



Arcadis Inc.
360 James Street North – Suite 200
Hamilton
Ontario L8L 1H5
Canada
Phone: 905-546-1010 ext. 63139
www.arcadis.com

July 5th, 2023

Nancy Martins
Committee Administrator
Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Ms. Martins,

**Subject: 2023. PH5.2 Official Plan Amendment (OPA 668) for Bill 97 Transition – Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas
McDonald’s Restaurant – 3929 Keele Street, Toronto**

Arcadis is representing McDonald’s Restaurants of Canada Limited (McDonald’s) the property owners of 3929 Keele Street, Toronto.

On April 6th, 2023, the Province introduced new policy and legislative changes, which included two key components:

- Helping Homebuyers, Protecting Tenants Act, an Act to amend various statutes with respect to housing and development ("Bill 97"), and
- The proposed Provincial Planning Statement ("PPS 2023").

Bill 97 received Royal Assent on June 13th, 2023. As part of Bill 97, the definition of “area of employment” was scoped to manufacturing, research, and development in connection with manufacturing, warehousing and goods movement and expressly excluded institutional uses and commercial uses, including retail and office uses. This change is in line of policies contained within the draft new Provincial Planning Statement 2023, which similarly limits what areas are considered areas of employment.

The report at the Planning and Housing Committee responds to the transition provisions introduced in the new Planning Act related to areas of employment, which authorizes municipalities to implement Official Plan policies that would permit the continuation of uses, excluded by the new definition (commercial and institutional uses) in Employment Area, as long as the use was lawfully established before the definition came into force.

In advance of the Planning and Housing Committee, Arcadis would like to provide comments pertaining the subject lands and the protection of the existing use. The purpose of the letter is to provide an understanding of the subject lands and the existing/proposed planning controls to outline the concerns with the proposed Official Plan Amendment, which would deem the long-standing McDonald’s restaurant and drive-thru uses on site as a legal non-conforming use.

1.0 SITE LOCATION AND DESCRIPTION

The subject lands are located along the eastern side of Keele Street, between Finch Avenue West and Toro Road, as seen in **Figure 1**. The subject lands have a frontage of approximately 45 metres along Keele Street and a depth of 82 metres with an approximate lot area of 3,673 square metres.

There is a one-storey McDonald’s restaurant situated in the south-western portion of the subject lands fronting onto Keele Street. Landscaping is located along the frontage of Keele Street, separating the building from the sidewalk and road allowance. The majority of the subject lands consist of approximately 47 parking spaces and a dual lane drive-thru, situated along the southern boundary and behind the restaurant building.



Figure 1: Aerial Image of Subject Lands Retrieved from Geowarehouse

2.0 EXISTING AND PROPOSED PLANNING CONTROLS

2.1 CITY OF TORONTO OFFICIAL PLAN

As seen in **Figure 2**, the subject lands are designated “General Employment” within the Land Use Map of the City of Toronto Official Plan. The policy indicates that General Employment Areas are located on the periphery of Employment Areas on major roads, where retail, service and restaurant uses can serve workers in the Employment Areas, and would also benefit from visibility and transit access to draw the broader public in. Permitted uses within General Employment Areas include restaurants and all of the uses contained in Core Employment Areas, such as parks, small -scale restaurant and catering facilities.

Within the Official Plan, the McDonald’s restaurant is permitted in the General Employment designation. There is no specific regulation restricting the drive-thru facility use currently on the subject lands.

