

**Subject:** Employment Lands Text  
**From:** Steve Heuchert <sheucher@hotmail.com>  
**Date:** 2012-05-16 6:14 PM  
**To:** 'Charles Campbell' <chascamp@sympatico.ca>

Hi Charlie

My suggested text for AGM

*Now that the West Queen West Triangle is nearly built out - agreements have been made for the park, artist live-work units, the theatre centre and the media cluster - Active 18's focus is now (as we predicted) on the underutilized industrial lands north of Queen Street West and west of Gladstone Avenue. A number of development applications have been submitted for some of these lands which are considered "employment lands" in the City's Official Plan. That is, these lands have through the public process of adopting the Official Plan been reserved for businesses and jobs. This is being challenged now by the developers who are charging to turn these lands primarily residential.*

*Active 18 Steering Committee has examined this issue in detail and is of the opinion that whatever the redevelopment that happens here, it is imperative to preserve the ability of these lands to provide for local jobs, in particular affordable employment space for small businesses. The reasons for this are multiple: the overloading of the transit system with an overabundance of residential; keeping the neighbourhood vibrant throughout the day with local jobs using local Queen Street businesses; ensuring those who live here can work here; keeping local workshop space for existing businesses (such as the white 'sawtooth buildings on Dufferin Street) which serve the local arts community and others. The list goes on.*

*As such, Active 18 Steering Committee is asking the membership to approve the following mandate, as follows:*

*Active 18 will work with the local Councillor, City staff and developers to ensure that the employment space permitted under the existing zoning, at a minimum, be incorporated into any redevelopment approval on the employment lands north of Queen Street West, and that a considerable proportion of that employment space be provided at affordable rates to small businesses. The latter may be accomplished through the support and creation of a non-profit agency charged with purchasing and leasing affordable employment space but may be achieved through other means.*

Thoughts?

Steve

File No.: 20-OP-146732-231  
Municipality: City of Toronto  
Subject Lands: City of Toronto

Date of Decision: July 9, 2014  
Date of Notice: July 9, 2014  
Last Date of Appeal: July 29, 2014

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## NOTICE OF DECISION

With respect to an Official Plan  
Subsection 17(35) of the Planning Act

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A decision was made on the date noted above to approve Amendment No. 231 to the Official Plan for the City of Toronto as adopted by By-law No. 1714-2013.

### **Purpose and Effect of the Official Plan Amendment No. 231 (OPA 231)**

The purpose of Official Plan Amendment No. 231 (OPA 231) is to establish new policies, designations and mapping for lands designated as Employment Areas. More specifically, OPA 231 establishes new policies for the economic health of the City including: the promotion of office development on lands near rapid transit stations, the preservation of Employment Areas for businesses and economic activities, and the accommodation of a growing and diverse retail and institutional sectors. A copy of the decision is attached.

### **When and How to File An Appeal**

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Planner, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

### **Who Can File An Appeal**

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the

Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

### **When the Decision is Final**

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

### **Other Related Applications:**

N/A.

### **Getting Additional Information**

Additional information about the application is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below or from the City of Toronto.

### **Mailing Address for Filing a Notice of Appeal**

Ministry of Municipal Affairs and Housing  
Municipal Services Office - Central Ontario  
777 Bay St., 13<sup>th</sup> Floor  
Toronto ON M5G 2E5

Submit notice of appeal to the attention of:

Louis Bitonti, Senior Planner

Tel: (416) 585-6563

Fax: (416) 585-6882

NW Quadrant -- Strategy re Employment Lands and Section 22

Section 22 bars appeals from Council where the decision deals with taking land out of 'employment'.

There are many twists and problems to a good strategy for us here, frankly a giant mess of a problem, involving many variables and no reliable answer.

Variables

1 - Does our proposed wording take land out of 'employment' within the meaning of Section 22. We can fiddle with the wording. Does a suggestion that some land *might* come out in a site specific bylaw mean that Section 22 applies?

THE AREA IS NOT IN THE "EMPLOYMENT DISTRICTS" CATEGORY UNDER "URBAN STRUCTURE." IT IS IN THE "EMPLOYMENT AREAS" LAND USE CATEGORY. THE QUESTION IS: SHOULD THIS AREA BE PUT INTO THE EMPLOYMENT DISTRICTS CATEGORY? CHAPTER TWO, SECTION 2.2.4 OF THE PLAN WAS RECENTLY AMENDED AND IT APPEARS THAT THIS AREA MAY FIT RIGHT INTO THIS CATEGORY.

