

VIA EMAIL

May 7, 2025

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: PH21.1 – Official Plan Amendments for Employment Areas – 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. regarding the City of Toronto Employment Area Land Use Permissions Review process, which has resulted in draft Official Plan Amendment 804 ('OPA 804'). Westmore Plaza Inc. is the registered owner (the 'Owner') of the lands municipally known as 8-28 Westmore Drive, in the City of Toronto (the 'Subject Lands').

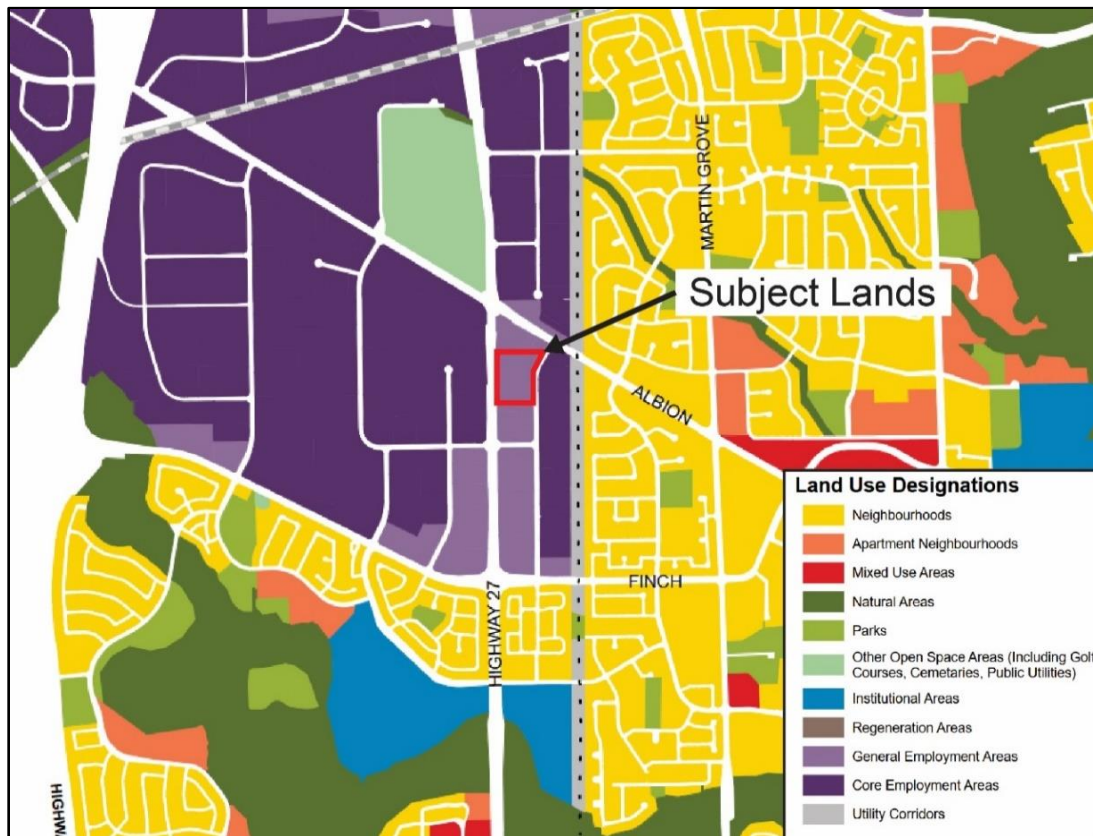
We write to express our concerns with draft OPA 804, which in our opinion does not sufficiently review and analyze commercial lands within General Employment Areas for removal from Employment Areas. Accordingly, we request that a decision be deferred to allow the City time to undertake comprehensive review and analysis of the Employment Areas, consistent with the Province's direction and the Provincial Planning Statement.

Under the in-effect City of Toronto Official Plan ('OP'), the Subject Lands are within the *Employment Areas* (Map 1) and designated *General Employment Area* on Map 13 (Figure 1). In conformance with the current Toronto Official Plan and in compliance with zoning, the Subject Lands are developed with a mix of commercial uses, including a food store and farmer's market, containing a variety of retail products. The Subject Lands have existed in this form, with commercial uses, since at least 1982 (as far back as records exist for the site). There are no heavy industrial type uses (i.e. warehousing or manufacturing) existing on the Subject Lands, and the lands are in an area that is generally consistent of commercial and office uses.

