plan Map 38-10, Potential Tall Building Locations and Maximum Heights, is amended by adding Location with Potential Tall Building and a Maximum 120 metres tower permitted to the portion of the lands shown on Area "A" of the lands known municipally in 2021 as 1 Heron's Hill Way, as shown on the map above as Site and Area Specific Policy 1.
- F. Chapter 6, Section 38, ConsumersNext Secondary Plan Map 38-12, Pedestrian Connections, shall not apply to the lands known municipally in 2021 as Heron's Hill way as shown on the map above as Site and Area Specific Policy 1.