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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
HOME DEPOT OF CANADA INC.
OUR FILE: 9316HA-37**

On behalf of our client, Home Depot of Canada Inc. ("Home Depot"), we are providing this letter of concern regarding City of Toronto Draft Official Plan Amendment 680 (hereinafter "OPA 680"). Our client's existing sites and store operations in the City of Toronto within *Employment Areas* includes the following sites:

1. Leaside (Store #7073) – 101 Wicksteed Avenue
2. Curity (Store #7012) – 7 Curity Avenue
3. Caledonia (Store #7134) – 825 Caledonia Road
4. Yorkdale (Store #7129) – 90 Billy Bishop Way (proposed to be converted through OPA 591)
5. Dufferin (Store #7078) – 2375 Steeles Avenue West
6. Morningside (Store #7027) – 60 Grand Marshall Drive
7. Rexdale (Store #7114) – 1983 Kipling Avenue

Home Depot's stores are currently permitted in *Employment Areas*. 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).

Home Depot 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. Many of these stores have been existing and operating for an extensive time frame without impact to surrounding *Employment Areas*. 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 Castlefield-Caledonia Design District (where the Castlefield Home Depot is located).

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. Our client is concerned that this change in permission will exclude it from updating / retrofitting or redeveloping their properties which include their existing permissions for retail uses. There should be no limit or exclusion of these uses, as this would substantively impact and impede Home Depot'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.

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. Client