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September 20, 2021

BY EMAIL

City of Toronto Planning and Housing Committee
c/o Ms. Nancy Martins
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Email: phc@toronto.ca

Dear Chair Bailão and Members of the Planning and Housing Committee:

Re: Item PH26.2

Zoning Conformity for Official Plan Employment Areas - Phase 1 Final Report and Phase 2 Update

On Behalf Of:

- **Shell Canada Products (3975 Keele Street)**
 - **Imperial Oil (1150 Finch Avenue West)**
 - **Suncor Energy Inc. (1138 Finch Avenue West)**
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Aird & Berlis LLP is legal counsel for Shell Canada Products, Imperial Oil and Suncor Energy Inc.

Our clients are the owners and operators of the three large fuel storage and distribution terminals (the "**Fuel Terminals**") which are located in the north east quadrant of Keele Street and Finch Avenue West in the City of Toronto (the "**City**").

The purpose of this correspondence is to express our clients' support for the proposed amendments to the former North York Zoning By-law 7625 as set out in the staff report dated June 10, 2021 and Attachment 2 thereto (the "**Proposed Amendments**").

The Proposed Amendments would have the effect of removing current permissions for sensitive uses from lands in the vicinity of the Fuel Terminals which are currently zoned Industrial-Commercial (MC).

The Fuel Terminals have been in operation at their current locations since the mid-1950s when there was little development in the area. Ninety-five percent (95%) of the liquid transportation fuel used in the Greater Toronto Area is transported from the Fuel Terminals. As heavy industrial uses are vital to the local, provincial and national economies, it is essential that planning in the vicinity of the Fuel Terminals be cognizant of sensitive uses which have the potential to disrupt operations and present potential safety risks. We believe that the Proposed Amendments represent a material step in civic planning to enhance the continued viability of commercial and industrial uses in consideration of the essential nature of the Fuel Terminals.

Existing Zoning and Land Use Designations

The Fuel Terminals are situated on lands zoned Employment Heavy Industrial (EH) pursuant to By-law 569-2013 and are designated *Core Employment Areas* on Map 16 of the City's Official Plan.

A number of properties which are adjacent to the Fuel Terminals continue to be subject to the Former North York Zoning By-law and are zoned Industrial-Commercial (MC). This zone currently permits certain sensitive uses.

As noted in the staff report, the City's Official Plan defines sensitive uses as "buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times have the potential to experience an adverse effect, due to nearby major facilities or due to emissions that may be generated by the land uses permitted by this Plan within an Employment Area."

To date, the development of sensitive uses in the vicinity of the Fuel Terminals has been limited, however with increased development activity in the area, it is prudent that the Former North York Zoning By-law 7625 be amended to eliminate these permissions for any future developments, which are not complimentary with the continued essential operation of the Fuel Terminals.

Our clients note that the Keele Finch Secondary Plan ("**OPA 483**"), which was approved by Council on December 16, 2020 contains some permissions for sensitive uses in the vicinity of the Fuel Terminals. Our clients provided detailed submissions to City Council outlining their opposition to OPA 483 on the basis of its impact on their operations and potential safety concerns.

The Bill necessary to implement OPA 483 has not yet been adopted based on Council's direction to the City Solicitor on December 16, 2020 to withhold the Bill until such time as the Minister of Municipal Affairs and Housing has made a decision on OPA 482. OPA 482 is proposed to delineate and establish a Protected Major Transit Station Area in the Keele Finch Secondary Plan area. Our clients made detailed submissions to both Council and the Ministry opposing OPA 482. The Ministry has yet to make a decision on the matter.

We understand that the applicable zoning by-law would be updated to comply with OPA 482 and 483 should they come into full force and effect. Our clients would continue to object to any future amendments that would reintroduce permissions for sensitive land uses in the zones surrounding the Fuel Terminals.

Conclusion

At this time, our clients are supportive of the Proposed Amendments and request that future land use planning decisions in the Keele Finch area recognize the essential nature of the Fuel Terminals and restrict sensitive uses which may disrupt terminal operation, or which may potentially be unsafe in close proximity to the Fuel Terminals.

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Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in blue ink, appearing to read "Laura Dean". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

Laura Dean

LD

cc. Kevin P. Dooley, Shell Canada Ltd.
Daniel P. Dubois, Imperial Oil Ltd.
Louis Biancolin, Suncor Energy Services Inc.

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