

McDERMOTT & ASSOCIATES LIMITED
LAND USE & ENVIRONMENTAL PLANNING CONSULTANTS

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PG-28.2.238

December 4, 2013

The Mayor and Members of Council
Corporation of the City of Toronto
Toronto City Hall
13th Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ms. Ulli S. Watkiss
City Clerk

Re: Proposed Amendment No. 231 to the Official Plan for the City of Toronto
29, 31 & 31A, 33 and 41 Passmore Avenue, Milliken Employment District
Our Files: PN 5129 / 5130

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Dear Mayor Ford and Members of Council:

On behalf of our Client, Al Reisman Limited and the affiliated companies, the writer appeared before the Planning and Growth Management Committee during the course of the Statutory Public Meeting held on November 21, 2013, in relation to the Five Year - Municipal Comprehensive Review of the Official Plan for the City of Toronto and the land use policies and designations to be applied to Employment Lands. By way of our written and oral submissions, we requested that the Planning and Growth Management Committee modify the Motion concerning the recommendation of Official Plan Amendment No. 231 to Council for adoption insofar as was necessary to provide for the designation of those properties referred to as 29, 31 & 31A, 33 and 41 Passmore Avenue within the General Employment Area land use classification.

Designation of the lands in question within the Core Employment Area land use classification, as is presently proposed by way of Amendment No. 231, is not appropriate to allow for the continued use and development of the above noted properties. Neither the existing structures nor the properties in question are well suited to the introduction of those forms of land use envisaged under the Core Employment Area classification by reason of the existing built form, building design and/or the nature of the sensitive land uses, existing and proposed, on adjacent lands. Rather, in each instance, the structures are multi-tenant buildings which offer relatively small floor plates to a range of businesses consisting of a quasi commercial - industrial uses consistent with the intent and purpose of the General Employment Area land use policies being advanced under Amendment No. 231.

Given the contextual setting of the lands and the existing built form of the subject properties for multi-tenant buildings offering relatively modest floor plates for a variety of small businesses, it is submitted that the effect of designating the lands within the General Employment Area classification, as is now being requested, will be to reinforce the employment function of the area as a whole. Such a policy approach is in direct contrast to the potential for business closures and high vacancy rates as a result of the inability to expand existing businesses and/or to allow for the introduction of similar uses within the existing structures due to the implementation of the policies applicable to Core Employment Areas.

The proposed designation of the lands in question within the Core Employment land use classification will not only adversely affect our Client's business interests but also the established employment function of this area contrary to the intent of Amendment No. 231. It is further submitted that to proceed with the adoption of Amendment No. 231 in its current form, will negatively impact the financial base of the City by reason of business closures, unnecessarily high vacancy rates, and, reduced property taxation levels.

In summary, the requested designation of the lands in question within the General Employment Area land use classification will not undermine the supply and/or use of employment lands in this area of the City. Rather, designation of the subject properties within the General Employment Area land use classification will recognize the existing use of the lands consistent with the established function of this sector of the Milliken Employment District, that is an area which hosts a variety of employment and non-employment, sensitive land uses in relatively close proximity of one another.

Accordingly, we are hereby requesting that, prior to adoption of Amendment No. 231 to the Official Plan for the City of Toronto, Council direct that Amendment No. 231 be modified by designating the aforementioned properties, located immediately to the south of Passmore Avenue and to the east of the proposed Redlea Avenue, municipal addresses of 29, 31 & 31A, 33 and 41 Passmore Avenue, within the General Employment Area classification. To assist Council in the review and consideration of this request, we have prepared a draft motion for your review and consideration. The draft motion includes a copy of Map 7 to Amendment No. 231 which delineates the subject properties in red.

In closing, we trust that Council will give due consideration to our Client's request and direct that the subject properties be designated within the General Employment Area land use classification by way of the proposed Amendment No. 231 to the Official Plan for the City of Toronto. Should you have any questions in relation to this request, please do not hesitate to contact the undersigned.

Sincerely yours,
McDermott & Associates Limited



John McDermott, M.C.I.P., R.P.P.
Principal Planner
encl. (2)

copy to: Councillor Peter Milczyn
Chair, Planning & Growth Management Committee, City of Toronto

Councillor Michael Thompson
Chair, Economic Development Committee, City of Toronto

Deputy Mayor Norm Kelly,
Ward 40, Scarborough - Agincourt
City of Toronto

Councillor Mike Del Grande
Ward 39, Scarborough - Agincourt, City of Toronto

Mr. John Livey
Deputy City Manager

Mr. Keith Lahey
AI Reisman Limited

Mr. David White, Q.C.
Devry Smith Frank LLP

Draft Motion

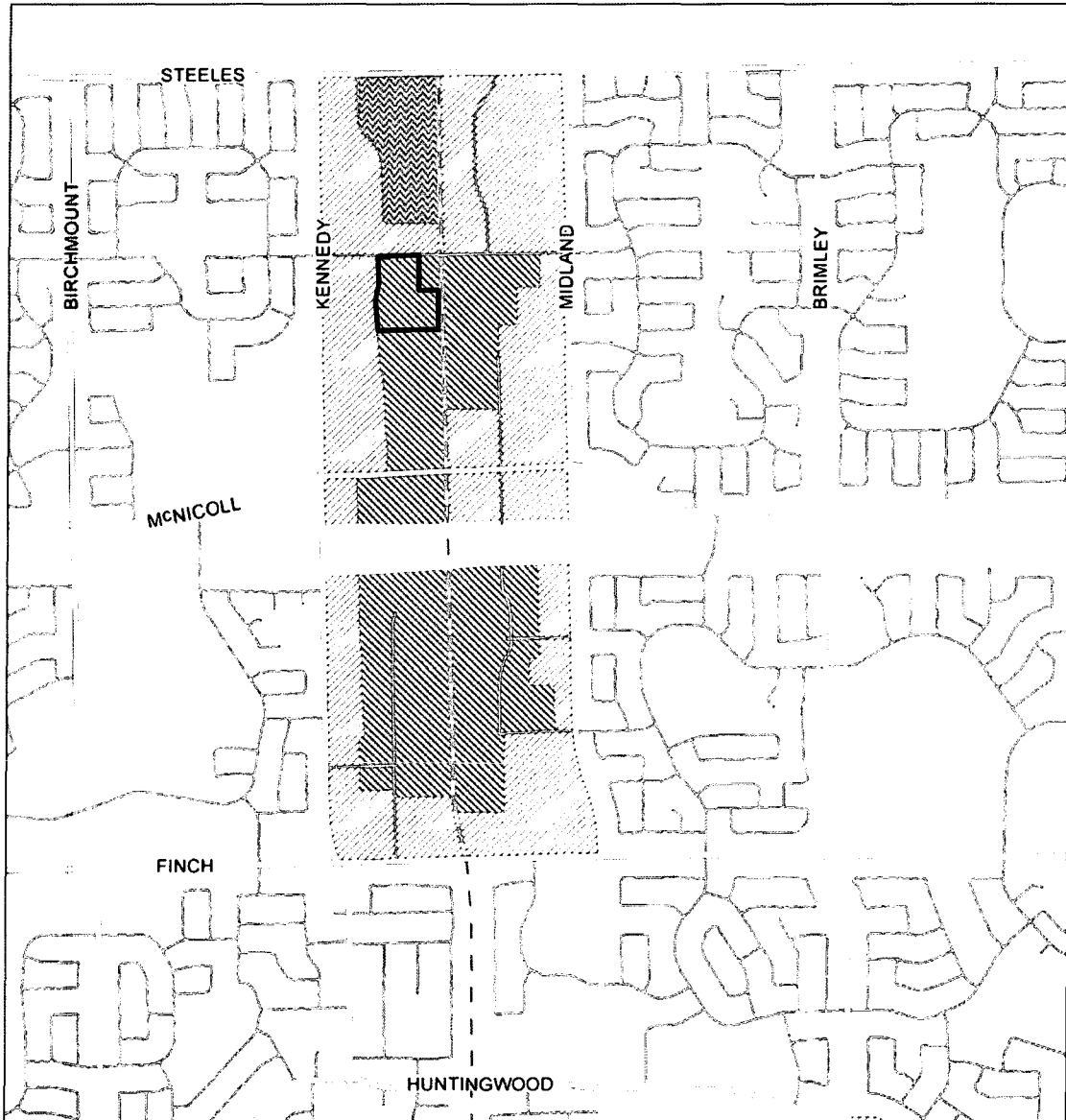
That Map 7 to the proposed Amendment No. 231 to the Official Plan for the City of Toronto, as recommended for adoption by the Planning and Growth Management Committee, be revised insofar as is necessary to designate those lands located to the south of Passmore Avenue and immediately to the east of the proposed Redlea Avenue extension, specifically municipal addresses of 29, 31 and 31A Passmore Avenue, 33 Passmore Avenue and 41 Passmore Avenue, as delineated in red on Map 7 attached hereto as Schedule "A" and, by this reference, forming part of this Motion, within the General Employment Area land use classification.