On behalf of the Owner, we have been monitoring the City of Toronto's updates to the *Employment Areas* policies, which are with the context of Bill 97 – *Helping Homebuyers, Protecting Tenants Act* and are intended to bring the OP into consistency with the

Provincial Planning Statement 2024 (PPS 2024). On behalf of the Owner, we previously provided the City with comments relating to Official Plan Amendments 680 and 668, which were adopted by City Council but are now proposed to be revoked.

Figure 1: Map 13 of the Toronto OP with the Subject Lands Highlighted.



SUMMARY COMMENTS ON BEHALF OF WESTMORE PLAZA INC.

We have reviewed Draft Official Plan Amendment 804 (Draft OPA 804), which we understand Staff recommend the Planning and Housing Committee adopt. **In our submission, the lands at Subject Lands are not appropriate to be classified as an Area of Employment, and in order to demonstrate consistency with the PPS 2024, we suggest that the City defer a decision on OPA 804 and undertake more comprehensive review and analysis of lands to be classified as an Area of Employment.**

We offer the following preliminary comments on behalf of the Owner.

8-28 Westmore Drive Lands

The Subject Lands are characteristically a retail/commercial use, and form part of a broader retail/office node. The Subject Lands are existing developed lands, occupied by a mix of commercial uses, including a food store and farmer's market, containing a variety of retail products. The surrounding area includes uses such as:

- Pediatric medical office and car dealership to the south;
- Office, retail, restaurant, and industrial uses to the east;
- Restaurants, medical offices, and retail uses to the north; and
- Industrial and recreational uses to the west.

Planning Policy Context: Bill 97 and Provincial Planning Statement

The Province updated the Planning Act definition of Area of Employment, which affirms that Areas of Employment are intended for heavy industrial type uses. Bill 97 modified what is defined as “Area of Employment” under the Planning Act. The Province’s stated intent of this change, as per the Environmental Registry of Ontario is:

“Modifying the definition of area of employment to only include heavy industry and other employment uses that cannot be located near sensitive uses, (i.e., not suitable for mixed use) to scope the applicability of existing provisions which limit appeals of municipal refusals and non-decisions.”

On October 20, 2024, the revised definition of “Area of Employment” under the Planning Act, came into effect, which is as follows:

“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:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:

- 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 mentioned in subparagraphs i to iii.*
- v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.*
- vi. Any other prescribed business and economic uses.*

2. The uses are not any of the following uses:

- i. Institutional uses.*
- ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv.”*

The “Area of Employment” definition establishes what is, and **importantly what is not a permitted use**. The definition identifies that the primary use is intended to be

manufacturing and warehousing type uses, in addition to uses that are ancillary or in connection to those uses. **The definition explicitly identifies commercial uses as not being permitted uses.** The Subject Lands are not characteristic of what the Province considers as an Area of Employment as they are developed as commercial uses that are prohibited in Areas of Employment. It is therefore unclear as to why the City proposes to identify the lands for a function that anticipates heavy industrial type uses.

The PPS 2024 guides that municipalities are to assess the appropriateness of their employment lands and ensure those lands are appropriate for the planned function of employment areas (Policy 2.8.2.4):

“Planning authorities shall assess and update employment areas identified in official plans to ensure that this designation is appropriate to the planned function of employment areas. In planning for employment areas, planning authorities shall maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.”

In our submission, the City of Toronto has not adequately demonstrated consistency with Policy 2.8.2.4 of the PPS 2024. We are not aware of any comprehensive assessment of the City’s Employment Area, or any analysis that would suggest the Subject Lands characteristically meet the function of an Employment Area. Rather, in our submission and assessment, the Subject Lands characteristically **do not meet the function of an Employment Area** as per the PPS 2024 definition.

