

Reply to the Attention of Mary Flynn-Guglietti  
Direct Line 416.865.7256  
Email Address mary.flynn@mcmillan.ca  
Our File No. 213319  
Date May 15, 2013

**VIA FAX (416-392-1879) AND E-MAIL (pgmc@toronto.ca)**

City Clerk  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, ON M5H 2N2

**Attention: Merle MacDonald,  
Administrator, Planning and Growth Management Committee**

Dear Chair and Members:

**Re: City of Toronto  
Official Plan Review: Employment Uses Policies  
158 Park Lawn Road, Toronto  
Down 2 Earth**

We are the solicitors retained on behalf of Down 2 Earth, owners of the property municipally known as 158 Park Lawn Road (the “**Property**”). The Property constitutes approximately 3/4 of an acre of land on the east side of Park Lawn Road. A 2-storey structure of approximately 3200 square feet is currently situated on the Property. This building is used as a residential unit on the upper floor and as an office and retail store on the main level for the selling of landscape materials and plants (i.e. a garden centre). Many of these items are stored and displayed on a seasonal basis outside on the Property. A four-vehicle garage is also located on the Property.

As the City of Toronto is currently performing a Municipal Comprehensive Review of Employment Lands concurrent with its required five-year review of the OP, we requested on November 23<sup>rd</sup>, 2012 that the Property be maintained as an **Employment District**, but with a site specific exception to permit retail with a single residential unit, and furthermore that the **Employment Area** designation be amended accordingly.

We have had an opportunity to review the two reports regarding the Official Plan/Municipal Comprehensive Reviews that will be before the Committee on May 16<sup>th</sup> and we respectfully submit that we continue to have concerns with these policies as they affect the Property. In particular, we are concerned with the conclusion found in the Staff Report dated

April 23, 2013 re: Preliminary Assessments of Additional Conversion Requests (the “**Staff Report**”) that “a preliminary assessment based on the criteria in the Growth Plan and the Provincial Policy Statement has determined that [the Property] should be retained for employment uses and be designated as *Core Employment Areas*”. For the reasons outlined below, we respectfully submit that a site specific exception is required for the Property to permit retail with a single residential unit as this would better reflect the current and historical mixed-use of the Property.

The Property and the building located on the site have been used for a mix of commercial and residential purposes for several decades, beginning with the original construction of the building in the middle-part of the last century. The current mixed-use, as described above, has operated on the Property for at least 14 years and has been permitted by decisions of the Committee of Adjustment allowing this temporary use. The most recent decision of the City of Toronto Committee of Adjustment for the Etobicoke-York District File A84/11 EYK has extended this temporary use for another 10 years from December 8<sup>th</sup>, 2011.

The Property is presently designated as an **Employment Area** under the City of Toronto’s Official Plan (the “**OP**”). The Property is located to the west of the Ontario Food Terminal. Adjoining land uses include a new Tim Horton’s restaurant with a drive-through to the south and a new bank building to the north. In close proximity to the north and west of the Property there has been substantial high rise residential development and further residential development has been planned and approved in the area south of the Property. Therefore, contextually, the Property is located in a strip of land that serves as a transition area from employment uses to residential uses. More specifically, the Property is located in a strip of land along the west side of Park Lawn Road (a major road) and east of Mimico Creek (the peripheral boundary of the Employment District) that effectively forms a transition from the Ontario Food Terminal employment use to the nearby commercial, retail and residential uses. Given its size, surroundings and its history, it is not anticipated that the Property will ever be redeveloped for traditional employment uses.

The current and historical use of the Property does not constitute an employment use. Furthermore, the employment area that served as the traditional market for such a use is shrinking, particularly given the announced closure of the nearby Mr. Christies’ facility. The current use of the Property, as a garden centre, does not undermine the employment uses in the area, rather it complements and reinforces them. This small business in no way poses a threat to the economic health of any nearby districts.

Confirming this view, the Ontario Food Terminal would prefer that this site remain designated for some form of non-residential use for the foreseeable future. It is for this reason that the Ontario Food Terminal, in a letter dated December 6, 2011, supported Down 2 Earth’s application to the Committee of Adjustment to continue its use of the Property as a garden centre with a residential unit above. The Property provides shelter and protection to this employment use through a mixed-use that is compatible with all of its neighbours and in this way serves as a buffer in the transition between employment uses and residential uses.

A site specific exception for the Property would better reflect the current and historical mixed-use of the Property. The exception would also support the role of the Property

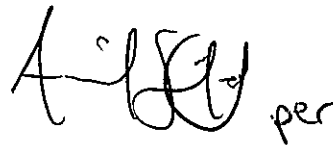
as a transition area between the neighbouring employment uses and the nearby existing and planned residential uses. This designation would complement and add to the existing surrounding uses, such as the banking and restaurant uses, and would serve to promote the development as an area where people can work, live and play. Given the Property's history and its harmonious relationship with its neighbours, the site specific exemption would be in keeping with the key directions for changes to the employment policies in the OP and would not adversely affect the surrounding lands.

We therefore submit that a site specific policy in the Official Plan should be provided for the Property permitting the operation of a garden centre on the Property, including the outside storage and presentation of seasonal landscape materials, inside sales and office functions, and the single residential unit.

We wish to inform you that my client and I have been, and continue to be, prepared to meet with City staff to discuss the concerns set out above.

We understand that the City will be holding a public meeting at 9:30am on May 16, 2013 to consider the Staff Report and the public's concerns related thereto. We trust that Committee members will take the opportunity to consider our written submissions.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mary Flynn-Guglietti', followed by the word 'per'.

Mary Flynn-Guglietti

CC: Down 2 Earth  
Barry Morrison