



INNOVATIVE PLANNING SOLUTIONS

planners • project managers • land development

October 23, 2023

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

Email: phc@toronto.ca

Re: Request for Consideration of Settlement Area Expansion
County of Dufferin Official Plan Update
Town of Grand Valley, County of Dufferin

Introduction

Innovative Planning Solutions (IPS) has been retained by 2640085 Ontario Inc. (Ram Iron) to comment on the impacts of Draft Official Plan Amendment 668 on the development potential and continued operation of the properties municipally addressed as 60 Ashwarren Road, 0 and 50,54 and Lepage Court in the City of Toronto, formerly the City of North York as shown Figure 1 below (hereinafter the "Subject Lands"). Please note that 0 Lepage Court is a 1-foot reserve located to the north of 60 Ashwarren Road.

Background

On April 6th, 2023, the Province introduced legislative changes through Bill 97 which replaces the Planning Act definition for an "Area of Employment" which currently excludes institutional uses and commercial uses that are not accessory uses to manufacturing, research and development, warehousing, and goods movement. The Bill also provides the ability for a municipality to modify Official Plan policies that would transition areas of employment that currently permit these excluded uses. This transition policy would be required to acknowledge the continuation of these excluded uses, if they were lawfully established by a prescribed date (legal non-conforming use).



LEGEND

- ① 60 Ashwarren Road
- ② 0 Lepage court
- ③ 70 Lepage court
- ④ 54 Lepage court
- ⑤ 50 Lepage court

Figure 1

Subject Lands

Source: City of Toronto Interactive Maps 2023

Drawn By: JA

File: 23-1346



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The City of Toronto is proposing a City-Initiated Official Plan Amendment (hereinafter OPA 668) in response to Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023. The proposed OPA would permit the continuation of the excluded uses, as proposed by Bill 97, in the city's Employment Areas. Bill 97 received Royal Assent, however, the definition and transition are awaiting Proclamation from the Lieutenant Governor.

Planning Act

The Planning Act is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them. The following tables show the comparison of the change of definition for Employment Areas under the Planning Act:

Table 1. Comparison of "Area of Employment" Definition change in the Planning Act

| Previous "Area of Employment" definition in the Planning Act | Revised "Area of Employment" definition in the Planning Act |
|---|--|
| <p>"area of employment" means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:</p> <p>1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:</p> <ul style="list-style-type: none"> a. manufacturing uses; b. warehousing uses; c. office uses; d. retail uses that are associated with uses mentioned in clauses (a) to (c); and e. facilities that are ancillary to uses mentioned in clauses (a) to (d). | <p>"area of employment" means an area of land designated in an official plan for clusters of business and economic uses being uses that meet the following criteria:</p> <p>1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:</p> <ul style="list-style-type: none"> i. Manufacturing uses. ii. Uses related to research and development in connection with manufacturing anything. iii. Warehousing uses, including uses related to the movement of goods. iv. Retail uses and office uses that are associated with uses in subparagraphs i to iii. v. Facilities that are ancillary to the uses in subparagraphs i to iv. vi. Any other prescribed business and economic uses. <p>2. The uses are not any of the following:</p> <ul style="list-style-type: none"> i. Institutional uses. ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv; |

Table 2. Comparison of “Area of Employment” permitted land use change in the Planning Act

| Land Uses (changes bolded) | Previous “Area of Employment” definition in the Planning Act | “Area of Employment” definition in Revised “Area of Employment” definition in the Planning Act |
|---|---|---|
| a. Manufacturing Uses | Permitted | Permitted |
| b. Warehousing Uses | Permitted | Permitted |
| c. Office Uses | Permitted | Permitted if associated with a, b or d |
| d. Research & Development in connecting with manufacturing | (not mentioned) | Permitted |
| e. Retail Uses | Permitted if associated with a, b or c | Permitted if associated with a, b or d |
| f. Ancillary Facilities | Permitted if ancillary to a, b, c or e | Permitted if ancillary to a, b, c or e |
| g. Institutional Uses | (not mentioned) | Explicitly listed as a prohibited land use |
| h. Commercial Uses | (not mentioned) | Explicitly listed as a prohibited land use |

Official Plan Amendment 668

The recommended OPA 668 authorizes the continuation of commercial and institutional uses in Core Employment Areas and General Employment Areas (City of Toronto Official Plan designations), 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.

OPA 668 is intended to ensure that any development applications to remove (or convert) lands designated Core Employment Areas or General Employment Areas to non-employment uses would still be subject to the Official Plan policies respecting the conversion of these lands.

