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November 18, 2013

The Chair and Members
Planning & Growth Management Committee
City Hall
100 Queen Street West
10th Floor
West Tower
Toronto, Ontario
M5H 2N2

Attention: Ms. Nancy Martins,
Administrative Secretary

Re: Five Year - Municipal Comprehensive Review
Employment Areas - Land Use Policies and Designations / City of Toronto Official Plan
151 Nashdene Road, Tapscott Employment District (West), former City of Scarborough
Our File: PN 5150

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 Official Plan for the City of Toronto. 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, Nashdene Court Ltd., the owner of those lands generally described as forming Lot 4 and part of Lot 5 of Plan M1981 and Parts 1 and 2 of Plan 66R-17650, in the former City of Scarborough, now in the City of Toronto, municipal address of 151 Nashdene Road.

We enclose herewith a copy of our previous submission of September 11, 2013, addressed to Mr. Paul Bain, in relation to the designation of the subject lands 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 151 Nashdene Road be designated within the General Employment classification, that is a land use classification which more appropriately responds to the established use of both the subject property and surrounding lands. The planning rationale and basis of this request are set forth in detail in the aforementioned submission of September 11, 2013.

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.

Ms. Nancy Martins
Our File: PN 5150

-2-

November 18, 2013

Sincerely yours,
McDermott & Associates Limited

A handwritten signature in black ink that reads "John McDermott". The signature is written in a cursive style with a long horizontal stroke extending from the end of the name.

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

copy to: Mr. Al Wakeel
Nashdene Court Ltd.

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

September 11, 2013

Corporation of the City of Toronto
Metro Hall
22nd Floor
55 John Street
Toronto, Ontario
M5V 3C6

COPY

Attention: **Mr. Paul Bain**
Project Manager, Strategic Initiatives, Policy and Analysis

Re: Five Year - Municipal Comprehensive Review of the City of Toronto Official Plan
151 Nashdene Road, Tapscott Employment District West, former City of Scarborough
Our File: PN 5150

Dear Mr. Bain:

We have been retained by Nashdene Court Ltd. to assist in the review and consideration of the policy directions which are now emerging from the Five Year - Municipal Comprehensive Review of the Official Plan, specifically in relation to the designation of lands within an Employment classification in the vicinity of the intersection of Markham Road and Nashdene Road. Our Client is the owner of those lands described as forming Lot 4 and part of Lot 5 of Plan M1981 and Parts 1 and 2 of Plan 66R-17650, in the former City of Scarborough, now in the City of Toronto, municipal address of 151 Nashdene Road.

On behalf of our Client, we are requesting that the property located at 151 Nashdene Road be designated within the General Employment Area classification as is now proposed in the draft policy document to be considered by the Planning and Growth Management Committee during the course of the September 12, 2013, meeting. To assist you in the review and consideration of this request, we offer the following comments in relation to the existing use of the lands, the contextual setting of the property, the current land use planning framework and designations applicable to the adjacent lands.

1. Site Characteristics

The site under the ownership of Nashdene Court Ltd. is located adjacent the south-westerly corner of the intersection of Markham Road and Nashdene Road. The property has an area of approximately 2.39 hectares (i.e. 5.92 acres) with a frontage of approximately 140 metres on Markham Road, 167 metres on Nashdene Road which forms the northerly boundary, and, 145 metres on Dynamic Drive, which forms the more westerly property boundary. The lands are presently developed for the purposes of a multi-unit commercial - industrial mall consisting of 61 units with a cumulative gross floor area of approximately 8349 square metres (i.e. 89,873 square feet). The structure was erected circa 1986.

Based upon current occupancy characteristics, existing tenants include a relatively broad cross section of retail and service commercial uses, offices, health related services, warehouse and wholesale distribution facilities, and, light assembly and fabrication operations. Where the uses are of a light assembly and/or fabrication nature, the activities are noted to typically include retail sales, offices and storage facilities.

2. Contextual Setting

To assist you in the review and consideration of our Client's request, an aerial view illustrating the pattern of land use and development adjacent the east and west limits of Markham Road, north and south of Nashdene Road, is attached hereto as Appendix "A1". Reference should also be made to Appendix "A2" wherein a description of the existing use of each of the properties in the vicinity of the intersection of Markham Road and Nashdene Road is provided for your review and information. The information provided by way of this submission is based upon field observations undertaken by the writer during August of 2013.

