



September 16, 2021

SENT BY ELECTRONIC MAIL

Planning and Housing Committee
Toronto City Hall
100 Queen Street West, 10th floor, West Tower
Toronto, ON M5H 2N2

Attention: Nancy Martins, Secretariat, Planning and Housing Committee

Re: PH 26.2- Zoning Conformity for Official Plan Employment Areas - Phase 1 Final Report and Phase 2

Dear Chair and Planning and Housing Committee Members,

On behalf of the Board of Directors and BIA membership of Duke Heights Business Improvement Area (BIA), we are submitting a letter requesting a deferral, prepared by Cassels, Brock & Blackwell LLP and Planning Reports prepared by Gladki & Associates regarding Item PH 26.2 - Zoning Conformity for Official Plan Employment Areas – Phase 1 Final Report and Phase 2, being considered at the September 21, 2021, Planning and Housing Committee meeting. The two planning reports from Gladki & Associates are attached herein.

As the second largest BIA in the City of Toronto, Duke Heights BIA is home to 2,500 businesses and employing over 32,000 people. After the deferral of the Item PH 25.5 (currently PH 26.2) at the June 28th, 2021, Planning and Housing Committee meeting, Duke Heights BIA identified approximately 550 Businesses and Property Owners that would be directly and negatively affected by the proposed Zoning Bylaw changes. Thousands of jobs will be eventually lost.

Duke Heights BIA consulted with BIA Businesses and Property Owners on August 30th and BIA attendees expressed opposition to the removal of specific land uses and permissions as-of-right which would, if adopted, negatively impact their businesses operations, affect employment, and change the BIA business community landscape.

Duke Heights BIA requests the Planning and Housing Committee to defer consideration of zoning amendments until (1) the Phase 2 review has concluded; (2) the appeals of OPA 231 have been resolved; (3) the Keele Finch Secondary Plan is adopted; (4) the current City-Wide Municipal Comprehensive Review has concluded; and (5) a study is undertaken of the particular employment needs of the DUKE Heights BIA.

At a minimum, Duke Heights BIA requests that the Committee refer this item back to City Planning to undertake further analysis of and report back on the impact of each use recommended for removal with consideration of each of the points raised by the submissions received by the Committee and the presentations made.

In addition, the Duke Heights BIA also requests the planning report from Gladki & Associates - Review and Analysis of MC(H) Holding Zone within the City of Toronto Zoning Conformity Exercise for Official Plan Areas be part of the current review and conformity exercise, and the Committee direct City Planning to examine and report back to the committee regarding the removal of the holding By-laws which apply to properties within the Duke Heights BIA area and across the City. This is sought to achieve multiple objectives including • Enacting consistent application of polices for employment areas throughout the City and for the consistent implementation of the planning policy framework; • Allowing as-of-right office development within various employment areas and particularly for properties served by transit and in proximity to rapid transit service; and, • Removing a significant barrier to the operation and expansion of employment uses in employment areas.

Please refer to the enclosed attachments for further information.

We thank you in advance for your consideration of these requests.

Yours truly,



Lew Pliamm
Chair, Duke Heights BIA

cc. Deputy Mayor Ana Bailao, Ward 9, Chair, Planning and Housing Committee
Planning and Housing Committee Members
James Pasternak, Toronto City Councillor, Ward 6 – York Centre
Anthony Perruzza, Toronto City Councillor, Ward 7 – Humber Black Creek

Attachments (3):

Cassels, Brock & Blackwell LLP – Letter requesting deferral and further study of Item No. PH 26.2 – Zoning Conformity for Official Plan Employment Areas – Phase 1 Final Report and Phase 2 Update

Gladki & Associates –Review and Analysis of Proposed Zoning Conformity for Official Plan Employment Areas - Phase 1 Report

Gladki & Associates – Review and Analysis of MC(H) Holding Zone within the City of Toronto Zoning Conformity Exercise for Official Plan Areas

September 17, 2021

Via Email (phc@toronto.ca)

Planning and Housing Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins

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File: 56412-1

Dear Chair and Committee Members:

Re: Letter requesting deferral and further study of Item No. PH 26.2 - Zoning Conformity for Official Plan Employment Areas - Phase 1 Final Report and Phase 2 Update

We are the Solicitors for the DUKE Heights Business Improvement Area (the “**DUKE Heights BIA**”). Our client has reviewed Item No. PH 26.2 - Zoning Conformity for Official Plan Employment Areas - Phase 1 Final Report and Phase 2 Update (the “**Staff Report**”) and is writing to express its significant concerns with the recommendations contained therein.

We request that the written submissions and presentations received by the Planning and Housing Committee (the “**Committee**”) from the DUKE Heights BIA and its members be carefully considered.

It is the position of our client that adoption of the above-noted item is inappropriate for the reasons outlined below. On behalf of the DUKE Heights BIA, we respectfully request that the Planning and Housing Committee defer any changes to City of Toronto Zoning By-law 569-2013 and Former City of North York Zoning By-law No. 7625 until such time as: (1) the Phase 2 review has concluded; (2) the appeals of Official Plan Amendment No. 231 (“**OPA 231**”) have been resolved before the Ontario Land Tribunal (“**OLT**”); (3) the Keele Finch Secondary Plan is adopted; (4) the current City-Wide Municipal Comprehensive Review has concluded; and (5) a study is undertaken of the particular employment needs of the DUKE Heights BIA.

Background

The DUKE Heights BIA is located in North York and is bordered by Steeles Avenue to the north, Dufferin Street to the east, Sheppard Avenue West to the south and Keele Street to the west (the “**DUKE Heights BIA Area**”).

The DUKE Heights BIA is well served by an extensive transportation and transit network, including, 2 TTC Subway Stations – Finch West and Downsview Park, with a third subway station, Sheppard West, just to the south. Additionally, the DUKE Heights BIA is served by GO Transit at the Downsview Park GO Station and will benefit from the future planned Finch LRT.

As outlined in the Reports submitted by our client's planning consultants, Gladki Planning Associates dated June 28, 2021, the DUKE Heights BIA consists of over 2,500 businesses and 32,000 employees. As per the DUKE Heights Economic Development Study conducted by IBI in 2016, offices make up the largest number of establishments in the DUKE Heights BIA, followed by service, retail, manufacturing, institutional and other uses.

The nature of employment in the DUKE Heights BIA is changing. Office, service, institutional and other establishments were noted in the Study as experiencing positive growth during a survey period of 2001 – 2014, while manufacturing and retail uses trended in the negative.¹

The DUKE Heights BIA is predominantly designated *Core Employment Areas* or *General Employment Area* under the City of Toronto Official Plan. The DUKE Heights BIA also overlaps in part with the Keele Finch Secondary Plan Area, which has been endorsed by Council. While much of the Duke Heights BIA is zoned for Employment Industrial uses (E and EH) under City of Toronto Zoning By-law 569-2013, a significant portion of the DUKE Heights BIA is still subject to Former City of North York Zoning By-law No. 7625.

Issues

The Staff Report seeks to remove significant sources of employment

It is our position that the proposed removal of permitted uses does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), which recognizes by definition that *Employment Areas* will host a wide variety of employment uses. The uses that the Staff Report seeks to remove are significant generators of employment in the DUKE Heights BIA in particular. Many of the proposed uses to be removed already exist within the DUKE Heights BIA Area, with more than 550 businesses affected by the removals proposed in the Staff Report. These businesses operate ice arenas, fitness centres, adult education schools, secondary schools, colleges and more. Many businesses will become legal non-conforming uses, negatively impacting future expansion, or prevent landowners from leasing their spaces for these uses in the future without obtaining zoning amendments. This is overly onerous and will likely be cost-prohibitive for many small businesses.

The Staff Report also fails to consider the quality of the jobs it proposes to remove, and the impact the amendments will have on marginalized communities. For example, the removal of hotel uses as permitted uses in Employment Areas is directly contrary to a prior staff report dated November 3, 2017 which emphasized the importance of hotels as employers of marginalized communities that provide higher than living wages with benefits and a greater percentage of unionized positions.²

¹ IBI Group, *Duke Heights Economic Development Study*, online < <https://dukeheights.ca/wp-content/uploads/DUKE-Heights-Economic-Development-Study-and-Executive-Summary-FINAL-2016....pdf>> at pg 36

² City of Toronto, *Ensuring A Robust Hotel Supply*, (November 3, 2017) online < <https://www.toronto.ca/legdocs/mmis/2017/ed/bgrd/backgroundfile-108767.pdf>> at pg. 9.

Significant caution should be taken for this reason in applying the narrow interpretation taken in the Staff Report as to what constitutes an employment use.

Recommendations Premature Prior to Conducting Phase 2 of the Review

The Staff Report is seeking to remove several currently permitted uses under the in-force City zoning by-laws, prior to fully understanding the impact such removal will have on Employment Areas and in the absence of consideration of additional use permissions to facilitate employment opportunities.

Notably, the Staff Report seeks to remove Fitness Centres as a permitted use despite being a permitted use in General Employment Areas. No consideration has been given to expanding current restrictions on office use, also an otherwise permitted use in General Employment Areas.

Among other matters, the Staff Report also acknowledges that it has not reviewed site-specific permissions under the City of Toronto zoning by-laws, deferring consideration for Phase 2.

OPA 231 remains under appeal

Despite the stated desire of City Staff to bring all City zoning by-laws into conformity with the policies for both *General Employment Areas* and *Core Employment Areas*, OPA 231 respecting *Employment Areas* remains under appeal before the OLT. It is apparent that OPA 231 will remain under appeal for a significant amount of time; at the April 9, 2021 Case Management Conference respecting this matter a total of 346 hearing days were requested to be scheduled by the City's Solicitor as part of Phase 6 of the hearing, including 234 days for site specific hearings. There is simply no reason or urgency to bring forward these amendments at this time, disrupting a successful BIA, particularly when OPA 231 remains subject to change.

Staff Report does not consider the Keele Finch Secondary Plan

During the December 16 – 18, 2020 City Council meeting, Council adopted Official Plan Amendment No. 482 (“**OPA 482**”), respecting Protected Major Transit Station Areas in the Finch West Transit Station Area and Sentinel Transit Station Area and endorsed the Keele Finch Secondary Plan. Adoption of the Keele Finch Secondary Plan has been postponed until the Minister of Municipal Affairs and Housing (“**Minister**”) makes a decision respecting OPA 482 and the Chief Planner and Executive Director, City Planning confirms no consequential amendments are required to the Keele Finch Secondary Plan as a result.

