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LAND USE & ENVIRONMENTAL PLANNING CONSULTANTS

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CITY OF TORONTO
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2013 NOV 19 A 9:19

November 15, 2013

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

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

**Re: Five Year - Municipal Comprehensive Review
Employment Areas - Land Use Policies and Designations / City of Toronto Official Plan
109 - 147 Eddystone Avenue, former City of North York
Our File: PN 5133**

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 City of Toronto Official Plan. 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, 1217861 Ontario Limited, the owner of those lands generally described as forming Lots 33 and 34 of Plan 7530 in the former City of North York, municipal address of 109 -147 Eddystone Avenue.

We enclose herewith a copy of our previous submission of January 4, 2012, addressed to Mr. Gary Wright, 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 109 -147 Eddystone Avenue, together with the adjoining properties to the west adjacent the southerly limits of Eddystone Avenue, be designated within a Mixed Use classification, that is a land use classification which more appropriately responds to the established use of both the subject property and surrounding lands.

By way of our previous submission of January 4, 2012, we outlined three scenarios in relation to the future planning framework proposed for this section of Eddystone Avenue. One scenario involved the introduction of an Area Specific Policy specifically directed towards the rejuvenation of this area. Through incorporation of an Area Specific Policy which provides for an expanded range of land uses consistent with the economic function of Eddystone Avenue today, a positive framework would exist to advance the rehabilitation and/or redevelopment of existing quasi commercial - industrial buildings now approaching the end of their functional life. In turn, such a policy approach would allow for the introduction of land uses which provide for an improved measure of compatibility with adjacent sensitive land uses, most notably the low density residential areas to the north and south.

A further scenario advanced by way of our submission of January 4, 2012, was to designate the easterly portion of Eddystone Avenue within a *Regeneration Area* land use classification. As contemplated under Section 4.7 of the approved Official Plan, the policy framework would be set in place to provide for the preparation of a Secondary Plan which would encourage urban renewal and redevelopment in accordance with a "tailor made strategy" for this area.

In contrast, the "do-nothing alternative" now being advanced by way of the proposed amendment will only serve to undermine the economic function of the area, promote speculation and uncertainty, discourage private sector investment and lead to further erosion of the Core Employment Area to the west in the vicinity of Oakdale Road. Without a well defined Area Specific Policy for this area, there will be no incentive for urban renewal and/or redevelopment. In turn, the proposed designation of this area within the Core Employment classification will only foster a further decline in the attractiveness of this section of Eddystone Avenue as a desirable place in which to establish and/or expand a business.

Therefore, as suggested by way of our prior submission of January 4, 2012, and as an alternative to designating the lands within the Mixed Use land use classification as previously noted, we respectfully request that the Committee consider the long term benefits associated with identifying the easterly portion of Eddystone Avenue as a *Regeneration Area* subject to an Area Specific Policy. In this manner it will be possible to implement a policy framework which is responsive to the land use and economic challenges facing this area today in concert with a long term vision which creates a positive atmosphere for private sector investment, a necessary and essential element in advancing the renewal and redevelopment of the area as a whole.

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
1217861 Ontario Limited

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

January 4, 2012

Corporation of the City of Toronto
Toronto City Hall
12th Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

COPY

Attention: **Mr. Gary Wright**
Chief Planner and Executive Director

Re: Five Year - Municipal Comprehensive Review of the City of Toronto Official Plan
109 -147 Eddystone Avenue
Our File: PN 5133

Dear Mr. Wright:

We are writing on behalf of our Client, 1217861 Ontario Limited, in relation to the Five Year - Municipal Comprehensive Review of the Official Plan and the designation and policies applicable to those lands located at 109 - 147 Eddystone Avenue, legally described as forming Lots 33 and 34 of Plan 7530 in the former City of North York. The property, which is located adjacent the southerly limits of Eddystone Avenue, approximately 285 metres to the west of the intersection of Jane Street and Eddystone Avenue, encompasses approximately 0.84 hectares (i.e. 2.12 acres). The lands are presently developed for the purposes of a single storey, multi-unit structure having a gross floor area of approximately 3,860 square metres (i.e. 41,560 square feet).

