



**Kagan
Shastri** ^{LLP}
LAWYERS

IRA T. KAGAN
Tel. 416.368.2100 x 226
Direct Fax: 416.324.4224
ikagan@ksllp.ca

File: 13051

April 15, 2013

By email

Official Plan Review
City Planning, Policy & Research
Metro Hall, 23rd Floor, City of Toronto
55 John Street
Toronto, Ontario, M5V 3C6

Attn: Mr. Paul Bain (opreview@toronto.ca)

Dear Mr. Bain:

**Re: TransMetro Properties Limited, 350 Progress Avenue, Toronto
Notice of Opposition to employment land conversion
Our client: Atlantic Packaging (333 Progress Avenue)**

We are the solicitors for Atlantic Packaging with respect to the above-noted matter. We are advised that TransMetro Properties Limited has requested that its existing employment lands at 350 Progress Avenue be converted to residential (or mixed-use) purposes as part of the City of Toronto's ongoing comprehensive Official Plan review. Please accept this letter as Atlantic Packaging's strong opposition to this request.

Atlantic Packaging has multiple facilities in close proximity to 350 Progress Avenue. In fact Atlantic Packaging has a very substantial paper facility (at 333 Progress Avenue) located directly across the street from 350 Progress Avenue. That facility is one of the largest recyclers of recovered paper products which is pulped and processed into recycled paper products. The facility is a large, Class 3 industry which operates twenty-four hours per day, every day of the year. Together with its other facilities in this employment area, Atlantic Packaging employs hundreds of people. Atlantic's facility at 333 Progress Avenue alone employs over 100 full-time, highly paid employees and represents an investment of hundreds of millions of dollars in the Progress Employment Area. In fact, its facility represents one of the highest industrial investments in the city in the past decade. Atlantic Packaging is proud to be a substantial employer in the City of Toronto. Atlantic Packaging is a valuable member of this highly successful employment area.

Unfortunately, the Progress employment area is under attack from developers who seek to introduce residential (or other sensitive) land uses into it. Introduction of incompatible land uses is contrary to the *Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe*

and the current City of Toronto Official Plan. It likewise violates generally accepted principles of good planning. If the City of Toronto values the Progress employment area, then it must reject the Transmetro Properties employment land conversion request.

As city staff are well aware, policy 2.2.6(2) of the *Growth Plan for the Greater Golden Horseshoe* provides that:

2.2.6: Municipalities will promote economic development and competitiveness by:

c) planning for, protecting and preserving employment areas for current and future uses.

In addition policy 2.2.6(5) provides that:

2.2.6(5): Municipalities may permit the conversion of lands within employment areas, to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that:

c) The conversion will not adversely affect the overall viability of the employment area and achievement of the intensification target, density targets, and other policies of this plan.

Very similar policies are provided for in policy 1.3 of the *Provincial Policy Statement* so they will not be repeated here.

It is Atlantic Packaging's position that the Growth Plan and Provincial Policy Statement tests are not met in the case of the Transmetro Properties Limited's request at 350 Progress Avenue. As a Class 3 facility, Atlantic Packaging takes great care to be a good neighbour and to respect all laws. These laws include operating their facility in a manner which respects MOE rules designed to deal with compatibility issues between large scale industries and sensitive land uses. "Residential" is a sensitive land use. The unfortunate reality, however, is that when more people live in close proximity to a Class 3 industry, the opportunity for land use conflicts increases and the number of potential complaints (from new residents) increases. There are, to be sure, situations where sensitive land uses can co-exist with industry but these require special attention and a careful analysis of the specifics of the case. With respect to the employment land conversion request for 350 Progress Avenue, this is not the case. The proposed conversion, if approved, would destabilize the Progress employment area and could have a domino effect. Once such a domino effect takes hold it is very difficult (if not impossible) to stop.

In 2000 Transmetro Properties Limited applied to redevelop 350 Progress Avenue for residential uses. Those applications were appealed to the Ontario Municipal Board. Although the OMB ultimately approved residential uses on other lands owned by Transmetro Properties Limited

(being 1750 Brimley Road), it did not approve residential uses at 350 Progress Avenue. Atlantic Packaging requests that these lands remain an important part of the Progress Employment Area.

For all of the foregoing reasons and on behalf of Atlantic Packaging we urge city staff to recommend against the employment land conversion request and further request that City Council deny the request. We also request that we be provided with notices of all meetings, reports and decisions with respect to Transmetro's request. Thank you for your kind consideration of this matter.

Yours very truly,

A handwritten signature in cursive script that reads "Ira Kagan". The signature is written in black ink and is positioned below the closing "Yours very truly,".

Ira T. Kagan

cc. Atlantic Packaging