

Project No. 11108

November 8, 2012

Planning and Growth Management Committee
c/o Ms. Merle MacDonald
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Ms. MacDonald:

**Re: Five-Year Official Plan Review / Municipal Comprehensive Review
Draft Policies and Designations for Employment
Committee Item 2012.PG19.5
459 Eastern Avenue, Weston Bakeries Canada Limited**

We are the planning consultants for Weston Bakeries Canada Limited with respect to a 0.63 hectare site located at the southeast corner of Booth Avenue and Eastern Avenue and municipally known as 459 Eastern Avenue (the "subject site").

We have reviewed the staff recommendations and directions set out in the October 12, 2012 staff report, and we object to staff's recommendation to designate the subject site "Core Employment Areas" to the extent that these designations would not appear to permit the uses proposed in association with the applications filed by Weston in March 2012. Our detailed comments, many of which have been provided previously in our letter dated July 31, 2012, are set out below.

Background

On March 29, 2012 our client filed an application for Official Plan Amendment and rezoning to permit the redevelopment of the subject site, an underutilized parcel currently being used for surface parking and tractor-trailer storage (City File No. 12 148264 STE 30 OZ). The redevelopment would include two non-residential buildings along the Booth Avenue frontage (a 4-storey building and a 2-storey building) containing 3,886 square metres of employment "flex-space", 1,019 square metres of ground floor commercial/retail space, and 1,214 square metres of office space, as well as a 6-storey mixed-use building along the Eastern Avenue frontage containing a total of 71 residential live/work units, with 816 square metres of retail/commercial space on the ground floor and 948 square metres of commercial/office space on the second floor.

Accordingly, the proposed form of the draft Official Plan Amendment submitted with the applications simply seeks to extend Site and Area Specific Policy 190 to include the frontage of the subject site on Eastern Avenue. Notwithstanding that the subject site would continue to form part of the *Employment District* and would continue to be designated *Employment Areas*, the effect of the expanded Site and Area Specific

Policy 190 would be to confirm that the Eastern Avenue frontage of the subject site does not form part of an "employment area", as defined in the Provincial Policy Statement and Growth Plan. Furthermore, even if the subject site were considered to form part of an "employment area", it is our opinion that the mixed-use proposal does not represent a "conversion".

A notification of complete application was issued on April 30, 2012. In its preliminary report to the Planning and Growth Management Committee, staff recommended that the application be processed concurrently with the Five Year of the Official Plan and Municipal Comprehensive Review.

Objection to Proposed "Core Employment Area" Designation

Further to our submission on the Toronto OP Review dated July 31, 2012, we have now reviewed the staff report respecting the draft policies and designations for employment, dated October 23, 2012 (the "staff report"). Based on our review, we are writing to object to the recommendation of staff to designate the subject site as "Core Employment Areas" through the municipal comprehensive review (see Attachment 5 pages 27 and 28).

The "Core Employment Area" designation permits a range of employment uses including offices, media facilities etc., but it does not permit residential uses or retail uses other than ancillary small scale retail outlets. In terms of the subject application, this range of permitted uses is similar to the current range of uses permitted within the existing "Employment Area" designation, except that it would remove the permission for "small scale stores and services that serve area businesses and workers" which is currently being sought at the base of certain buildings within the current Employment Area designation.

As previously noted, we have requested that Site and Area Specific Policy 190 be extended to include the frontage of the site and suggest that this is one method of achieving the residential permissions along the Eastern Avenue frontage. In addition, in light of the recent draft policies, we also object to the removal of the existing retail permissions on the subject site through the "Core Employment Area" designation.

As set out in detail in our letter of July 31, 2012, we believe that the application submitted in March 2012 is appropriate and we look forward to continued discussions with staff to achieve appropriate designation that will permit the Weston application through the Municipal Comprehensive Review.

The reasons in support of the Weston application, as stated in our July letter, are set out below.

Employment District Boundary

In our opinion, the City's conceptual approach of equating *Employment Districts* with "employment areas" as defined in the Provincial Policy Statement (PPS) and Growth Plan is sound inasmuch as each is directed at achieving the same result i.e. the geographical identification of large strategic employment "clusters". However, the caveat that needs to be added to the City's approach is that the Toronto Official Plan was adopted in November 2002, well in advance of the 2005 PPS and the Growth Plan.

As a result, the identification of *Employment Districts* and the establishment of their boundaries was not critically analyzed through the "lens" of the PPS and Growth Plan definitions or the associated policy implications (i.e. the need for a (municipal) comprehensive review in order to convert lands to a non-employment use).

Accordingly, the ongoing Five-Year Official Plan Review and Municipal Comprehensive Review represents the first opportunity to comprehensively analyze and identify the location and boundaries of *Employment Districts* in the context of the PPS and the Growth Plan. In that context, the policies of the 2005 PPS and the Growth Plan related to the conversion of lands within "employment areas" to non-employment uses are not directly applicable. The matter to be decided through the Five-Year Official Plan Review and Municipal Comprehensive Review is a more fundamental one; that is, whether the lands constitute an "employment area" within the meaning of the PPS and the Growth Plan and whether they should have been identified as an *Employment District* in the initial instance.

