



McCarthy Tétrault LLP  
Box 48, Suite 5300  
Toronto Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673

**Cynthia MacDougall**  
Direct Line: 416-601-7634  
Direct Fax: 416-868-0673  
Email: cmacdoug@mccarthy.ca

November 7, 2012

Mayor and Members of Council  
Toronto City Hall,  
10th Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Chair and Members of Planning and Growth Committee**

Dear Sirs/Mesdames:

**Re: Five Year Official Plan and Municipal Comprehensive Reviews  
Draft Policies and Designations for Employment  
Committee Item 2012.PG19.5  
383 Sorauren Avenue**

We are the solicitors for Sorauren Developments Inc., agents for 2329990 Ontario Inc. (the "Owner"), owner of lands on the east side of Sorauren Avenue, south of Dundas Street West, and municipally known as 383 Sorauren Avenue (the "Lands"). The Lands are located in the Roncesvalles neighbourhood and contain a vacant single storey non-residential building. The property was vacant prior to its purchase by the Owner in June, 2012.

We are writing to express concerns with the proposed amendments to the Employment Area policies of the Official Plan and Site and Area Specific Policy 154 ("Policy 154"). We also respectfully request that the Lands be excluded from the Municipal Comprehensive Review to provide for the redevelopment of the Lands in accordance with the existing provisions of Policy 154 which permit a mix of residential and employment uses on the Lands.

**Background**

The Lands are designated Employment Areas in the Toronto Official Plan and are subject to Policy 154 which applies to the lands on the east side of Sorauren Avenue from Dundas Street West, south to the northern limit of Sorauren Avenue Park. Policy 154 permits a mix of employment and residential uses, subject to the building providing a satisfactory living environment compatible with the employment uses in the building and adjacent area.

The Owner has recently filed a rezoning application (the "Application") for a mixed use building containing residential and non-residential uses which implements the in-force land use policy provided in Policy 154 which specifically provides for residential uses on the Lands. Prior to the filing of the Application, the Owner participated in a community information meeting hosted by the local Councillor to provide information about the proposal to the community and to receive

feedback. Pre-application meetings were also held with Community Planning and it was during these meetings that the suggestion was made by City Planning staff that a mix of residential and non-residential uses in the building would be in keeping with the policy direction of Policy 154. While in our view Policy 154 does not require a mix, the Application provides for a mix of uses as suggested by staff.

### **Concerns with Proposed Policy Changes**

The Owner is supportive of the proposed amendment to Policy 154 which would clarify the permission for residential and non-residential uses to be provided in mixed or single use buildings. However, there is great concern with the proposed mapping changes which reduce the extent of the site and area specific policy such that the subject Lands and lands to the north are proposed to be designated Core Employment and excluded from Policy 154. There is also concern with the proposal to amend Policy 154 to secure as an Official Plan policy that all residential uses be located a minimum of 30 metres from the nearest rail corridor.

### **Discussion**

The Lands are located in the primarily residential neighbourhood of Roncesvalles, on the east side of Sorauren Avenue, just south of Dundas Street West. Remnant industrial lands are located to the north with the immediately abutting property occupied by the Downtown Rental and Building Supply Company, the second floor of which is occupied by a number of rental dwelling units. The Metrolinx rail corridor abuts the Lands to the east and a low rise residential neighbourhood is located on the west side of Sorauren. Immediately adjacent to the south is the Robert Watson Lofts, a 153 unit live-work development which occupies a former candy factory building. To the south of this development is the Sorauren Lofts Building containing 48 live-work units and the 2.34 hectare Sorauren Avenue Park.

The lands containing the Robert Watson Lofts and Sorauren Lofts have been developed with live-work uses which is a residential use which also provides for employment uses. Staff are proposing that these lands remain subject to Policy 154. As these immediately adjacent lands enjoy the same land use context as the subject Lands, being located on a local street within an otherwise residential neighbourhood context, including the immediately adjacent low density residential neighbourhood to the west and Sorauren Park to the south, it is not clear why the subject Lands are now proposed to be excluded from Policy 154. As the Lands are not located on the streets identified by staff as being within the vicinity of large impactful industry and are in close proximity to sensitive land uses it is not appropriate to exclude the Lands from the area subject to Policy 154.

Further, it is not clear why Policy 154 would be amended to include a minimum 30 metre setback from rail corridors as setbacks of less than 30 metres have been found acceptable in the past to the City and Metrolinx. In regards to the Lands and the Application, Metrolinx has advised the Owner that a reduced setback of less than 30 metres between the rail corridor and the proposed residential units would be acceptable provided appropriate mitigation can be provided.

Fundamentally, we do not agree with the City's interpretation that the Application represents an application for the "conversion" of employment lands as the existing in-force Official Plan policies of Policy 154 specifically provide for residential uses on the Lands. The City's proposal to remove the Lands from Policy 154 is inappropriate as it represents a down-designation of the Lands and removes existing rights under which the Application has been filed.

**Summary**

Within this primarily residential neighbourhood, the Lands are uniquely situated in a pocket of lands adjacent the rail corridor which has undergone a transition away from more traditional industrial type uses to a mix of residential and select employment uses in accordance with the in-force policy direction of the Official Plan. As the Lands were vacant at the time of purchase by the Owner, no jobs will be removed from the site.

We respectfully request that the Lands be excluded from the Municipal Comprehensive Review and that the Application be dealt with in the context of the existing policies applicable to the Lands which permit the proposed mix of residential and employment uses on the site. We also request that a policy requiring a 30 metre setback between residential units and rail corridors not be adopted to allow for the determination of appropriate setbacks on a site by site basis without the need for an Official Plan Amendment should a lesser setback be acceptable.

Yours very truly,

**McCarthy Tétrault LLP**

Per:



Cynthia MacDougall