Moved By:

Seconded By:

Date:

This is Schedule "A" to a Motion to Modify Map 7
 Forming Part Of The Proposed Amendment No. 231
 To The Official Plan Of The City Of Toronto
 29, 31 & 31A, 33 and 41 Passmore Avenue



**Redesignate from 'Employment Areas' to Official Plan
 Designations Shown on Maps 1 to 48 inclusive**

Map 7

- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------|
| Neighbourhoods | Parks & Open Space Areas | Employment Areas | Utility Corridors |
| Apartment Neighbourhoods | Natural Areas | Core Employment Areas | |
| Mixed Use Areas | Parks | General Employment Areas | |
| Regeneration Areas | | | |



Not to Scale
 10/30/2013

— Boundary of Lands to be Designated within the General Employment Area
 Land Use Classification under Amendment No. 231 to the Official Plan for the City
 of Toronto

November 15, 2013

**The Chair and Members
Planning & Growth Management Committee
City Hall
100 Queen Street West
10th Floor
West Tower
Toronto, Ontario**

COPY

**Attention: Ms. Nancy Martins,
Administrative Secretary**

**Re: Five Year - Municipal Comprehensive Review
Employment Areas - Lands Use Policies and Designations / City of Toronto Official Plan
29, 31 & 31A Passmore Avenue, Milliken Employment District, Former City of Scarborough
Our File: PN 5129**

Dear Ms. Martins:

We understand that, pursuant to Section 26(3) of the Planning Act, R.S.O. 1990, c. P13, as amended, the Planning and Growth Management Committee will convene a Special Public Meeting on November 21, 2013, to consider a proposed amendment to the Official Plan for the City of Toronto. The proposed amendment follows from the Five Year - Municipal Comprehensive Review of the land use policies and designations applicable to Employment Areas. By way of this submission, the writer hereby requests to be listed as a deputation to appear before the Committee on behalf of our Client, Al Reisman Limited and 1182929 Ontario Inc., the owner of those lands generally described as forming Parts 3, 4 and 5 of Plan 66R-21332 and forming part of Lot 26 of Registrar's Compiled Plan No. 9828, in part of Lot 28, Concession 4 of the former City of Scarborough, municipal addresses of 29, 31 and 31A Passmore Avenue.

We enclose herewith a copy of our previous submission of October 22, 2013, addressed to Mr. Paul Bain, in relation to the designation of the above noted property and the Five Year - Municipal Comprehensive Review of Employment Lands in the City of Toronto. It is understood from our review of the proposed amendment that the subject lands are to be designated within the Core Employment Area classification. On behalf of our Client, we respectfully request that the Planning and Growth Management Committee direct that the lands referred to as 29, 31 and 31A Passmore Avenue be designated within the General Employment classification, that is a land use classification which more appropriately responds to the established use of both the subject property and surrounding lands. The planning rationale and basis of this request are set forth in detail in the aforementioned submission of October 22, 2013.

Alternatively, we request that the Planning and Growth Management Committee review the extent of the lands affected by the proposed amendment of Chapter 7, entitled Site and Area Specific Policies, and the introduction of Area Specific Policy 395. The purpose of Area Specific Policy 395 is to designate the area bounded by Steeles Avenue on the north, the GO Rail corridor on the east, the northerly boundary of the properties adjacent the northerly limits of Passmore Avenue on the south, and, Redlea Avenue on the west as a *Regeneration Area*, subject to the policies set forth in Section 4.7 of the approved Official Plan. The introduction of Area Specific Policy 395 through the proposed amendment of the Employment Area policies and designations represents a significant change from prior drafts of the proposed amendment which will impact upon the future use and development of the entire north-westerly portion of the Milliken Employment District.

The effect of designating the lands in question as a *Regeneration Area* is to promote the redevelopment of the aforementioned properties in a manner which provides for a wide array of land uses, inclusive of residential, commercial, live/work, institutional and light industrial uses, within relatively close proximity of the lands owned by our Client. Given the nature and existing use of our Client's property and the presence of sensitive residential and institutional uses on adjacent lands and neighbouring properties, it is submitted that the entire area to the south of Steeles Avenue, west of the GO Rail corridor, north of McNicoll Avenue and east of Kennedy Road should form part of the *Regeneration Area* and be subject to Area Specific Policy 395.

Expansion of the area affected by Area Specific Policy 395 to include the area noted above will promote the preparation of a well reasoned Secondary Plan which is responsive to the needs of the area as a whole. From a land use planning and economic perspective, we suggest that such an approach is preferable to that of designating a narrowly defined geographic area which is bounded on the east, south and west by lands which are to be designated within the Core or General Employment Area classifications.

In contrast, the approach now being advanced through the proposed amendment will be effective to allow for the introduction of dissimilar, sensitive forms of land use in the vicinity of our Client's lands and other properties designated for employment forms of land use. In turn, this will result in land use conflicts by reason of compatibility and the need for the implementation of enhanced performance standards which may not be consistent with the sustainable development concepts now being advanced by the City.

In conclusion and in accordance with the requirements of Sections 17(23) and 17(35) of the Planning Act, R.S.O., 1990, c. P. 13, as amended, this will also confirm our request for Notice of Adoption and any Notice of Approval concerning the proposed Amendment to the Employment Area land use policies and designations arising out of the Five Year - Municipal Comprehensive Review of the Official Plan. Should you have any questions in relation to our request to appear before the Planning and Growth Management Committee on November 21, 2013, or the request for Notice of Adoption and any Approvals of the proposed Official Plan Amendment, please do not hesitate to contact the undersigned.

Sincerely yours,
McDermott & Associates Limited



John McDermott, M.C.I.P., R.P.P.
Principal Planner

copy to: Mr. Keith Lahey
Al Reisman Limited

Mr. David White, Q.C.
Devry Smith Frank LLP

October 22, 2013

Corporation of the City of Toronto
Metro Hall
22nd Floor
55 John Street
Toronto, Ontario
M5V 3C6

COPY

Attention: **Mr. Paul Bain**
Project Manager, Strategic Initiatives, Policy and Analysis

Re: Five Year - Municipal Comprehensive Review of the City of Toronto Official Plan
29, 31 and 31A Passmore Avenue, former City of Scarborough
Our File: PN 5129

Dear Mr. Bain:

We have been retained by 1182929 Ontario Inc., a wholly owned subsidiary of Al Reisman Limited, to assist in the review and consideration of the policy directions now emerging from the Five Year - Municipal Comprehensive Review of the Official Plan. Our Client is the owner of lands situated adjacent the southerly limit of Passmore Avenue within the Milliken Employment District in the former City of Scarborough. The subject lands are generally described as forming Parts 3, 4 and 5 of Plan 66R-21332 within part of Lot 26 of Registrar's Compiled Plan 9829, forming part of Lot 28, Concession 4, former City of Scarborough, now in the City of Toronto, municipal addresses of 29, 31 and 31A Passmore Avenue.

On behalf of our Client, we are requesting that the property located at 29, 31 and 31A Passmore Avenue be designated within the General Employment land use classification as outlined in the draft policy paper attached to the Staff Report dated August 20, 2013, which is now before the Planning and Growth Management Committee and which was made available for public review and comment on September 5, 2013. To assist you in the review and consideration of this request, we offer the following comments in relation to the existing use of the lands, the contextual setting of the property, the current land use planning framework, and, the existing built form and nature of the structures on the property.

1. Site Characteristics

The lands in question encompass an area of approximately 2.3 hectares (i.e. 5.6 acres). At the present time the lands have a frontage of approximately 11 metres (i.e. 36 feet) adjacent the southerly limit of Passmore Avenue. Upon construction of Redlea Avenue, which the City of Toronto has advised will commence in November of this year, the property will have a frontage of approximately 121 metres (i.e. 396 feet) on Redlea Avenue, south of Passmore Avenue.

The site, which was developed circa 1980 for the purposes of three multi-unit quasi commercial - industrial one storey structures, incorporates a pedestrian court yard which provides pedestrian access via internal sidewalks to the units located in 31 and 31A Passmore Avenue. The gross floor area of the buildings varies from approximately 3,526 square metres (i.e. 37,955 square feet) to 2,722 square metres (i.e. 29,305 square feet). The total gross floor area of the three structures is approximately 9,434 square metres (i.e. 101,550 square feet), the average area of the individual units being in the order of 106 square metres (i.e. 1,140 square feet).

The structures are occupied by a wide range and variety of businesses which include retail and service commercial uses and small scale light manufacturing and fabrication operations, inclusive of custom workshops, garment manufacturing, food processing, and, wholesale distribution and warehouse operations inclusive of showrooms for the display and retail sale of products. Other uses and activities which occupy the units include offices and recreational facilities operated by private organizations. Typically, such uses do not require large floor plates for the purposes of manufacturing goods and materials nor do such uses require ancillary areas for the outside storage of goods and materials.

Given the design and configuration of the structures, the relatively small unit size and means of pedestrian access, the three buildings are best suited to uses of a retail and service commercial - light industrial and fabrication nature which, by their nature and scale of operations, are not well suited to retail centres or mixed use commercial locations. Designation of the lands within the General Employment land use classification will properly recognize the existing built form and varied nature of the uses which presently occupy the units within each of the structures.

As you may appreciate from the description of the existing structures and overall site design and development characteristics, neither the buildings nor the individual units within the structures are well suited to Core Employment type uses which involve larger manufacturing, assembly and fabrication operations. In most instances, such uses require larger floor plates, truck level loading docks and ancillary areas for the outside storage of goods and materials. Such building floor plates, loading and unloading facilities and other ancillary areas do not exist at this location.

2. Contextual Setting

To assist you in the review and consideration of our Client's request, an aerial view illustrating the pattern of land use and development adjacent the north and south limits of Passmore Avenue, to the east of Kennedy Road and west of Silver Star Boulevard, that is the lands within 250 to 300 metres of 29, 31 and 31A Passmore Avenue, is attached hereto as Appendix "A1". Reference should also be made to Appendix "A2" wherein a description of the existing use of each of the properties within the area in the vicinity of the subject property is provided for your review and information. The information provided by way of this submission is based upon field observations undertaken by the writer in recent months.

As previously noted, the lands front upon the southerly limit of Passmore Avenue, an east - west collector road which extends from Kennedy Road on the west to Midland Avenue on the east. Passmore Avenue serves the north-central portion of the Milliken Employment District. Over time, the land uses present in the north-west quadrant of the Milliken Employment District have evolved to include a mixture of office, retail and personal service commercial uses in association with self-storage, warehouse and wholesale type uses and various industrial and light manufacturing uses and activities, inclusive of contractor yards and other uses and activities which involve the outside storage of goods and materials.

To the north of 29, 31 and 31A Passmore Avenue are three properties which front upon the southerly limits of Passmore Avenue, namely 33, 41 and 49 Passmore Avenue. It is first significant to note that the City of Toronto has expropriated a significant portion of the lands associated with 33 Passmore Avenue, which adjoins the north-westerly portion of the subject lands, to facilitate construction of Redlea Avenue. Based upon discussions with City Staff and our understanding of the extent of the lands expropriated, it is suggested that the remnant parcel will not be suitable for use as an industrial site. Given both the area of the remnant parcel and the future means of access, it is anticipated that sequential use of the site following construction Redlea Avenue will be for retail and service commercial uses similar to that which exists today, specifically an appliance sales and service facility.

