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November 29, 2023

Chair Perks and Members of Planning and Housing Committee

City of Toronto
100 Queen Street West, 10th Floor, West Tower
Toronto, Ontario
M5H 2N2

Sent by email: phc@toronto.ca

Dear Chair Perks and Members of Planning and Housing Committee:

**RE: PH8.14 – CITY OF TORONTO OFFICIAL PLAN AMENDMENT 680
DYMON GROUP
OUR FILE: 16257C**

On behalf of our client, Dymon Group ("Dymon"), we are providing this letter regarding the City of Toronto Draft Official Plan Amendment (hereinafter "OPA 680"), specifically relative to our client's existing and proposed sites and facility operations in the City of Toronto within *Employment Areas*, which includes:

- 1 Mobile Drive, Toronto (Existing);
- 1460 The Queensway, Toronto (Existing);
- 850 York Mills Road, Toronto (Proposed – applications ongoing);
- 743 Warden Avenue (Proposed – applications ongoing);
- 60 Estate Drive (Proposed – applications pending);

Dymon's facilities are currently permitted in *Employment Areas*. As noted above, two are existing while Dymon has two other ongoing development applications located at 850 York Mills Road, 743 Warden Avenue and an about to be submitted application at 60 Estate Drive.

As discussed in the staff report, the intent of OPA 680 would be to amend the Official Plan *Employment Areas* policies in Chapter 2, 3 and 4 of the City of Toronto Official Plan by limiting permitted office and retail uses within Employment Areas to only those which are ancillary to industrial, warehousing and other *Core Employment Area* uses. We understand that this is in response to Bill 97, introduced earlier this year whereby the definition of "Area of Employment" in the Planning Act was modified to exclude retail, office and institutional uses.

It is our understanding that the intent behind this legislative change was to remove office, retail and institutional uses as being protected as "Area of Employment" rather than revoking the use permissions wholesale as is proposed by City staff through OPA 680. This distinction is crucial. The proposed amendment appears to misinterpret the original intent, leading to unnecessary restrictions on these uses and ultimately leading to the sites becoming a legal non-conforming. Rather the intent was for municipalities to undertake detailed reviews and determine which lands should be protected as "Areas of Employment" (i.e. industrial, manufacturing, warehousing) and those that are not (office, retail and institutional).

Dymon does not believe that the changes proposed by City staff are appropriate nor what the Province intended as noted above. Doing so could lead to a detrimental impact on its operations and services. The 1460 Queensway store has been existing and operating without impact to the surrounding *Employment Area*. Further, it effectively removes the distinction between the *Core Employment Areas* and *General Employment Areas* designations. Lastly, it would have a detrimental and undermining impact on such Employment Area initiatives that have been successfully implemented using broad employment uses (including retail and offices), such as the along The Queensway, Castlefield-Caledonia Design District and the Geary Works area. Of specific concern is how ongoing applications, such as at 850 York Mills with substantial office and retail uses would be affected by this initiative. Similarly, Dymon is concerned with how “ancillary uses” will be defined and implemented through this proposed regime (which may affect existing locations and proposed locations).

We find that the current approach taken by City staff is an overreaction that has not fully considered the implications for landowners, retail and building industries, the general public and other stakeholders. A decision of this scale requires a more inclusive dialogue, ensuring that all affected parties have the opportunity to provide input and that the City fully understands the impact of such changes.

The proposed changes to the City of Toronto Official Plan designations for the several sites would effectively become a legal non-conforming use upon approval. Our client is concerned that this change in permission will exclude it from updating / retrofitting or redeveloping their properties which include their permissions for office and retail uses. There should be no limit or exclusion of these uses, as this would substantively impact and impede Dymon’s existing and future operations.

We therefore request the Planning and Housing Committee direct staff to undertake a thorough review as intended by the Province, deferring this matter (as drafted) and ensure that full and thorough consultation occurs after the thorough review occurs.

Should the City proceed with OPA 680 as described by City staff, we would request it be modified to clearly state that use permissions (not just existing operations) which existed prior to OPA 680 being approved are legally conforming and permitted in perpetuity such that our clients existing and future operations are not extinguished or otherwise hampered. Further, existing applications should be recognized and not unduly impacted by any changes proposed.

We kindly request to receive notifications regarding any decisions made by the City Council or Committee of Council pertaining to this matter.

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

Thank you.

Yours truly,

MHBC



David A. McKay, MSc, MLAI, MCIP, RPP
Vice President & Partner

cc. Clients