

HUMPHRIES PLANNING GROUP INC.

November 6, 2013

HPGI File: 11265

Clerk, City of Toronto

Mayor and Members of Council

Toronto City Hall, 13th Floor, West

100 Queen Street, West

Toronto, Ontario

M5H 2N2

**Re: Toronto Official Plan
Municipal Comprehensive Review - Employment Lands
51 Manstor Road, (Etobicoke District), City of Toronto**

Humphries Planning Group Inc.,(HPGI) represents 2130254 Ontario Inc, owners of 12.46 acres, / 5.045 ha of land located at 51 Manstor Road. HPGI formally requests notification of future meetings and decision regarding this study process. In addition to such we have reviewed materials associated with the Employment Lands study which the City is currently undertaking and are writing to advise the City that 2130254 Ontario Inc is opposed to the proposed assignment of the Core Employment land use designation. Further to such 2130254 Ontario Inc. believes that the conversion study process should also include additional land use permissions for higher order retail uses in addition to potential future residential opportunities for the subject site given other study processes which are currently underway and/or proposed to be undertaken for the Sherway Area which will directly impact the subject site.

Current Official Plan Designation

The subject land is located within the Sherway Area and subject to site specific policies including Policy 7.20 a) which permits large scale, stand along retail store and entertainment, recreation, and social and cultural facilities. Policy 7.19 b) which permits a maximum of 221,865 square metres of retail for the site specific area. Policy 7.19 c) provides for a maximum density of 1.5 FSI for office development. According to Policy 7.19 e) In order to support residential uses, a number of community services and facilities will be required, including i) retail facilities and services of the types servicing the day to day needs of residents.

216 Chrislea Road
Suite 103
Vaughan, ON
L4L 8S5

T: 905-264-7678
F: 905-264-8073

www.humphriesplanning.com
~ Do Something Good Everyday! ~

Attn: City Clerk

Re: Comments on Employment Lands - Municipal Comprehensive Review

November 6, 2013

Page 2

The subject site is currently designated Employment Area in accordance with the City of Toronto Official Plan, 2010. Within this designation, offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, accessory retail outlets, restaurants and small scale stores and service uses are permitted.

Etobicoke Zoning Code

Etobicoke Zoning Code 330, zones the subject site Class 2 Industrial Zone. In addition to industrial uses, food services are permitted uses, as well as retail uses for products manufactured or warehoused on site, provided the GFA of the retail uses does not exceed 25% of the GFA of the industrial building to a maximum of 700 square metres.

City of Toronto Zoning By-law 569-2013

City of Toronto Zoning By-law 569-2013, as enacted May 9, 2013, and is currently under appeal to the Ontario Municipal Board (OMB) zones the subject site Employment Industrial Zone. In addition to permitted industrial uses, eating establishments are permitted up to 300 square metres or 500 square metres if it is within 10% the GFA of the building, as well as retail stores associated with a permitted manufacturing use and not exceeding 20% the GFA of the building is also permitted.

North Queen Street Extension EA

The North Queen Street Extension Municipal Class Environmental Assessment (EA) is currently being undertaken and includes the subject site within the study area. Several options currently under consideration and discussed with municipal staff and its project consultant propose a road network that would provide the site with significant road frontage if approved and would therefore warrant consideration of higher order land uses inclusive of retail and residential.

City of Toronto Employment Lands Conversion Study - November 2012

Draft Employment Policies as released in November 2012 by the City for consultation purposes appear to have proposed to designate the subject land for General Employment Uses. At the time, the General Employment use designation permitted all the uses outlined in the Core Employment Area, as well as additional uses as outlined below:

"4. General Employment Areas are places for business and economic activities generally located on the boundaries of Employment Areas where a variety of secondary uses may be established without disturbing the planned and existing function of the Core Employment Areas. In addition to the uses permitted in Core Employment Areas, the following activities are also permitted in General Employment Areas: recreation and entertainment uses, restaurants, and post-secondary colleges and universities. Places of Worship are also permitted in General Employment Areas provided:

a) full-time elementary and/or secondary schools, are not established as an ancillary use to the place of worship;

- b) vehicle parking is provided that is adequate to serve the congregation; and
- c) vehicle traffic is not directed to the interior of a Core Employment Area. “

The November 2012 Draft Policies also contained a third employment designation, Retail Employment Areas, which permitted the full spectrum of retail and service activities. The November 2012 Draft, also included policies which would permit stand-alone retail stores/power centres in the General Employment and Retail Employment designations subject to addressing various criteria as set out in Section 2.2.4.8 a-h below, noting that the subject site was proposed to be designated as General Employment at the time.

“8. Large-Scale Stand Alone Retail Stores and Power Centres are not permitted in Core Employment Areas. These uses may be considered in General Employment Areas and Retail Employment Areas outside of the Downtown and Central Waterfront, through the enactment of a zoning by-law where the following matters are addressed to the City's satisfaction:

- a) The transportation demands and impacts generated by the development are reviewed and necessary improvements and mitigation measures are identified;*
- b) It is demonstrated that the existing and planned function of the economic activities within any nearby Employment Area is not adversely affected;*
- c) It is demonstrated that the economic health of nearby shopping districts is not adversely affected;*
- d) New public streets and/or driveways designed to City Standards for new streets as appropriate are provided, adding to the area street network and providing improved pedestrian access and amenity;*
- e) Retail buildings are located with street frontage and direct entrances from the sidewalks of the public streets or private driveways designed to City standards for new streets;*
- f) Parking located between the retail uses and the public sidewalk is minimized, and parking is located at the flank or rear of the building;*
- g) Buildings with a minimum height of two storeys are provided; and*
- h) The majority of vehicle parking is located below grade and/or in a parking structure with limited visibility from the street;”*

City of Toronto Employment Lands Conversion Study - August 2013

In August 2013 the City released a revised set of proposed policies wherein it appears that the Retail Employment designation has been removed and the permitted full spectrum of retail uses has been incorporated into the General Employment land use designation. The Core Employment Area policies appear to have remained the same. The City is now proposing to modify the designation of the subject land from “General Employment” to “Core Employment”. The result of such is that the scope of permitted uses will be reduced significantly if approved.

