



May 1, 2024

**Ministry of Municipal Affairs and Housing**  
**Provincial Land Use Plans Branch**  
777 Bay St, 13<sup>th</sup> Floor  
Toronto, ON  
M7A 2J3

**RE:           Comments: Updated Provincial Planning Statement**  
**Ministry Reference Number 019-8462**  
**130 Racco Parkway, City of Vaughan, Region of York (“Subject Lands”)**

I write to provide additional comments, on behalf of the Registered Owners of the above captioned lands (*e.g., Kartelle 130 Racco Parkway GP Inc.*), as it pertains to the proposed and updated Provincial Policy Statement.

Our original Comments dated May 29<sup>th</sup>, 2023, are included with this correspondence as **Attachment 1**.

By background, the Subject Lands are located within the City of Vaughan and municipally addressed as 130 Racco Parkway with a Total Site Area of approximately 3.09 Hectares or 30,979 Square Metres.

The Subject Lands contain non-employment uses including commercial and recreational uses, which are not considered employment uses per the updated definition of ‘Employment Area’.

Our Client is seeking to redevelop the Subject Lands for a mix of uses including intensification of the existing commercial uses together with proposed Apartment Buildings, Amenity and Green Areas, Parking Areas, and Ancillary uses.

As with our original Comments, our Client remains generally supportive of the updated Provincial Policy Statement (*PPS*) including removal of Provincially Significant Employment Zones (*PSEZs*) and the implementation of updated Policies pertaining to employment areas, which includes the updated ‘Employment Area’ Definition.

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*In reviewing the updated PPS, we are respectfully requesting the following revisions be incorporated into the PPS:*

- i. to amend Section 2.8.2, subsection 2 to recognize mixed-use development may also be located in proximity to goods movement facilities and corridors, provided land use compatibility is maintained.*
- ii. to amend Section 2.8.2, subsection 4 or applicable Section of the updated PPS to include a clear requirement, with a specified timeframe for upper and lower tier municipalities to update their respective Official Plans to implement the updated ‘Employment Area’ definition. Per our original Comments, we continue to request an ‘as of right’ permission to introduce mixed-use development on lands not considered ‘Employment Area’ per the updated Defined Term.*
- iii. to amend Section 2.8.2, subsection 5 to require municipalities to remove lands from employment areas if the lands do not include land uses which are not considered ‘employment’ per the updated ‘Employment Area’ Definition.*

Incorporating the above requested policy revisions into the PPS will ensure the PPS, once in force, is properly implemented within municipal Official Plans, in a timely manner, avoiding inconsistencies between the Provincial Planning framework and municipal Official Plans.

Requiring municipalities to recognize the possibility of mixed-use development in proximity to goods movement facilities and corridors, while assuring land use compatibility, between land uses, will assist the implementation of complete communities, ensuring housing to nearby places of employment.

The request to update Official Plans based on the new ‘Employment Area’ Definition, within a specified timeframe, will remove ‘policy barriers’ commonly associated with implementation of mixed-use development, on lands which are not considered ‘true’ employment lands, helping to achieve the Provincial objectives of increasing housing supply, and advancing communities which foster generational neighbourhoods.

The use of a specified timeframe is not uncommon within Provincial Plans and Policies, as demonstrated within with the Growth Plan, wherein municipalities were to demonstrate Conformity to the Growth Plan by a certain timeframe.

Further, clarifying that municipalities shall remove lands from employment areas, if the lands do not include land uses which are not considered true ‘employment’ uses, will ensure consistency with the updated ‘Employment Area’ Definition per the *Planning Act* and PPS.

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The requested clarification will also remove ‘policy barriers’ in cases where non-employment lands continue to be considered as ‘employment’ within municipal Official Plans. There are numerous examples, across the Province, of commercial and institutional lands being designated as ‘Employment’ within Official Plans even though employment uses are not existing nor appropriate. Designating non-employment lands as ‘employment’ is not only inaccurate but prevents appropriate land use planning from being implemented within various communities.

Lastly, the above requested policy revisions to the PPS will ensure Provincial policies lead to implement intensification, redevelopment of underutilized lands (*as is the case with our Client’s lands*), advancing sufficient housing supply and assuring clear and timely implementation of the PPSS within municipal Official Plans.

On behalf of our Client, we continue to commend the Government on their efforts to advance housing supply in an uncomplicated and expeditious manner, through continued streamlining of the land use planning process and securement of the public interest.