Within the South of Eastern area, it is our opinion that, at a minimum, the lands between Carlaw Avenue and Booth Avenue, including the subject site, do not constitute an "employment area" because they do not form part of a "cluster of business and economic activities" and, accordingly, should not be included in the *Employment District* boundaries. Our opinion is based on the following:

- The lands do not form an area where employment uses predominate, or where existing residential uses are intended to be interim uses pending redevelopment for employment uses. The lands are predominantly residential in character, although there are interspersed employment uses and more concentrated employment uses along the south end, adjacent to Lake Shore Boulevard East.
- There are approximately 200 existing residential properties in the area.
- Many of the existing residential uses are long-standing and are generally zoned residential (R2). They are not legal non-conforming uses.
- The City has recently rezoned lands in the area from Industrial to Residential to allow for new residential development.

- The residential neighbourhood is served by a City park (the Morse Street Playground).
- Both the previous Official Plan designation of *Mixed Industrial-Residential Areas* and the current Site and Area Specific Policy No. 190 allow for continued residential uses.

Although it would be reasonable for the foregoing reasons to delete the lands between Carlaw Avenue and Booth Avenue from the *Employment District* and to designate some or all of the lands as *Neighbourhoods* and *Mixed Use Areas*, rather than *Employment Areas*, the City has elected to achieve the same policy result through an exception to the *Employment Areas* designation i.e. by way of Site and Area Specific Policy 190.

Insofar as this objective may be achieved through the ongoing Five-Year Official Plan Review and Municipal Comprehensive Review, it is intended that this letter will serve as input into the review process. However, in the alternative, it is our opinion that the subject application can be processed and approved in advance of the Official Plan Review given our opinion that the lands do not constitute part of an “employment area” within the meaning of the Provincial Policy Statement and the Growth Plan, and that the proposal does not represent a “conversion”. As confirmed by the Ontario Municipal Board and the Courts with respect to the 2205 Sheppard Avenue East appeal, lands which do not form part of an “employment area” can be considered for redesignation from *Employment Areas* to a designation permitting residential uses without undertaking a municipal comprehensive review.

Land Use Compatibility

The proposed mixed-use residential/commercial building along Eastern Avenue will be complementary to the proposed residential mixed-use building on the existing Weston Bakery lands on the north side of Eastern Avenue. We note that the staff report’s preliminary assessment for 462 Eastern Avenue recommends a Mixed-Use designation.

It will also fit with the existing range of uses along both sides of Eastern Avenue to the east and west, which includes a mix of residential uses, commercial uses and some interspersed light industrial uses.

In this regard, the lands south of Eastern Avenue do not constitute a large homogeneous employment area that is comprised of exclusively employment uses. Good land use planning dictates that the determination of the appropriate mix of land uses for the subject site must take into account the specific land use context in its vicinity. While the land uses south of Eastern Avenue from the Don Valley Parkway to Coxwell Avenue include a mix of industrial, institutional and retail uses, there is a significant residential land use component in the immediate vicinity of the subject

site. More specifically, both sides of Logan Avenue and Moore Street, and the west side of Carlaw Avenue are residential in character and have been for decades, as reflected in Site and Area Specific Policy 190. Similarly, the south side of Eastern Avenue, east and west of Carlaw Avenue, has a residential/ mixed-use character.

From a land use compatibility perspective, the proposed mixed-use building would fit better into the surrounding land use fabric than would most of the uses permitted by the I2 D3 zoning, while at the same time assisting in the reurbanization of Eastern Avenue. The scale of the mixed-use building will improve the streetscape along Eastern Avenue and provide amenity for pedestrians, whereas most I2 uses would not contribute positively to reurbanization objectives. Furthermore, the proposed mix of uses would be more compatible with the residential neighbourhood to east and southeast and with the residential neighbourhood north of Eastern Avenue than would I2 industrial uses.

From a land use perspective, the elimination of the existing surface parking and tractor trailer storage use and its replacement with a mix of residential and commercial uses along Eastern Avenue and employment uses along Booth Avenue will be compatible with the surrounding land use context, and will create appropriate relationships with surrounding residential and employment land uses. The proposed mixed-use development will help to revitalize the Eastern Avenue street frontage and create jobs and housing within an area which already has a mixed-use character.

Based on the foregoing, we object to a "Core Employment Areas" designation and through further discussions with staff we will continue to seek an appropriate designation that will permit the Weston application.

We appreciate your consideration of the foregoing submission.

Yours very truly,

Bousfields Inc.



Michael Bissett, MCIP, RPP

cc: *Eileen Costello – Aird & Berlis LLP*
Steve Thompson – Weston Bakeries