

Planning and Housing Committee
Toronto City Hall
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May 3, 2025

Subject: PH21.1 Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas - Decision Report

Dear Chair and Members of the Planning and Housing Committee:

Gladki Planning Associates Inc. (GPA) is pleased to submit this letter on behalf of the DUKE Heights Business Improvement Area (BIA), in response to Official Plan Amendment 804 (OPA 804), currently before the Planning and Housing Committee for adoption under Section 26 of the Planning Act.

Located in the former City of North York, the DUKE Heights BIA spans over 1,646 acres, is home to more than 4,000 businesses, and supports employment for over 32,000 individuals. The BIA plays an active role in advancing the economic vitality of the area by supporting local businesses, promoting investment, and encouraging sustainable employment growth.

The DUKE Heights BIA and its members have significant concerns regarding the narrowed definition of permissible uses introduced through Bill 97, and the corresponding implementation approach advanced through OPA 804. We have reviewed the staff report and attended the Public Open House meeting held on May 1, 2025.

While we support the intent of the amendment to bring the City's Official Plan into conformity with the *Provincial Planning Statement, 2024*, the proposed amendment as currently drafted does not provide the clarity necessary to support stable, predictable land use planning in Employment Areas such as DUKE Heights.

This lack of clarity directly affects thousands of properties and hundreds of thousands of jobs across the City of Toronto. According to the City's own background analysis, 13% of all jobs (196,838 jobs) citywide and 16% of all establishments are located in employment areas that contain uses now considered outside the new "Area of Employment" definition. In DUKE Heights, where many of these uses are concentrated, this uncertainty introduces immediate risk for business continuity, leasing, and investment.

These risks are further compounded by broader economic instability. Many businesses operating in Employment Areas are already navigating supply chain shifts, rising input costs, and ongoing impacts from tariffs. In this context, planning clarity is essential and the City's framework must do more than protect what exists; it must give businesses the confidence to stay, grow, and invest.

The City has, at key points in its history, recognized its responsibility to provide a stable and supportive policy framework that enables businesses to make long-term investment decisions. It has also demonstrated leadership in creating land use strategies that accommodate a diversity of business types and respond to economic change.

Notably, the *Future City of Industry Study*, initiated by the City of Toronto in the early 1990s, acknowledged the structural shifts facing Toronto's industrial base and proactively aligned land use policy with long-term employment trends. That work laid the foundation for more flexible and responsive employment planning in the decades that followed.

What is needed now is a similar level of recognition and action. The *Provincial Planning Statement, 2024* directs that Official Plans must include clear, reasonable, and attainable policies to protect provincial interests and support appropriate development. In the context of shifting employment formats, real estate pressures, and economic uncertainty, the City must adopt a planning framework that not only achieves conformity, but also supports the long-term stability of businesses and economic activity in Toronto and restores confidence among landowners and businesses in the stability and direction of employment areas policy. A clear and comprehensive land use framework is needed, one that proactively engages with matters of provincial interest and ensures confidence in the City's approach to Employment Area policy and ensures predictability for investment and decision-making in the years ahead.

Key Concerns

- 1. Lack of Clear Interpretation of “Lawfully Established” Uses**
OPA 804 does not define the term “lawfully established” or confirm whether uses that are permitted under zoning but not physically operating on October 20, 2024 (e.g., on vacant land) will be protected. At the public meeting on May 1, staff acknowledged that these uses would “likely” be considered lawfully established, but also emphasized case-by-case review — introducing continued ambiguity.
- 2. No Refinement of Policy Text Despite Acknowledged Uncertainty**
Despite acknowledging this ambiguity, the City has not revised the policy language in OPA 804 to better reflect its intent. This leaves room for inconsistent interpretations and increases risk for property owners, applicants, and tenants.
- 3. Impacts of a Non-Appealable Amendment**
OPA 804 is being advanced under Section 26 of the *Planning Act* and will not be subject to appeal. This makes it especially important that the City's interpretation is clearly articulated in writing, and ideally reflected in the OPA text itself.
- 4. Risk to Business Confidence and Land Use Continuity**
Without clarification, this policy uncertainty poses a risk to the stability of thousands of commercial leases and business operations, especially in General Employment Areas where office, institutional, and service uses have developed organically over decades.

Key Considerations

We request that the Committee consider the following:

- Requesting clarification from the Province regarding the interpretation of “lawfully established” under Section 1(1.1) of the Planning Act, and how it applies to uses permitted by zoning;
- As the OPA is proposed through a Section 26 process, the text of the instrument provided to the Minister for review and consideration should confirm its interpretation of “lawfully established” as intended by the City of Toronto, that any use permitted by zoning and Official Plan designation as of October 20, 2024, will be considered lawfully established and as-of-right;
- Consider an expanded implementation and study process to review Employment Areas, particularly General Employment Areas, and to evaluate whether area-specific updates are warranted in cases where existing uses and economic activities no longer align with the narrow “Area of Employment” definition;
 - o Specifically review where retail, medical office, office, hotel and service uses are prominent and functionally integrated into community and employment serving areas. The following areas may be considered for further study:
 - **Allen/Dufferin Corridor (west side, from Sheppard to Steeles)** - currently characterized predominantly by retail/multiple-unit typologies and auto-related uses that are not aligned with the new provincial definition of Employment Areas;
 - **Finch Avenue West (from Dufferin Street to Chesswood Drive)** - This area includes a significant cluster of mid-rise commercial office buildings, medical centres, and community-serving retail. Historically considered Employment Areas, these sites are already supporting new economy uses and would benefit from updated land use permissions following a targeted planning study;
 - **Sheppard Avenue West (from Allen Road to just west of the Barrie GO rail corridor)** - This corridor presents a strong opportunity to integrate a more flexible range of employment-supportive uses with existing and planned transit infrastructure. The area is served by both the presently underutilized Downsview TTC Subway Station and the Downsview GO Station, with the latter benefitting from improved service frequency and connectivity on the Barrie GO Transit line. This area is positioned to support a broader range of uses including expanded employment, commercial, and mixed-uses which may be supported through targeted planning and updated policy direction;
 - **Re-Evaluate and Update the Keele-Finch Plus Secondary Plan Area** - The existing plan was developed prior to the proclamation of Bill 97 and PPS 2024, and may no longer reflect the emerging employment, mobility, and land use context. The area includes a major intermodal network at the intersection of York University, Line 1 Subway Finch West Station, and the Finch West LRT Terminal Station. This context as well as the opportunity to extend supportive planning permissions targeting employment and new economic opportunities in this area warrants reconsideration of its long-term land use structure and potential for mixed-use and employment intensification.

Conclusions

OPA 804 is a significant city-wide amendment that will shape the future of Employment Areas for years to come. As it stands, it introduces considerable legal and administrative uncertainty, particularly for landowners and businesses operating outside traditional manufacturing or warehousing uses.

We respectfully request that the City take further steps to clarify its intent and implementation approach, to avoid unintended disruptions to business continuity and to support a stable and adaptable planning framework.