



October 2023

Via Email

To: Chair, Planning and Housing Committee
Mayor Olivia Chow and Members of the Toronto City Council

Re: The City of Toronto's proposed Response (through OPA 680) to the Ontario Government's Bill 97, as it relates to permitted land uses in Employment Lands, scheduled at the City's Planning and Housing Committee Meeting of November 30, 2023.

Dear Chair, Planning and Housing Committee Members, Mayor Olivia Chow, and Members of the Toronto City Council. We are writing on behalf of our 3 Business Improvement Areas, where a significant percentage of Toronto's Employment lands are so designated in Toronto's Official Plan.

We are highly concerned about City Planning's recommended response to this Provincial initiative. A reaction that, if approved by the City Council, will hurt as much as 50% of our businesses by making their existing uses legally non-conforming.

We ask how the City of Toronto could even contemplate making the business climate even more complex for businesses and property owners after surviving the impacts of Covid 19 and the current economic environment. These companies (employing upwards of 80,000 people in Toronto) would have their present as-of-right land use permission become Legal Non-Conforming.

We ask how City Planning can make this recommendation to the Committee and Council without having done and presented for consideration an in-depth study of what the Province of Ontario is enacting and the effect of City Planning's harmful effects. We request that the City's stated objectives of transparency, clarity, and rational decision-making be applied.

DUKE Heights BIA has retained a professional planner to verify our concerns are based on sound planning. We request you review and respond to the concerns raised in the attached Memorandum prepared by Gladki and Associates.

In conclusion, we respectfully request that Councillors, Committee, and Council stop the misguided and harmful process inherent in the proposed OPA 680 by City Planning and instead undertake the necessary study, present alternatives for community, Committee, and City Council consideration (options such as making the existing as-of-right uses in General Employment zones remain so by preparing appropriate new maps and descriptions in a new Official Plan Amendment).

Sincerely,

A handwritten signature in black ink, appearing to read 'Lew Pliamm'.

Dr Lew Pliamm, Chair
DUKE Heights BIA

A handwritten signature in black ink, appearing to read 'John Gagliano'.

John Gagliano, Chair
LIKE BIA

A handwritten signature in black ink, appearing to read 'Carmela Serebryany'.

Carmela Serebryany, Vice Chair
EMERY Village BIA

Memorandum

Project: Ontario's Bill 97 and Toronto's Employment Area OPAs

Client: DUKE Heights BIA

Subject: City of Toronto's Proposed Expanded Uses in Employment Areas

Date: September 15, 2023

Prepared by: Robert Walter-Joseph RPP, MCIP

Gladki Planning Associates is pleased to provide this memorandum regarding the City of Toronto's response to the Ontario government's amendments to the Provincial planning framework for employment lands.

Background

The provincial government is amending the way that employment areas are controlled and regulated in Ontario. This includes a change the definition of an "area of employment" in approved provincial legislation through Bill 97 and new policies proposed by the Province of Ontario. These changes would clarify the approach to regulating employment areas, narrowing defined employment lands to primarily include industrial and warehousing uses and allow presently defined employment lands that are currently occupied by non-employment uses (including retail and office commercial uses) to be available for conversion to non-employment uses (including a continuation of stand-alone retail and office commercial as well as residential uses).

In response to this new legislated framework introduced by the Province, the City of Toronto has adopted its own approach which disregards provincial direction and seeks to maintain the status quo. Through Official Plan Amendment 668, adopted by Toronto City Council in July 2023, the City includes office, retail and institutional uses located within employment areas as legal non-conforming uses. This ignores the Provincial directive and creates additional hurdles for business/land owners located within Employment Areas.

Should the City of Toronto have adopted the provincial approach, the uses that would have been excluded from the definition of “area of employment” (retail, office commercial and institutional uses) those areas would have been eligible for conversion to mixed-use development including stand-alone commercial or residential uses. Furthermore, the City could have facilitated this approach by redrawing its *Employment Area* designation maps in Toronto’s Official Plan to reflect the location of manufacturing and warehousing activities, thus releasing the remaining lands used for retail and office uses, particularly on main streets in *General Employment* designations, for conversion to other appropriate uses.

The City of Toronto is also considering minor additional changes to the Official Plan and is hosting an open house on this in the evening of September 19, 2023 (these minor changes would potentially affect Places of Assembly, Recreational Uses and Places of Worship in Employment Areas).

Next Steps

Business owners and land owners may consider the following next steps under two potential future scenarios:

(1) City of Toronto direction and approval of OPA 668 remains in place:

- **Consult Legal/Planning Representation:** Business and landowners should consult with their legal and planning advisors. This will help them understand how the City’s policy response specifically impacts their properties and what correspondence should be sent to the City.
- **Appeal Rights:** Those who participated in the July Council process and provided oral deputation or written letters have the right to appeal the City's decision after it has been officially enacted.
- **Participate in Open House Meeting:** Owners can attend the Open House meeting scheduled for the evening of September 19, 2023, to better understand the amendments and voice their concerns.
- **Continue Correspondence:** Owners may continue to submit correspondence to the Planning and Housing Committee and City Council as the process advances in consideration of OPA 680 this fall.

(2) Provincial direction is followed:

- **Potential for Land Use Expansion:** Under this scenario, lands currently occupied by office, retail, and institutional uses may become eligible for other types of uses. This can include stand-alone office, retail, or residential uses where appropriate. However, these changes would be subject to site-specific applications.
- **Consult Legal Representation:** Owners who are considering expanding their land uses should consult their legal advisors to understand the implications and processes involved.

- **Definition of "Areas of Employment"**: Owners of lands where manufacturing, warehousing, or related research and development are located would fall under the new provincial definition of "areas of employment."

Under any scenario, the City of Toronto should advance a study to determine the location of vital industrial activities and unique employment lands (either uniquely large parcels or lands that are especially strategically positioned in proximity to transportation infrastructure or other major facilities). It is recommended that in order to comply with current Provincial direction, the City of Toronto engage in further study of employment lands to determine those areas which should remain subject to provincial protection and those areas which should be released from consideration as areas of employment.