The central portion of the northerly property boundary of 29, 31 and 31A Passmore Avenue is formed by the rear yard of 41 Passmore Avenue. The structure located at 41 Passmore Avenue, which is also of a relatively modest size, is primarily utilized for the purposes of retail service commercial uses in association with a limited component of light manufacturing, assembly and fabrication operations, and, wholesale distribution and warehouse operations inclusive of showrooms for the display and sale of products.

The easterly extent of the more northerly property boundary of 29, 31 and 31A Passmore Avenue is formed by the rear yard of All Weld Engineering (i.e. 49 Passmore Avenue). Facilities at this location include offices, a fabrication facility and off-street parking areas. Based upon recent visual observations by the writer, the area to the rear of 49 Passmore Avenue, adjacent the westerly limits of the GO Rail corridor and to the north of 29 Passmore Avenue, appears to be utilized for the parking of vehicles and the outside storage of goods and materials.

The more easterly property boundary of our Client's lands is formed by the GO Rail corridor. To the east of the rail corridor, the area south of Passmore Avenue is characterized by larger blocks of land developed and/or utilized in association with industrial uses and activities which involve the outside storage and/or processing of materials. The uses present include a construction maintenance depot, truck and equipment compounds, and, an asphalt plant and associated recycling facility.

As is apparent from the foregoing comments, the industrial uses to the east of the rail corridor are representative of core industrial uses which involve heavy truck traffic movements and may, by reason of their inherent nature, result in nuisance vectors as a result of noise, dust, odours and other fugitive emissions. It follows that the use of lands and the built form of the area to the east of the GO rail corridor is significantly different from the character of the area to the west of the rail corridor, south of Passmore Avenue.

Visual observations indicate that the lands to the south of Passmore Avenue and to the east of the GO rail corridor, which lands are now utilized for the purposes of a truck and vehicle compound and asphalt recycling area, appear to be underutilized by reason of the presence of vacant structures in disrepair and the pattern of land use not being well defined. Upon construction of the southerly extension of Silver Starr Boulevard, between Passmore Avenue and McNicoll Avenue, an opportunity may exist for intensification of the built form through redevelopment of this area for core industrial uses, subject to confirmation of the environmental quality of the lands, and/or that the lands will continue to meet the demands of the City for primary industrial activities not well suited to locations adjacent sensitive lands uses.

To the south of 29, 31 and 31A Passmore Avenue, the lands are developed for the purposes of a place of worship, namely the Scarborough Chinese Baptist Church and associated off-street parking areas (i.e. 3223 Kennedy Road). Erected circa 2005, the facilities and services offered by the Church, both now and as proposed in the future, are not compatible with Core Employment uses. Accordingly, designation of both 29, 31 and 31A Passmore Avenue and the more easterly portion of the site now occupied by the Scarborough Chinese Baptist Church, that is the area generally situated to the east of the proposed Redlea Avenue right-of-way, within the Core Employment Area classification is both inappropriate and/or inconsistent with the existing built form of the area, and, the existing and future intended use of the lands.

To the west of 29, 31 and 31A Passmore Avenue and the proposed Redlea Avenue corridor is the site of 3241, 3251 and 3261 Kennedy Road and 19, 23, 25 and 27 Passmore Avenue, which lands are also under the ownership of our Client. Developed in a similar manner as the lands in question, the site presently provides facilities for a wide range of retail and service commercial activities in association with a limited component of light manufacturing, processing, assembly and fabrication uses as provided for in accordance with the approved zoning now in effect.

The Canadian National - GO Rail corridor is a significant land use feature in this area by reason of the fact that it clearly divides the Milliken Employment District into east and west sectors. Unlike the area to the west of the rail corridor, east of Kennedy Road, between Passmore Avenue and McNicoll Avenue, the lands to the east of the rail corridor, north and south of Passmore Avenue, are developed for the purposes of heavy industrial operations, that is sites representative of core industrial uses and activities. Such heavy industrial operations are characterized by the outside storage of goods and materials and/or involve activities and processes more likely to result in adverse impacts in terms of noise and other air emissions. It follows that the character of the area located to the east of the rail corridor, north and south of Passmore Avenue, is significantly different from the area to the west of the rail corridor.

The function of the properties which front upon Passmore Avenue, between Kennedy Road and the Canadian National / Go Rail Corridor, is continuing to evolve. This follows from the policies of the approved Official Plan which have provided for the introduction of business and professional offices, retail and personal service commercial uses, retirement homes and places of worship, north and south of Passmore Avenue, east of Kennedy Road and to the west of the railway.

In summary, our Client's lands are within a cluster of retail and service commercial uses intermixed with offices and other sensitive land uses. Unlike the area to the east of the rail corridor, which is characterized by larger, single purpose heavy industrial sites and facilities representative of core employment uses from a both a locational and/or operational perspective, the lands adjacent the east and west limits of the Redlea Avenue consist of smaller, fragmented land holdings where a range of sensitive land uses, inclusive of places of worship and residential uses of a retirement and long term care nature, now exist. The introduction of such sensitive land uses in recent years, coupled with the existing use and design of the structures located on the lands in question, dictate that the property located at 29, 31 and 31A Passmore Avenue be designated in a manner which provides for those uses contemplated under the policies applicable to the General Employment Areas as outlined in the Staff Report released for public review and comment on September 5, 2013.

3. Current Land Use Planning Framework

3.1 Approved Official Plan

The lands in question are designated within the Employment Area land use classification under the approved Official Plan for the City of Toronto. A copy of an extract of Map 17, the Land Use Plan attached to and forming part of the approved Official Plan for the City of Toronto, whereon the general location of the subject lands is identified, is attached as Appendix "B" to this submission.

As stated in Section 4.6, the introduction to the Employment Area policies, of the approved Official Plan for the City of Toronto..." *a broad and inclusive approach to employment uses in Employment Areas is needed for the City's economic future. Uses that support the prime economic function of Employment Areas, such as parks, small scale retail stores and services to meet the daily needs of business and employees, workplace daycare and restaurants, must also be readily accessible within Employment Areas. Uses that detract from the economic function of these lands will not be permitted to locate in Employment Areas*". By way of reference to Section 4.6.1 of the Official Plan, it is further noted that Employment Areas are generally defined as places of business and economic activity, and, that the permitted uses include offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, ancillary retail outlets, and, restaurants and small scale stores and services that serve area businesses and workers.

As is apparent from a review of the foregoing policies, the existing use of 29, 31 and 31A Passmore Avenue is generally consistent with the policy directions established under the approved Official Plan for the City of Toronto. In the case of our Client's lands, the buildings were developed as multi-unit structures offering relatively small floor plates to small business ventures, that is uses which frequently involve retail and service commercial functions.

It is further significant to note that the three structures were developed and leased in advance of the adoption of the Official Plan for the City of Toronto, and, at a period in time when the introduction of commercial and service type uses, as well as sensitive land uses such as places of worship and training facilities, were specifically recognized as an appropriate form of land use in the approved municipal planning framework which governed the future development and use of lands within the Milliken Employment District.

It remains that, while the effect of the policies introduced upon adoption of the Official Plan for the City of Toronto in November of 2002 was to limit retail activities to small scale retail and service commercial uses serving the needs of employees, neither the design of the structures or the functions which have historically occupied the buildings located on the lands in question are restricted to retail activities which strictly serve the needs of area businesses and employees. It is therefore submitted that the designation of the lands within the General Employment land use classification is the most appropriate classification in that it will recognize the existing built form and inherent nature of the businesses, both existing and future, which seek premises at this location.

3.2 Zoning By-law No. 569-2013

The subject lands are zoned within the Employment Heavy Industrial (EH) Zone under By-law No. 569-2013. We advise that our Client has filed an appeal in relation to the passing of By-law No. 569-2013 as it applies to 29, 31 and 31A Passmore Avenue. The basis for the appeal follows from the fact that the by-law does not conform with the approved Official Plan for the City of Toronto and further results in an unnecessary degree of hardship by virtue of precluding uses previously permitted under By-law No. 24982, the Employment Districts Zoning By-law, of the former City of Scarborough. Furthermore, in the absence of a well defined planning rationale, the effect of By-law No. 569-2013 is to cause many of the businesses operated by existing tenants to be non-conforming uses.

The zoning of the lands within the Employment Heavy Industrial (EH) Zone under By-law No. 569-2013 is therefore effective to preclude the use of our Client's property for existing, established uses. In essence the effect of By-law No. 569-2013 is to impair the economic viability of the site and to compromise the business objectives of our Client. It is further noted, that notwithstanding the intent of Section 4.6 of the Official Plan, the effect of the By-law No. 569-2013 is to limit the use of the lands to only those previously permitted within the Special Industrial (MS) Zone under By-law No. 24982 of the City of Scarborough. Such an approach to the zoning of the lands fails to recognize the broader range of uses permitted under the other zone classifications which applied to the lands prior to adoption of By-law No. 24982 and which conform with the intent and purpose of the approved policy framework.

5. Concluding Remarks

For the reasons set forth in this submission, it is respectfully submitted that the subject lands, namely 29, 31 and 31A Passmore Avenue, should be designated within the General Employment Area land use classification as set forth in the draft policy paper, dated August 20, 2013, which is now before the Planning and Growth Management Committee. To assist you in the review and consideration of this request, a copy of Map 7 to the August 20, 2013 Staff Report is attached hereto as Appendix "C" whereon we have delineated the location of the subject lands relative to the adjacent properties, namely 33 and 41 Passmore Avenue and 3223 Kennedy Road, the site of the Scarborough Chinese Baptist Church.

Designation of the lands within the General Employment Area classification will provide for the continued use of the existing structures by a range of smaller retail and service related commercial uses in association with a range of small to moderately sized light manufacturing, wholesale and warehouse type uses which serve both area businesses and the community as a whole. Such uses are well suited to this location by virtue of the building design, accessibility, ease of access to public transit both and existing and future, compatibility with adjacent land uses, and, the existing built form of the area. The three buildings further serve to meet an identified need within the community by providing facilities for small business ventures of an incubator nature and/or which are unable to sustain the financial requirements typical of mixed use retail areas.