Based upon current occupancy characteristics, the existing tenants primarily represent a cross section of quasi commercial - industrial uses. Existing uses include the sale and service of electronic, computer and video products, the custom installation of car audio and alarm systems, the offices of an overseas currency exchange, an HVAC contractor's offices, showroom and workshop for the fabrication of sheet metal and related products, a facility for the processing and packaging of organic products, an upholsterer's workshop, and, wholesale distribution and warehouse related activities. Such uses and activities typically include retail sales, as either the principal use or as an ancillary use, offices and storage facilities. It is further noted that, in addition to the aforementioned commercial - industrial tenants, the uses and activities present at this location include facilities operated by religious organizations which occupy 1015 square metres (i.e. 10,925 square feet) or slightly greater than 25 percent of the gross floor area.

Background

Our Client continues to experience increasingly greater pressure to accommodate a broader range of retail and service commercial uses, particularly those which require units within a commercial - industrial complex such as the one found at this location. Unlike other commercial - industrial properties owned and operated by our Client, the vacancy rate at this location is relatively high, typically varying up to 30 percent, a characteristic which is also noted to exist in the occupancy levels of neighbouring structures located in the immediate vicinity on Eddystone Avenue. It is suggested that the relatively high vacancy rates are, in part, attributable to the restrictions concerning the range of commercial uses and activities permitted, the contextual setting of the lands and presence of sensitive land uses on the adjoining properties.

From an economic and land use planning perspective, an opportunity exists to provide for intensification of the employment base at this location, one which is well served by existing infrastructure inclusive of the network of public roads and transit services. However, the ability to realize the opportunity associated with the underutilized floor space is frustrated to some degree by the current policy framework, specifically the emphasis placed upon providing for only those retail and service commercial uses and activities which support business functions.

Official Plan Policy Framework

The property in question is designated within the *Employment Area* land use classification under the approved Official Plan for the City of Toronto. As delineated in red on Appendix "A" to this submission, being a copy of Map 13, the Land Use Plan forming part of the Official Plan for the City of Toronto, the land holdings of 1217861 Ontario Limited represent part of the easterly extension of an Employment Area situated to the east of Highway 400, between Finch Avenue on the north and Sheppard Avenue on the south.

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 use of the property holdings of 1217861 Ontario Limited for a variety of assembly, processing, fabrication and warehousing and wholesale distribution uses, in concert with business and professional offices and retail and service commercial uses, which are of a limited scale, is in conformity with the general intent of the policy framework set forth in Section 4.6 of the approved Official Plan. Notwithstanding that the use of the site is in general conformity with the approved policy framework, our Client has encountered significant difficulties in providing for an appropriate mix of retail and service commercial uses. This, in turn, has led to higher than average vacancy rates, not only for our Client, but along the Eddystone Avenue corridor as a whole.

The difficulties encountered by our Client follow from the strict interpretation and implementation of the Employment Area policies, specifically that the retail and service commercial uses permitted be exclusively devoted to functions which serve area businesses and workers. This issue is one which, we respectfully submit, should be addressed as part of the Five Year - Municipal Comprehensive Review of the approved Official Plan as it affects many areas throughout the City of Toronto. It is further submitted that, based upon our understanding of the manner in which the policies applicable to lands designated within an Employment Area classification have been interpreted, the Five Year - Municipal Comprehensive Review should provide for a review of both the policy framework and the need to differentiate Employment Areas having regard for such matters as the contextual setting, the economic function of the area, compatibility with adjacent land uses, and, the existing built form.

In proceeding with the Five Year - Municipal Comprehensive Review of the Official Plan, we believe that it is appropriate to review the designation and policies applicable to our Client's lands and the adjoining properties on Eddystone Avenue in the vicinity of Jane Street. An opportunity now exists to consider alternative policy options which will serve to promote and reinforce the economic and land use functions associated with the Eddystone Avenue corridor. To do nothing will simply contribute to continuing problems and difficulties in terms of high business turnovers, higher than acceptable vacancy rates, and, less than favourable conditions for private sector investment.

Without on-going private sector investment at the level necessary to maintain existing businesses and/or essential to attract new businesses to the area, the built form of Eddystone Avenue will further degrade. Such a result is clearly contrary to the intent of the Official Plan, that being to provide a positive environment for business and the creation of employment opportunities.

Contextual Setting

To assist in understanding the issues associated with the strict interpretation and implementation of the approved policy framework, we have undertaken to provide information with respect to the contextual setting of the property and the nature of the adjacent land uses in the vicinity of our Client's lands. A drawing illustrating the land uses which exist within the immediate vicinity of 109 -147 Eddystone Avenue is attached hereto as Appendix "B". The information is based upon field observations completed by the writer during November of 2011.

