



PLANNING AND URBAN DESIGN

23 July 2024

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

Dear Mayor and Members of Council,

**RE: Agenda Item PH14.1 - Employment Area Land Use Permissions
Decision Report – Approval**
WND File No.: 24.502

WND Associates are the planners retained by the 2732054 Ontario Limited, the owners of the lands municipally known as 95 Bridgeland Avenue in the City of Toronto (the “Subject Site”). This letter has been prepared with respect to the City of Toronto’s proposed Official Plan Amendment 680 (OPA 680), which will be considered by City Council at its meeting on July 24-26, 2024.

The Subject Site

The Subject Site is approximately 29,000 square metres in size and is located on the south side of Bridgeland Avenue, west of Dufferin Street. The Subject Site is currently occupied by a two-storey building on the east side of the lot, containing manufacturing and warehousing operations. The balance of the lot contains surface parking, loading, and servicing areas.

The Subject Site is designated as *Core Employment Areas* on Map 15 of the City of Toronto Official Plan and is regulated by former City of North York Zoning By-law 7625, which zones the Site as Industrial-Commercial MC (30)(H) and permits a broad range of industrial, commercial and other uses.

Comments on the Proposed OPA 680

At its meeting on July 24-26, 2024, City Council will consider Agenda Item “PH14.1 - *Employment Area Land Use Permissions - Decision Report – Approval*” and a draft of OPA 680. As drafted, OPA 680 proposes to align the Official Plan’s land use permissions for its *Employment Areas* with the recently revised Provincial definition for “area of employment” as brought forward through Bill 97, the “Helping Homebuyers, Protecting Tenants Act, 2023” (yet to be proclaimed) and the Proposed 2024 Provincial Planning Statement.

The Province's revised definition for "areas of employment" was intended to focus employment areas, and the associated land use permissions and protections afforded to them, towards primary manufacturing, research and development, and warehousing uses, along with ancillary associated retail and office uses. As proposed, OPA 680 would have the effect of limiting permissions within the Official Plan's designated *Employment Areas* to primary manufacturing, warehousing, research and development uses, along with ancillary retail or office uses associated with these primary uses.

In conjunction with Official Plan Amendment 668, adopted by Council on July 20, 2023, the City proposes to "transition" the current "lawfully established" *Core Employment Areas* and *General Employment Areas* uses into the amended *Core Employment Areas* and *General Employment Areas* designations. Through City staff's reports to Council and public consultation on the matter, we understand the City's intent is to in-effect maintain the existing use permissions lands within its Official Plan-designated *Employment Areas*.

However, there is currently insufficient clarity regarding the appropriateness of the City's interpretation of "lawfully established," and whether this requires a use to be established and active on a site or whether a use must simply be permitted under the Official Plan. Nor has there been sufficient clarity from the Province with respect to its interpretation of City's "lawfully established" use provision of OPA 668, which operates in conjunction with OPA 680. At present it is unclear how landowners and business are to navigate the evolving nature of business activities, which may from time to time periodically halt and recommence such "lawfully established" uses, and whether these uses will continue to remain permitted following their periodic cessation.

Should uses which do not conform to the new Provincial definition and OPA 680 locate on lands which may no longer be suitable for primary employment uses, and which are adjacent to the Subject Site, it is unclear as to how the impacts of these 'non-employment uses' would be considered when reviewing the appropriateness of the Official Plan's land use designations. Nor is it clear as to how the City would consider the impacts of 'non-employment uses' surrounding the Subject Site in the context of a redesignation or 'conversion' of the Subject Site, should the owners bring forward such an application in the future to accommodate additional land uses.

Official Plan Amendment 680, along with OPA 668, have been brought forward prior to the Province's proclamation of the new "area of employment" definition, prior to the approval of the Proposed 2024 Provincial Planning Statement, and prior to further Provincial clarification regarding the appropriate approach to "lawfully established" uses. OPA 680, as drafted does not provide the appropriate certainty and land use clarity necessary to support the evolving needs within the *Employment Areas*. City Council should defer its decision of OPA 680 and the enactment of OPA 668 until clarity is obtained from the Province regarding its "lawfully established" transition provisions, and in order to further consider the impacts to existing and future businesses, in order to further consider the long-term evolution of its Official Plan *Employment Areas*.

We appreciate the opportunity to provide comments on this matter and request to be provided with notice of any related meetings and decisions. Should you have any questions about the above, please do not hesitate to contact Brandon Leal at 416-968-3511 or bleal@wndplan.com.

Yours very truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read "A Ferancik". The signature is fluid and cursive, with the first letter being a large capital 'A'.

Andrew Ferancik, MCIP, RPP
Principal & President