It is significant to note that the policies contained in the approved Official Plan followed some 22 years after the construction of the buildings located on the subject lands. Since adoption, implementation of the policy framework through zoning and other regulatory measures has been effective to impose both an unnecessary and unreasonable measure of hardship upon both the Owner and the businesses which occupy the structures, most notably from the perspective of the expansion of existing operations and/or the need to provide for a reasonable and appropriate measure of flexibility in the context of allowing for office, retail and service related uses and activities. Designation of the subject lands within the General Employment Area classification will assist in promoting the economic viability of the site and further foster a positive economic climate for continued investment in the property, rudimentary considerations in providing for a healthy employment area which contributes to the financial base of the City of Toronto.

In contrast, the alternative now being proposed by the City is to designate the lands within the Core Employment Area classification. Designation of the lands within the Core Employment Area land use classification will simply be effective to frustrate our Client's ability to lease premises to many of the business which have historically occupied the units and/or which are well suited to the physical design and locational characteristics of this site but which would no longer be recognized as permitted uses. Similarly, the proposed designation of the lands within the Core Employment Area classification will significantly impact upon existing business opportunities not permitted within the context of the Core Employment Area policies but which desire to expand at this location.

Our review of the proposed Core Employment policies suggests that many of the existing businesses, that is uses which have historically leased premises at this location and which have operated successfully without impact upon the use of adjacent lands, would represent non-conforming uses. It follows that the effect of designating our Client's lands as a Core Employment Area will result in high vacancy rates. In turn, the effect of designating the subject property within the Core Employment Area classification will be to undermine both the economic viability of the site and the established mix of employment uses. Ultimately, the effect of designating 29, 31 and 31A Passmore Avenue within a Core Employment classification will be detrimental to the economic base of the City of Toronto as a result of underutilized and/or vacant structures not suited to core employment uses. Such an approach is therefore diametrically opposed to the stated desire of providing for healthy and vibrant employment areas.

From a land use planning perspective, an opportunity now exists through the Five Year - Municipal Comprehensive Review to refine the policy framework applicable to this area in a manner which recognizes the differing priorities for the use of lands throughout the Milliken Employment District. Designation of the 29, 31 and 31A Passmore Avenue within the General Employment Area classification will be effective to recognize the function of our Client's lands as part of a distinct node or cluster of retail, service commercial and office type uses which co-exist in multi-tenant buildings with various light manufacturing, wholesale distribution and warehouse uses not requiring large, single use dedicated floor plates adjacent sensitive land uses.

It is further submitted that the designation of the subject lands and adjacent properties east and west of Redlea Avenue, to the south of Passmore Avenue, within the General Employment land use classification will not only reinforce and strengthen the role of this diverse cluster but also identify the area as being distinct and separate from the heavy Industrial areas to the east and north-east which are frequently characterized by larger, single use industrial concerns representative of Core Employment uses. Such an approach is consistent with currently stated planning objectives by providing for an area of transition in the built form and spatial separation between the sensitive lands uses to the west and south and the heavy industrial areas to the east which exhibit lower performance standards.

We trust that our Client's concerns and the matters outlined herein will be given due consideration as part of the public consultation process now on-going in association with the Five Year - Municipal Comprehensive Review of the Official Plan for the City of Toronto. Should you require any additional information in relation to the existing character and use of our Client's lands, please do not hesitate to contact the undersigned. As in the case of our previous submissions, we would welcome the opportunity to meet with you to discuss the designation of our Client's property holdings which are located in various Employment Districts throughout the City of Toronto.

Sincerely yours,
McDermott & Associates Limited

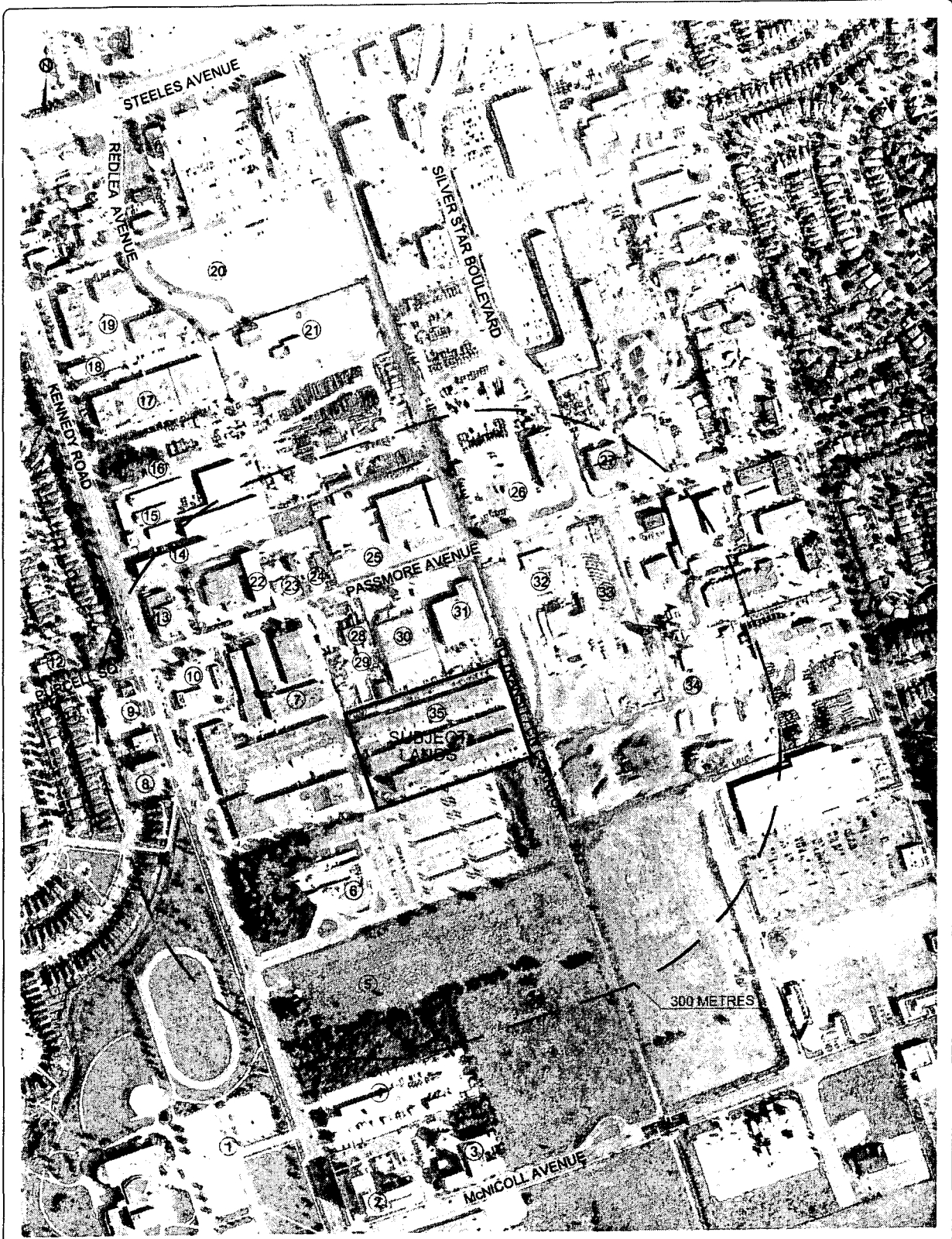


John McDermott, M.C.I.P., R.P.P.
Principal Planner

copy to: The Chair and Members,
Planning and Growth Management Committee
City of Toronto

Mr. David White, Q.C.
Devry Smith Frank LLP

Mr. Keith Lahey
Al Reisman Limited



CONTEXTUAL SETTING
 29, 31 & 31A PASSMORE AVENUE
 SCARBOROUGH, ONTARIO

Appendix "A2"
Contextual Setting
29, 31 & 31A Passmore Avenue
Land use Index

1. Mary Ward Catholic Secondary School / Track & Field Area (2000 McNicoll Avenue)
2. Mon Sheong Court (2020 McNicoll Avenue)
- Retirement Residence (11 storeys)
3. Mon Sheong Long Term Care Facility (2030 McNicoll Avenue)
(4 storeys residential structure)
4. Enbridge Gas / Construction & Maintenance Depot (3157 Kennedy Road)
5. Vacant Lands
6. Scarborough Chinese Baptist Church (3223 Kennedy Road)
7. Mixed Use Multi-Tenant Complex
(3241, 3251 & 3261 Kennedy Road - 19, 25 & 27 Passmore Avenue)
-Retail and Service Commercial / Business Offices / Storage Units & Light Industrial Mall Complex
8. Toronto Chinese United Church (3300 Kennedy Road)
- T. H. Chan Memorial Chinese School & Day Care
9. Retail & Service Commercial Centre (3370 / 3380 Kennedy Road)
- Pizza Pizza Restaurant
- Vperfect Beauty Salon
- Nail Spa
- Jungle Learning Centre
10. Shell Retail Gasoline Outlet & Car Wash (3381 Kennedy Road)
11. Heathwood Residential Community
12. City of Toronto / Kennedy Road Pumping Station
13. Office Building (3405 Kennedy Road)
14. Yanokaka Housewares / Pacific Range Hood (3419 Kennedy Road)
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16. Anchor Shoring Limited (3445 Kennedy Road)
Offices and Equipment Depot inclusive of Outside Storage of Equipment and Materials
17. Mixed Use Multi-Tenant Building (3447 Kennedy Road)
- Retail Commercial / Business and Professional Offices /Commercial / Light Industrial Uses