As is apparent from a review of the existing land uses in the vicinity of our Client's land holdings, the land use pattern within the general vicinity of the intersection of Jane Street and Eddystone Avenue is not well defined. Rather, a mixture of land uses consisting of low and high density residential uses, open space features, business and professional offices, retail and service commercial uses, and, fabrication, assembly and light industrial activities exists within the surrounding area. Other uses and activities within the general vicinity of our Client's lands include a retail food store, automotive service commercial uses, restaurants and eating establishments which serve the needs of the community as a whole.

Throughout the area, portions of several buildings are presently utilized by religious organizations as places of worship. It would appear that the frequency of such uses is, in part, a function of the conflict which exists in terms of the suitability of the area for the types of uses and activities proffered by way of the Employment Area Policies and the resulting under utilization of built resources. The conflict is further underscored by the presence of sensitive land uses on the adjoining lands to the north and south of Eddystone Avenue and at the easterly limit of Eddystone Avenue in the vicinity of Jane Street. The recent decision of the Committee of Adjustment to allow the introduction of a residential unit in the building situated at 245 - 265 Eddystone Avenue, located to the west of our Client's lands, is only further evidence of the pressure to provide for the introduction of alternative land uses which are not consistent with the function envisioned for this area under the Employment Area policies of the approved Official Plan.

The presence of sensitive land uses on the adjoining lands and, to a lesser extent, intermixed with businesses along the Eddystone Avenue corridor, results in potential for land use conflicts due to the differing priorities for the use of the lands. This in turn fosters continuing pressure for the introduction of uses which are not necessarily compatible with the range of land uses and activities permitted under a strict interpretation of the Employment Area policies and the stated intent of the Official Plan. In fact, discussions with the owner / operator of a neighbouring business indicate that such problems have manifest themselves in terms of complaints from neighbouring residents in relation to air quality and noise which, in turn, required the preparation and filing of documentation with the City of Toronto simply to sustain current business operations which have been on-going for many years.

It follows that the area in the vicinity of our Client's land holdings is one which is of diminished significance in terms of being attractive to manufacturing and industrial concerns. Rather, as previously noted, the pattern of land use and above average vacancy rates suggest that significant pressure exists for the introduction of alternative forms of land use which include a variety of community service and institutional uses in association with retail and service commercial uses catering to the needs of the general public. Our analysis of the area further suggests that, in recent years, such uses have gradually adopted the use of adjacent, underutilized buildings. Accordingly, the Employment Area designation and related policies are no longer responsive to the changing demands being placed upon the Eddystone Avenue corridor.

It is therefore suggested that, as part of the Five Year - Municipal Comprehensive Review, there is a need for the City to assess the future disposition of the lands located adjacent the north and south limits of Eddystone Avenue. To assist the City in this regard, we have outlined three alternatives in the following paragraphs for your review and consideration.

The Do-Nothing Alternative

One possible scenario is for the City of Toronto to maintain the status quo for the section of Eddystone Avenue between Jane Street on the east and Oakdale Drive on the west in the vicinity of the Highway No. 400 corridor. Maintaining current planning directions would, in the writer's view, simply lead to the continued demise of the area as an attractive place in which to do business and result in an increasing number of complaints given the differing, well established, priorities for the use of adjacent lands by sensitive land uses.

As is readily apparent today, the effect of the do-nothing alternative would be higher than typical business turnover and vacancy rates. Experience suggests that high vacancy rates will result in increased pressure for the introduction of uses which are not consistent with the stated policy directions of the Official Plan for Employment Areas. Ultimately, this will lead to a greater degree of uncertainty which will only further undermine the Employment Area function. In the absence of government incentives or other programmes which stimulate the rejuvenation of the area as a place in which to do business, the do-nothing alternative will undoubtedly lead to reduced private sector investment in the on-going maintenance of buildings and properties and thus the continuing demise of the area as an attractive place for business and industry.

Modification of the Employment Area Policies Applicable to Eddystone Avenue

One possible alternative to that of simply maintaining the status quo, would be to modify the Employment Area policies as apply to the Eddystone Avenue corridor to provide for an enhanced component of community service, retail and service commercial functions, business and professional offices and other similar types of land use which not only serve the community as a whole but which are also compatible with the more traditional employment forms of land use which presently exist along Eddystone Avenue. While such an alternative would not totally resolve the potential for conflict with adjacent sensitive land uses, it would provide a somewhat more positive atmosphere for continued investment in property and buildings by the private sector, thereby creating a more stable environment for business and private sector investment.

