
AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

November 18, 2013

BY EMAIL

File No. 116716

Planning and Growth Management Committee
c/o Nancy Martins (Secretariat)
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Committee Members,

Re: PG28.2 Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations on Conversion Requests

Red Eagle Enterprises Inc.

87 Ethel Avenue, City of Toronto

Aird & Berlis LLP is counsel to Red Eagle Enterprises Inc. ("Red Eagle"), the owner of land municipally known as 87 Ethel Avenue in the City of Toronto (the "Site"). The Site is on the south side of Ethel Avenue, north of the rail corridor, west of Dods Avenue. For purposes of this submission, the Site should also be deemed inclusive of a small parcel of land behind 87 Ethel Avenue, located off of Dods Avenue.

Our office had previously written to City Staff to request that the Site be considered a candidate for conversion from its present Employment Areas designation to a Regeneration Area designation. A copy of our letter, dated May 30, 2013, is attached for your convenience.

We have reviewed the draft Official Plan Amendment prepared by City Staff pertaining to the City's Employment Areas. We have also reviewed the City Staff Report, including Attachment 2, which provides City Staff's site-by-site analysis of the various requests for conversion, including the request made by Red Eagle in respect of the Site.

City Staff are recommending that the Site not be converted from its present Employment Area designation. Instead, City Staff recommend that the Site be designated as *Core Employment Area*.

As City Staff are aware, there is a unique mix of industrial, commercial, residential and recreational uses in close proximity to the Site. Low-density residential exists west of the Site along Ryding Avenue and north across St. Clair Avenue West. Large scale, stand-alone retail uses are present immediately north across Ethel Avenue (Metro Supermarket) and east of the Site across Dods Avenue (Future Shop and Rona Home Improvement). To the west of the Site are recreational uses in the form of the George Bell Arena and Runnymede Park. The close proximity of the Site to the local arena and park makes the Site more suitable for mixed use as opposed to traditional industrial/core employment uses.

As is indicated in Attachment 2 to the City Staff Report (see pgs. 177-179), a Site Plan Approval application has been submitted in respect of the Site. The Site Plan Approval application seeks approval of 9 industrial buildings with a total gross floor area of 26,083 square metres. While the present proposal for industrial units would conform with City Staff's proposed *Core Employment Area* designation, Red Eagle is asking for a Regeneration Area designation that would permit the consideration of limited live/work units within the proposed development. These live/work units would be compatible with the mix of residential, commercial, recreational and industrial uses that presently characterize the area.

City Staff raise two primary concerns in their assessment of the conversion potential of the Site. The first is the Site's proximity to Maple Leaf Foods. The second is the presence of the rail corridor to the south. With respect to Maple Leaf Foods, Red Eagle submits that limited, industrial-style live/work units that are properly designed and sited would have little if any impact on the existing poultry plant. With respect to the rail corridor, while the Site had previously been used as railway yard with outdoor storage, the Site no longer serves any purpose associated with the adjacent railway operation. The Site now stands as a vacant "island" while the area around the Site moves forward with development.

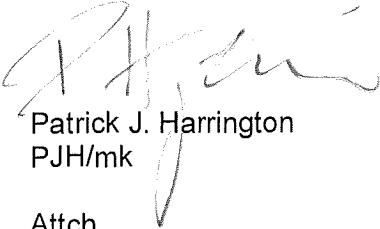
Red Eagle's position is that the Site would clearly benefit from a permissive mixed-use designation that is more reflective of the unique state of surrounding development, which represents a rich cross-section of uses and generally forms a complete community. However, the location and shape of the Site presents unique challenges that can only be properly addressed if a wide variety of potential uses is permitted to be developed on the Site. It is for these reasons, and others, that Red Eagle is asking Planning and Growth Management Committee to direct City Staff to re-examine the Site's potential as a Regeneration Area.

Please accept this written submission pursuant to subsection 26(5) of the *Planning Act*. Please also provide my office with notice of any decision affecting the Site. My office and my client's planner, Mr. Jonathan Benczkowski, remain available to meet with City Staff at their convenience.