HPGI has reviewed the rationale behind why the City has chosen to designate lands Core Employment versus General Employment, as considered in the Staff Report to Council dated August 20, 2013. Staff have indicated that:

“Core Employment Areas are strictly places for business and economic activities reserved for manufacturing, warehousing, transportation facilities, offices, research and development facilities, utilities, media facilities, post-secondary trade schools and vertical agriculture, and limited ancillary uses to serve those businesses. Sensitive uses that could affect and be affected by industry are not permitted in a Core Employment Area.

General Employment Areas, comprising approximately 20 per cent of employment lands, are also places reserved for business and economic activities, generally on the edge of Employment Areas. In addition to all uses permitted in Core Employment Areas, retail service and restaurant business activities are also permitted in General Employment Areas. Major retail developments can have a significant impact on local transportation, the health of nearby retail districts and nearby residential neighbourhoods and employment lands. For that reason, major retail developments are permitted in General Employment Areas outside of the Downtown and Central Waterfront on sites that front on to and have access on to major streets—but only by way of a zoning by-law amendment which considers these impacts. Since major retail complexes have the potential for greater impacts, they may be permitted only through the enactment of a site specific zoning by-law, and after consideration of a number of criteria, including:

- transportation impacts on the Employment Area and nearby residential neighbourhoods;*
- a form that represents intensified use of finite employment lands;*
- effect upon the economic health of nearby retail shopping areas;*
- provision of new streets or driveways and pedestrian amenities; and*
- placement of buildings next to the street frontage.*

During the course of the public consultation staff received eighteen requests from property-owners to have their lands designated as a Retail or General Employment Area instead of as a Core Employment Area designation originally shown in the draft mapping. The key question was whether the site was appropriate for retail uses. Staff reviewed the designation of the properties considering criteria such as:

- whether the size, shape and access to the site lends itself to retail use;*
- whether the site was on a major road with visibility and access for retail use;*
- the current use of the site; and*
- surrounding uses.*

A number of sites had existing retail uses or were appropriate for retail uses and are now proposed to be designated as General Employment Areas.”

A request for redesignation was not made by the applicant in November 2012 as higher order retail uses were potentially permitted at the time. With the change in designation, the opportunity for higher order retail/residential permissions are no longer existent and therefore communications are now required on behalf of 51 Manstor Road in response to the proposed change in land use policy framework.

Sherway Study

The City of Toronto has recently approved a study to review the planning policy framework for the Sherway Area. The purpose of the study is to provide updated area specific policies. The study is to commence in the fall of 2013. A final study report, including an update to the planning framework for the Sherway area, is targeted for the third quarter of 2015.

It is our opinion that it would be prudent for the Sherway Study and the Employment Lands Municipal Comprehensive Review to consider the outcome of the North Queen Street Extension Municipal Class EA. Therefore, a decision of land use change to Core Employment through the Employment Lands Municipal Comprehensive Review for 51 Manstor Road is not appropriate and would appear to be premature at this time.

HPGI Response and Recommendation for 51 Manstor Road

Based on the review of the information above, HPGI recommends/requests that the subject lands maintain a General Employment land use designation. The rationale for making such a request is that various options in the North Queen Street Extension Municipal Class EA potentially propose a road network alignment that will provide direct frontage and access to the subject site which will in turn lend itself to higher order retail and/or residential uses. The potential for the site to have significant frontage on a major road will provide necessary visibility and access for higher order uses. The current use of the site is vacant, and is leased out for storage purposes. The existing Sherway Area site specific policies permit retail uses on the subject site and residential uses in the surrounding area. The residential uses permitted in the Sherway area could be negatively affected by an adjacent Core Employment Area designation as currently proposed. The subject site is on an edge of the employment lands as it is bounded by an existing railway line, the West Mall and potentially a future major roadway. It is anticipated that the subject site will meet the key considerations which indicate that higher order retail and/or residential uses are appropriate. Further to such, the characteristics of the site and Sherway Area are consistent with those of the General Employment Area designation.

The North Queen Street Extension Municipal Class EA process is at a stage whereby we understand a preferred option will be recommended in short order. The Sherway Area Study/Planning Framework Update should commence after completion of the North Queen Street EA process. On this basis the proposed Core Employment area designation is not appropriate and not supported by 2130254 Ontario Inc for 51 Manstor Road. It is requested that the General Employment Designation be implemented which represents a flexible approach that can be applied to the subject site whereby the introduction of higher order retail and/or residential uses can be implemented subject to the outcome of the above mentioned study processes and/ or without a municipal comprehensive review being required.

Attn: City Clerk
Re: Comments on Employment Lands - Municipal Comprehensive Review
November 6, 2013
Page 6

We would be pleased to meet with appropriate staff as required to further discuss this request and can be reached at (905)264-7678 ext 244 at their earliest convenience.

Yours truly,

HUMPHRIES PLANNING GROUP INC.



Rosemarie L Humphries BA, MCIP, RPP
President

Enc.

cc. Paul Bain, Project Manager – City of Toronto
Jeffry Cantos, Senior Planner – City of Toronto
Client