



EMAILED

ERO Number 019-9080

September 12, 2024

Minister Calandra,

Re: ERO Number 019-9080 (65 Rexdale Boulevard, City of Toronto) - Municipal request for a Minister's Zoning Order for mixed-use residential development in the City of Toronto

I am writing to indicate the Toronto Industry Network's ("TIN") concern of the requested conversion of employment lands to introduce residential uses located at 65 Rexdale Blvd ("subject lands"). Our request is that the Minister not consider the conversion of lands to residential uses, sensitive uses, or any institutional use expansions.

I understand that the Ministry of Municipal Affairs and Housing received a request to make a Minister's Zoning Order ("MZO") pursuant to clause 47(1)(a) of the Planning Act in the City of Toronto for the subject lands.

I understand that the request is to facilitate the conversion of an area of employment to a mixed-use residential development on the subject lands, and that the MZO would permit a purpose-built mosque and community centre, and a 9-storey mid-rise residential building, including a minimum of 220 purpose-built rental units.

As the Ministry is well aware, the most serious threat to the long-term viability of manufacturing and the jobs it provides in Toronto is the continuing erosion of employment lands that make up 12.3% of Toronto's land mass compared to 13.22 % in 2010.

In the case of 65 Rexdale Blvd., the item was walked on at the November 30, 2023 Planning and Housing Committee without a staff report (Item PH8.23; <https://secure.toronto.ca/council/agenda-item.do?item=2023.PH8.23>). It was also considered by Toronto City Council on December 13, 2023. Staff were not asked any questions about the housing proposal or the site and important stakeholders such as TIN were not given the opportunity to depute. The only questions posed at the December Council were related to 2200 Islington Avenue – a nearby site that was considered as part of the Municipal Comprehensive Review as a conversion request that the Council did not support.

We are concerned that the 65 Rexdale Blvd. conversion escaped the usual review process by both the City of Toronto, and now through a request for an MZO, that are normally applied to some 150 conversions requests in proximity to industry that are sent to Municipal Staff for review, and to City Council to consider through the Municipal Comprehensive Review process.

The requested MZO is in contradiction with both the relevant City of Toronto Official Plan Policies, and also the relevant policies contained in the currently in-force Provincial Policy Statement (2020) ("PPS, 2020"), the Growth Plan for the Greater Golden Horseshoe (2020) as amended ("Growth Plan"), and the approved Provincial Planning Statement (2024) ("PPS, 2024") to take effect on October 20, 2024.

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The subject lands are part of a large, contiguous Employment Area adjacent to two 400-series highways (401 and 409) and Rexdale Boulevard forms as a logical boundary between the residential uses to the north, and the warehousing, large format retail, transportation and manufacturing areas to the south of Rexdale Boulevard. An introduction of mixed-use development to the south of Rexdale Boulevard will further erode the viability of this Employment Area and undermine the land use. This represents not only an encroachment into an Employment Area, but also an invasion of incompatible land uses into and around it.

LAND USE POLICIES - Comments

PPS, 2020

The PPS, 2020 contains policies regarding Employment Areas in Section 1.3.2. Policy 1.3.2.1 states that *“planning authorities shall plan for, protect and preserve employment areas of current and future users.”* Policy 1.3.2.3 states that *“within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.”* Policy 1.3.2.4 states that *“Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.”* Policy 1.3.2.5 states that *“lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise”*. The lands are designated to be within a Provincially Significant Employment Zone #14 (“PSEZ”). Policy 1.3.2.6 states that *“Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.”*

Comment: The PPS 2020 expressly prohibits residential and mixed-use commercial-residential development on the subject lands, pursuant to both the lands being within an employment area, and also within a PSEZ. There is no identified need for the conversion and the land is required for employment purposes over the long term. There has been no land needs assessment performed for the lands to be considered surplus for employment purposes in the City of Toronto. The subject lands are also in proximity to two major goods movement corridors, which the employment area uses and requires that location. The proposed residential use of the subject lands would adversely affect the overall viability of the employment area, and as such, the request to convert the subject lands to residential mixed uses *should not be permitted by an MZO*.

Growth Plan, 2020

The Growth Plan contains policies regarding Employment in Section 2.2.5. Policy 2.2.5.1 states that *“Economic development and competitiveness in the GGH will be promoted by: a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities; d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.”* Policy 2.2.5.5 states that *“Municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.”* Policy 2.2.5.7 states that *“Municipalities will plan for all employment areas within settlement areas by: a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use; c) providing an appropriate interface between employment areas and adjacent non-*

employment areas to maintain land use compatibility.” Policy 2.2.5.8 state that “The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.” Policy 2.2.5.9, regarding conversions, states that “The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that: a) there is a need for the conversion; b) the lands are not required over the horizon of this Plan for the employment purposes for which they are designated; c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan; d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan.” Policy 2.2.5.10 states that “lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would: c) not include any part of an employment area identified as a provincially significant employment zone unless the part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.”

