

## City of Toronto Municipal Comprehensive Review: Update on Employment Conversions

Raivo Uukkivi

March 4, 2022

Within the last month, the City's Planning and Housing Committee considered a number of employment area conversion requests as part of the City's Growth Plan conformity exercise and Municipal Comprehensive Review (MCR). City Council has adopted a report that provides an update on the MCR process, which shows Council's continued support and protection of employment lands. It will continue to be difficult to convert employment lands to non-employment uses.

### What is a Municipal Comprehensive Review?

An MCR is the process used to bring an official plan into conformity with Ontario's *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the Growth Plan). Municipalities are required to undertake a Growth Plan Conformity exercise through a Municipal Comprehensive Review. Official plans must conform with the most recent amendments to the Growth Plan. Municipalities have until July 2022 to update their official plans.

### Employment Conversion Process

As part of the MCR, municipalities are required to address Employment Areas, including a consideration of the supply of land, changes in the way employment lands are being used, and what the Municipality expects the lands will be required for in the future. Through this process, the City can consider conversion of employment areas to non-employment uses. The City established a process through which requests could be submitted to convert lands from the *Core Employment Areas* or *General Employment Areas* designations, which requests had to be filed by August 3, 2021.

The criteria established by the Growth Plan to convert employment lands to a non-employment use requires a proponent to demonstrate that:

- there is a need for the conversion;
- the lands will not be required to accommodate forecasted employment growth over the horizon of the plan;
- the proposed uses will not adversely affect the overall viability of the *Employment Area*; and

- there are existing or planned infrastructure and public services to accommodate the proposed uses.

Through the process established by the City, it received 140 employment conversion requests representing approximately 12% of all lands in the City designated as Employment Areas. City staff have started reviewing these conversion requests. A preliminary assessment will be used for each conversion request prior to consideration by the Planning and Housing Committee.

## **Groups 1 and 2 Preliminary Assessments**

The City's first preliminary assessment contains an analysis of 39 conversion requests. These include seven requests within the Toronto and East York District, six requests within Etobicoke-York District, 12 in Scarborough District, and 14 in North York District.

Of the 39 requests, only two were identified as potential conversions and are subject to the resolution of several identified issues. One request was to redesignate a General Employment Area as a Regeneration Area. The second request was to redesignate from a General Employment Area to a Mixed Use Area. A third request to redesignate a Core Employment Area as a General Employment Area was also assessed as having potential for conversion, though this is not a conversion to a non-employment use. The Unilever site and the Woodbine Racetrack site are undergoing a Minister's Zoning Order process to permit non-employment uses and are not part of the preliminary assessment process.

The City's second preliminary assessment contains an analysis of 37 additional conversion requests. These include six requests within the Toronto and East York District, 11 requests within Etobicoke-York District, 12 in Scarborough District, and eight in North York District.

Of the 37 requests, only 6 were identified as potential conversions and are subject to the resolution of several identified issues. Four requests were to redesignate a General Employment Areas as a Mixed Use Area. Two requests were to redesignate a Core Employment Area as a Mixed Use Area. A seventh request to redesignate a Core Employment Area as a General Employment Area was also assessed as having potential for conversion, though this is not a conversion to a non-employment use.

The City's third and last preliminary assessment is expected for the March 25, 2022, meeting of Planning and Housing Committee.

## **City Continues to Maintain its Concerns with Employment Conversion**

The City has continued to reinforce its desire to protect employment lands to the extent possible. Concerns identified in the first preliminary review include:

# Cassels

- a desire to avoid negative precedents for further conversions of lands in the Employment Areas that could erode the City's ability to accommodate the types of jobs and businesses that rely on location and site-specific characteristics of the employment lands;
- approving conversion requests will have an adverse effect on overall viability of Employment Areas, impacting an otherwise stable operating environment for business and economic activities;
- a risk of a negative cumulative impact of multiple conversion requests in close proximity to one another;
- an impact on the current functionality of the area;
- a desire to secure replacement of existing Employment GFA;
- traffic impacts of increased density on transportation networks used for trucking and employee movement to and from the Employment Area;
- a lack of higher order transit in proximity to the lands to service proposals;
- adverse effects from noise, vibration, and emissions, including dust and odour;
- the need for new infrastructure, streets, parks and local services to support new development and connect it with the surrounding fabric of the City so that it functions as part of the community;
- the need for convenient access to local stores, services, and public service facilities required for complete communities;
- ensuring sufficient community services and facilities such as parks, libraries, recreation centres and schools exist or are planned within walking distance for new residents; and
- the need for appropriate buffering and/or separation of employment uses from sensitive land uses, including residential.

## Request for Extension

City Council has adopted a report to request that the Minister of Municipal Affairs and Housing exercise his legislative authority under Section 12(3) of the *Places to Grow Act* to extend time to complete the MCR until July 2023. The City has been delayed by the 2019 and 2020 amendments to the Growth Plan, has issues with the complexity of the Toronto MCR process, and has had challenges arising from the COVID-19 pandemic including operating in a virtual environment. If the Minister grants the extension, the City proposes to hold a statutory public meeting in the first half of 2023 to consider the MCR.

The Planning and Housing Committee has noted that employment conversion requests relating to in-progress Official Plan amendments would still be reviewed by July 2022. The remaining requests may take longer, subject to request for an extension of time to complete the MCR.

Ultimately, the City has signalled through the first preliminary assessment it has released that there will be a continued resistance to employment land conversions and proponents seeking to convert lands to non-employment uses face significant hurdles at the staff and council levels.

# Cassels

*This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.*