OPA 668 proposes the modification of the Official Plan of the City of Toronto Employment Areas as follows to protect the status of legal non-confirming uses:

The Official Plan of the City of Toronto is amended as follows:

Chapter 4 Land Use Designations, 4.6 Employment Areas is amended by adding new Policies 4.6.1.1 (Core Employment Areas) and 4.6.3.1 (General Employment Areas) as follows:

Continuation of Permitted Use (Core Employment Areas)

4.6.1.1. Pursuant to subsections 1 (1.1) and (1.2) of the Planning Act, uses in Core Employment Areas that are excluded from the definition of "area of employment" in paragraph 2 of Subsection 1(1) of the Planning Act, are authorized to continue so long as the use has been lawfully established on the parcel of land before [Month, Day, Year¹].

1 Day before subsection 1 (1) of Schedule 6 to the Helping Homebuyers, Protecting Tenants Act, 2023 came into force

Continuation of Permitted Use (General Employment Areas)

4.6.3.1. Pursuant to subsections 1 (1.1) and (1.2) of the Planning Act, uses in General Employment Areas that are excluded from the definition of "area of employment" in paragraph 2 of Subsection 1(1) of the Planning Act, are authorized to continue so long as the use has been lawfully established on the parcel of land before [Month Day, Year¹].

1 Day before subsection 1 (1) of Schedule 6 to the Helping Homebuyers, Protecting Tenants Act, 2023 came into force.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (hereinafter 'PPS') is a consolidated statement of the government's policies on land use planning.

We have identified that the following relevant policies provide direction regarding Employment Areas and land use compatibility.:

1.3.2 Employment Area

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and

safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

Proposed Provincial Planning Statement, 2023

The Draft Provincial Policy Statement ('Draft PPS') proposes to make changes to policies related to Employment Areas:

2.8.2 Employment Areas

2. Planning authorities shall designate, protect and plan for all employment areas in settlement

areas by:

- a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
- b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;**
- c) prohibiting retail and office uses that are not associated with the primary employment use;**
- d) prohibiting other sensitive land uses that are not ancillary to the primary employment use; and**
- e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility**

The City of Toronto currently undertaking a study to consider expanding permitted uses in Employment Areas to include places of assembly, places of worship, and sports facilities on a site or area-specific basis. Although we are not opposed to expanding the current permitted uses to include these uses, we would like the City of Toronto to consider how

this does not align with the Draft PPS 2.8.2.2 d) which “prohibit(s) other sensitive land uses that are not ancillary to the primary employment use”.

Furthermore, we would like to confirm with the City of Toronto that the existing uses would not be required to bear the financial burden of migration requirements created by new sensitive land uses adjacent to the Subject Lands.

City of Toronto Official Plan

To further OPA 668, if the City of Toronto plans to amend the permitted uses within Core Employment Areas and General Employment Areas to reflect the change in definition we would like to stay informed regarding this City-initiated Official Plan amendment.

City of Toronto Zoning By-law 569-2013

To further OPA 668, if the City of Toronto plans to amend City By-law Zoning By-law 569-2013 (hereinafter City ZBL) to amend Employment Heavy Industrial Zone (EH) and Employment Industrial Zone (E) to permit places of assembly, places of worship, and sports facilities as a future city initiated zoning by-law amendment to reflect the new definition, we would like to stay informed regarding this City initiated Zoning by-law amendment.

Conclusion

We were hoping to gain further understanding of the City of Toronto's plans to:

- timing for completion of the study and further details regarding study and extents of the study area which considers including places of assembly, places of worship, and sports facilities within Employment Areas including the;
- Timing of OPA 668 adoption;
- Potential changes to Core Employment Areas and General Employment Areas within the City of Toronto Official Plan to reflect the new Area of Employment definition; and
- Potential changes to the City of Toronto Zoning By-law 569-2013 to reflect the new Area of Employment definition.

We are opposed to the following changes:

- The new definition which limits office uses if associated with a, b or d, which previously permitted all office uses under the previous “Area of Employment” definition in the Planning Act (refer to Table 1); and
- Explicitly prohibition of Institutional Uses and Commercial Uses within the Employment Area (refer to Table 2).

We are in support of the following changes:

- Adding Research and Development in connection with manufacturing as an explicitly permitted use within Employment Areas (refer to Table 2);
- Expanded permitted retail uses under the new Area of Employment PPS definition (refer to Table 2);

We respectfully request to be kept up to date on the progress of the City of Toronto's progress of OPA 668 and any associated processes resulting from the change in the PPS definition of Area of Employment, and that all forthcoming City correspondence regarding this matter be circulated to our office.

Respectfully submitted,

INNOVATIVE PLANNING SOLUTIONS

A handwritten signature in black ink, appearing to read 'Darren P. Vella', with a large, stylized initial 'D'.

Darren P. Vella, MCIP RPP
President / Director of Planning

A handwritten signature in black ink, appearing to read 'Nick Skerratt', written in a cursive style.

Nick Skerratt
Senior Planner

A handwritten signature in black ink, appearing to read 'John Albert', written in a cursive style.

John Albert
Intermediate Planner

Copy: Paul Rocco, Iron Ram