If you have any questions please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington
PJH/mk

Attch.

cc: Keri Voumvakis, Acting Director, Strategic Initiatives, Policy and Analysis, City Planning
Client

15786377.1

AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

May 30, 2013

BY EMAIL

File No. TBD

Paul Bain
Project Manager
Official Plan Review
Metro Hall – 55 John Street
22nd Floor
Toronto, ON M5V 3C6

Dear Mr. Bain,

Re: 87 Ethel Avenue, City of Toronto

Please be advised that Aird & Berlis LLP is in the process of being retained by Red Eagle Enterprises Inc. ("Red Eagle"), the owner of land municipally known as 87 Ethel Avenue in the City of Toronto (the "Site"). The Site is on the south side of Ethel Avenue, north of the rail corridor, west of Dods Avenue. For purposes of this submission, the Site should also be deemed inclusive of a small parcel of land behind 87 Ethel Avenue, located off of Dods Avenue.

We are writing in respect of the Staff Report dated October 23, 2012, entitled "Planning For A Strong and Diverse Economy: Official Plan/Municipal Comprehensive Reviews – Draft Policies and Designations for Employment", which was considered by the Planning and Growth Management Committee on November 8, 2012. Map 33 of the Staff Report includes proposed designations for current Employment Areas in the area in which the Site is situated. The mapping indicates that the Site is proposed to be designated Core Employment. For the reasons below, Red Eagle submits that this is not an appropriate designation for the Site.

As staff is aware, there is a unique mix of retail, commercial, residential and recreational uses in close proximity to the Site. Low-density residential exists west of the Site along Ryding Avenue and north across St. Clair Avenue West. Large scale, stand-alone retail uses are present immediately north across Ethel Avenue (Metro Supermarket) and east of the Site across Dods Avenue (Future Shop and Rona Home Improvement). To the west of the Site are recreational uses in the form of the George Bell Arena and Runnymede Park. With the rail corridor forming the southern boundary, the Site would constitute an isolated "island" of Core Employment if staff's current recommendations were to be adopted.

The Site itself was purchased by Red Eagle from Canadian Pacific Railway. The Site had previously been used as railway yard, with the outdoor storage of goods acting as a mid-point between original destination and final destination. The Site no longer serves any purpose associated with the adjacent railway operation and instead now stands vacant while the area around the Site moves forward with development.

Red Eagle's position is that the Site is a prime candidate for a "Regeneration Area" designation. Clearly the Site would benefit from a permissive mixed-use designation that is more reflective of the unique state of surrounding development, which represents a rich cross-section of uses and generally forms a complete community. However, the location and shape of the Site presents unique challenges that can only be properly addressed if a wide variety of potential uses is permitted to be developed on the Site. It is for these reasons, and others, that Red Eagle submits that the Site should be designated "Regeneration Area":

Regeneration Areas open up unique areas of the City to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the Plan's growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies. In *Regeneration Areas*, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or even the same building.

Our client intends to further consult with City planning staff in preparation for filing a formal comprehensive redevelopment application for the Site. This redevelopment will provide an opportunity to implement the policies of the City's "Regeneration Areas" including mixed-use intensification through employment, live/work and/or institutional uses, all of which will be compatible with the retail, employment, residential and recreational uses that surround the Site.

In summary, Red Eagle submits that the proposed Core Employment designation is not reflective of the locational attributes of the Site and strictly limits any future improvements to the Site and surrounding community. To restrict the land use permissions on the Site by designating it Core Employment would be unreasonable given the potential of the Site to support a healthier mix of uses that would better serve this unique neighbourhood. We therefore respectfully request on behalf of our client that staff reconsider the proposed designation on the Site.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington
PJH/mk

cc: Keri Voumvakis, Acting Director, Strategic Initiatives, Policy and Analysis, City Planning
Client

14757806.1