Over time, the introduction of an enhanced component of community service, retail and service commercial functions, business and professional offices and other similar types of land uses, most notably in the area to the west of Jane Street in the vicinity of our Clients lands, would be effective to create a transitional area which, to some degree, would serve as a spatial buffer between the residential areas north and south of

Eddystone Avenue and the more traditional employment forms of land use which exist towards the westerly limits of Eddystone Avenue in the vicinity of Oakdale Road. Under such a scenario, an opportunity may also exist to allow for the introduction of open space corridors which better link the community and allow for pedestrian / bicycle access to nearby places of employment, a feature which is largely absent today in terms of Eddystone Avenue and this Employment Area.

Designation of the Easterly Portion of Eddystone Avenue For Alternative Forms Of Land Use

A third, and somewhat more radical scenario, is to consider the designation of lands adjacent the Eddystone Avenue corridor for alternative forms of land use with the goal of providing for urban renewal and redevelopment of the area. By way of example, consideration could be given to designating the lands adjacent the more easterly limits of Eddystone Avenue in a manner which would promote and strengthen the residential and mixed use commercial functions, inclusive of retail and service commercial uses in association with business and professional offices, together with open space features. The underlying strategy would be to promote an improved measure of compatibility between dissimilar land uses and further integrate the future use and development of lands fronting onto Eddystone Avenue with those sensitive land uses which exist on the adjacent lands to the north and south of Eddystone Avenue and in the vicinity of the intersection of Jane Street and Eddystone Avenue.

There is no question that such an alternative would create difficulty and hardship for a limited number of existing business, either by reason of displacement or as a result of potential conflicts and the inability to expand in the future unless in conformity with the long term planning objectives for the area. In proceeding with such an alternative, a need would exist to provide for a well defined interface between the area in the vicinity of Oakdale Road, which would presumably continue to be the focus of manufacturing and industrial concerns, and the area in the vicinity of the Jane Street - Eddystone Avenue intersection. This interface could possibly be achieved through the introduction of open space and parkland areas which link the open space features found to the north and south in association with the residential neighbourhoods. Such an initiative would further promote the greening of Eddystone Avenue.

In proceeding with a strategic policy approach such as that noted above, it may be necessary for the City to consider density bonuses. Such bonuses may serve as an incentive for urban renewal from the perspective of encouraging the introduction of higher density residential uses in the vicinity of Jane Street, in association with mixed use areas which include an open space component as the interface with the more traditional Employment Area in the vicinity of Oakdale Road and the Highway No. 400 corridor.

It is recognized that the re-designation of lands in a manner which promotes urban renewal and redevelopment along the easterly limits of Eddystone Avenue corridor in the form of higher density residential land uses together with mixed use commercial activities, which include business and professional offices and retail and service commercial uses in association with community services and open space elements, may meet with considerable resistance from both business and the neighbouring low density neighbourhoods to the north and south. Given the issues associated with such an approach, detailed study and examination would be necessary to identify the means of implementation and the mitigation of potential short term impacts upon existing businesses. In this context, it should further be recognized that this scenario is advanced in the interests of examining all possible alternatives as part of a process of due diligence.

Concluding Remarks

Given the nature of this area today, it is submitted that the ability to provide for an enhanced range of retail and service commercial uses on our Client's lands is an essential consideration in terms of providing for the maintenance of an economically viable site, both at present and in the long term. By providing for an enhanced range of retail and service commercial uses the effect is to introduce a reasonable and appropriate measure of flexibility which not only contributes to the broad policy objectives of retaining the employment function of the area in the short term but which also does not preclude options for renewal and redevelopment of the Eddystone Avenue corridor in the future.

It remains that refinement of the approved policy framework applicable to the Eddystone Avenue corridor is necessary to provide for an improved measure of certainty and to avoid speculation and further erosion of the Employment lands to the west in the vicinity of Oakdale Road. It is further suggested that if the City defaults to the do-nothing scenario, the effect is simply to defer the problems now being experienced by businesses and property owners along the Eddystone Avenue corridor to the future.

Experience suggests that to continue with the present day policy approach will almost certainly result in higher than normal vacancy rates, speculation and lack of continued private sector investment. Such factors may only be anticipated to lead to a further decline in the attractiveness of the area as a desirable place in which to establish businesses contrary to the primary intent of the Official Plan. Ultimately, the effect of higher vacancy rates will result in underutilized and abandoned buildings which fall into a state of disrepair. In the long term, such a scenario will undermine the desirability of adjacent residential areas to the north and south of Eddystone Avenue.