The Keele Finch Secondary Plan designates lands within the DUKE Heights BIA Area as *Mixed Use Areas A*, *Mixed Use Areas B*, *Parks*, *General Employment Areas*, *Core Employment Areas A*, and *Core Employment Areas B*. Consideration of amendments to Zoning By-law 569-2013 and Zoning By-law 7625 should be deferred until the Keele Finch Secondary Plan is adopted to ensure conformity with the Official Plan.

Municipal Comprehensive Review of Employment Areas underway

OPA 231 was adopted by City Council in 2013, and no longer reflects current provincial policy, or the current and emerging employment uses in the DUKE Heights BIA. Following A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the City of Toronto has been directed by the Minister to undertake a conformity exercise through a Municipal Comprehensive Review (“**MCR**”). The City commenced its MCR on June 29, 2020 and it remains under review. The MCR includes a review of land uses and density targets in *Employment Areas* as well as consideration of numerous employment area conversion requests across the City. All of the foregoing may result in amendments to the *Employment Areas* policies of the Official Plan. Any amendments to the City zoning by-laws should be deferred until the conclusion of the MCR to ensure conformity with emerging policies.

Recommendations ignore the ongoing transformation of the DUKE Heights BIA Area

The DUKE Heights BIA Area is in a period of transformation, demonstrated by the shift away from the traditionally predominant manufacturing uses in the area and introduction of TTC Subway Service into the heart of the BIA. Additionally, there is the ongoing transformation of the adjacent Parc Downsview Park and Bombardier Lands (“**Downsview Park**”), which will bring renewal and revitalization of the Downsview area. This will bring consequential change to the DUKE Heights BIA which is located just to the north of Downsview Park.

As outlined in the DUKE Heights Economic Development Study, the DUKE Heights BIA intends to leverage its strategic location both at the gateway to the City of Toronto and at the centre of the regional economy, along with proximity to world class academic and government institutions, higher order transit and a supportive business network to foster development in advanced manufacturing, health care, research and development and professional services.

Despite the unique characteristics of the DUKE Heights BIA, our client is of the position that it has not received adequate study in recent years by the City. Our client encourages the City to engage in a planning study of the DUKE Heights BIA to assess the appropriateness of current Official Plan designations and permitted uses in support of its future growth and transformation.

Conclusion

At a time when small businesses are struggling to recover from the COVID-19 pandemic, the Committee should be very cautious in undertaking any amendments which may impact the success of employment areas. Removing permitted uses prior to understanding the full extent of the impact to Employment Areas will add significant and unnecessary cost and risk for businesses.

It is the position of our client that the recommendations of staff are best considered once the significant and unfolding planning processes outlined in this letter have concluded. For this reason, we ask the Committee to defer consideration of zoning amendments until: (1) the Phase 2 review has concluded; (2) the appeals of OPA 231 have been resolved; (3) the Keele Finch Secondary Plan is adopted; (4) the current City-Wide Municipal Comprehensive Review has concluded; and (5) a study is undertaken of the particular employment needs of the DUKE Heights BIA.

We respectfully request notification of any further actions or decisions made by Council or City Committees respecting this matter.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk
Partner

SL/JE/cm

cc: DUKE Heights BIA
Deputy Mayor Ana Bailão, Ward 9 – Davenport, Chair Planning and Housing Committee
Cllr. James Pasternak, Ward 6 – York Centre
Cllr. Anthony Perruzza, Ward 7 – Humber River-Black Creek
Lia Martelluzzi, Executive Director DUKE Heights BIA
Lew Pliamm, Chair DUKE Heights BIA

Review and Analysis of MC(H) Holding Zone within the City of Toronto Zoning Conformity Exercise for Official Plan Areas

Prepared by Gladki Planning Associates for DUKE Heights BIA

SEPTEMBER 2021

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Introduction

This report is prepared regarding the proposed zoning framework bringing the City's zoning By-laws into conformity with OPA 231. We have reviewed the June 10, 2021 report on Zoning Conformity for Official Plan Employment Areas.

This memorandum addresses the zoning for properties within the DUKE Heights BIA area along the prominent thoroughfares of Sheppard Avenue West, Dufferin Street, Finch Avenue West, Keele Street and Steeles Avenue West, which are generally not included within the City-wide Zoning By-law framework. The majority of these properties are zoned under Former North York Zoning By-law 7625 and a holding symbol is applies to these properties. This holding symbol limits available uses within these areas subject to an application to lift the "H" and the submission and review of a transportation impact assessment.

This zoning provision only applies to select properties in North York and particularly within the DUKE Heights BIA area. This memorandum presents this requirement as an outdated zoning permission which should be removed to allow for consistent policies to apply for employment areas across the City.

The report provides additional information regarding the use of the "H" in North York and the impact of the holding symbol as a barrier to development. This report recommends that the City draft a timely report on an approach for removing the "H" on main streets within the DUKE Heights BIA and beyond in North York.

This report provides planning analysis of the proposed amendments introduced by the City of Toronto to the City-wide zoning By-law framework and provides a summary of the proposed impacts on properties across the DUKE Heights BIA area.

Recommendation

DUKE Heights BIA requests that as a part of the current review and conformity exercise, the Committee direct City Planning to examine and report back to the committee regarding the removal of the holding By-laws which apply to properties within the DUKE Heights BIA area and across the City.

Background

A holding symbol applies to properties along major routes within the DUKE Heights BIA. Currently within this zone Retail and Personal Service uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m² and Office Uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m².

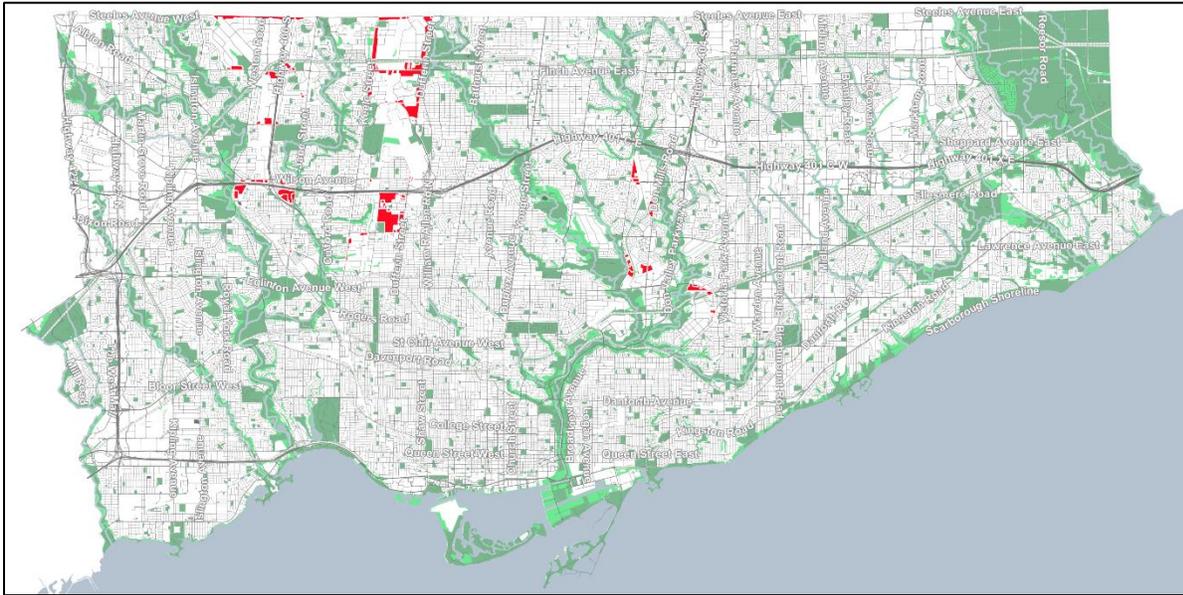


Figure 1 - Properties zoned using the MC Holding Zone "H" across the City of Toronto Shown in Red

Properties subject to the MC(H) holding zone in North York were not included within City-wide By-law 569-2013 as it was approved. In these areas, these properties are zoned under former North York By-law 7625. This By-law applies the policy direction of the former City of North York Official Plan regarding the implementation of the Plan, limiting particular uses and seeking that criteria be fulfilled prior to the enactment of an amendment which removes the “H”.

Consequently, following the amalgamation of the City of Toronto, and the passing of Toronto’s Official Plan, these areas remain subject to policy of the former City of North York.

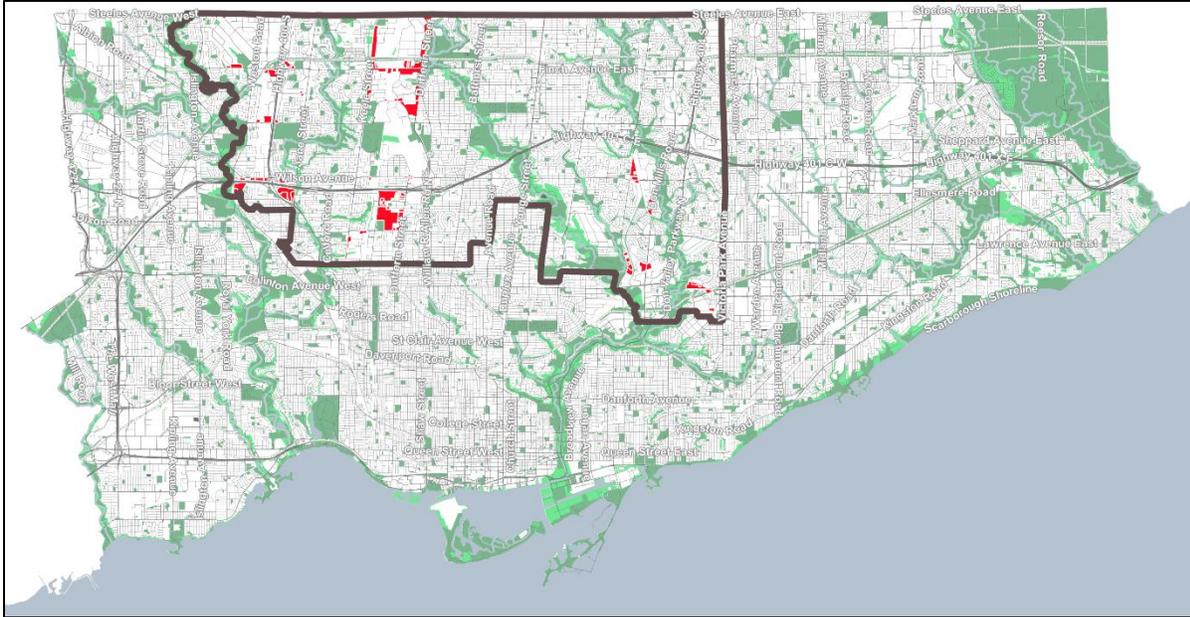


Figure 2 Properties zoned using the MC Holding Zone "H" across the City of Toronto Shown in Red, Former City of North York Boundary in Black

The MC(H) holding zone applies to properties across the former City of North York but is particularly prevalent within the DUKE Heights area, applying to the majority of properties fronting major routes in the area.