To a large degree, the pattern of land use and development in this area has been shaped by the presence of three significant transportation and utility related features, namely, Markham Road, the Canadian Pacific Railway corridor and related marshalling yards which form the southerly and south-easterly boundaries of the study area, the rail spur line and the adjacent water course and associated valley lands to the west which together form the more westerly boundary of the study area, and, the hydro corridor which forms the northerly boundary of the study area. The effect of the transportation and utility corridors has been to create a node or cluster of approximately fifteen non-residential properties which front upon either Markham Road or Nashdene Road and Dynamic Drive.

To the east of Markham Road, north-west of the Canadian Pacific Rail corridor, there are eight properties which have been developed or are being redeveloped for a variety of non-residential land uses. Within the immediate vicinity of the intersection of Markham Road and Nashdene Road, the uses present include Sun City Plaza, a retail commercial complex hosting a variety of retail and service commercial uses and activities (2761 Markham Road), the Athia Cultural Centre (2731 Markham Road), and, the site of the Shridi Dai Mandir Worship Centre which now appears to be in the final stages of construction (2711 Markham Road). To the east of the above noted uses are the offices and yard facilities of Furfari Paving Limited (2751 Markham Road), two multi-tenant complexes containing some 81 commercial/industrial units (2721 and 2691 Markham Road), and, a site containing three buildings which is developed and leased to various automotive and truck service and repair establishments (2651 Markham Road).

To the west of Markham Road, north and south of Nashdene Road, there are seven properties which are also developed for a range of commercial and industrial forms of land use. Immediately to the west of Markham Road, north of Nashdene Road and our Client's land holdings, is the site of Agincourt Hyundai, an automotive dealership. Further to the west, opposite the north-east corner of the intersection of Nashdene Road and Dynamic Drive is a warehouse and distribution facility operated by Integrated Plastics. To the west of Dynamic Drive, adjacent the northerly limits of Nashdene Road, are the sites of two light manufacturing concerns, namely Gelderland Limited, a machining and fabrication facility, and the manufacturing facility and warehouse of Thomas & Betts Canada.

Directly to the west of 151 Nashdene Road and Dynamic Boulevard is the site of three multi-tenant commercial - industrial structures, namely 40 and 50 Dynamic Drive and 125 Nashdene Road. The buildings are held under one ownership and are leased to various tenants which include offices, marketing establishments and light fabrication type uses. To the south of our Client's lands is the former site of Honeywell Controls (35 Dynamic Drive). The structure now appears to be partially occupied by Deluxe Paper Products and used for the purposes of a warehouse type facility.

As is apparent from the description of the uses and activities present in the vicinity of the intersection of Markham Road and Nashdene Road and our Client's property, the land uses are not representative of a Core Industrial area. Rather the established land uses consist of retail and service commercial uses intermixed with institutional and community facility forms of land use, automotive sales and service establishments and multi-tenant commercial - industrial structures. It is therefore submitted that it is both

reasonable and appropriate from a land use planning perspective to include our Client's lands, which are developed for the purposes of a multi-unit commercial - industrial mall, within the General Employment classification, that is the designation which has been proposed for the balance of the lands located immediately to the east of Markham Road and to the north-west of the intersection of Markham Road and Nashdene Road.

The effect of designating the lands adjacent the intersection of Markham Road and Nashdene Road within the General Employment classification will be to recognize the function of the area as a distinct node or cluster of institutional and quasi commercial - industrial land uses offering specialized goods and services which serve both businesses in the area as well as the general public. Such uses typically exhibit modest floor area requirements to sustain their business operations as evidenced by the nature of the units located within the commercial-industrial mall under the ownership of our Client.

The demand for units of this scale and size, typically having a floor area of 90 to 370 square metres, for a variety of quasi - commercial and service related functions as part of a planned unit commercial - industrial mall like structure is reflected by the relatively high occupancy and low turnovers rates at 151 Nashdene Road. This results in a stable economic model which effectively contributes to the financial tax base of the City of Toronto while providing for a broad range of business and employment opportunities.

