

VIA EMAIL

July 22, 2024

ATTN: Mayor Olivia Chow and City Council

City Council
Toronto City Hall
100 Queen Street West
Toronto
Toronto, ON M5H 2N2

Dear Mayor Olivia Chow and Members of City Council

**Re: PH14.1 – Employment Area Land Use Permissions – Decision Report
8-28 Westmore Drive
Comments on Behalf of Westmore Plaza Inc.**

Our File: ART/TOR/24-03

We are the planning consultants for Westmore Plaza Inc., the registered owner (the 'Owner') of the lands municipally known as 8-28 Westmore Drive, in the City of Toronto (the 'Subject Lands'), regarding the City of Toronto Employment Area Land Use Permissions Review process, which has resulted in draft OPA 680. The Subject Lands are designated under *Employment Areas* as *General Employment Area* on Map 13 of the City of Toronto Official Plan ('OP'). In conformance with the Toronto Official Plan, the Subject Lands are developed with a mix of commercial uses, including retail.

On behalf of the Owner, we have been monitoring the City of Toronto's updates to the *Employment Areas* policies in accordance with Bill 97 – *Helping Homebuyers, Protecting Tenants Act*. The Owner has previously submitted a letter with preliminary comments on this matter on July 10th, 2024 [attached to this letter as Appendix A].

We monitored the July 11, 2024 Planning and Housing Committee Meeting, and are concerned by the direction of the City of Toronto with respect to OPA 680 and OPA 668, for the reasons summarized in the aforementioned correspondence. We continue to have concern that OPA 680 creates a precarious existence for the continued operations of the Owners' lands, and in our opinion is contrary to the intent of Bill 97. The intent of Bill 97 is not to threaten the viability of existing retail, office, and institutional uses in areas with an Official Plan designation of *General Employment Area*, but is rather an opportunity for the City of Toronto to comprehensively review what areas should remain as Areas of Employment, and what areas of the City are no longer appropriate for this classification. In our opinion, the adoption of OPA 680 continues to be premature and there is lack of clarity for what is classified and considered as "lawfully established", among other matters.

We encourage Council to refer OPA 680 back to City Staff to consider a response to Bill 97 that involves a comprehensive review the Employment Areas, consistent with its intent, to determine what areas of the City do meet the Province's definition of Areas of Employment, and which should be removed from this classification. Only by undertaking such an exercise in land use planning, can the City ensure that existing businesses and Areas of Employment are protected for the long-term.

We would welcome the opportunity to meet with Staff to discuss our comments further. In addition, please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as notice of the decision of the approval of OPA 680.

Should you have any questions, or require further information, please do not hesitate to call.

Sincerely,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Principal Planner

cc. Westmore Plaza Inc. (via email)
Art Tile Ltd. (via email)

APPENDIX A:

PH14.1 – Employment Area Land Use Permissions – Decision Report – Approval
Comments Letter submitted by Zelinka Priamo Ltd. on July 10, 2024

VIA EMAIL

July 10, 2024

ATTN: Nancy Martins, Administrator Planning and Housing Committee

Planning and Housing Committee

Toronto City Hall

100 Queen Street West

Toronto

Toronto, ON M5H 2N2

Dear Chair Perks and Members of the Planning and Housing Committee

**Re: PH14.1 – Employment Area Land Use Permissions – Decision Report
– Approval
8-28 Westmore Drive
Comments on Behalf of Westmore Plaza Inc.**

Our File: ART/TOR/24-03

We are the planning consultants for Westmore Plaza Inc., the registered owner (the 'Owner') of the lands municipally known as 8-28 Westmore Drive, in the City of Toronto (the 'Subject Lands').

The Subject Lands are designated under *Employment Areas* as *General Employment Area* on Map 13 of the City of Toronto Official Plan ('OP'). In conformance with the Toronto Official Plan, the Subject Lands are developed with a mix of commercial uses, including retail.

