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July 10, 2024

BY EMAIL

Our File No. 118618

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

C/O City Clerk – clerk@toronto.ca

Dear Mayor Chow and Members of City Council:

**Re: Planning and Housing Committee – Agenda Item No. PH14.1
Employment Area Land Use Permissions – Proposed OPA No. 680
SteeleTech Campus - Steeles Avenue East & Highway 404**

Our firm is counsel to SteeleTech Nominee Inc. and Tristeeles Hotels Inc. (c/o North American Development Group). Our clients own/represent lands in the southeast quadrant of Steeles Avenue East and Highway 404 comprised of 3125-3389 Steeles Avenue East (inclusive) as well as 3900 and 4000 Victoria Park Avenue (collectively, the “SteeleTech Campus”). The SteeleTech Campus includes lands that are designated and master plan approved for development that includes accommodation, office, restaurant, commercial, service and retail uses. These uses are provided for under an approved site and area specific policy (“SASP 394”) that was specifically negotiated with, and consented to, by the City of Toronto as part of the resolution of our client’s appeal of OPA 231.

Our firm previously wrote to Council on October 23, 2023, expressing our client’s concerns with what was at that time Council’s proposal to adopt OPA 668 as the City’s immediate response to Bill 97. A copy of our October 2023 letter is attached. Please consider the comments and submissions made in that letter as applying equally to our client’s comments and submissions made in respect the City’s related amendment, being OPA 680, which is coming before the Planning and Housing Committee this Thursday, July 11, 2024.

We note that the in-house Bill associated with the City’s adoption of OPA 668 continues to be withheld pending the Bill 97 amendments to the *Planning Act* being brought into force. We further note that the staff recommendation is to similarly withhold the in-house Bill associated with OPA 680, should City Council choose to adopt the amendment. As noted in our October 2023 letter, we submit that the City continues to prematurely react to the Province’s changes to the definition of “area of employment” under Bill 97. As stated in our previous letter: *It is not clear why the City is compelled to adopt OPA 668 [or OPA 680] well in advance of the statutory and policy amendments that make OPA 668 [or OPA 680] possible or necessary.*

More specific to the proposed amendments under OPA 680, we submit that the City is going backwards on matters of land use planning affecting employment uses.

The Province's original approach to siloing non-population serving employment uses into "areas of employment" – separated and protected from other uses – was necessary 20 years ago when bricks-and-mortar commercial, retail, office and institutional uses were more prevalent and had more direct functional impacts on the viability of designated employment areas. Over the last 20 years, planning has moved away from concepts of siloing and buffering – especially in urban areas, where there is an explicit and growing recognition that residents want and need their residential, commercial and employment uses sited in ways that are accessible and connected. Mixed-use approaches to residential and employment uses are now favoured by both residents and employers and make the most efficient use of serviced urban lands. While there will always be planning issues associated with reduced proximity between uses, these issues are capable of being addressed by design-based intervention. Issues between mixed-uses also finish well behind the overall lack of serviced urban land supply in terms of the spectrum of planning issues currently facing cities like Toronto.

OPA 680 proposes to take the City backwards by amending the City's designated employment areas (both *General* and *Core*) to exclude the types of uses that residents and employers want to see within strategically-placed employment areas. This is being done to continue to impose the types of "conversion" tests and restrictions that have held back appropriate mixed-use development within the City for the last 20 years. Our client and its consultants fundamentally disagree that purifying the City's designated employment areas from permissions for job-generating uses such as commercial, service, retail, office and institutional is a supportable or sustainable means of planning for city-wide employment development.

Our client's lands at Steelestech Campus present an example of how appropriate planning can be used to deploy a mix of viable employment and sensitive land uses to create a complete community in accordance with the Province's vision for the efficient use of lands. Through the settlement of our client's prior appeal of OPA 231, modifications were made to the site and area specific policies applicable to the Steelestech Campus to create a framework for the deployment of mixed employment uses across the site. These uses include permissions for hotels, restaurants, banks, retail stores, service stores, recreational facilities, commercial schools and offices, the majority of which have yet to be constructed. We submit that mixing these types of permissions within designated mixed-use and employment areas better represents modern approaches to urban planning than does the City's current proposals under OPAs 680 and 668.

In addition, the City's amendments as proposed under OPA 680 are not clear as to how SASP-based permissions within existing employment areas will be impacted. As set out in our October 2023 letter, we continue to be of the opinion that OPA 668 (if approved) would not apply to the Steelestech Campus lands given the lack of existing "traditional" employment uses on the site and the myriad of future accommodation/commercial/retail/office uses permitted by SASP 394. However, OPA 680 is changing the policy language and permissions associated with the City's underlying employment area designations in a manner that could negatively affect future applications. For example, in any future application for minor variance or rezoning affecting sites within the Steelestech Campus, it may be difficult to reconcile the intent and purpose of OPAs 680/668 when compared to the site-specific permissions accorded to the Steelestech Campus through SASP 394.

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In our submission, either OPA 680 needs to specifically acknowledge that certain existing employment-designated sites within the City will continue to have more flexibility in permitted land uses, or sites like Steelestech Campus need to be recognized as no longer being appropriately designated as *Employment* and ought to be re-designated as *Regeneration* or *Mixed-Use*. As noted in our October 2023 letter, the City has not undertaken the exercise needed to determine which of the City's employment-designated sites should remain designated for *Employment* in light of the Province's change to how "area of employment" should be defined. We submit that such an exercise is needed and that the City's proposed changes to its employment land policies under proposed OPA 680 and 668 are premature (and unnecessarily reactive/protective) until this exercise is completed.

We ask that these matters be addressed by staff, Committee and/or Council and reflected in modifications to proposed OPAs 680 and 668 before either is finally approved. Our client and its consultants are available to further discuss these issues should the City choose to further engage with affected landowners.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink that reads "Patrick J. Harrington". The signature is written in a cursive, flowing style.

Patrick J. Harrington
PJH/np

c.c. S. Bishop, North American Development Group
C. Allan, Bousfields Inc.
C. MacKinnon

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