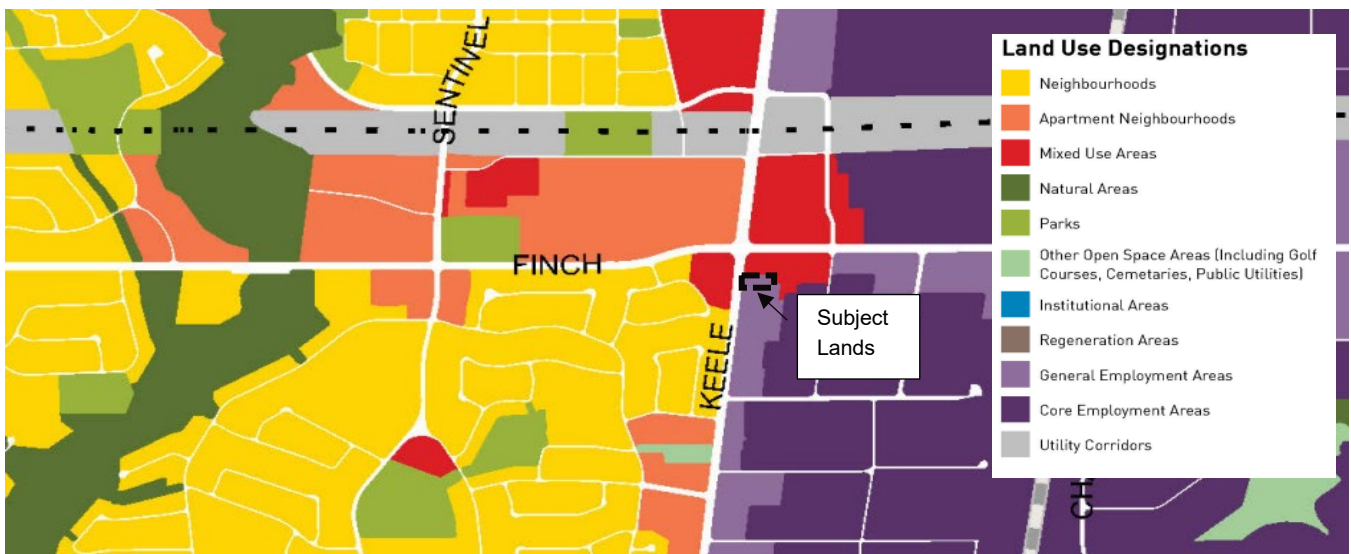


Figure 2: Excerpt of Map 16: Land Use from City of Toronto Official Plan

2.2 KEELE AND FINCH SECONDARY PLAN

On December 16, 2020, City Council adopted Official Plan Amendment No. 482 (Protected Major Transit Station Areas) and endorsed Official Plan Amendment 483 (Keele Finch Secondary Plan). Official Plan Amendment No. 482 is before the Province for consultation and approval.

As seen in **Figure 3**, the subject lands are designated as part of the General Employment Area, which will permit a broad mix of employment uses in a compact built form and that are compatible with surrounding communities. Retail, restaurant and services at grade fronting Major Streets are encouraged/ required to facilitate a vibrant and dynamic public realm and provide amenity for the broader Employment Area. The following uses are permitted within the General Employment Area including; office uses, parks and open space and restaurants, retail and service uses. Vehicle related uses are not permitted within the General Employment Area. Vehicle related uses include but are not limited to: drive-thru facilities and public parking, consisting of surface parking lots.