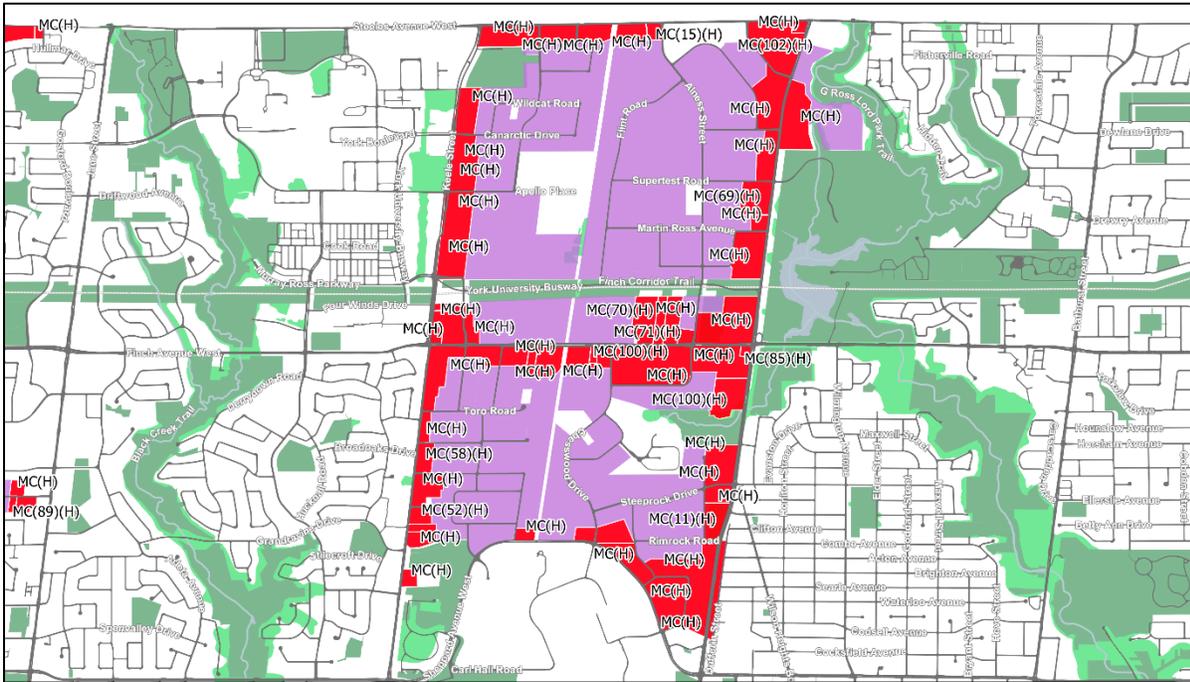


Figure 3 - Properties zoned using the MC Holding Zone "H" across the City of Toronto Shown in Red, Employment Areas Zoned Under By-law 569-2013 shown in Purple

As the Policy was originally conceived of as presented in the 1991 City of North York Official Plan, the plan limited Office uses within these zones. Subject to Sub-section 7.2.0 *Holding Zones – Office Uses in Industrial Areas* of the former City of North York Official Plan, criteria were set forth to lift holding By-law. The plan limited office buildings in industrial districts due to concern regarding the capacity of the former City's arterial road system and sanitary sewer capacity.

The policy would be further amended to also include limits on personal service and retail uses subject to the satisfactory review of a transportation report. Currently within this zone, Office uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m². The submission and acceptance of a transportation impact assessment and an application to amend the By-law to lift the holding zone are required.

The holding zone is not consistent with more recent policy direction through the City of Toronto Official Plan. The City of Toronto Official Plan permits Office uses within Core and General Employment Area designations and particularly in proximity to transit and rapid transit services.

A similar holding zone does not apply to other areas of the City. Some limitations on the FSI of Office uses exist within other zones in employment areas including the Employment Industrial Office Zone (EO) within Zoning By-law 569-2013. These zoning tools however typically encourage a greater density of Office Uses relative to other potential employment permissions as it does for example for properties located along Overlea Boulevard in East York where industrial and intensive employment uses are limited to an FSI of 0.75 while Office uses are given full permissions.

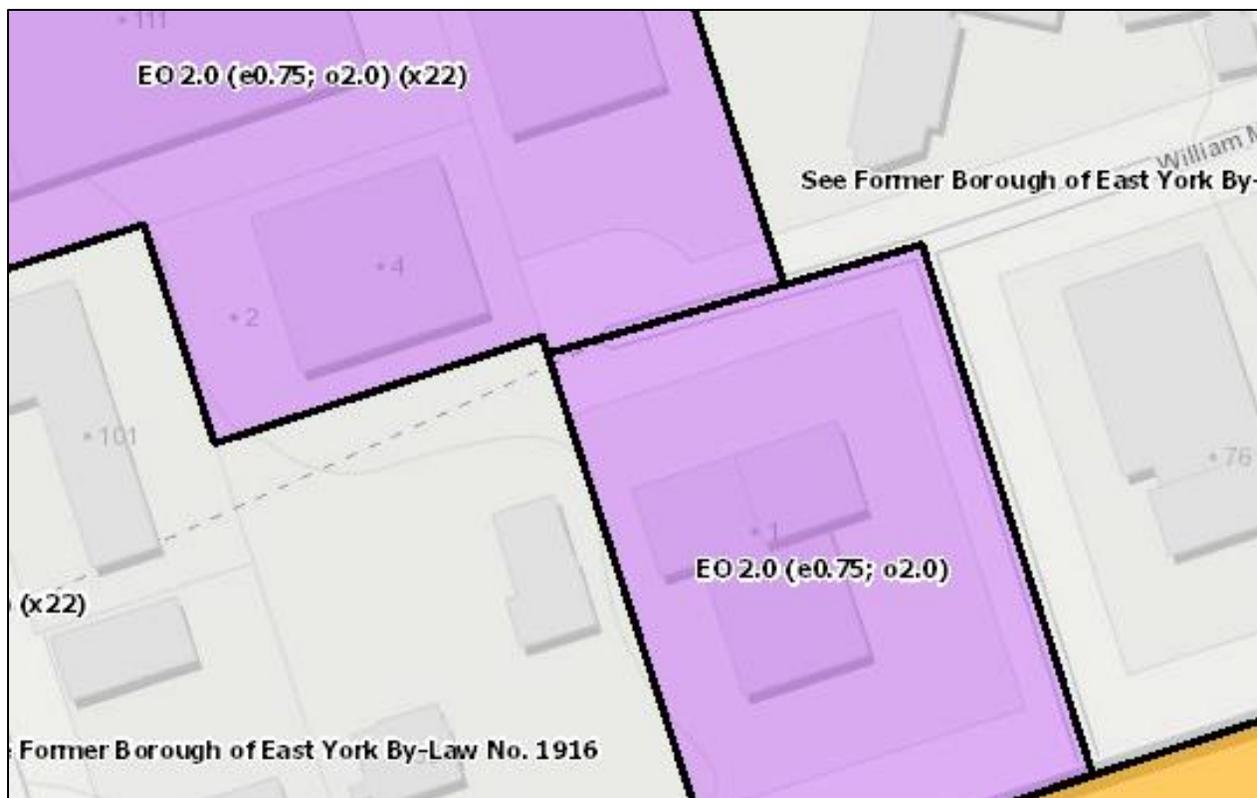


Figure 4 - Office Permissions within EO Zone

Development Review

The development and redevelopment of commercial and industrial buildings in Toronto is subject to Site Plan Control subject to the Toronto Municipal Code and Section 114 of the City of Toronto Act and Section 41 of the Planning Act.

This authority provides a process that examines the design and technical aspects of a proposed development to ensure it is attractive and compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City. Features such as building designs, site access and servicing, waste storage, parking, loading and landscaping are reviewed.

A transportation study is often required during development review:

- Transportation Impact Study (OPA/ZBA/SUB/SPA)
- Traffic Operations Assessment (SPA)

Conclusion

At best, the “H” is an unnecessary duplication of normal City requirements for development review as the requirements may be secured as enacted by the Municipal Code, City of Toronto Act, and Planning Act for Site Plan Control and other development applications.

Further, it deters development activity and impedes the creation of additional employment and uses supportive of employment areas. The continuation of the “H” symbol presents an additional hurdle and discourages development applications where it applies, impacting the creation of additional jobs.

DUKE Heights BIA requests that as a part of the current review and conformity exercise, the Committee direct City Planning to examine and report back to the committee regarding the removal of the holding By-laws which apply to properties within the DUKE Heights BIA area and across the City.

This is sought to achieve multiple objectives including:

- Enacting consistent application of polices for employment areas throughout the City and for the consistent implementation of the planning policy framework;
- Allowing as-of-right office development within various employment areas and particularly for properties served by transit and in proximity to rapid transit service; and,
- Removing a significant barrier to the operation and expansion of employment uses in employment areas.

Review and Analysis of Proposed Zoning Conformity for Official Plan Employment Areas Phase 1 Report

Prepared by Gladki Planning Associates for DUKE Heights BIA

SEPTEMBER 2021

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Executive Summary

This report provides planning analysis of the proposed amendments introduced by the City of Toronto to the City-wide zoning By-law framework and provides a summary of the proposed impacts on properties across the DUKE Heights BIA area.