In addition to our Comments regarding the updated PPS, we would also encourage the Province to revisit the proposed repealing of the five-year phase-in of development charges, as proposed within Bill 185, as increases to development charges will continue to burden homeowners with increased costs of new housing.

We respectfully request our Comments and Requests be considered with a response and Notice of Decision provided.

Thank you for the opportunity to continue to provide Comments.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours truly,  
**BLACKTHORN DEVELOPMENT CORP.**

Maurizio Rogato, B.U.R.Pl., M.C.I.P., R.P.P.  
Principal

Email Copy:

Client

**BLACKTHORN DEVELOPMENT CORP.**

**ATTACHMENT 1**

**Original Comments dated May 29, 2023**



Land Development | Land Use Planning | Project Management | Government Relations

May 29, 2023

**Ministry of Municipal Affairs and Housing**

**Provincial Land Use Plans Branch**

777 Bay St, 13<sup>th</sup> Floor

Toronto, ON

M7A 2J3

**RE:                    Comments: Proposed Provincial Planning Statement  
                         Ministry Reference Number 019-6813  
                         130 Racco Parkway, City of Vaughan, Region of York (“Subject Lands”)**

I write to provide comments, on behalf of the Registered Owners of the above captioned lands (e.g., *Kartelle 130 Racco Parkway GP Inc.*), as it pertains to the proposed Provincial Policy Statement.

These comments are generally supportive of the proposed Provincial Policy Statement with support for revocation of Provincially Significant Employment Zones (*PSEZs*), which pose an unnecessary policy barrier to permitting Mixed-Use development and to achieving the Government’s clear objective of construction 1.5 Million Homes by the year 2031.

In addition, these comments request PSEZ No. 10 (*York*) be revoked while ensuring the updated ‘Areas of Employment’ definition, proposed, be implemented in the most expeditious manner, within existing Municipal Official Plans including the *Region of York Official Plan* and *City of Vaughan Official Plan* and permitting as of right Mixed-Use development on lands which are not in accordance with the proposed definition.

**Site Location & Description:**

The Subject Lands are located within the City of Vaughan and municipally addressed as 130 Racco Parkway with a Total Site Area of approximately 3.09 Hectares or 30,979 Square Metres.

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The Subject Lands are currently occupied by an existing 2-storey Building of approximately 13,010 Square Metres, along with surface parking.

The existing uses include recreational (*sports, fitness, and entertainment*) uses, and such uses are representative of a under utilization of the Subject Lands, with a ‘low activity rate’, due to the lack of residents residing within the immediate area.

The same ‘low activity rate’ has also been experienced by the adjacent Canadian Tire Department Store. Redevelopment of the Subject Lands will provide the opportunity to ensure the full utilization of the lands while supporting the sustainability of the nearby commercial and institutional uses.

The Subject Lands are municipally serviced with existing water, wastewater, storm services, hydro and gas.

Existing Site Access is from a Municipal Road being, Racco Parkway, with immediate access to Highway No. 407, Highway 7, and Dufferin Street.

Surrounding land uses include an existing Canadian Tire Department Store (*adjacent to the south*), Vaughan Community Church (*adjacent to the north*), various existing prestige employment businesses, a Fire Station, and residential uses, located approximately 1 to 2 kilometers to the north and south of the Subject Lands.

The unique location of the Subject Lands permits intensification of uses without any impacts to the nearby established neighbourhood(s), as the lands are sufficiently separated while having direct access to community services.

The Subject Lands are currently under utilized and ready for redevelopment, capable of providing meaningful housing options to sustain the existing commercial uses and local community’s housing needs.

### **Proposed Redevelopment of Subject Lands:**

To sustain the economic viability, of the Subject Lands, our Client is seeking to redevelop the lands. The proposed redevelopment includes retention and intensification of the existing commercial uses together with proposed Apartment Buildings, Amenity and Green Areas, Parking Areas, and Ancillary uses.

The proposed redevelopment would provide significant benefits including housing options, regeneration of use to sustain existing uses, support for nearby commercial uses and convenient access to services including institutional uses.

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The proposed redevelopment is conveniently located near Arterial Roads and Transit Services with proximity to major Highways. Transit bus service and stops are located at the ‘doorstep’ of the Subject Lands, on Dufferin Street with Regional Rapid Transit Service (*Viva Line*) is located within 600 metres, to the North on Highway 7 and within 900 metres to the south on Centre Street along with a new Subway Line located in proximity to the Subject Lands.

Accordingly, the Subject Lands have direct access to a robust road network and transit services.

Under the current land use policy framework, the proposed redevelopment would be representative of an Employment Land Conversion.