FROM MY READING OF THE EMPLOYMENT AREAS LAND USE POLICIES, THERE IS A DEFINITE THREAT OF BIG BOX RETAIL ON WEST SIDE OF DUFFERIN - IT MEETS THE MAJOR STREET AND BOUNDARY OF EMPLOYMENT AREA REQUIREMENTS IN POLICY 4.6(3). I BELIEVE CITY PLANNING HAS A PROPOSED AMENDMENT TO THIS POLICY, BUT NOT SURE.

THE PPS LAYS OUT THE FRAMEWORK FOR AMENDMENTS TO EMPLOYMENT AREAS THROUGH THE COMPREHENSIVE REVIEW. THE REVIEW REQUIRES THAT AN OP AMENDMENT FOR AN EMPLOYMENT AREA MUST TAKE INTO ACCOUNT, AMONG OTHERS, OPPORTUNITIES TO ACCOMMODATE PROJECTED GROWTH THROUGH INTENSIFICATION AND REDEVELOPMENT, AND IS INTEGRATED WITH INFRASTRUCTURE, AND CONSIDERS HOW BEST TO ACCOMMODATE GROWTH.

ANOTHER THING TO THINK OF IS THAT SOME OF THE LAND ALONG FLORENCE WAS ALREADY SUBJECT TO ZONING FOR TOWNHOUSES. NOT SURE HOW THAT HAPPENED. PLANNING CAN TELL US.

IS AN ELDERLY HOUSING FACILITY CONSIDERED EMPLOYMENT IF IT EMPLOYS HEALTH WORKERS?

2 - We could just as easily be very specific saying that certain street front opposite existing residential *should* come out. Then we would definitely be within section 22.

SEE COMMENTS ON NO. 1

3 - Getting Planning on side to carry the Secondary Plan forward is nb. What do they think? They sometimes think that the existing OP and zoning is good enough. That stand pat approach is wrong, I am convinced. We'll end up at the OMB one way or another trying to defend a stale plan and zoning – and lose. Still, what will move them?

LINK THE AMENDMENT TO THE NEW DUFFERIN INFRASTRUCTURE AND PEEL/GLADSTONE ROADWAY CLASSIFICATION CHANGE

4 - The norm is that the applicant – A18 can force the matter forward to the OMB if Council won't adopt. Not a great formula for victory but then we *are* trying to force the City to get serious about Secondary Plans.

A18 CANNOT APPLY FOR AMENDMENT – THE COST WOULD BE PROHIBITIVE (>\$100,000) AND PLANNING RARELY MAKES EXCEPTION FOR THE FEE UNLESS A CITY-LED AFFORDABLE HOUSING PROJECT. AND I DON'T THINK WE CAN APPEAL OUR OWN AMENDMENT UNDER SECTION 22 OF PLANNING ACT.

5 - So if Planning won't move then our draft Secondary Plan should be worded vaguely so we can argue it doesn't take land out and therefore we *can* appeal to the OMB.

OR, THE OPPOSITE. THE DEVELOPER/LANDOWNER CAN APPEAL TO OMB, WHICH IS MORE RISKY.

6 - If Planning and the Council were prepared to recommend and adopt then the wording could be more direct, specifying, *inter alia* that some land is coming out. When passed, that could not be appealed. Potential developers could be trapped with a Secondary Plan that sets priorities for site plans controlling the incursion of residential into this employment land, that they won't like, and have no way to challenge it. That sounds good. But, at some point there might be an OMB attack on this 'trap'.

I'M NOT SURE IF A COUNCIL-LED AMENDMENT TO TAKE LAND OUT OF EMPLOYMENT IS NOT APPEALABLE. THE PROHIBITING OF APPEAL UNDER SECTION 22 DEALS WITH "When a person or public body requests an amendment to the official plan" AND NOT TO WHEN A COUNCIL LEADS THE OP AMENDMENT UNDER IT'S COMPREHENSIVE REVIEW

NOTED IN POLICY 1.3.2 OF THE PPS. NEED A LEGAL OPINION ON THIS ONE.

7 - Some at City Hall say all this is temporary because the OP has to be up-dated every five years. I think this is likely wrong, at least weak. What has to happen every five years that that Council has to affirm that the OP conforms to Provincial Guidelines. I don't think the wording of the proposed Secondary Plan will have any problems here.

I AGREE. BUT REGARDLESS, I THINK WE NEED TO ASK THE CITY WHAT THEIR INTENT IS FOR NW TRIANGLE.

8 - Another variable is that in the next few months Adam G will have limited time or tolerance for planning fights or planning uncertainty.

LOOKS LIKE HE IS ANNOUNCING RUN FOR MAYOR ON MONDAY

9 - My conclusion is go with the vague wording so we can be credible that we might carry it forward and hope that Planning wants something tougher, more specific, especially when they realize they are in strong position thereby. Nothing is straight ahead here. Which in itself is bad.