Recommendation

The DUKE Heights BIA requests that the **Committee refer this item back to City Planning to undertake further analysis of and report back on the impact of each use recommended for removal with consideration of each of the points raised by the submissions received by the Committee and the presentations made.**

Impact on properties located along Main Streets (Finch, Keele, Sheppard, Steeles, Dufferin/Allen as well as Kodiak, De Boers and Whitehorse)

For properties along major roads (including Finch Avenue West, Steeles Avenue West, Sheppard Avenue, Keele Street and Dufferin Street shown in Figure 1, below) as well as Kodiak, De Boers and Whitehorse within the DUKE Heights BIA area, the following uses will no longer be permitted:

- Accessory Residence for Caretaker of Head of the Congregation
- Adult Education School
- Banquet Hall
- Cinema
- Club
- College
- Commercial Gallery
- Commercial Recreation
- Community Centre
- Day Nursery
- Fitness Centre
- Funeral Establishment
- Golf Course
- Hotel
- Motor Vehicle Dealership
- Museum
- Pinball and Video Games Arcade
- Place of Worship
- Public Library
- Secondary School
- Theatre



Figure 1 Impacted areas zoned under By-law 7625 along major streets

The revised list of permitted uses within these areas will include the following amendments:

Table 1 Summary of impact within MC Zone. Existing permissions shown in white. Deleted or reduced permissions shown in red shades.

Adult Education School	Custom Workshop	Motor Vehicle Dealership ⁶	Service Shop
Artist Studio	Day Nursery	Museum	Service Station
Banquet Hall ¹	Financial Institution	Office Uses ⁷	Showroom
Car Rental Agency	Fitness Centre ⁵	Park	Theatre
Car Washing Establishment	Funeral Establishment	Parking Lot	Transportation Terminal

Cinema	Gasoline Station	Personal Service Shop ⁷	Warehouse
Club ²	Golf Course	Pinball and Video Games Arcade	Veterinary Clinic
College	Health Science Research Laboratory	Place of Worship⁸	
Commercial School (permitted with conditions)³	Hotel	Public Library	
Commercial Gallery	Industrial Sales and Service	Public Self Storage Warehouse	
Commercial Recreation ⁴	Information Processing	Research Laboratory	
Communications and Broadcasting	Laundry	Restaurant, with or without an outdoor patio	
Community Centre	Manufacturing	Retail store ⁷	
Contractor's Establishment	Motor Vehicle Body Repair Shop	Secondary School	

¹ A Banquet Hall means a building used for the gathering of people for specific functions including weddings, conventions, parties and similar events, and includes an assembly hall, bingo hall and concert hall.

² Club means a place for meetings or gatherings by members of a non-profit organization of social, cultural, recreational, philanthropic and community service purposes. A club does not include a restaurant/bar or banquet hall. Adult Entertainment uses are not permitted under this use. Adult Entertainment uses are not permitted within these areas.

³ Permission for *Commercial School* is revised to remove potential for private schools in this area. Under the new conditions Commercial Schools will be permitted provided that they are only used for technical and trade skills development or driver education for commercial or construction vehicles.

⁴ *Commercial Recreation* includes recreational facilities which are open to the public and operate as a commercial use. It includes all such uses including mini golf, a driving range, pool hall,

bowling alley, ice rink or similar uses. It does not include a golf course or fitness centre or pinball and video games arcade which are individually defined.

⁵ *Fitness Centres* include sports and active recreation facilities where the patrons are predominantly participants and where there are generally no spectators.

⁶ *Motor Vehicle Dealerships* include the use of property for the parking or display of new and used vehicles for sale, rental or lease. Motor vehicle servicing, mechanical repair or body repair shop uses may be included as an accessory use. A *Motor Vehicle Body Repair Shop* remains a permitted use in this area. Any substantial *Motor Vehicle Dealership* operation may not be permitted as an ancillary use to a *Motor Vehicle Body Repair Shop*.

⁷ Conditions continue to apply to limit the size of Office Uses, Retail Stores and Personal Service Shops related to the holding symbol currently applied within the MC(H) zone. Currently within this zone Office uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m². Similarly, retail and personal service shops are also limited to the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m². Currently, the submission and acceptance of a transportation impact assessment and an application to amend the By-law to lift the holding zone are required. The By-law amendment does not address these current limitations.

⁸ Permission for an accessory caretaker's residence for a place of worship is also deleted.

Impact on Properties along the Area's Internal Streets

Lands within the interior of the BIA Area are generally designated Core Employment Areas under the City of Toronto Official Plan and are zoned Employment Industrial under City of Toronto Zoning By-law 569-2013. These lands are shown in Figure 2 below.

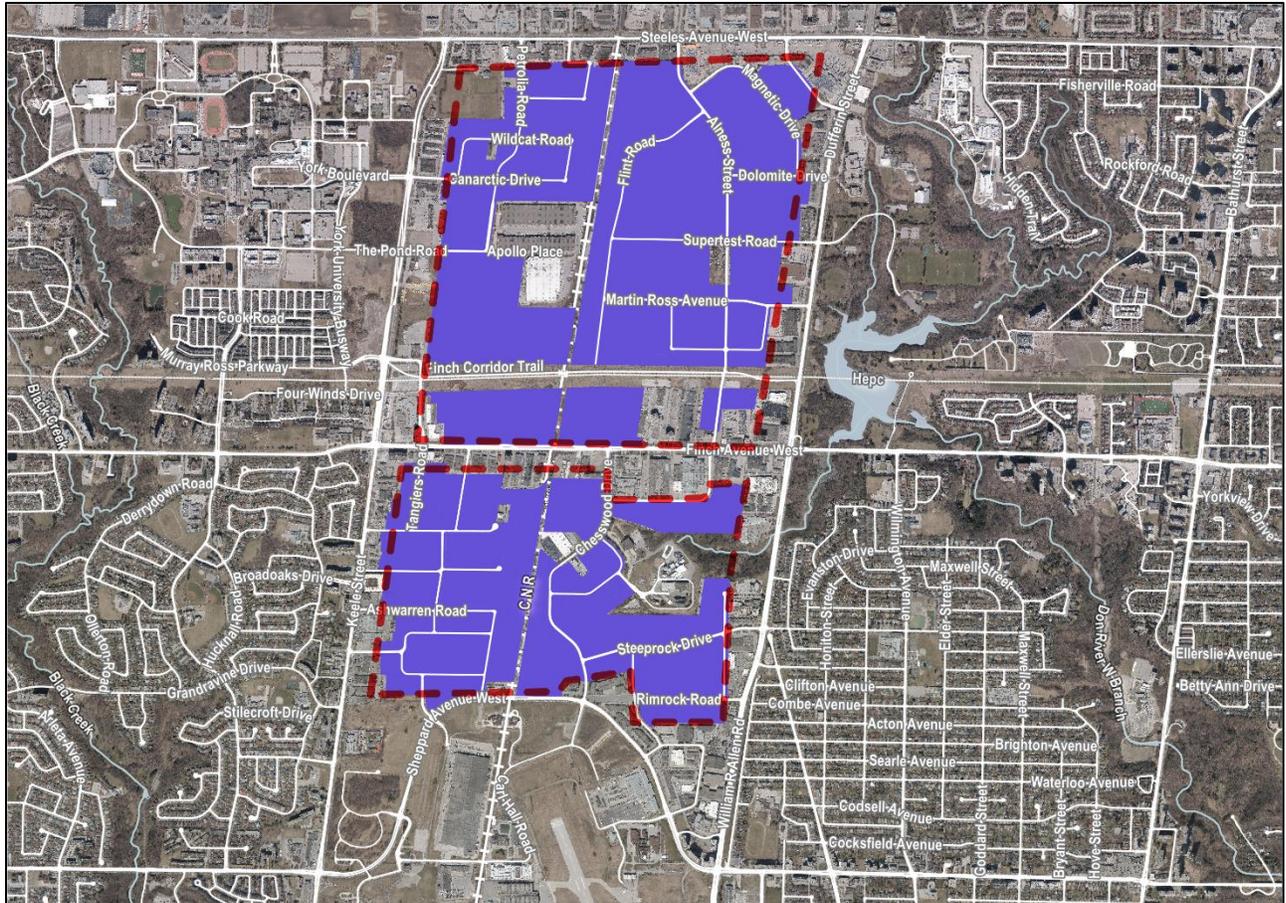


Figure 2 Impacted areas zoned under By-law 569-2013 within Core Employment Areas

For lands within Core Employment Areas, the following uses will no longer be permitted under the City-wide Zoning By-law:

- Recreational Use
- Performing Arts Studio

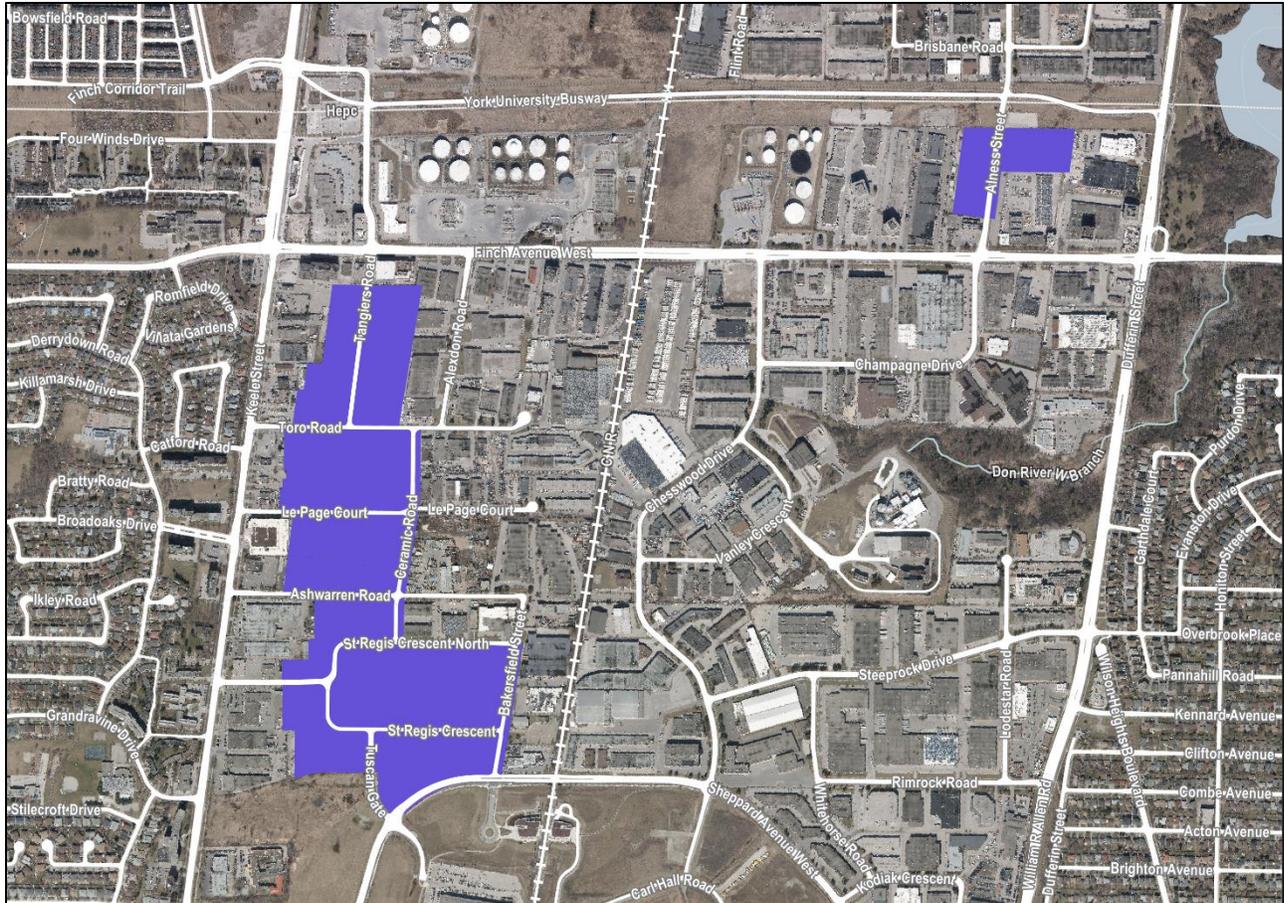


Figure 3 Impacted areas zoned Employment Industrial Zone (E) under By-law 569-2013

