

May 7, 2025

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Sent via e-mail: phc@toronto.ca

Planning and Housing Committee
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair and Members of the Committee,

Re: **Samuel Sarick Ltd.**
Official Plan Amendment No. 804 to align with Provincial Legislative and Policy changes related to Employment Areas
Planning and Housing Committee Meeting May 8, 2025 – Item – 2025.PH21.1

We are counsel for Samuel Sarick Ltd. (“**Sarick**”), the owner of multiple land holdings in the City of Toronto, including 75 and 95 Barber Greene Road (“**Barber Greene Lands**”), 1860 Midland Avenue and 445 Midwest Road (“**Midland Lands**”), and 475-505 Ellesmere Road and 2 and 12 Principal Road (“**Ellesmere Lands**”).

Please ensure that a copy of this letter is provided to the Chair and Members of the Planning and Housing Committee (“**Committee**”) in advance of the Special Public Meeting scheduled for May 8, 2025. On behalf of our client, we thank City staff for an opportunity to comment on Official Plan Amendment No. 804 (“**OPA 804**”) and for the proposed redesignation of the Barber Green Lands contemplated by OPA 804. We provide additional comments below as it relates to the Sarick land holdings, proposed OPA 804 policies and Site and Area Specific Policy (“**SASP 913**”). All of the lands referred to below are subject to appeals of Official Plan Amendment 231 (“**OPA 231**”). The OPA 231 appeal could be resolved by way of the proposed revisions outlined below.

Barber Greene Lands: The Barber Greene Lands are located on the south side of Barber Greene Road and within the existing Don Mills Employment Area. Sarick supports the proposed redesignation of the Don Mills Employment Area to *Regeneration Areas*. However, the Barber Greene Lands should be redesignated to a *Mixed-Use Areas* designation. Among the reasons for this is the existing residential community and the abutting lands being designated *Neighborhoods*. We do not see a need for the *Regeneration Areas* designation and the vast studies required by SASP 913 for the Don Mills Regeneration Area. We appreciate staff’s efforts and will continue to engage in any discussions related to the proposed Don Mills Regeneration Area and SASP 913.

The proposed SASP 913 sets out the required studies and plans that will form the local area study. These studies are beyond the scope of what is needed for a Secondary Plan or Site and Area Specific Policy, including the requirements for:

- A Phasing Strategy and Implementation Plan that will set out the amount of non-residential gross floor area to be constructed in each phase, which may include the use of holding provisions;
- A Commercial Demand Analysis to considers market needs in the area for non-residential space; and,
- A Compatibility/Mitigation Study as part of a complete Zoning By-law Amendment application.

Sarick requests that the City reconsider the mandatory requirement for these studies and plans for SASP 913. Any required studies can be provided with site specific applications for future proposed redevelopment of the Barber Greene Lands.

Midland Lands: The Midland Lands are located southwest of the intersection of Midland Avenue and Midwest Road and are currently designated *Core Employment Areas* and *General Employment Areas* in the Official Plan. Sarick requests that the City redesignate the Midland Lands to *Regeneration Areas* at this time, through OPA 804, and study the appropriateness of a *Mixed-Use Areas* designation.

A *Mixed-Use Areas* designation for the Midland Lands is a logical extension to the existing *Mixed-Use Areas* to the north, and will allow for residential uses and new housing opportunities in a highly desired area. The *Mixed-Use Areas* designation is appropriate for lands adjacent the City's arterial road network. It is compatible with the *Neighbourhoods* designation to the east and will provide greater flexibility to provide transition and an appropriate interface with the abutting employment lands to remain.

Ellesmere Lands: The Ellesmere Lands are located south of Ellesmere Road and west of Principal Road. A portion of the Ellesmere Lands are currently designated *Core Employment Areas*, with the remaining lands designated *General Employment Areas* in the Official Plan. Sarick requests that the entirety of the Ellesmere Lands are designated *General Employment Areas*, which would provide for a greater range of uses and help maintain the viability of the employment area. We understand from discussion in the context of the OPA 231 appeal, that staff support the redesignation of the portion of the Ellesmere Lands to *General Employment Areas*. This would form a complete block bound by Ellesmere Road, Principal Road, Canadian Road and the open space lands to the West. We request that the City redesignate the portion of the Ellesmere Lands currently designated *Core Employment Areas* to the *General Employment Areas* through the OPA 804 process.

Continuation of Lawfully Established Uses: As outlined above, the Midland Lands and Ellesmere Lands are proposed to remain in the *Core and General Employment Areas* in OPA 804. In addition to employment uses, the Midland and Ellesmere Lands currently contain various uses that support the local community. Sarick is concerned with the proposed transition policies of OPA 804 including, policies 4.6.9 and 4.6.10, that permit the continuation of "lawfully established" uses in *Core Employment Areas* and *General Employment Areas*. "Lawfully established" has not been defined in OPA 804 to confirm whether the

transition policies will permit uses established through zoning or uses that are operating before the Province's prescribed date of October 20, 2024. At the May 1, 2025 Open House, City staff advised that these transition policies will be applied on a case-by-case basis. Sarick requests that a streamlined definition of "lawfully established" is considered, and that all existing uses on its land holdings be recognized as lawful.

Please include us on the City's notice list with respect to any decisions, reports, and/or meetings for OPA 804. We would be pleased to meet with staff to discuss any of the above matters.

Yours truly,

Dentons Canada LLP

A handwritten signature in black ink, appearing to read 'Katarzyna Sliwa', with a horizontal line extending to the right.

Per:
Katarzyna Sliwa
Partner

KS/jj/ah