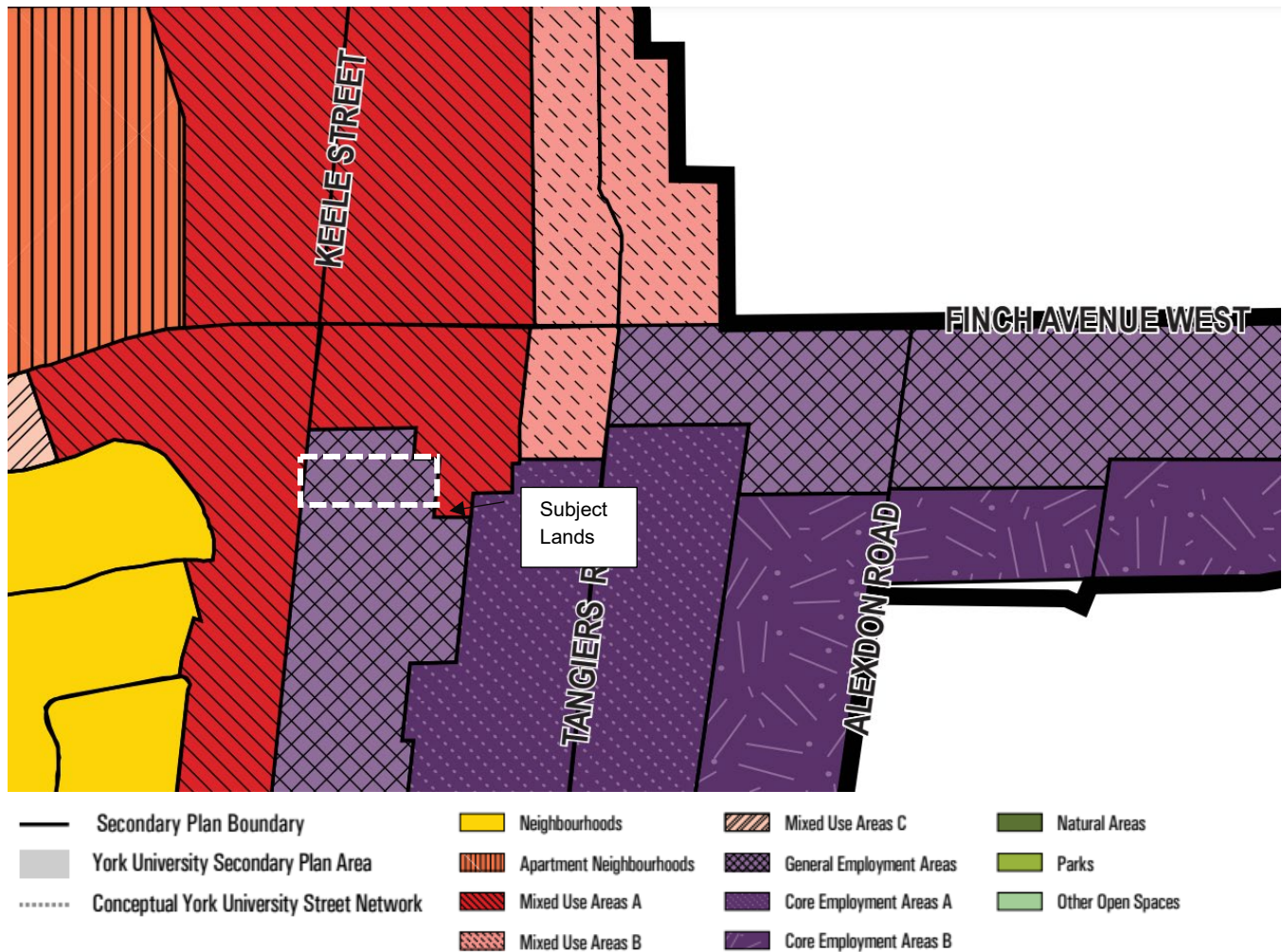


Figure 3: Excerpt of Map 3

3.0 CONCLUSIONS AND RECOMMENDATIONS

The recommended OPA 668 authorizes the continuation of commercial and institutional uses in Core Employment Areas and General Employment Areas, so long as the uses were lawfully established on the parcel of land the day before the definition of "areas of employment" under subsection 1 (1) of Bill 97 comes into force.

In general, we recognize the Province’s clear direction that the subject lands are not considered as part of an ‘area of employment’. We are in agreement with the City’s statements that the revised definition has the potential to remove approximately 25% of the City’s General Employment Areas (including office parks) and risk approximately 150,000 jobs currently located in these areas through future land use change and many parcels of land with uses that would be excluded from the definition act as buffer areas between sensitive land uses and Core Employment Area, which often include heavier industrial uses.

We have concerns that the existing McDonald’s at this location would become legal non-conforming based on the current draft OPA 668 given the exclusion of commercial uses, including restaurants by proposed Policy 4.6.1.1. Our client is concerned this will limit the ability for the existing restaurant and drive-thru to evolve and/or expand based on the needs of guests, market demand, and changes in the area due to the subway and Light Rail Transit.

It is our desire that the City will continue to recognize the subject lands as an Employment Area, as indicated in the Official Plan and Keele and Finch Secondary Plan. The City of Toronto Official Plan includes restaurants as a permitted use in the Employment Area, as restaurant uses can serve workers in surrounding Employment Areas. Additionally, these restaurant uses benefit from visibility and transit access to draw the broader public in. As such, the McDonald’s restaurant at this location is an existing key part of the community, as it creates a transition between the office/industrial employment uses to the east and residential uses to the west, making a vibrant hub where a diversity of workers and residents are able to gather. The McDonald’s restaurant is a source of major employment, and employs approximately 100 staff members at this location, thereby generating a high number of jobs.

In response to the draft policies, we wish to express objections to the Draft OPA 668. Considering the Provincial Planning Statement (2023) is not yet in full force and effect and no regulations have been issued for transitional matters, it is premature for the City to pass OPA 668 in our opinion. Specifically, we ask that the matter be deferred until pertinent questions on legal non-conforming and how existing commercial uses will continue are answered.

We trust the information and plans contained herein are sufficient to provide staff with sufficient information. If you require any additional information, or have any questions, please do not hesitate to contact the undersigned.

Regards,

Yours Truly,

Arcadis



Tony Withall MCIP, RPP
Associate | Manager, Planning



Ritee Haider BES MCIP RPP
Planner