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. Accordingly, we would welcome any opportunity to meet with you and your Staff to discuss alternative approaches which not only allow for effective utilization of our Client's lands but which provide for the long term resolution of issues facing both the businesses which front onto Eddystone Avenue and the neighbouring residents to the north and south.

Sincerely yours,
McDermott & Associates Limited



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

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

Councillor Giorgio Mammoliti
Ward 7, York West, City of Toronto

Mr. Paul Bain
Project Manager, Policy and Research, City Planning Division
City of Toronto

Mr. Gary Wright
Our File: PN 5133

-7-

January 4, 2012

Mr. Keith Lahey
Al Reisman Management Limited

Mr. David White, Q.C.
Solicitor

Appendix "B"
Existing Land Use Index / Eddystone Avenue

Jane Street Frontage

1. 2780 Jane Street - Business & Professional Offices
Jane Medical - Professional Building
2. 2800 Jane Street
Car Wash (Five Coin Operated Bays plus Drive Thru)

Southerly Limits of Eddystone Avenue (west from Jane Street)

3. 25 Eddystone Avenue
Hercules Tires - Retail Sales Outlet
4. 33 Eddystone Avenue
Commisso Bros. & Racco
Italian Bakery & Deli (retail sales)
5. 39 - 43 Eddystone Avenue
Montanna Auto Centre (39)
New Kajetia Tropical Foods Inc (retail outlet) (41)
C. J. Auto Repairs (43)
6. 95 Eddystone Avenue - Professional Offices
Advance Building Supply
JVM Social Cultural Centre
Conflict Mediation Services of Downsview
Vacant Second Floor
7. 109 -147 Eddystone Avenue
Vacant - Units 109 - 111
Hoang Binh Video & Electronics - Unit 113
Place of Worship / Assembly of Prayer Units 115, 117 & 119
Vacant - Units 121 - 123
Dorik Designs Ltd. Unit 125
E.H. Soundz - Unit 127
Kotoko Food Products - Unit 129
Canada Red Ginseng - Unit 131
The Canada Ginseng Technology - Unit 133
1402088 Ontario Inc. - Unit 135
Del Sol Upholstery Services - Unit 137
Place of Worship / The Renewal Evangelical Church - Unit 139
Vacant - Units 141 - 143
Bahnair HVAC Sales and Service - Units 145 - 147
8. 149 Eddystone Avenue
CINTAS Uniforms
(manufacturing / cleaning operation)

9. 153 Eddystone Avenue (Offices / Industrial Units)
10. 245 - 265 Eddystone Avenue
Eddystone Meats & Deli (retail outlet)
Offices
Residential Unit - 2nd Floor

Northerly Limits of Eddystone Avenue (west from Jane Street)

11. 10 Eddystone Avenue - York Condominium Corporation No. 164
4 Storey Residential Apartment Dwelling - Court Yard Configuration
12. 22 -42 Eddystone Avenue - One Storey Multi Unit Structure
Auto Collision Centre
Warti Deli & Restaurant
Bugajny Meat Products (retail sales)
Rashid's Auto Service
Max Meat Limited (ancillary retail sales)
Tata Atuo Electric
Vacant Units (2)
13. 44 - 64 Eddystone Avenue - One Storey Multi Unit Structure
CEPE International
Stevag Restaurant & Bar
Royal Bedspread Mfct.
New Kajetia Inc.
Filad Enterprises
African Food Wholesalers (ancillary retail sales)
Furniture Club Ltd. (wholesale outlet)
M & P Enterprises
J. P. Tax Accounting
14. 66 Eddystone Avenue
ASCO Manufacturing Ltd
15. 80 Eddystone Avenue
Dreamland Home Furnishings (retail outlet)
Skycon Specialty Building Products
16. 200 Eddystone Avenue
Mr. Dairy & Food Distribution Ltd. (offices & warehouse)
17. 230 Eddystone Avenue
Canadian Printing (retail sales & service)
Diaper Place (retail sales & service)
Place of Worship - Glory Pentecostal Ministry



HAFFERTY & ASSOCIATES, INCORPORATED
LAND USE & ENVIRONMENTAL PLANNING CONSULTANTS
P/N 000



109-147 EDDYSTONE AVENUE

Drawing: BASE MAP
Date of last Photo: 08.11.11