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VIA EMAIL clerk@toronto.ca and councilmeeting@toronto.ca

John D. Elvidge
City Clerk
Toronto City Council
12th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Sylwia Przewdziecki, City Council Secretariat

Re: Proposed Official Plan Amendments 668 and 680 (“OPA 668” and “OPA 680”) Letter of Concern

Item: 2024.CC22.7 - Amending Item 2024.PH14.1 in response to Bill 97 Proclamation - Employment Area Land Use Permissions - Official Plan Amendment 680

Dear Mayor and Members of Council,

Please be advised that we represent the Zentil and Benedetto Group of Companies (the “**Owner**”) 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 City of Toronto Official Plan (the “**Toronto OP**”) including, but not limited to, the lands known municipally as 3400-3412 and 3416, 3418, and 3422 Dundas Street West, Toronto.

On behalf of the Owner, we are writing to file our concerns with the proposed OPA 668 and OPA 680. Amongst other things, the Owner wishes to maintain the existing uses within *Employment Areas* designated currently in the **Toronto OP**. On the October 9, 2024 Council agenda, this is item 2024.CC22.7.

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 3400-3422 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.

Background

City Council on July 19, 2023 endorsed in principle OPA 668 but has yet to formally adopt this OPA. OPA 680 was endorsed in principle by City Council on July 24, 2024 but once again has not been adopted as of yet. OPA 668 and OPA 680 were brought forward to align the Toronto OP's land use permissions for its *Employment Areas* with the recently revised Provincial definition for "area of employment" as brought forward through Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023* and the new Provincial Planning Statement, 2024 (the "**New PPS**"). The new definition will come into force on October 20, 2024.

In the June 24, 2024 staff report for OPA 680, City staff provided an overview of the legislative and policy changes for land use types in "areas of employment". City staff noted that OPA 668 would first transition land use permissions that are removed from the new "area of employment" definition (once in effect) prior to OPA 680 aligning employment policies with the new definition. City staff stated that OPA 668 will help ensure that the current permissions under which today's businesses are accustomed to operating under will remain in place; following which OPA 680 will take effect to also ensure that these lands are still defined as employment areas under the new Provincial definition, providing local businesses continued confidence with future investments in these areas.

Concern with OPA 668 and 680

While proposed OPA 680 (as well as OPA 668) provides policies with respect to "lawfully established" uses, it is our position it does not provide sufficient clarity regarding the appropriate interpretation of "lawfully established" uses within the context of Toronto OP policies and designations. In this regard, sufficient clarity is crucial as the uses that are permitted today should be permitted to continue in the future so that the current tenants of the Owner's properties in Toronto could have the ability to expand their operations without the necessity of having to go through the process of an application under the *Planning Act*.

The proposed policy direction for OPA 680 proposes to remove existing land use permissions from all of the City's employment areas with no regard for whether this is appropriate. This is unacceptable. Further, as other have noted in their letters of objection for Item 2024.PH14.1, the City staff view is that OPA 668 would allow institutional and commercial permissions to continue generally in all existing employment areas despite OPA 680's removal of those permissions. In our opinion, this interpretation is incorrect and consequently our client may need to appeal both OPAs.

We are also concerned that OPA 680 does not meet the legislative intent of Bill 97 and the New PPS for areas of employment. The clear intent of these *Planning Act* changes and the New PPS was to allow certain lands that were originally designated as Employment Areas in the Toronto OP but through the permission of office, retail and institutional uses have transformed into areas which would no longer qualify as areas of employment under Bill 97 and the New PPS to be developed for mixed uses without being considered an employment land conversion.

Please also accept this letter as our request to be provided notice for all further decisions, meetings, reports, etc. related to OPA 668 and OPA 680.

Thank you for City Council's consideration of the concerns with OPA 668 and OPA 680 raised in this letter.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP

A handwritten signature in blue ink, appearing to be 'J-P' or similar, with a large loop at the end.

Jason Park
JIP/CJD/ss

cc:

A. Benedetto/P. Zentil/J. Zentil

J. Craig Hunter, MCIP, RPP, Partner, Elevate Planning and Project Management