Comment: The Growth Plan also prohibits residential and sensitive land uses in the employment area on and surrounding the subject lands. Any MZO that permits residential mixed uses on the subject lands would be entirely contrary to the Employment Policies of the Growth Plan. Having a residential development within an employment area would not be an appropriate interface between the warehousing and manufacturing uses that surround it. Introducing residential and sensitive land uses within the employment area surrounding the subject lands would destabilize the viability of the employment area, entirely contrary to the relevant Growth Plan policies stated above. The subject lands are within a Minister-identified PSEZ and within a Major Transit Station Area, pursuant to Section 2.2.4 of the Growth Plan, however all of the other tests are not met, namely that there is no demonstrable need for the conversion, a residential use within an employment area will adversely affect the overall viability of the employment area, and there are no existing or planned public service facilities within the employment area to accommodate a residential use.

PPS, 2024

The PPS, 2024, as adopted but not yet in force and effect until October 20, 2024, contains Employment Policies in Section 2.8 and Land Use Compatibility Policies in Section 3.5. Policy 2.8.1.1 states that *“Planning authorities shall promote economic development and competitiveness by: c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment; d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.”* Policy 2.8.1.3 states that *“In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.”* Policy 2.8.2.1 states that *“Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.”* Policy 2.8.2.2 states that *“Planning authorities shall protect employment areas that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment area uses that require those locations.”* Policy 2.8.2.3 states that *“Planning authorities shall designate, protect and plan for all employment areas in settlement areas by: a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods*

movement, and associated retail and office uses and ancillary facilities; b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses; c) prohibiting retail and office uses that are not associated with the primary employment use; d) prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.” Policy 2.8.2.5 states that “Planning authorities may remove lands from employment areas only where it has been demonstrated that: a) there is an identified need for the removal and the land is not required for employment area uses over the long term; b) the proposed uses would not negatively impact the overall viability of the employment area by: 1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5; 2. maintaining access to major goods movement facilities and corridors; c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.” Policy 3.5.1 states that “Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.” Policy 3.5.2 states that “Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.”

Comment: In line with the above comments for the PPS, 2020 and the Growth Plan, the requested conversion to residential mixed uses and institutional development is entirely contrary to the PPS 2024 policies seeking to protect existing and future employment areas. If approved, the requested land uses would not be compatible with the surrounding employment area. The Ministry would not be preserving or protecting the viability of the employment area and in fact increasing the negative impacts to it. There is also, again, no demonstrable need for the conversion and deletion of employment lands in the City of Toronto. The Minister, as a planning authority, is directed by the PPS 2024 to protect and preserve the existing employment area in proximity to two major goods movement corridors (HWY 401 and 409). The Policies also direct that residential, institutional, and other sensitive land uses are prohibited in employment areas. The proposed uses would trigger incompatibility of land uses between manufacturing/industry, and nearby residential uses, thereby not providing appropriate transition of uses and impacts to business viability. The requested land uses would be within a 300-1000m radius of a Class III Industrial Operation, also contrary to the province’s D-3 series minimum separation distance guidelines. A decision to grant those uses on the subject lands would ignore the recently approved PPS 2024 directives for the management of land in Ontario.

What is the Development Application?

Of particular concern is that there is no information available on the proposed development. The only description of the development is contained in the City’s Agenda Item for the request for the MZO (Agenda Item PH8.23). The City of Toronto’s Application Information Centre (“AIC”) has no documentation pertaining to the proposed development, as is the normal course of public and agency review. There is no development to comment on, no reports to peer review, and no effective assessment of any impacts that a residential development would have to adjacent and nearby employment areas. The City requires, through its Official Plan policies, for a development proposing sensitive land uses in the vicinity of major

industrial and manufacturing facilities to provide a Land Use Compatibility Study and Transportation Impact Studies. No such studies, among others, are available for our review.

Our members, who have significant investments in Toronto, require land use certainty and consistency of support from Council to plan for the future and continue to be a strong part of the City's socio-economic fabric. We ask that TIN be included in any discussions as a key stakeholder with Member operations in the immediate vicinity of the requested MZO, and request that all documents under review by the Ministry be provided to TIN for our review.

In addition, the City of Toronto Official Plan notes in Chapter 2.2.4 that *"The City's Employment Areas are healthy with considerable investment in new buildings and improvements and overall low building vacancy rates", "Our Employment Areas are finite and geographically bounded. Given relative land values, residential lands are rarely converted to employment uses and there is little opportunity to create new employment lands. It is the City's goal to conserve our Employment Areas, now and in the longer term, to expand existing businesses and incubate and welcome new businesses that will employ future generations of Torontonians.", and "The introduction of sensitive land uses into Employment Areas can force industry to alter their operations, particularly when the environmental certificates that industries operate under are affected, or complaints are lodged about adverse effects from industrial operations."* The City's own Official Plan seeks the preservation and protection of the existing Employment Areas, and the requested MZO is contrary to that intent and purpose.

The provincial policies provide a framework for the protection of employment areas that will, in this case, be undermined - should the MZO be approved. Toronto Industry Network recognizes that the City of Toronto has next to no availability of industrial land for sale or rent in the City of Toronto. Although we support the provinces' goal of providing the framework for affordable and attainable homes, it should not come at the cost of well-paying jobs and create barriers to business re-investment and expansion in existing, well established employment areas.

Thank you for your attention.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Craig McLuckie', with a stylized, cursive script.

Craig McLuckie,
President
Toronto Industry Network
mcluckie.craig@irvingtissue.ca