The revised list of permitted uses within the areas shown in figure 3 above will include the following uses:

Table 2 Summary of impact within E Zone. Existing permissions shown in white. Deleted permissions shown in red shade.

Ambulance Depot	Custom Workshop	Outdoor Patio †	Retail Store †
Manufacturing Uses except used listed in footnote below table*	Drive Through Facility †	Park	Service Shop
Animal Shelter	Dry Cleaning or Laundry Plant	Performing Arts Studio	Shipping Terminal †
Artist Studio	Eating Establishment †	Pet Services	Software Development and Processing

Automated Banking Machine	Financial Institution	Police Station	Take-out Eating Establishment †
Bindery	Fire Hall	Printing Establishment	Transportation Use †
Body Rub Service†	Industrial Sales and Service Use	Production Studio	Vehicle Depot †
Building Supply Yards	Kennel	Public Utility †	Vehicle Fuel Station †
Carpenter's Shop	Laboratory	Public Works Yard	Vehicle Repair Shop †
Cogeneration Energy†	Marihuana production facility †	Recovery Facility †	Vehicle Service Shop †
Cold Storage	Metal Factory involving Forging and Stamping †	Recreation Use †	Vehicle Washing Establishment †
Contractor's Establishment	Office	Renewable Energy †	Warehouse
Crematorium †	Open Storage †	Retail Service †	Wholesaling Use

† These uses are subject to use conditions within the Zoning By-law

* The following uses are not permitted:

- 1) Abattoir, Slaughterhouse or Rendering of Animals Factory;
- 2) Ammunition, Firearms or Fireworks Factory;
- 3) Asphalt Plant;
- 4) Cement Plant, or Concrete Batching Plant;
- 5) Crude Petroleum Oil or Coal Refinery;
- 6) Explosives Factory;
- 7) Industrial Gas Manufacturing;
- 8) Large Scale Smelting or Foundry Operations for the Primary Processing of Metals;
- 9) Pesticide or Fertilizer Manufacturing;
- 10) Petrochemical Manufacturing;
- 11) Primary Processing of Gypsum;
- 12) Primary Processing of Limestone;
- 13) Primary Processing of Oil-based Paints, Oil-based Coatings or Adhesives;
- 14) Pulp Mill, using pulpwood or other vegetable fibres;
- 15) Resin, Natural or Synthetic Rubber Manufacturing;
- 16) Tannery

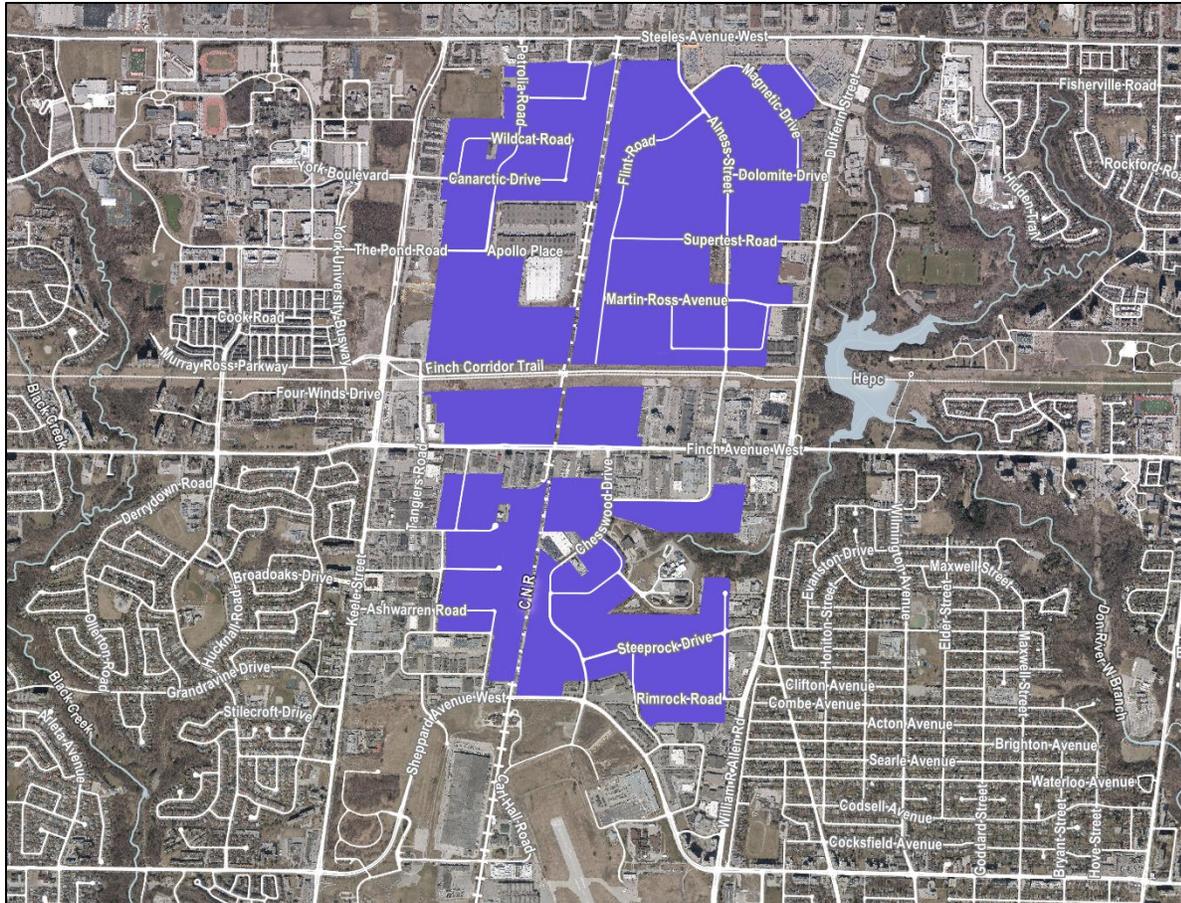


Figure 4 Impacted areas zoned Employment Heavy Industrial Zone (EH) under By-law 569-2013

The proposed amendment will have no additional impact over the areas identified in Figure 4 above as none of the uses under consideration are permitted in the base zone.

Impact on Properties within the Keele Finch Secondary Plan Area

Properties within the Keele-Finch Secondary Plan area are within the vicinity of the intersection of Keele Street and Finch Avenue West and are shown within the except land use plan in the Figure below.

The City has not yet introduced a zoning By-law to implement the endorsed land use changes.

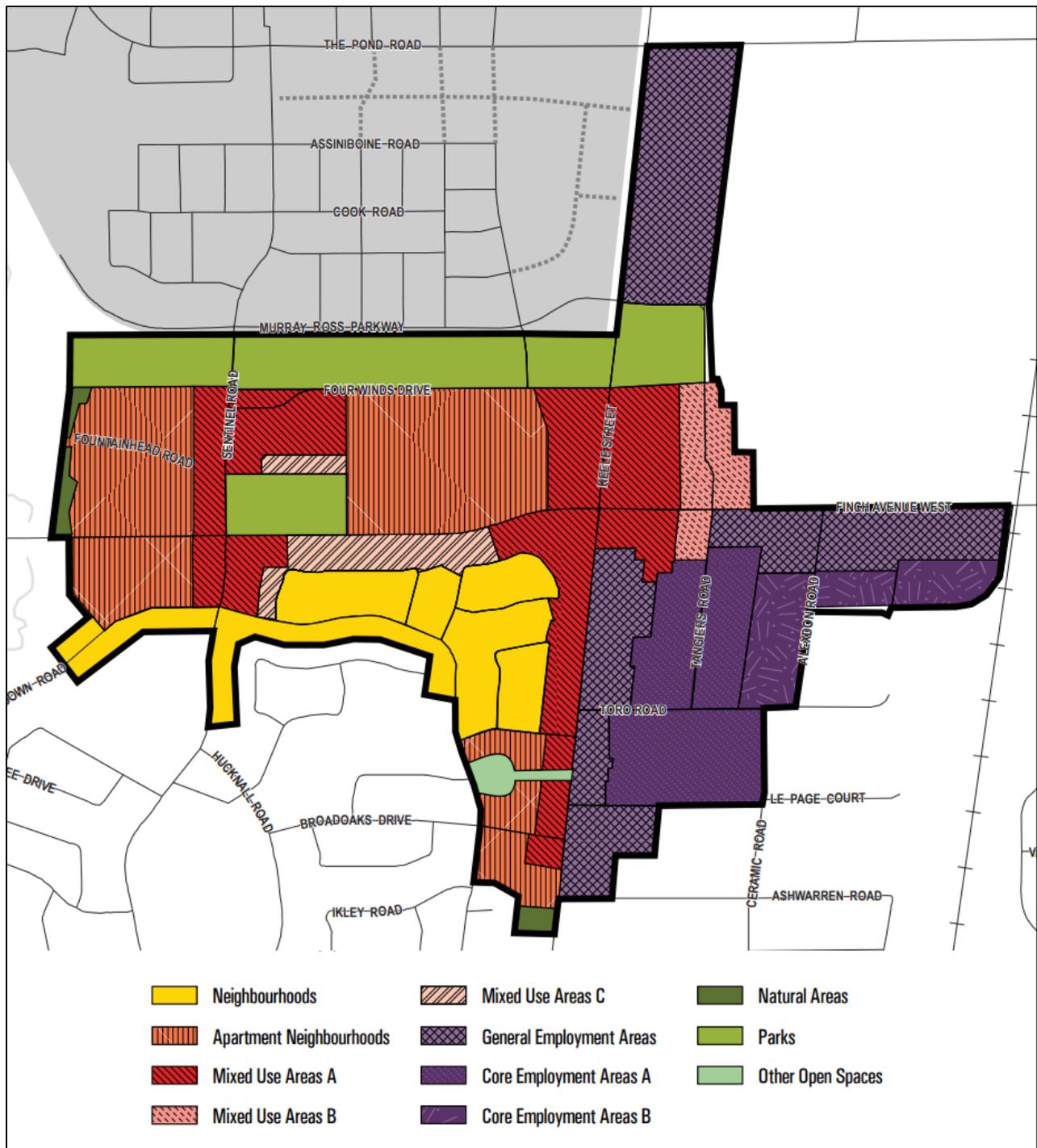


Figure 5 Keele-Finch Plus Secondary Plan, Land Use Plan

The Mixed Use Areas A, Mixed Use Areas B, General Employment Areas, Core Employment Areas A and Core Employment Areas B are land uses designations which will apply to lands within the DUKE Heights BIA area.