City of Toronto: Draft OPA 804

Official Plan Amendment 804 was released on April 15, 2025, and the associated Staff Report was released on May 1, 2025 (dated April 23, 2025), which recommends City Council adopt OPA 804. The Staff Report outlines the City’s analysis that informed OPA 804. An Open House Meeting was hosted by the City on May 1st, 2025. OPA 804 would have the effect of classifying almost 7,339 ha of land as Employment Area. However, robust consultation on this substantial OPA was not undertaken, and the criteria that formed the basis of the analysis was not known until the release of the Staff Report on May 1, 2025

In our opinion, the intent of PPS 2024 Policy 2.8.2.4 is for comprehensive analysis of a municipality’s Employment Areas. In our submission, the City has not adequately demonstrated that OPA 804 is based on comprehensive planning analysis that is required of the PPS 2024 for an exercise of this nature, which in our opinion has resulted in lands being included as Employment Area, which do not reflect the nature of that classification.

The Staff Report dated April 23, 2025 for OPA 804 notes the analysis was undertaken as follows:

“In response to the Province’s request, analysis was undertaken to review Employment Areas across the city to identify lands for potential removal and ensure alignment with the new “area of employment” Planning Act definition and PPS 2024 policies. As a result of this analysis, two general categories of Employment Areas were identified:

- *office parks; and,*
- *areas that do not act as a buffer to more sensitive uses”*

The City identified four areas of the City that meet these two categories, including 1) Don Mills Employment Area; 2) Duncan Mills Employment Area; 3) Downsview Park Employment Area; and 4) Consumers Road Business Park. The Staff Report cites several similar characteristics of these lands, including:

- *“The current land use designation is General Employment Areas;*
- *Existing and planned function as office parks;*
- *Permission of sensitive land uses (e.g. workplace daycares);*
- *Most existing uses in these areas are classified as institutional and commercial uses, including retail and office; and*
- *No or very few existing major facilities.”*

Comments Regarding Employment Areas and Draft OPA 804

We have the following initial comments regarding OPA 804 and the City’s analysis to inform their proposed Employment Areas:

- It is unclear how the City arrived at the above two categories for removal, which resulted in the proposed four areas for removal. We suggest that the City undertake a more robust planning analysis of the areas proposed to be classified as an Employment Area and undertake further consultation regarding OPA 804. In our submission, the City’s analysis should not only analyze office parks, but also analyze in greater detail retail/commercial lands. As noted, Areas of Employment are intended for heavy industrial type uses, and retail/commercial areas are not consistent with the intended function of an Area of Employment. Rather, the PPS 2024 intends that retail/commercial lands are to be considered for potential residential intensification, as per Policy 2.4.1.3(e).
- The Subject Lands are not appropriate for classification as an Area of Employment, and **would meet these characteristics identified by the City**, including:
 - Current land use designation of *General Employment Areas*;
 - Permission of sensitive land uses (e.g. medical centre, hotels, etc.)
 - Most existing uses classified as institutional and commercial including retail and office;
 - No existing major facilities.
- **Draft OPA 804 continues to ambiguate “continuation of lawfully established uses” policies.** We understand that the City has taken the approach of using the

same verbiage provided by Province in the *Planning Act* which states that non-employment uses may continue “provided that the use was lawfully established on the parcel of land before [October 20, 2024]”. The failure to add any specification surrounding this policy leaves a considerable window of uncertainty and potential for inconsistent interpretations. We suggest that the City should provide further certainty as to their interpretation of this policy. As currently written, there is no clarity as to what “lawfully established” means in practice. For example:

- If the current zoning permits a use which does not presently exist, is this lawfully established despite the new Official Plan policies no longer permitting this use?
- If a use is existing but a tenant vacates their unit, may a different tenant of the same use then occupy the unit under a lawfully established pretense? If so, what is the maximum length of time for this transition to occur?
- **Definition of “Associated uses” is not provided.** 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.
- **The distinction between the Core Employment Area and General Employment Area designations is unclear and would be eroded as a result of draft OPA 804.** “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 804 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.

In conclusion, we respectfully request that City Council defer its decision on OPA 804 to allow the City time to undertake a comprehensive review and analysis of the Area of Employment in a manner consistent with the Province’s direction and the Provincial Planning Statement.

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.

A handwritten signature in cursive script, appearing to read "Connor Wright".

Connor Wright, MCIP, RPP

Intermediate Planner

cc. Westmore Plaza Inc. (via email)

Art Tile Ltd. (via email)