18. Maitreya Great Tao Hep Kwong Temple Inc. (3471 Kennedy Road)
- Place of Worship
19. Mixed Use Multi-Tenant - Commercial / Industrial Complex (3477, 3487 & 3497 Kennedy Road)
- Retail Commercial / Business and Professional Offices / Commercial - Industrial Units
20. Go Transit Milliken Station & Parking Facility
21. Vacant Property
(future Redlea right-of-way)
22. All-Weld Company Limited / Canada Millwright (14 Passmore Avenue)
- Offices & Warehouse
23. ON Tree Experts (22 Passmore Avenue)
- Offices & Yard Facility
24. Lovelands Landscaping Inc. (30 Passmore Avenue)
- Offices & Yard Facility
25. K-Line Group of Companies (50 Passmore Avenue)
- Electrical Utility Contractors / Offices and Warehouse Facility inclusive of outside storage
26. Crupi Group Maintenance Facility (70 Passmore Avenue)
- Offices, Truck Depot & Yard Facility
27. Structural Group of Companies (84 Passmore Avenue)
28. Home Appliance Sales and Service (33 Passmore Avenue)
29. Contractor Depot & Yard Facility (33 Passmore Avenue)
30. Retail Commercial / Wholesale Outlet (41 Passmore Avenue)
- Legend Windows
- Everest Furniture / Factory Outlet
- K&B Farms - Produce Warehouse
- Mo Mart Inc. - Housewares Wholesale & Distribution
31. All-Weld Company Limited (49 Passmore Avenue)
- Offices & Plant Facility
32. Vacant Structure (65 Passmore Avenue)
33. Allied Systems Truck Depot & Yard
34. D.Crupi & Sons Limited (85 Passmore Avenue)
- Offices , Asphalt Plant & Storage Yard
35. Multi-Tenant Industrial Buildings - 89 Units (29, 31 & 31A Passmore Avenue)
36. City of Toronto
Proposed Site of TTC Bus Depot

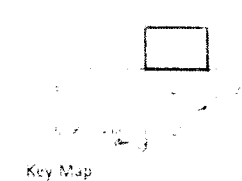
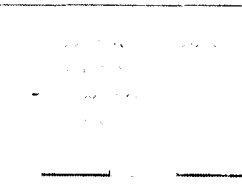
SUBJECT LANDS
29, 31 & 31A PASSMORE AVENUE

TORONTO
OFFICIAL PLAN

MAP 19
Land Use Plan
December 2010

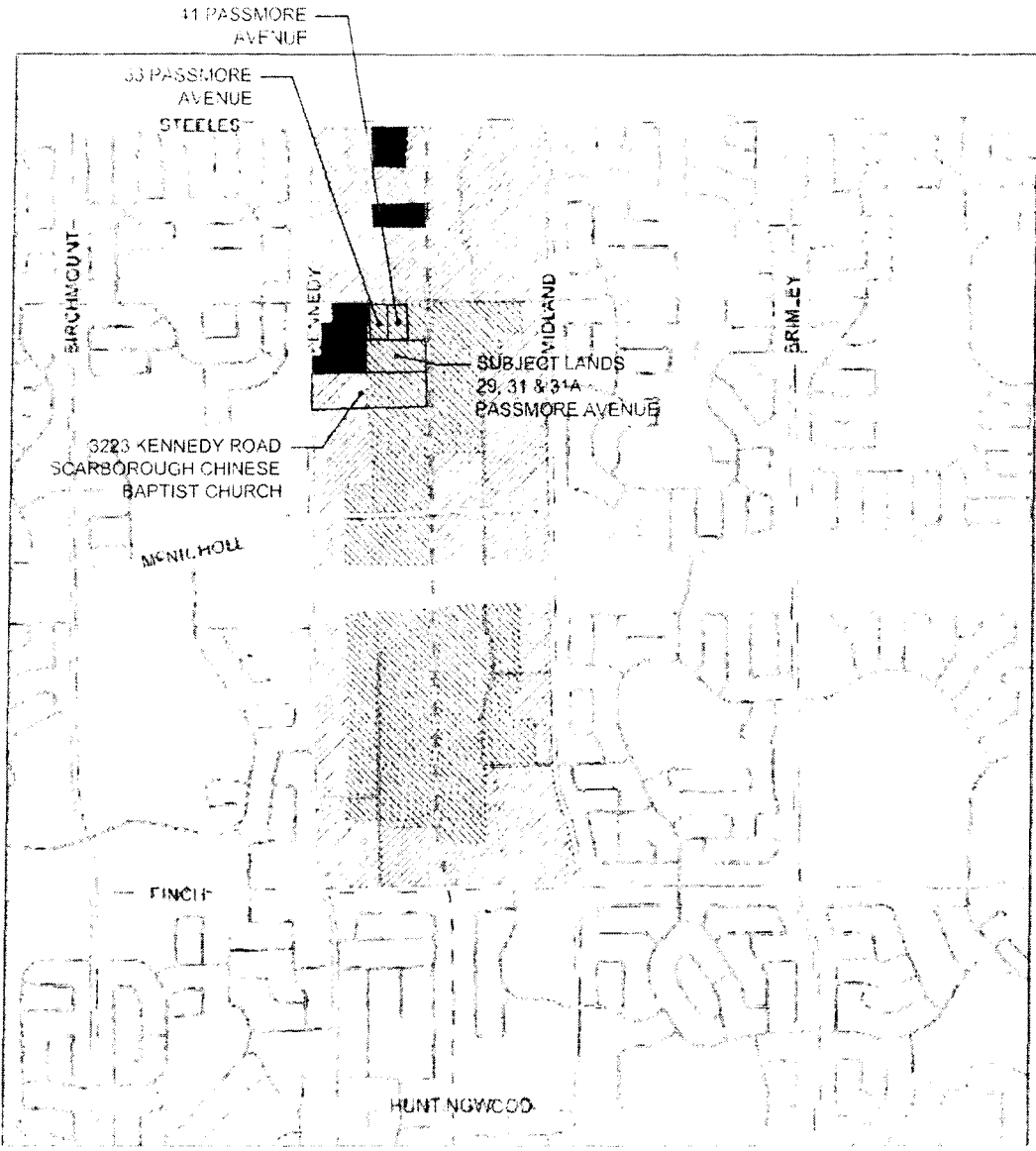
Land Use Designations

- Residential Single-Family
- Residential Medium-Density
- Residential High-Density
- Office
- Retail
- Industrial
- Institutional
- Community
- Environmental
- Transportation
- Public Use
- Water



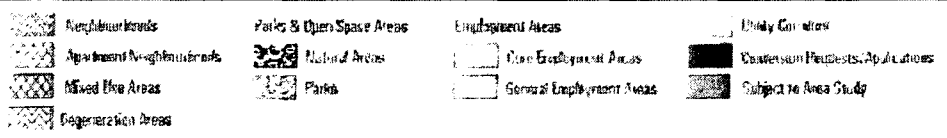
Key Map

APPENDIX "B"



Redesignate from 'Employment Areas' to Official Plan Designations Shown on Maps 1 to 48 inclusive

Map 7



November 15, 2013

**The Chair and Members
Planning & Growth Management Committee
City Hall
100 Queen Street West
10th Floor
West Tower
Toronto, Ontario**

COPY

**Attention: Ms. Nancy Martins,
Administrative Secretary**

**Re: Five Year - Municipal Comprehensive Review
Employment Areas - Land Use Policies and Designations / City of Toronto Official Plan
41 Passmore Avenue, Milliken Employment District, Former City of Scarborough
Our File: PN 5130**

Dear Ms. Martins:

We understand that, pursuant to Section 26(3) of the Planning Act, R.S.O. 1990, c. P13, as amended, the Planning and Growth Management Committee will convene a Special Public Meeting on November 21, 2013, to consider a proposed amendment to the Official Plan for the City of Toronto. The proposed amendment follows from the Five Year - Municipal Comprehensive Review of the land use policies and designations applicable to Employment Areas. By way of this submission, the writer hereby requests to be listed as a deputation to appear before the Committee on behalf of our Client, 1585168 Ontario Inc., the owner of those lands generally described as forming part of Lot 28, Concession 4, in the former City of Scarborough, municipal address of 41 Passmore Avenue.

We enclose herewith a copy of our previous submission of July 12, 2013, addressed to Mr. Paul Bain, in relation to the designation of the aforementioned property and the Five Year - Municipal Comprehensive Review of Employment Lands in the City of Toronto. It is understood from our review of the proposed amendment that the subject lands are to be designated within the Core Employment Area classification. On behalf of our Client, we respectfully request that the Planning and Growth Management Committee direct that the lands referred to as 41 Passmore Avenue be designated within the General Employment classification, that is a land use classification which more appropriately responds to the established use of both the subject property and surrounding lands. The planning rationale and basis of this request are set forth in detail in the aforementioned submission of July 12, 2013.

Alternatively, we request that the Planning and Growth Management Committee review the extent of the lands affected by the proposed amendment of Chapter 7, entitled Site and Area Specific Policies, and the introduction of Area Specific Policy 395. The purpose of Area Specific Policy 395 is to designate the area bounded by Steeles Avenue on the north, the GO Rail corridor on the east, the northerly boundary of the properties adjacent the northerly limits of Passmore Avenue on the south, and, Redlea Avenue on the west as a *Regeneration Area*, subject to the policies set forth in Section 4.7 of the approved Official Plan. The introduction of Area Specific Policy 395 through the proposed amendment of the Employment Area policies and designations represents a significant change from prior drafts of the proposed amendment which will impact upon the future use and development of the entire north-westerly portion of the Milliken Employment District.

Ms. Nancy Martins
41 Passmore Avenue
Our File: PN 5130

-2-

November 15, 2013

The effect of designating the lands in question as a *Regeneration Area* is to promote the redevelopment of the aforementioned properties in a manner which provides for a wide array of land uses, inclusive of residential, commercial, live/work, institutional and light industrial uses, within relatively close proximity of the lands owned by our Client. Given the nature and existing use of our Client's property and the presence of sensitive residential and institutional uses on adjacent lands and neighbouring properties, it is submitted that the entire area to the south of Steeles Avenue, west of the GO Rail corridor, north of McNicoll Avenue and east of Kennedy Road should form part of the Regeneration Area and be subject to Area Specific Policy 395.