The proposed amendments are not intended to impact permissions contemplated under secondary plans and site and area specific plans however, the current draft will have the effect of removing some permissions currently available under the current By-law. These proposed amendments would conflict with the Secondary Plan as currently endorsed.

The impact to these permissions is summarized in the table below.

Table 3 Summary of Impacts to Uses within the Keele-Finch Plus Secondary Plan

Mixed Use Areas A	Residential Office Uses Hotels Retail and Service Uses Institutional Uses Media Cultural Recreational and Entertainment Uses Parks and Open Spaces
Mixed Use Areas B	Office Uses Retail and Service Uses Institutional Uses Media Cultural and Entertainment Uses Parks and Open Spaces
Mixed Use Areas C	Small-scale retail and service uses
General employment areas	Office Uses Light Industrial Uses and Wholesaling Media Uses Research and Development Facilities Information and Technology Facilities Industrial Trade Schools Utilities Public Transportation Vertical Agriculture Storage except outdoor and self-storage Parks and Open Spaces Restaurants, retail and service uses
Core Employment Areas A	Office Uses Light Industrial Uses and Wholesaling Media Uses

	Research and Development Facilities Information and Technology Facilities Industrial Trade Schools Utilities Public Transportation Vertical Agriculture Storage except outdoor and self-storage Parks and Open Spaces Restaurants, retail and service uses Locally serving restaurant and service uses
Core Employment Areas B	Office Uses Light Industrial Uses and Wholesaling Media Uses Research and Development Facilities Information and Technology Facilities Industrial Trade Schools Utilities Public Transportation Vertical Agriculture Storage except outdoor and self-storage Parks and Open Spaces Restaurants, retail and service uses Locally serving restaurant and service uses Medium industrial uses

Note on Office Uses within the MC(H) Zone

A holding symbol applies to properties along major routes within the DUKE Heights BIA. This holding zone corresponds to the MC(H) zone which is enacted under former North York Zoning By-law 7625.

Currently within this zone, Office uses shall not exceed the lesser of a floor space index of 0.5 or a combined total gross floor area of 5,000 m². The submission and acceptance of a transportation impact assessment and an application to amend the By-law to lift the holding zone are required.

Office uses are supported uses within employment areas subject to the City’s Official Plan. The MC(H) holding zone generally applies to areas zoned as *Industrial-Commercial Zone MC(H)* within the Former North York Zoning By-law.

A similar holding zone does not apply to other areas of the City. Some limitations on the FSI of Office uses exist within other zones in employment areas including the Employment Industrial Office Zone (EO) within Zoning By-law 569-2013. This limitation applies to the appropriate allocation of FSI for office uses. This zone, typically encourages a greater density of Office Uses, as it does for example for properties located along Overlea Boulevard in East York where

industrial and intensive employment uses are limited to an FSI of 0.75 while Office uses are given full permissions.



Figure 6 - Office Permissions within EO Zone

Office Uses are permitted within employment areas and are particularly desirable in areas accessible to surface and rapid transit. As part of the ongoing conformity exercise, the current amendments under consideration should provide appropriate permissions for Office Uses, removing these uses from current limitations as part of the MC(H) zone.

Background

The City of Toronto has undertaken a two-phase review of the City's zoning framework for *Employment Areas*. As part of this review, the City is seeking to bring this zoning framework into conformity with the City's Official Plan and Official Plan Amendment 231 (OPA 231).

Phase 1 of this process involves the removal of permissions for specific land uses not permitted in *General Employment Areas* or *Core Employment Areas* under the policy direction of OPA 231. This included specified land uses within all former general zoning By-laws across the City

including the Former North York By-law 7625 which applies to the DUKE Heights area. The City also proposes the update of the City-wide Zoning By-law 569-2013 to remove these land uses.

Through the amendments proposed in Phase 1, the City of Toronto is seeking to bring the City's zoning by-laws into conformity with the Official Plan, as amended by OPA 231.

A final report for Phase 1 of this process was prepared by City of Toronto Staff and is dated June 10, 2021. This report was presented to the City's Planning and Housing Committee on June 28, 2021 including draft By-law amendments reflecting the recommended changes. The item was deferred by the committee and a supplementary report was requested by Committee.

A number of By-law consultation processes have been underway involving DUKE Heights BIA members.

In 2019, the DUKE Heights BIA undertook a review of applicable area By-laws including consultation with BIA members including a Public Open House held by the BIA on June 4, 2019. Members identified the following issues at that time:

- Overlap of the two in-force Zoning By-laws 569-2013 and Former North York By-law 7625;
- Holding symbol for lands zoned by Former North York By-law 7625;
- Onerous and confusing parking standards provided under two By-laws;
- Restrictive use permissions

The BIA sought to resolve the confusion caused by the two Zoning By-laws applicable to the DUKE Heights Area. The Zoning By-law Review sought to achieve the following:

- Eliminate the overlap of the two in-force zoning By-laws
- Provide immediate relief from onerous and confusing parking requirements
- Support a range of uses that facilitate business growth in the area;

Eliminate the holding By-law applying to certain properties fronting primary thoroughfares within the BIA

A draft Zoning By-law was provided at that time. The By-law proposed to:

- Retain existing zoning permissions during the harmonization
- Remove holding symbols within the area
- Harmonize parking standards between By-laws to provide immediate relief and modernize parking standards
- Expand the set of permitted uses in key areas including a range of retail uses and standalone offices in proximity to the primary thoroughfares within the BIA.

In addition, the City of Toronto has undertaken a review of parking requirements for new development across the City and initiated a public consultation process this year.

The current proposal is not specifically related to nor does it address the concerns reflected by the proposed 2019 DUKE Heights By-law.

Policy Framework

City of Toronto Official Plan and Official Plan Amendment 231

The City of Toronto Official Plan ("TOP") was adopted by City Council in November 2002. Subject to appeals, the plan was approved in part by the Ontario Municipal Board in 2006. A February

2019 consolidation of the TOP incorporates the 2013 Official Plan Amendment 231 which provides further policy guidance with respect to employment lands within the City of Toronto. Portions of OPA 231 currently remain under appeal. A January 2019 decision by the Local Planning Appeal Tribunal brought large sections of the policy into force.

Traditional and heavy employment uses – including manufacturing, processing, warehousing, distribution, storage and vehicle repair are permitted within *Core Employment Areas*. These designations are generally located within the interior of employment districts. *General Employment Areas*, identified by the policy, are located at the exterior of employment districts, along arterial roads. They provide a transition between *Core Employment Areas* and surrounding, potentially sensitive uses including residential areas. *General Employment Areas* permit restaurants, all types of retail (subject to size restrictions) and service uses in addition to those uses permitted in *Core Employment Areas*.

EXISTING ZONING

The DUKE Heights BIA area is subject to two in-force zoning By-laws including By-law 569-2013 and Former City of North York By-law 7625.

City-wide Zoning By-law 569-2013

By-law 569-2013 zones properties within DHBIA as Employment Industrial Zone (E), Employment Heavy Industrial (EH), Open Space Recreation (OR), Open Space Natural (ON), Open Space Cemetery Zone (OC) and Utility (UT). Where applicable, these zoning categories generally correspond with the previous permissions provided under the former By-law 7625 while also aligning with the objectives of the City of Toronto official Plan.

The City-wide Zoning By-law 569-2013 does not apply to large portion of the DUKE Heights area. These areas are only subject to the Former City of North York By-law and include properties fronting Finch Avenue West, Sheppard Avenue, Dufferin Street, Steeles Avenue and Keele Street.

