

July 19, 2023

Toronto City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: **John D. Elvidge, City Clerk**

Re: PH 5.2 – Official Plan Amendment for Bill 97 Transition – Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas - Final Report

Hunter & Associates Ltd. is retained by the Zentil and Benedetto Group of companies (“Zentil/Benedetto”) which through various corporate entities own many non-residential commercial (retail and office), institutional, recreational and industrial properties across the City of Toronto within Employment Areas variously designated as *Core and General Employment* in the Official Plan. They also own other residential properties in *Mixed Use Areas*. Their corporate real estate portfolio is extensive and diverse.

We are writing to provide comments on behalf of the various Zentil/Benedetto companies owning non-residential properties in the City’s Employment Areas that would be impacted by draft Official Plan Amendment No. 668 (“OPA 668”).

We understand that the City intends to bring forward two related City-initiated OPAs to address changes to the “area of employment” definition in the *Planning Act* made through Bill 97, the *Helping Homebuyers, Protecting Tenants Act* (“Bill 97”).

OPA 668 is the first of those amendments and intends to respond to the transition provisions introduced through Bill 97 that authorize the continuation of existing commercial (retail and office) and institutional uses in *Core and General Employment Areas* across the City. The Planning Act’s revised definition of “area of employment” would exclude commercial retail, office and institutional uses that were not related to (ancillary/accessory) to a range of permitted industrial uses and activities.

By way of one specific example, through V.J. Benedetto Limited and Tilzen Holdings Limited, our clients have owned and operated a local commercial retail plaza anchored by a FreshCo grocery store for decades at 3400-3402 Dundas Street West. That site is located within a relatively limited Employment Area designated General Employment between Runnymede Road and Jane Street. Most of this area is occupied by commercial and retail uses.

On August 3, 2021 we submitted a formal conversion request for that shopping plaza at 3400-3402 Dundas Street West and participated throughout the City review process. Despite a supportive Planning Rationale Report (Hunter), Compatibility/Mitigation Study (Valcoustics) and City Peer Review (Cambium) indicating it would be appropriate to consider a conversion provided certain planning considerations and criteria were addressed through future detailed applications, City Planning did not support the request and recommended maintaining the site as

General Employment. Council adopted staff's recommendation and OPA 644 at its meeting on June 18, 2023.

In our opinion, this older local shopping plaza, which could be readily found in many locations across the City designated *Mixed Use Area*, is exactly the kind of use that the Province's new "area of employment" definition intends to exclude. We understand that the new "area of employment" definition and other provisions of Bill 97 will not receive proclamation until the Fall 2023.

We understand that staff intend to bring forward the second City-initiated OPA subsequently in the Fall 2023 to update the specific permitted uses in the *Core and General Employment Area* designations.


Our client is concerned that OPA 668 will have the effect of transitioning many of their commercial retail, office and institutional uses on properties where they would benefit from the Province's proposed changes to the "area of employment" definition. Given that this definition and other relevant policy matters of Bill 97 have not received final proclamation, OPA 668 does not need to come forward yet for Council adoption. It is premature and runs the risk of being inconsistent with the Province's intended changes and, ultimately, the final legislation targeted for the Fall 2023. If adopted, the transition policies also require our client to comprehensively review all its properties designated *Core and General Employment* for legal conformity status.

The City should not bifurcate its OPA process bringing the transition of existing use policy before the specific changes to permitted uses in *Core and General Employment Areas* and before the Provincial definition of "area of employment" and related policies of Bill 97 are final.

On behalf of our client, we would ask that City Council (1) defer a decision on OPA 688 (2) direct staff to review draft OPA 668 concurrently with the intended second OPA targeted for the Fall 2023 and (3) report back to Planning & Housing Committee when the City and our client will have the benefit of considering these comprehensively and with Provincial definition and related legislation finalized.

We appreciate City Council's consideration of our request and please ensure we are notified of any decisions made by Council on this matter.

Yours truly,
HUNTER & Associates Ltd.



J. Craig Hunter, MCIP, RPP
President

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