Expansion of the area affected by Area Specific Policy 395 to include the area noted above will promote the preparation of a well reasoned Secondary Plan which is responsive to the needs of the area as a whole. From a land use planning and economic perspective, we suggest that such an approach is preferable to that of designating a narrowly defined geographic area which is bounded on the east, south and west by lands which are to be designated within the Core or General Employment Area classifications.

In contrast, the approach now being advanced through the proposed amendment will be effective to allow for the introduction of dissimilar, sensitive forms of land use in the vicinity of our Client's lands and other properties designated for employment forms of land use. In turn, this will result in land use conflicts by reason of compatibility and the need for the implementation of enhanced performance standards which may not be consistent with the sustainable development concepts now being advanced by the City.

In conclusion and in accordance with the requirements of Sections 17(23) and 17(35) of the Planning Act, R.S.O., 1990, c. P. 13, as amended, this will also confirm our request for Notice of Adoption and Notice of any Approvals concerning the proposed Amendment to the Employment Area land use policies and designations arising out of the Five Year - Municipal Comprehensive Review of the Official Plan. Should you have any questions in relation to our request to appear before the Planning and Growth Management Committee on November 21, 2013, or the request for Notice of Adoption and any Approvals of the proposed Official Plan Amendment, please do not hesitate to contact the undersigned.

Sincerely yours,
McDermott & Associates Limited



John McDermott, M.C.I.P., R.P.P.
Principal Planner

copy to: Mr. Keith Lahey
1182929 Ontario Inc.

Mr. David White, Q.C.
Devry Smith Frank LLP

July 12, 2013

Corporation of the City of Toronto
Metro Hall
22nd Floor
55 John Street
Toronto, Ontario
M5V 3C6

COPY

Attention: **Mr. Paul Bain**
Project Manager, Strategic Initiatives, Policy and Analysis

Re: **Five Year - Municipal Comprehensive Review of the City of Toronto Official Plan**
41 Passmore Avenue
Our File: PN 5130

Dear Mr. Bain:

We have been retained by 1585168 Ontario Inc., the owner of those lands generally described as forming part of Lot 28, Concession 4, in the former City of Scarborough, now in the City of Toronto, municipal address of 41 Passmore Avenue, to assist in the review and consideration of the policy directions now emerging from the Five Year - Municipal Comprehensive Review of the Official Plan. Our Client's interests relate specifically to the Milliken Employment District and the policies applicable to lands designated within the Employment Area land use classification.

On behalf of our Client, we are requesting that the property located at 41 Passmore Avenue be designated within the Retail Employment land use classification as outlined in the draft policy paper now before the Planning and Growth Management Committee. To assist you in the review and consideration of this request, we offer the following comments in relation to the existing use of the lands, the contextual setting of the property, and the current land use and transportation planning framework which will influence the future development or redevelopment of lands in this area.

1. Site Characteristics

The subject lands encompass approximately 8,180 square metres (i.e. 2.02 acres) with a frontage of approximately 67 metres (i.e. 220 feet) adjacent the southerly limit of Passmore Avenue. At present, there is a one storey structure on the lands in question, the gross floor area of which is approximately 3,900 square metres (i.e. 41,990 square feet).

We are advised that the building was erected in phases and was initially used as a manufacturing and assembly facility until being vacated in 2001. At the time our Client acquired the property in 2004, the building was vacant and in a general state of disrepair as the site and existing structure were no longer well suited to manufacturing and assembly uses by virtue of the area of the property, the size of the structure and the limitations which exist in terms of the built form and access by larger vehicles and tractor trailers.

Today, the structure is occupied by a variety of businesses which include retail commercial uses, light manufacturing, assembly and fabrication operations, and, wholesale distribution and warehouse operations inclusive of showrooms for the display and sale of products. It follows that the existing uses may generally

be described as retail commercial and quasi light industrial and fabrication activities which, by their nature and scale of operations, are not well suited to retail or mixed use locations and/or do not require large floor plates for the purposes of manufacturing activities or areas for the outside storage of goods and materials.

To summarize, our Client has successfully provided for the rehabilitation and sequential use of an abandoned and underutilized vacant structure within the Milliken Employment Area for retail commercial and light manufacturing, assembly and fabrication activities consistent with Section 2(b) of the Official Plan and the goal of providing for the revitalization of Employment Areas. As a result of our Client's capital investment in the structure, the property now contributes in a positive manner to the economic base of the City of Toronto by reason of being assessed at the full taxable rate and through the provision of employment opportunities in keeping with the social-economic fabric of the area.

2. Contextual Setting

To assist you in the review and consideration of our Client's request, an aerial view illustrating the pattern of land use and development adjacent the north and south limits of Passmore Avenue, to the east of Kennedy Road and west of Silver Star Boulevard, that is the lands within 250 to 300 metres of 41 Passmore Avenue, is attached hereto as Appendix "A1". Reference should also be made to Appendix "A2" wherein a description of the existing use of each of the properties within the area in the vicinity of 41 Passmore Avenue is provided for your review and information. The information provided by way of this submission is based upon field observations undertaken by the writer during June of this year.

As previously noted, the lands front upon the southerly limit of Passmore Avenue, an east - west collector road which extends from Kennedy Road on the west to Midland Avenue on the east. Passmore Avenue serves the north-central portion of the Milliken Employment District. Over time, the land uses present in the north-west quadrant of the Milliken Employment District have evolved to include a mixture of office, retail and personal service commercial uses in association with self-storage, warehouse and wholesale type uses and various industrial and light manufacturing uses and activities, inclusive of contractor yards and other uses and activities which involve the outside storage of goods and materials.

To the north of 41 Passmore Avenue, immediately to the west of the GO Rail corridor, is a site owned and operated by the K-Line Group of Companies (i.e. 50 Passmore Avenue). The facility is referred to as a Maintenance and Construction Depot. Facilities at this location include offices, a depot for the receiving, shipping and storage of electrical cables, transformers, switches, supplies and related devices, a compound for the parking of trucks and the storage of goods and materials, and, an off-street parking area.

Immediately to the east of 41 Passmore is the site of AllWeld Engineering (49 Passmore Avenue). Facilities at this location include offices, a fabrication facility and off-street parking areas. An area to the rear of the property, adjacent the rail corridor, is utilized for the outside storage of goods and materials.

Further to the east, to the east of the rail corridor, the area north and south of Passmore Avenue is characterized by larger blocks of land developed and/or utilized in association with industrial uses and activities which involve the outside storage and/or processing of materials. The uses present include a construction maintenance depot, truck and equipment compounds, an asphalt recycling facility, and, the offices and yard facilities of the Structural Group of Companies. The industrial uses to the east of the rail corridor are representative of core industrial uses which involve heavy truck traffic movements and may, by reason of their inherent nature, result in nuisance vectors as a result of noise, dust, odours and other fugitive emissions.

It is noted that the lands to the south of Passmore Avenue, east of the rail corridor which are now utilized for the purposes of a truck and vehicle compound and asphalt recycling area are presently underutilized, the pattern of land use not being well defined. Upon construction of the southerly extension of Silver Starr Boulevard, between Passmore Avenue and McNicoll Avenue, it is anticipated that an opportunity will exist for redevelopment of the lands for core industrial uses, subject to confirmation of the environmental quality of the lands.

To the south of 41 Passmore Avenue, the lands are developed for the purposes of three relatively large, multi-tenant structures. The uses present within those buildings, which are situated to the east of the proposed Redlea Avenue and to the west of the GO Rail corridor, consist of a mixture of quasi commercial, warehouse and wholesale operations, and, light industrial concerns which involve the assembly and fabrication various products and materials. Further to the south is the site of the Scarborough Chinese Baptist Church and associated off-street parking area.

Immediately to the west of 41 Passmore Avenue is the site of Home Appliance Sales and Service and the yard of a Landscape Contractor (33 Passmore Avenue). It is noted that approximately 17 metres of the westerly portion of the lands situated at 33 Passmore Avenue have been expropriated by the City of Toronto to provide for the construction of Redlea Avenue, south of Passmore Avenue. To the north-west of 41 Passmore Avenue, are the sites of two other Landscape Contractors, namely 22 and 30 Passmore Avenue, portions of which properties have also been wholly or partially expropriated or acquired by the City to allow for the construction of Redlea Avenue south from Steeles Avenue to Passmore Avenue.

The Canadian National - GO Rail corridor is a significant land use feature in this area by reason of the fact that it clearly divides the Milliken Employment District into east and west sectors. Unlike the area to the west of the rail corridor, east of Kennedy Road between Passmore Avenue and McNicoll Avenue, the lands to the east of the rail corridor, north and south of Passmore Avenue, are developed for the purposes of heavy industrial operations, that is sites representative of core industrial uses and activities. Such heavy industrial operations are characterized by the outside storage of goods and materials and/or involve activities and processes more likely to result in adverse impacts in terms of noise and other air emissions. It follows that the character of the area located to the east of the rail corridor, north and south of Passmore Avenue, is significantly different from the area to the west of the rail corridor.

The function of the properties which front upon Passmore Avenue, between Kennedy Road and the Canadian National / Go Rail Corridor, is continuing to evolve. This follows from the policies of the approved Official Plan which have provided for the introduction of business and professional offices, retail and personal service commercial uses, retirement homes and places of worship, north and south of Passmore Avenue, east of Kennedy Road.

Recent meetings with Staff of the City of Toronto indicate that construction of the section of Redlea Avenue, south of Passmore Avenue to McNicoll Avenue, is scheduled to commence later this year with completion in 2014. Construction of this road will either result in the division and/or displacement of several properties which are located north and south of Passmore Avenue. As a result, it is expected that pressure will exist for the introduction of non-industrial, employment forms of land use on the smaller parcels in the vicinity of the intersection of Passmore Avenue and Redlea Avenue, most notably the lands located adjacent the south-east corner, inclusive of 41 Passmore Avenue. Designation of the lands within the Retail Employment land use classification will allow for the meaningful redevelopment of underutilized lands through the introduction of higher order land uses and intensification of the office and retail and service commercial component of development in this area consistent with the intent of the Places To Grow, the Provincial Growth Plan for the Greater Golden Horseshoe.