### **Provincially Significant Employment Zones & Policy Barriers to Housing:**

As mentioned, the Subject Lands are located within PSEZ No. 10, being the York Zone.

Being within a PSEZ, the introduction of mixed-use development including residential uses may only occur through a Municipal Comprehensive Review (*MCR*), in accordance with the current Places to Grow Plan and *Planning Act*.

The Region of York has recently completed an MCR to update the *Region of York Official Plan*, which was Modified and Approved, by the Minister.

As part of the completed MCR, the Subject Lands have been Designated as ‘Employment Area’ forming part of the Highway 400 and Highway 407 Employment Zone.

It is expected, through the City of Vaughan’s ongoing Official Plan Review, the ‘Employment Area’ designation will remain, as a matter of required conformity to the recently approved Regional Official Plan.

Being within an existing PSEZ, a policy barrier preventing the advancement of a conversion review to permit mixed-use development, exists.

While it is acknowledged that Mixed-Use development has been permitted within various PSEZs, through MCRs, conversion of the Subject Lands was not possible unless the Region advanced the same through the completed MCR.

The Region’s criteria for consideration of conversions, within PSEZs, was ‘rigid’ and not cognizant of site-specific attributes including the recognition that Mixed-Use development functions efficiently when in proximity to existing highway, transit corridors and adjacent to existing commercial and institutional uses as is the case with the Subject Lands.

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The lands enjoy direct proximity to Highway 407, existing commercial uses, and a Place of Worship; uses of which would greatly benefit from the addition of residential uses. The surrounding neighbourhood mostly consists of ground related housing, with not many housing types available to serve all ages and existing residents.

Currently, the Subject Lands remain underutilized, with only existing commercial land use permissions and a high vacancy rate.

Permitting the timely redevelopment of the Subject Lands would permit revitalization of uses through intensification.

It should also be noted, the existing uses are excluded from the updated definition of ‘Areas of Employment’, which would remove the need for an Employment Conversion.

For several years, the existing uses have not contributed to the local and regional marketplace, with vacant floor space, exponentially exacerbated during the COVID-19 Pandemic.

Our Client has long awaited the Provincial Guidelines pertaining to the implementation of PSEZs, with the hope of being able to advance the proposed redevelopment of the Subject Lands.

As such, our Client welcomes the proposed Provincial Planning Statement, which, once approved, would result in the lands not being considered ‘Employment.’ This policy change should permit the advancement of Mixed-Use development including residential uses, at the earliest opportunity.

### **As of Right Mixed-Use Development Permissions for Non-Employment Lands:**

To guide the implementation of the proposed Provincial Planning Statement, the Ministry has released an implementation document.

The implementation document states the intention to update existing Municipal Official Plans would be to update Official Plans through the ordinary review cycle being every five years or every ten years, for a new Official Plans.

However, with the proposed definition for ‘Areas of Employment’ proposed through the Helping Homebuyers Protecting Tenants Act, 2023 (*e.g., Bill 97*), the implementation document states municipalities should advance updates to Official Plans on a ‘time-sensitive’ basis, to align with the new definition.

***Accordingly, on behalf of our Client we respectfully request the Minister consider that upon proclamation of Bill 97, lands which do not contain the uses described within the new***



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*definition of 'Area of Employment' be permitted, as of right, to propose Mixed-Use development including residential uses.*

Awaiting the update to Municipal Official Plans will further delay the implementation of Mixed-Use development including residential uses, not only for the Subject Lands but several other parcels, which do not contain employment uses including manufacturing, research, warehousing, goods movement and ancillary or accessory uses.

Continued protection of the Subject Lands, for employment use is inconsistent with the proposed Provincial Policy Statement and Bill 97 including the Government's clear effort to advance housing supply, in an expeditious manner, through Bills 23 and 109.

The appropriate design and land use standards to implement redevelopment of the Subject Lands is assured through subsequent *Planning Act* requirements including Site Plan Control and Draft Plan of Subdivisions, as applicable.

On behalf of our Client, we commend the Government on their efforts to advance housing supply in an uncomplicated and expeditious manner, through continued streamlining of the land use planning process and securement of the public interest.

We respectfully request our Comments and Requests be considered with a response and Notice of Decision provided.

Thank you for the opportunity to provide Comments.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours truly,  
**BLACKTHORN DEVELOPMENT CORP.**

Maurizio Rogato, B.U.R.Pl., M.C.I.P., R.P.P.  
Principal

Email Copy:

Client  
Mr. Alan Shefman, The Edge Quality/Communications Consultants