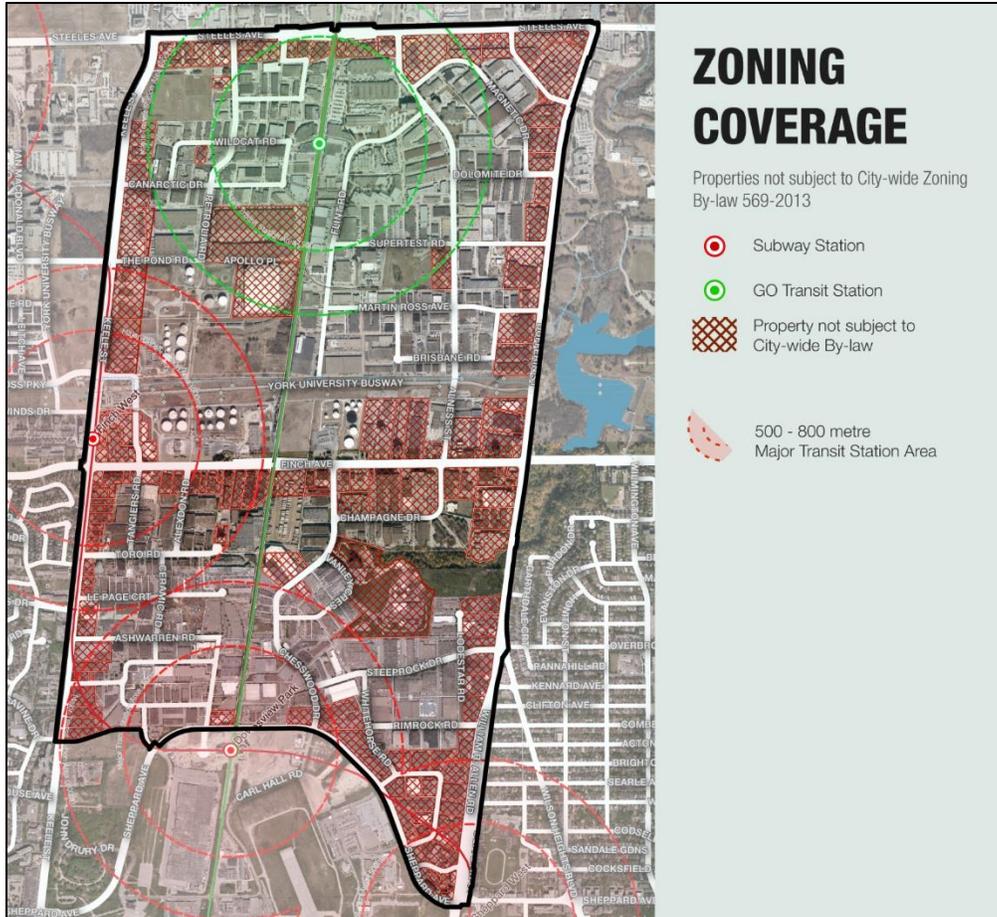


Figure 7 - Properties not Zoned By By-law 569-2103

Former North York Zoning By-law 7625

The Former North York Zoning By-law 7625 applies to areas within the DHBIA. The employment lands within the BIA area solely zoned by By-law 7625, and not Zoned under By-law 569-2013, are zoned as Industrial Commercial (MC) and Industrial Zone Three (M3).

The Industrial Commercial Zone (MC) permits a range of industrial and commercial uses including retail, personal service shop, hotel, office as well as manufacturing and light industrial uses.

The By-law applies a Holding Symbol (H) to Industrial Commercial (MC) zoned lands along arterial roads.

IMPACT TO EXISTING LAND USE PERMISSIONS

The land uses listed in Table 1 below are under consideration through this zoning conformity exercise in all zones.

Table 4 – Uses Under Consideration

Land Use
Hotel
Place of Worship

Club
Library
Community Centre
Art Gallery
Museum
Recreation Use
Place of Assembly
Performing Arts Studio
Education Use
Municipal Shelter

Impact to Lands Zoned Under By-law 569-2013

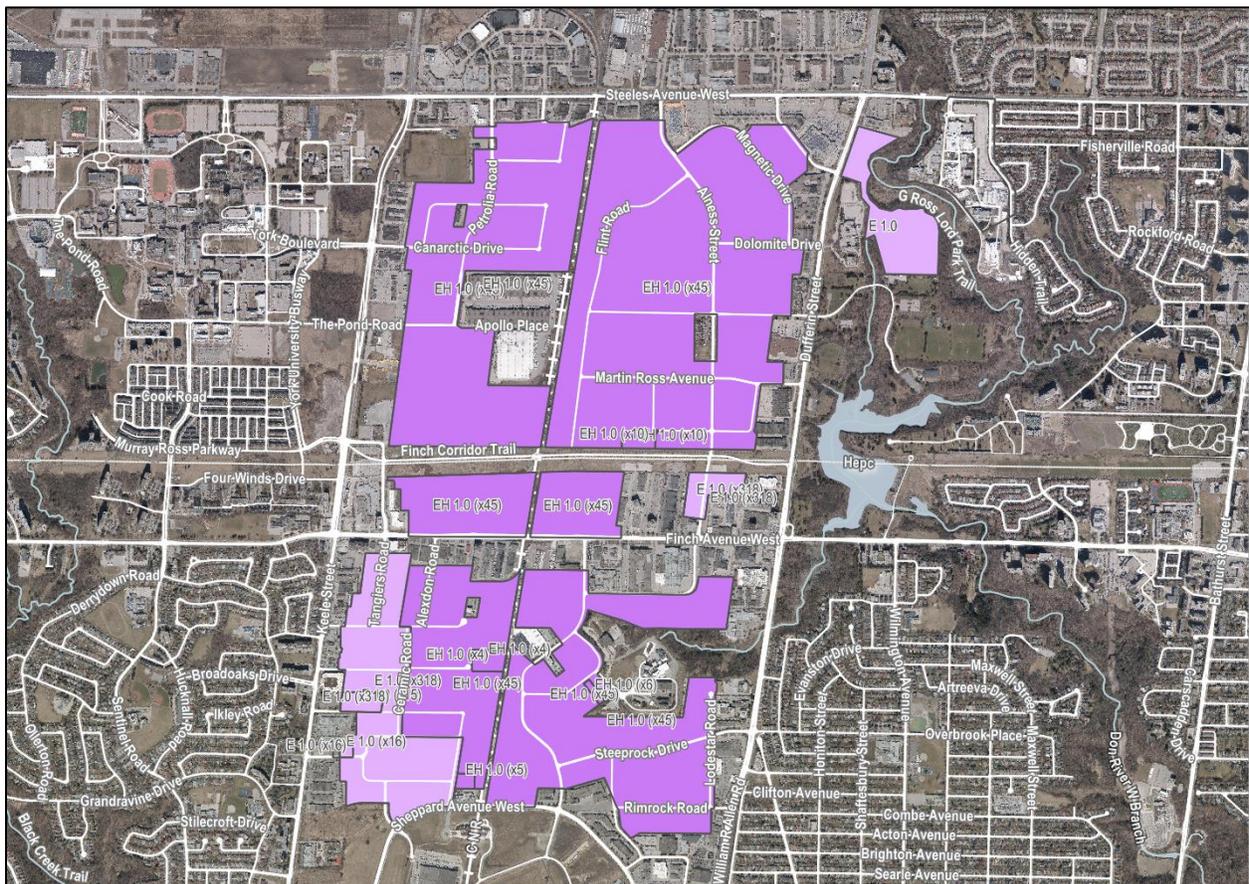


Figure 8 Lands Zoned Under By-law 569-2013. Lands zoned E are in lighter shade. Lands zoned as EH are in darker shade.

Employment lands within the DUKE Heights BIA area are zoned as E and EH Zone (see Figure 2).

The City of Toronto is contemplating deleting permissions for all sensitive land uses where applicable under the current proposal.

The proposed impact to the land use under consideration are included in the Table below.

Table 5 – Summary of Proposed Changes to Use Permissions in By-law 569-2013

Land Use	EL Zone	E Zone	EH Zone	EO Zone
Hotel	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Place of Worship	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Club	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Library	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Community Centre	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Art Gallery	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Museum	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Recreational Use	Delete	Delete	Not permitted in base zone	Delete
Performing Arts Studio	Delete	Delete	Not permitted in base zone	Delete
Place of Assembly	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete
Education Use	Permitted w/ condition in base zone	Not permitted in base zone	Not permitted in base zone	Permit w/ condition
Municipal Shelter	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete

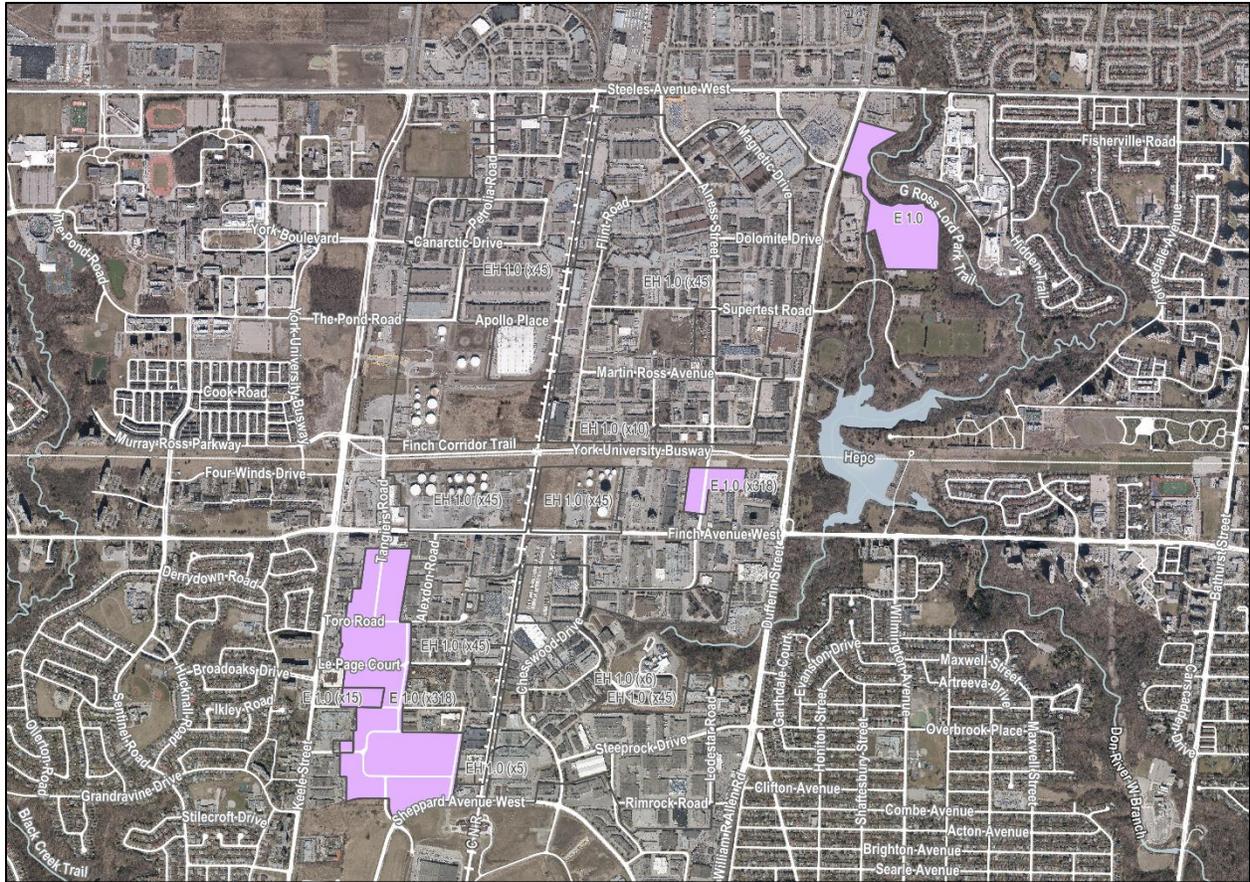


Figure 9 - Lands Zoned as E Zone, 569-2103

The City has proposed removing permissions for Performing Arts Studio and Recreational Use within the E Zone. This includes areas shown in the light purple shade in Figure 3, above.