3. Current Land Use Planning Framework

3.1 Approved Official Plan

With the exception of the Canadian National - GO Rail corridor, which is designated as a Utility Corridor, those lands in the vicinity of 41 Passmore Avenue are designated within the Employment Area land use classification under the approved Official Plan for the City of Toronto. A copy of an extract of Map 17, the Land Use Plan attached to and forming part of the approved Official Plan for the City of Toronto, whereon the general location of the subject lands is identified, is attached as Appendix "B" to this submission.

As stated in Section 4.6, the introduction to the Employment Area policies, of the approved Official Plan for the City of Toronto... "a broad and inclusive approach to employment uses in Employment Areas is needed for the City's economic future. Uses that support the prime economic function of Employment Areas, such as parks, small scale retail stores and services to meet the daily needs of business and employees, workplace daycare and restaurants, must also be readily accessible within Employment Areas. Uses that detract from the economic function of these lands will not be permitted to locate in Employment Areas". By way of reference to Section 4.6.1 of the Official Plan, it is further noted that Employment Areas are generally defined as places of business and economic activity, and, that the permitted uses include offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, ancillary retail outlets, and, restaurants and small scale stores and services that serve area businesses and workers. It follows that the existing use of 41 Passmore Avenue and the on-going initiatives of our Client are consistent with the policy directions established under the approved Official Plan for the City of Toronto.

Reference is also made to Chapter Seven, entitled Site and Specific Area Policies, of the approved Official Plan. It is noted that the lands to the east of Kennedy Road are within an area covered by Specific Area Policies 104 and 133. In recent years the effect of the approved policy framework has been to allow for the introduction of retail and service commercial uses, business and professional offices, places of worship, retirement residences and long term care facilities in the area bounded by Steeles Avenue on the north, Kennedy Road on the west, McNicoll Avenue on the south and the rail corridor on the east.

The effect of the issuance of building permits and the introduction of such sensitive land uses on a site specific and somewhat ad hoc basis in this sector of the Milliken Employment District has been to significantly alter the future role and disposition of this area, specifically from the perspective of providing for the expansion and/or introduction of industrial uses and activities. In fact, we submit that the effect has been to impose the need for enhanced performance standards to the degree where those lands within 70 to 300 metres of such uses may no longer be well suited to either Class 1 or 2 Industrial uses, that is concerns of a manufacturing nature and/or whose operations involve the outside storage and/or processing of goods and materials. Such industrial uses are recognized to result in nuisance effects and thus the potential for adverse impacts upon the use and enjoyment of adjacent lands developed in association with sensitive lands uses. Clearly, the introduction of Class 3 Industrial uses in this area is highly unlikely given that significant separation distances may be required to allow for the mitigation of adverse impacts.

As is apparent from the contextual setting of the subject lands, the foregoing policies have been effective to shape the built form of the properties adjacent to Passmore Avenue, most notably to the west of the Canadian National - GO Rail corridor. Over time, the approved policy framework has resulted in the gradual adoption of vacant industrial buildings and/or the redevelopment of underutilized lands in the north-west quadrant of the Milliken Employment District, inclusive of 41 Passmore Avenue, for such purposes as offices, retail and service commercial land uses, wholesale and warehouse operations, storage facilities, places of worship, and other sensitive lands uses.

Given the current juxtaposition of sensitive and non-sensitive land uses in this area, it is submitted that the function of 41 Passmore Avenue within the Milliken Employment District today is very different from that of 10 to 15 years ago. The north-west quadrant of the Milliken Employment District has evolved in recent years into one which is not exclusively devoted to industrial uses and activities but rather a mixture of retail and employment land uses, often in close proximity to sensitive land uses. In this context, 41 Passmore Avenue is within an area now representative of a spatial separator which buffers heavy industrial uses and activities, inclusive of the railway corridor, from the sensitive land uses to the west and south-west of the site.

Consistent with the stated goal of providing for the maintenance and reinforcement of the function of the Employment Area, there is a need to recognize the changing economic role of those lands situated north and south of Passmore Avenue, in the vicinity of the Redlea Avenue, as a spatial buffer which is no longer well suited to larger manufacturing concerns by reason of the existing built form, parcel size characteristics and the presence of sensitive land uses. In summary, the approved land use planning framework is not conducive to the redevelopment and re-use of properties in this area for strictly industrial purposes nor does it provide the necessary degree of flexibility to ensure continued private sector investment by allowing for a mixture of retail commercial uses in association with assembly, fabrication and light manufacturing activities inclusive of warehouses and wholesale distribution operations.

3.2 Zoning By-law No. 569-2013

The subject property, 41 Passmore Avenue, is zoned within the Employment Industrial (EH) Zone under By-law No. 569-2013. The lands in question are delineated in red on an extract of the Zone Map to By-law No. 569-2013 attached to this submission as Appendix "C". Our Client has filed an appeal in relation to the passing of By-law No. 569-2013 as it applies to 41 Passmore Avenue on the grounds that the by-law does not conform with the Official Plan for the City of Toronto and further results in an unnecessary degree of hardship by virtue of precluding uses previously permitted under By-law No. 24982, the Employment Districts Zoning By-law, of the former City of Scarborough.

The zoning of the lands within the Employment Heavy Industrial (EH) Zone under By-law No. 569-2013 is effective to preclude the use of our Client's property for existing, established uses previously permitted under By-law No. 24982. In essence the effect of By-law No. 569-2013 is to impair the initiatives of our Client which have, as previously noted in this submission, provided for the rehabilitation and sequential use of an abandoned structure no longer suited to heavy industrial - core manufacturing uses. This position follows from the fact that many of the uses permitted in the Employment Heavy Industrial (EH) Zone are either land uses which are associated with the provision of services by the City of Toronto and/or affiliated organizations which serve the general needs of the public, or, uses which are neither compatible with adjacent land uses nor feasible to locate on the property by reason of the built form and/or site characteristics.

Rather, it would appear that the zoning of the lands within the Employment Heavy Industrial (EH) Zone under By-law No. 569-2013 follows from the provisions of the Special Industrial (MS) Zone under By-law No. 24982 of the former City of Scarborough. The zoning of the lands as proposed under By-law No. 569-2013 fails to recognize the full range of uses permitted within the Industrial (M) Zone and the General Industrial (MG) Zone, which zones also applied to regulate the use of 41 Passmore Avenue. In addition to industrial uses, the provisions of By-law No. 24982 provided for the redevelopment and sequential use of the property for such purposes as warehouse and wholesale distribution operations, custom workshops, offices, places of worship, day nurseries, educational and training facilities, recreational uses and ancillary retail uses.

As you may appreciate, reinvestment in the land and buildings by our Client was predicated on the ability to provide for the redevelopment and sequential use of the property for a mixture of uses, which included a retail commercial component, as provided for under the approved Official Plan. Accordingly, the designation and future policies directions applicable to the subject lands should not be solely predicated upon the zoning of the property under By-law No. 569-2013. Rather, as part of the Five Year - Municipal Comprehensive Review, there is a need to review the designation of the lands in the context of generally accepted planning principles which, among other matters, include the existing and established use of the property, and, compatibility with the use of adjacent lands having regard for the nature and frequency of potential impacts associated with industrial concerns and operations.

5. Concluding Remarks

For the reasons set forth in this submission, it is respectfully submitted that the subject lands, 41 Passmore Avenue, and the property immediately to the west, 33 Passmore Avenue, should be designated within the Retail Employment Area land use classification as set forth in the draft policy paper presently before the Planning and Growth Management Committee. Designation of the two properties noted above within the Retail Employment Area classification will provide for sequential use of the lands and continued reinvestment in the retrofitting of 41 Passmore Avenue as well as the remnant portion of portion of 33 Passmore Avenue following construction of Redlea Avenue, south of Passmore Avenue.

From a land use planning perspective, there is a need to have regard for the established and future disposition of lands in this area. Based upon our field studies and analysis of the existing and future built form of the Milliken Employment Area, it is submitted that the designation of lands based not only upon the approved policy framework, but also the established pattern of land use and current infrastructure initiatives of the City, would result in a meaningful increase in the net area of land designated within the Core Employment Area land use classification within the Milliken Employment District. A further benefit would be the recognition of lands presently associated with larger industrial concerns where the potential for adverse off-site impacts exists today.

Through the Five Year - Municipal Comprehensive Review, the City of Toronto has an opportunity to establish a rational planning framework which is conducive to the sequential use of underutilized and vacant lands no longer well suited to industrial uses strictly of a manufacturing nature while protecting areas devoted to core industrial uses within the Milliken Employment District. Upon consideration of alternative planning scenarios which follow from the evaluation of those issues influencing the future growth and development of this area, inclusive of existing use, built form, and, parcel size and distribution characteristics, it is possible to foster and strengthen the long term role of the Core Employment Area within this Employment District. In part, this may be achieved by providing for the introduction of alternative employment forms of land use, inclusive of retail and service commercial uses, in appropriate locations and in a manner which promotes spatial separation between sensitive land uses established in recent years and existing Class 2 and 3 Industrial uses to the north, north-east and south-east of our Client's lands.

In addition to providing for the maintenance and reinforcement of core industrial uses located within the north central portion of the Milliken Employment District, we respectfully submit that it is necessary to provide for the introduction of other employment forms of land use at appropriate locations, consistent with generally accepted planning principles and in a manner which embraces the principles set forth in the Provincial Growth Plan and the Provincial Policy Statement. It is further submitted that, as part of the Five Year - Municipal Comprehensive Review, an opportunity exists to recognize the diverse nature of this area and to refine the boundaries of areas well suited to employment land uses involving retail activities adjacent sensitive receptors. Such an approach will not only avoid speculation but also encourage continued private

Mr. Paul Bain
Our File: PN 5130

-7-

July 12, 2013

sector investment in the economic base of the City of Toronto, a fundamental consideration in establishing healthy core employment areas.

We trust that our Client's concerns and the matters outlined herein will be given due consideration during the course of the Five Year - Municipal Comprehensive Review of the Official Plan for the City of Toronto. Should you require any additional information in relation to the existing character and use of our Client's lands, please do not hesitate to contact the undersigned. In closing, we would welcome the opportunity to meet with you to discuss the designation of our Client's property holdings and adjacent lands in the north-east quadrant of the Milliken Employment District in greater detail.