On behalf of the Owner, we have been monitoring the City of Toronto's updates to the *Employment Areas* policies in accordance with Bill 97 – *Helping Homebuyers, Protecting Tenants Act*.

We have reviewed the Staff Report and associated attachments dated June 24, 2024, including the draft Recommended Official Plan Amendment 680 ("OPA 680"). The Staff Report recommends that Council adopt OPA 680 as presented in Attachment 1 to the report.

Having reviewed these materials, we offer the following preliminary comments on behalf of the Owner:

- **The adoption of OPA 680 is premature.** Subsection 1(1) of the *Planning Act* has not yet been proclaimed and will not be in full force and effect until this future date, which remains undetermined. Further, Official Plan Amendment 668 ("OPA 668"), upon which draft OPA 680 is reliant and meant to work in tandem with, has not yet been approved by the Minister. In addition, the proposed new Provincial Planning Statement ("PPS") has not yet been brought into effect, which draft OPA 680 will need to be consistent with. We suggest further consultation with stakeholders and the resolution of the above-noted precursors is necessary prior to adoption. We suggest that the approach to addressing the changes to the definition of *Area of*

Employment should be consolidated into a single comprehensive process, instead of a piecemeal approach.

- **The distinction between the *Core Employment Area* and *General Employment Area* designations is unclear and would be eroded as a result of draft OPA 680.** Ancillary retail and service uses are currently permitted in the *Core Employment Area*, whereas these uses are more broadly permitted in the *General Employment Area* without an “ancillary” qualifier. Draft OPA 680 proposes to limit the *General Employment Area* with a similar qualifier: that retail and service uses must be “associated” with a permitted industrial use identified in the *Core Employment Area*. The effect is that these separate designations, intended to function distinctly, have been effectively merged in terms of applicable policy.
- **Draft OPA 680 does not provide clarity as to the conditions of associated uses that may be permitted.** Draft Policy 4.6.1 adds the qualifier that offices are permitted only where “associated”. Draft Policy 4.6.3 adds the same “associated” qualifier with regard to retail. In both cases, it is unclear how the “associated” term is defined, and what the criteria for determining if a use is associated will be. We request clarity on whether an office, retail, restaurant, and/or service use is considered “associated” if it serves employees of the respective Employment Area, and/or what other conditions must be met to conform to Draft Policy 4.6.3. Draft Policy 2.2.4.2(d) states “Employment Areas will be used exclusively for business and economic activities in order to: [...] d) provide opportunities for new office buildings, where permitted”. As there is a lack of clarity, we request additional specificity as to where these new office buildings would be permitted.
- **Draft OPA 680 is not consistent with the intent of Bill 97.** We submit that the City should reevaluate the Official Plan designations that apply to properties that do not fit with the new definition of *Areas of Employment* created by Bill 97. In other words, lands with an existing *General Employment Area* designation that contain uses such as office, retail, restaurant, and service should be considered for redesignation to a more appropriate designation that is consistent with Provincial direction, rather than being left with uncertain “lawfully established” policies under OPA 668. It is our opinion that redesignation of properties such as the Subject Lands was the intended effect of Bill 97, rather than to threaten the permissions of existing retail, office, and institutional uses in areas currently designated *General Employment Area*.
- **Draft OPA 680 does not address the uncertainty of continuation of lawfully existing uses.** Policies surrounding the continuation, expansion, and/or modification of such uses are notably absent from either OPA 668 or draft OPA 680, creating an uncertain planning policy framework and precarious existence for landowners and tenants of such uses. We suggest that the “continuation of permitted use” policies of OPA 668 should be expanded to make provision for the many lawfully established uses that may exist in *General Employment Areas* and would be affected by draft OPA 680.

We would welcome the opportunity to meet with Staff to discuss our comments further.

In addition, please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as notice of the decision of the approval of OPA 680.

Should you have any questions, or require further information, please do not hesitate to call.

Sincerely,

ZELINKA PRIAMO LTD.



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