



VIA EMAIL

September 13, 2021

City of Toronto Clerk's Office
Planning and Housing Committee
100 Queen Street West, 10th Floor, West Tower
Toronto ON
M5H 2N2

Attention: Ms. Nancy Martins, Administrator, Planning and Housing Committee

Dear Ms. Martins:

**Re: Zoning Conformity for Official Plan Employment Areas
Preliminary Comments on Behalf of Loblaw Properties Limited
Various Properties
Toronto, Ontario
Our File: LPR/TOR/19-02**

We are the planning consultants for Loblaw Properties Limited ("Loblaw") with respect to the City of Toronto Zoning By-law Zoning Conformity Review for Employment Areas ("Zoning Conformity"). Loblaw is the leaseholder and landowner of a number of sites within the City of Toronto including the following (note that the full list of lands affected by the draft Zoning By-laws has yet to be confirmed and there may be additional properties to be noted):

- 825 Don Mills Road;
- 650 Dupont Street;
- 11 Redway Road;
- 330 Queens Plate Drive;
- 2549 Weston Road;
- 51 Gerry Fitzgerald Drive;
- 681 Silver Star Boulevard;
- 17 Leslie Street;
- 1455 McCowan Road;
- 3685 Keele Street;
- 1020 Islington Avenue; and
- 5661 Steeles Avenue.

Our client appealed OPA 231 in September 2014 and remains an appellant to the ongoing OLT (formerly LPAT and OMB) proceedings, including with respect to a number of site-specific appeals that have yet to be heard.

On behalf of Loblaw, we have been monitoring the City of Toronto Zoning Conformity Review which in part seeks to implement the policies of OPA 231. Based upon our review of the Staff Report dated June 10, 2021 and the associated draft Zoning By-laws in Attachments 1-9, we submitted a letter on behalf of Loblaw for the June 28, 2021 Planning and Housing Committee. We understand that at the June 28 meeting, a recommendation

was made to defer the decision to a September 21, 2021 Committee date to allow for further review/consultation of the proposed ZBA.

In addition to our June 28, 2021 letter, we offer preliminary comments as outlined below.

Phase 1: Removal of Permitted and Existing Uses

We understand based on a review of the Staff Report and associated draft Zoning By-law Amendments, that the City is proposing a broad removal of a variety of land uses from the existing zoning by-laws as part of Phase 1. The amendments will include all lands designated as Core Employment Areas and General Employment Areas. This approach is of particular concern as it removes uses that are existing and that continue to be permitted under the Official Plan.

As an example, a number of Loblaw's sites that are designated as General Employment Areas (whereby fitness facilities are a permitted use) have fitness facilities (Goodlife Fitness):

- 825 Don Mills Road; and
- 2549 Weston Road.

Fitness facilities continue to be permitted under the Official Plan, however the City's draft ZBAs propose to remove them as a permitted use, which is acknowledged in the June 10, 2021 Staff Report. We have significant concerns with this approach, which does not conform with the Official Plan or implement the General Employment Areas designation.

Our concern is heightened by the fact that there is no clear direction or timeline for reintroducing the uses as permitted. The Staff Report indicates that in future phases "staff will review how best to provide permissions for fitness centres on a site- or area-specific basis for those properties in General Employment Areas where the use was previously permitted". The approach does not provide the clarity for land owners as to when or how the legally existing use will be reintroduced as permitted.

In our opinion, the phased approach is inappropriate as it is inconsistent with the Official Plan. We would recommend that the City undertake the analysis and background work to offer a ZBA that does not remove uses from lands where they are permitted. On this basis, we suggest that the draft ZBA be deferred to allow Staff an opportunity to ensure the comprehensive ZBA is implemented in a way that does not unduly affect lands that should not otherwise be impacted as such.

Recognition of Existing Uses

We continue to have concerns as outlined in our June 28, 2021 letter as it relates to the recognition of existing land uses. In our opinion, the impacts of not recognizing legally existing uses long term will have significant implications on a City-wide basis, creating a precarious and fragile existence for numerous uses that service the community, including schools, churches, hotels, fitness centres and others. As an example, a Loblaw site at 825 Don Mills Road is partially occupied by an educational use. We encourage Staff to recognize this use long term.

We encourage the City to reconsider how existing legally established land uses will be recognized long term, for the reasons as outlined in our June 28, 2021 letter. Our suggestion is that legally existing land uses should be recognized and permitted in perpetuity.

Lands Not Designated as Employment Areas

Loblaws owns or is the leaseholder of lands that continue to be zoned for employment industrial purposes, even though they are no longer designated as Employment Areas under the City of Toronto Official Plan. As noted in our June 28, 2021 letter, we have concerns that lands that should not be impacted by the proposed ZBA, are, in fact, being modified. We would encourage Staff to undertake a comprehensive review in advance of a ZBA being proposed to ensure that lands outside of Employment Areas are not unnecessarily impacted through this conformity exercise.

We would welcome the opportunity to meet with Staff to discuss our comments further.

Please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as Notice of the approval of the Zoning By-law Amendments.

Yours very truly,

ZELINKA PRIAMO LTD.



Rob MacFarlane, MPL, MCIP, RPP
Planner

cc. Loblaws Properties Limited (via email)
Aird and Berlis LLP (via email)