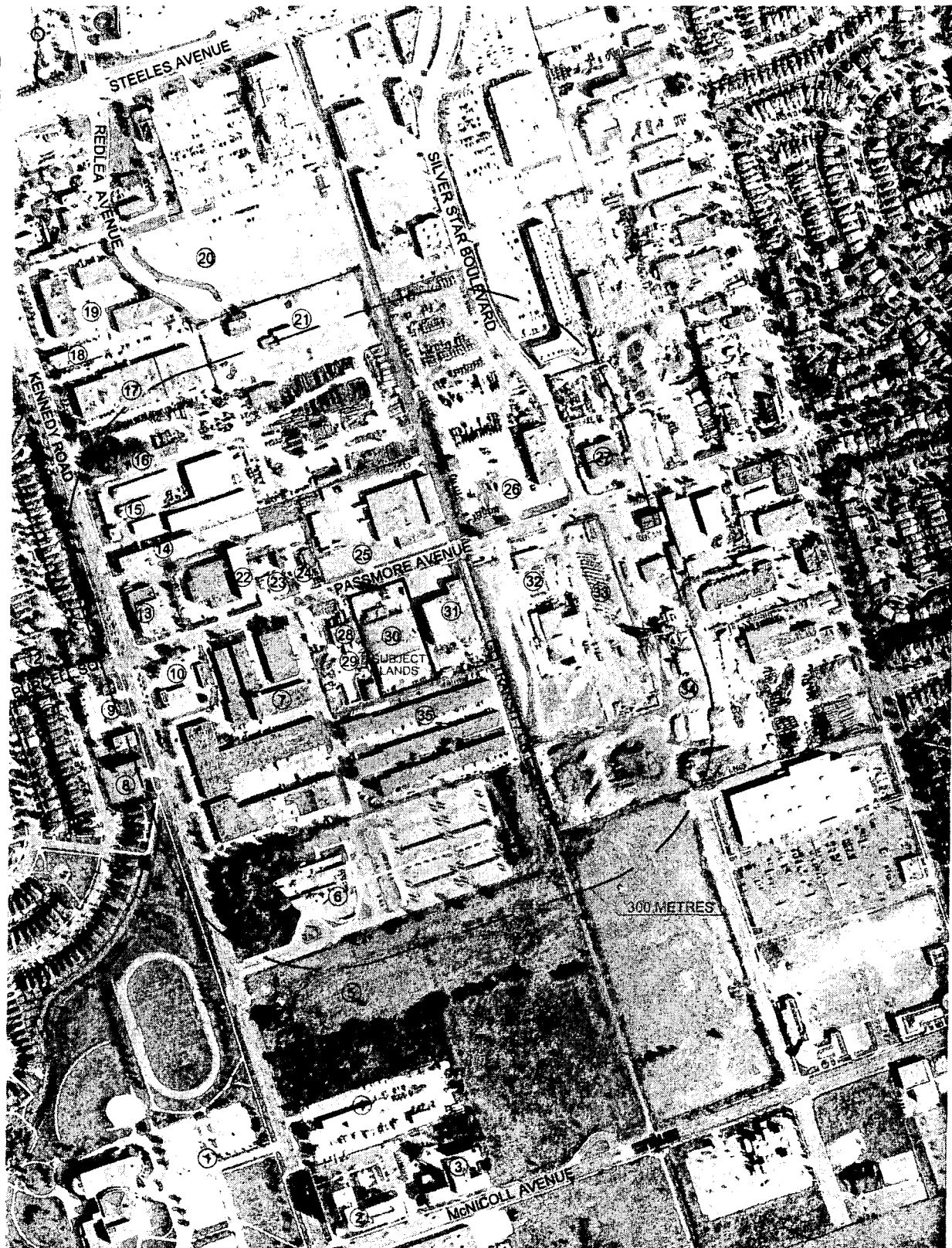
Sincerely yours,
McDermott & Associates Limited



John McDermott, M.C.I.P., R.P.P.
Principal Planner

copy to: The Chair and Members,
Planning and Growth Management Committee, City of Toronto

Mr. David White, Q.C.
Devry Smith Frank LLP



CONTEXTUAL SETTING

41 PASSMORE AVENUE
 SCARBOROUGH, ONTARIO

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19. Mixed Use Multi-Tenant - Commercial / Industrial Complex (3477, 3487 & 3497 Kennedy Road)
-Retail Commercial / Business and Professional Offices / Commercial - Industrial Units
20. Go Transit Milliken Station & Parking Facility
21. Vacant Property
(future Redlea right-of-way)
22. All-Weld Company Limited / Canada Millwright (14 Passmore Avenue)
- Offices & Warehouse
23. ON Tree Experts (22 Passmore Avenue)
- Offices & Yard Facility
24. Lovelands Landscaping Inc. (30 Passmore Avenue)
- Offices & Yard Facility
25. K-Line Group of Companies (50 Passmore Avenue)
- Electrical Utility Contractors / Offices and Warehouse Facility inclusive of outside storage
26. Crupi Group Maintenance Facility (70 Passmore Avenue)
- Offices, Truck Depot & Yard Facility
27. Structural Group of Companies (84 Passmore Avenue)
28. Home Appliance Sales and Service (33 Passmore Avenue)
29. Contractor Depot & Yard Facility (33 Passmore Avenue)
30. Retail Commercial / Wholesale Outlet (41 Passmore Avenue)
- Legend Windows
- Everest Furniture / Factory Outlet
- K&B Farms - Produce Warehouse
- Mo Mart Inc. - Housewares Wholesale & Distribution
31. All-Weld Company Limited (49 Passmore Avenue)
- Offices & Plant Facility
32. Vacant Structure (65 Passmore Avenue)
33. Allied Systems Truck Depot & Yard
34. D.Crupi & Sons Limited (85 Passmore Avenue)
- Offices , Asphalt Plant & Storage Yard
35. Multi-Tenant Industrial Units (29, 31 & 31A Passmore Avenue)
36. City of Toronto
Proposed Site of TTC Bus Depot

TORONTO
OFFICIAL PLAN

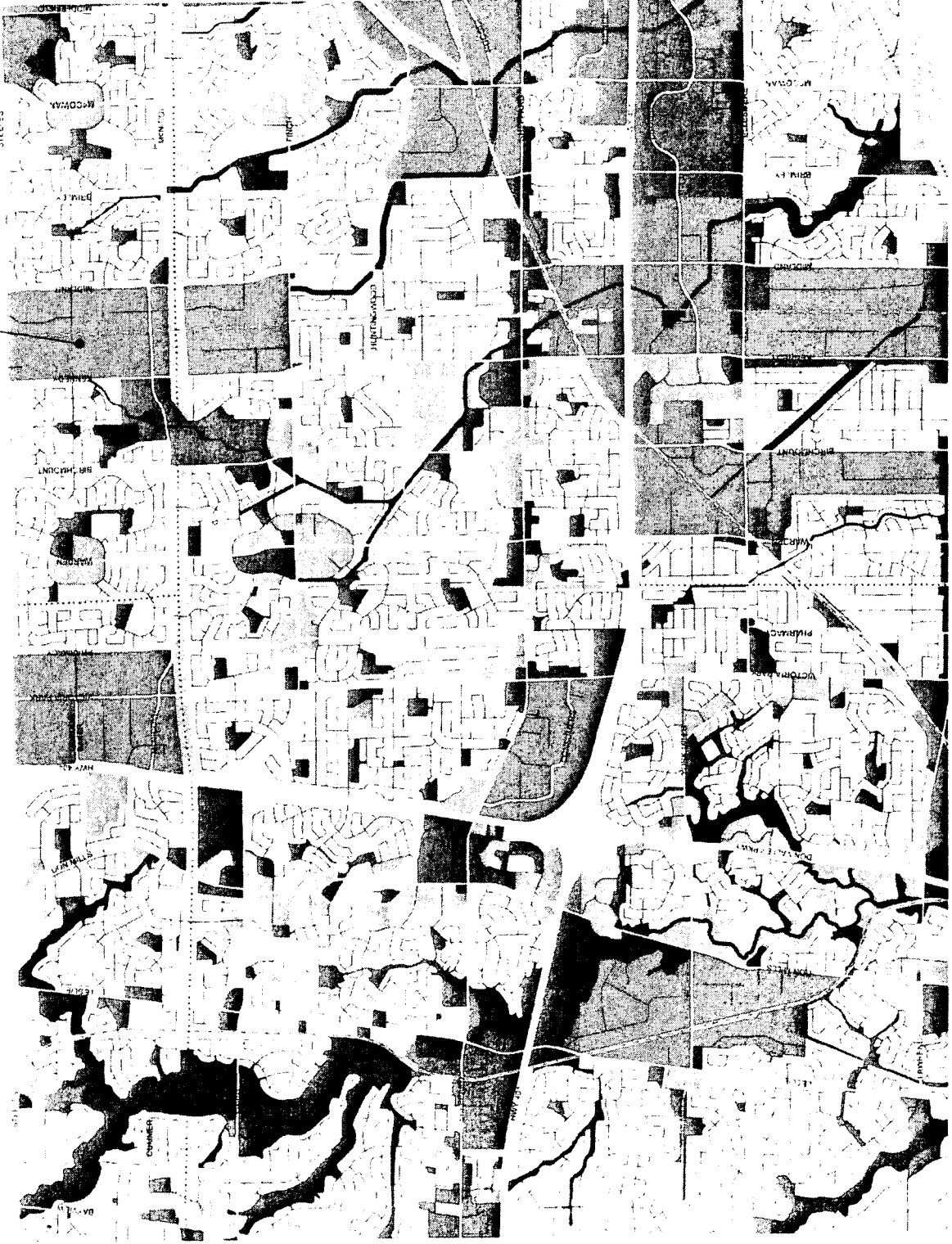
MAP 19
Land Use Plan
December 2010

Land Use Designations



Key Map

SUBJECT LANDS
41 PASSMORE AVENUE



APPENDIX B