The EH zone does not currently permit any of the uses under consideration. The City therefore identifies no impact to this zone through the proposed amendment. Areas zoned as EH are shown in Figure 4, below.

The deletion of zoning permission for Ice Arenas on lands designated as General Employment in the Official Plan is recommended through this amendment unless an Ice Area legally existed as of March 26, 2018. In Core Employment Areas of the Official Plan, zoning permission for all Ice Arenas are proposed to be deleted.

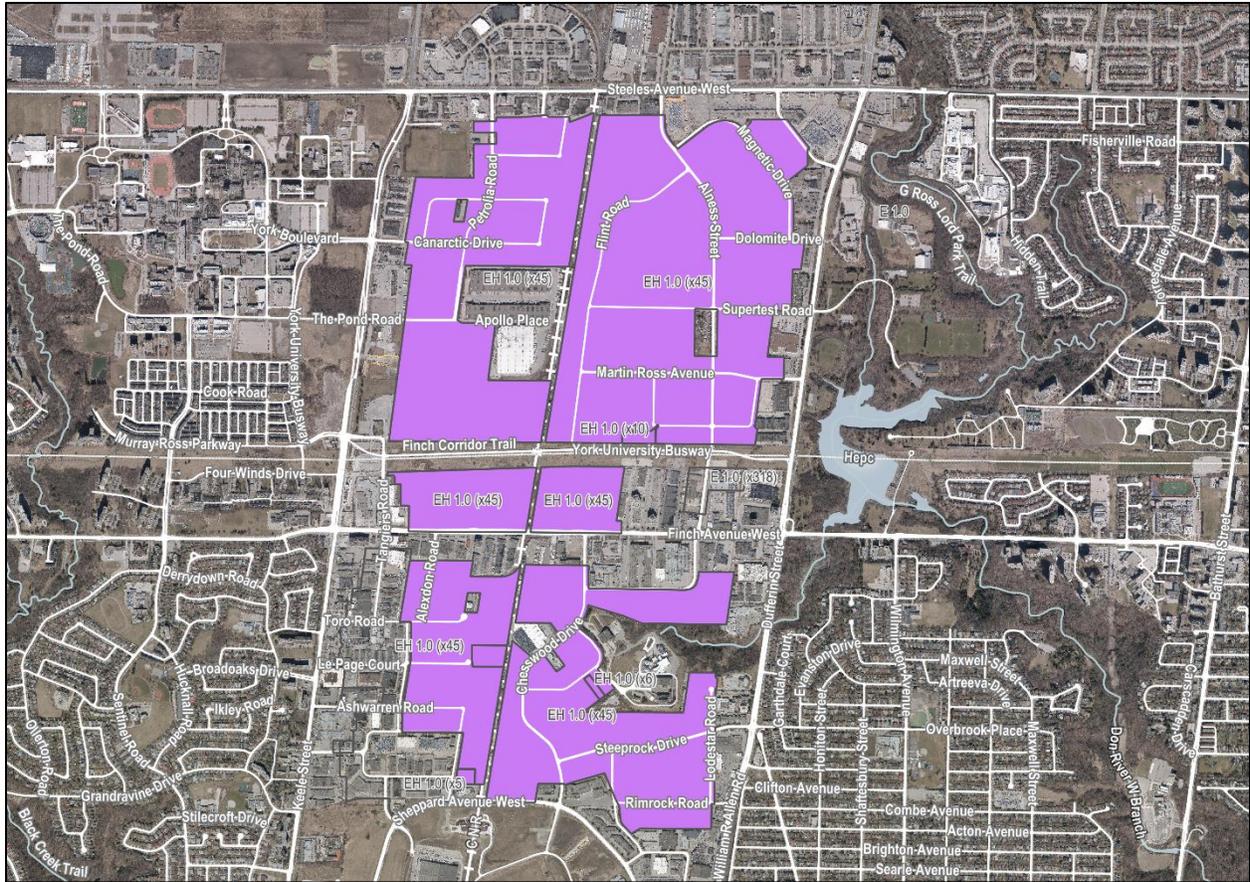


Figure 10 - Lands Zoned as EH Zone, 569-2013

Impact to Lands Zoned Under Former By-law 7625

The specific land uses under consideration as included within the North York Zoning By-law 7625 are listed below. The proposed impact to these land uses is also presented in the table below. Properties not subject to City-wide By-law 569-2013 and therefore solely zoned by Former North York By-law 7625 are included within the M3 and MC Zones.

Table 6 - Summary of Proposed Changes to Use Permissions in By-law 7625

Land Use	M1 Zone	M2 Zone	M3 Zone	MC Zone	MO Zone
Accessory Residence for Caretaker of Head of the Congregation	Delete	Delete	Delete	Delete	Delete
Day Nursery	Delete	Not permitted in base zone	Not permitted in base zone	Delete	Delete
College	Delete	Delete	Delete	Delete	Delete
Commercial School	Permit w/condition	Permit w/condition	Permit w/condition	Permit w/condition	Permit w/condition
School	Delete	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Not permitted

Land Use	M1 Zone	M2 Zone	M3 Zone	MC Zone	MO Zone
					in base zone
Secondary School	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete	Not permitted in base zone
Adult Education School	Delete	Delete	Delete	Delete	Delete
University Uses	Delete	Delete	Delete	Not permitted in base zone	Delete
Hotel	Not permitted in base zone	Delete	Delete	Delete	Delete
Place of Worship	Delete	Delete	Delete	Delete	Delete
Cinema	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete	Not permitted in base zone
Theatre	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete	Delete
Banquet Hall	Not permitted in base zone	Delete	Delete	Delete	Not permitted in base zone
Pinball and Video Games Arcade	Not permitted in base zone	Delete	Delete	Delete	Not permitted in base zone
Club	Delete	Delete	Delete	Delete	Not permitted in base zone
Community Centre	Delete	Delete	Delete	Delete	Delete
Public Library	Delete	Delete	Delete	Delete	Delete
Commercial Gallery	Delete	Delete	Delete	Delete	Delete
Museum	Delete	Delete	Delete	Delete	Delete
Golf Course	Not permitted in base zone	Delete	Delete	Delete	Not permitted in base zone
Commercial Recreation	Not permitted in base zone	Delete	Delete	Delete	Not permitted in base zone
Fitness Centre	Delete	Delete	Delete	Delete	Delete

Land Use	M1 Zone	M2 Zone	M3 Zone	MC Zone	MO Zone
Funeral Establishment	Not permitted in base zone	Not permitted in base zone	Not permitted in base zone	Delete	Not permitted in base zone
Motor Vehicle Dealership	Not permitted in base zone	Permitted in base zone	Permitted in base zone	Delete	Not permitted in base zone

Permissions for commercial schools are proposed to be retained with new conditions. Under the current proposal Commercial Schools will be permitted provided that they are only used for technical and trade skills development or driver education for commercial or construction vehicles.

Motor vehicle dealerships will continue to be permitted within the M2 and M3 zones.

All other uses under consideration will either remain prohibited in these zones or existing permissions will be deleted.

Impact to new Keele-Finch Plus Study Areas

The Keele-Finch Plus Study and Secondary Plan applies to the lands in the vicinity of the intersection of Keele Street and Finch Street West. The study and proposed Official Plan Amendment identify new land uses within the DUKE Heights BIA area including *Mixed Use Areas A, Mixed Use Areas B, General Employment Areas, Core Employment Areas A and Core Employment Areas B*. The study has not proposed implementing By-laws and therefore no specific By-laws apply to these areas.

The Study Area includes properties currently zoned under By-laws 569-2013 and 7625.

Impact on Site Specific Exceptions and Legal Non-Conforming Uses

Site and Area Specific Policies

A number of properties within the BIA Area include Site and Area Specific Exceptions to the Zoning By-law. There are 8 site and area specific exceptions in the area under By-law 569-2013. There are 16 site and area specific exceptions in the area under By-law 7625.

The By-law amendment proposes the removal of zoning permissions through the base zone. Site specific provisions are not proposed to be amended at this time. Where Site and Area Specific provisions apply, landowners within the DUKE Heights BIA should undertake a detailed review to ensure that the structure of the proposed amendment does not impact Site and Area Specific Zoning Permissions applicable to their property. For example, exception MC(15) permits a funeral establishment to be permitted. Although permissions for Funeral Establishment are proposed to be deleted, such site-specific permission should remain as the exception has not been amended through the proposed draft By-law. The recommendations made in Phase 1 for the removal of permissions is premature. The adoption of Phase 1 recommendations prior to the commencement or completion of Phase 2 creates significant uncertainty about the future long-term planning framework for the area.

Applications and Legal Non-Conforming Uses

The current proposal includes transition regulations for properties subject to complete site plan applications, to ensure that the application can proceed under as-of-right zoning permissions as they applied at the time of an application.

Properties with existing legal non-conforming uses are more restricted. While the use may be permitted to remain on properties where such uses existed on the day a more restrictive By-law come into effect, any future applications to vary or expand such uses may not be permitted. Further the adoption of Phase 1 recommendations prior to consultation and a preferred Phase 2 direction being disclosed creates uncertainty to the future operation of businesses in the area.

Note Regarding Fitness Centres

Fitness centres are permitted in *General Employment Areas* and are not permitted in *Core Employment Areas*. They are also permitted in some Zoning By-laws. Through the current proposal, the City is proposing the removal of all permissions for fitness centres to avoid split zoning and inconsistent permissions being applied across zones. The City is proposing to consider the introduction of fitness centres on a site- or area-specific basis for properties within *General Employment Areas* as part of Phase 2 of their review.

Conclusion

Analysis undertaken by the DUKE Heights BIA has individually identified 550 businesses, property owners and property managers within the BIA area who will be significantly impacted by the proposed amendment, with a further impact on thousands of jobs across the BIA. While conformity with the Official Plan is a necessary objective, the proposed amendment is not sensitive to each use and the areas in which they may exist throughout the City and will thus be counter productive to the objectives of the City and BIA in encouraging employment uses.