3. Current Land Use Planning Framework

3.1 Approved Official Plan

Under the approved Official Plan for the City of Toronto, the lands in the vicinity of the intersection of Markham Road and Nashdene Road are designated within the Employment land use classification. A copy of an extract of Map 22, the Land Use Plan attached to and forming part of the approved Official Plan for the City of Toronto, whereon the general location of the subject lands is identified, is attached as Appendix "B" to this submission. It is noted that, in addition to designating the lands within an Employment classification, the approved Official Plan further defines the presence of the major transportation and utility corridors in this area by designating such areas as Utility Corridors and/or as Natural Areas.

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.

The effect of the foregoing policies has been to allow for the introduction of a variety of non-industrial related forms of land use in the vicinity of the intersection of Markham Road and Nashdene Road. The result has been the gradual adoption of this area by retail and service commercial uses and other non-industrial, sensitive land uses and activities in combination with various light manufacturing and fabrication uses.

3.2 Zoning of Lands Within the Study Area

The extent of the retail and service commercial functions and community / institutional uses associated with those properties located adjacent the east and west limits of Markham Road, in the vicinity of Nashdene Road, is underscored by the adoption of By-law No. 569-2013 on May 9, 2013. Based upon our review of By-law No. 569-2013, the lands located adjacent the north-east, south-east and north-west corners of the intersection of Markham Road and Nashdene Road are either lands not included within By-law No. 569-2013 by reason of the prior zoning permissions under By-law No. 24982, the Employment Districts Zoning By-law of the former City of Scarborough, or are subject to an exception which recognizes an existing permission granted under By-law No. 24982 by reason of the prior adoption of an amendment to the zoning by-law.

We understand that this approach to the zoning of the lands in the vicinity of the intersection of Markham Road and Nashdene Road follows from the position of City Staff responsible for the preparation of By-law No. 569-2013. Staff have indicated that recognition of the existing zoning rights under the City Wide Zoning By-law would provide for the use of the properties in question for purposes which are no longer considered to conform with the intent and purpose of the approved Official Plan. It is further understood from our review of the Staff Reports relating to the City Wide Zoning By-law that, once the future disposition of this area is resolved through the adoption and approval of the forthcoming official plan amendment concerning Employment lands later this year, an amendment to By-law No. 569-2013 will subsequently be introduced which will be effective to zone the lands not presently covered by the City Wide Zoning By-law within an appropriate zone classification.

It follows that many of the uses which now exist in the vicinity of the intersection of Markham Road and Nashdene Road, inclusive of those located within the multi-tenant commercial - industrial mall under the ownership to our Client, are not uses which are consistent with the intent of the Core Employment Policies now proposed through the Five Year - Municipal Comprehensive Review of the Official Plan. Rather, the uses are more characteristic of the policies now being proposed for lands to be designated within the General Employment land use classification which provides for a broader range of retail and service commercial and community facility type uses and activities as an integral part of the Employment land use classification.

5. Concluding Remarks

For the reasons outlined in this submission, it is submitted that our Client's lands, namely 151 Nashdene Road, should be designated within the General Employment Area classification. As is illustrated on Appendix "C" to this submission, the designation of 151 Nashdene Road within the General Employment Area classification is consistent with the proposed designation of the adjacent properties to the east of Markham Road and north of Nashdene Road directly to the north and east of our Client's lands.

Inclusion of our Client's lands within the General Employment Area will not only reinforce the established function of this area by promoting continued private sector investment but will also provide for a transition from the Markham Road corridor to the Core Employment Areas to the east and west, which areas are often characterized by industrial uses and activities involving heavy equipment operations and the outside storage of goods and materials. It follows that the designation of this distinct node or cluster of institutional and quasi commercial - industrial uses within the General Employment classification is effective to create a transitional area which provides spatial separation and buffering between sensitive and heavy industrial uses and activities consistent with generally accepted land use planning principles.

It is further submitted that the designation of those lands located adjacent the intersection of Markham Road and Nashdene Road within the General Employment Area classification will not undermine the function and/or supply and availability of lands for core industrial forms of land use throughout the balance of the Tapscott Employment District. Rather, recognition of this distinct node or cluster as an area intended for those uses contemplated within the General Employment classification will serve to refine the existing pattern of land use which is continuing to evolve in this area. The net effect will be to further promote and reinforce the employment function of the area by providing for a range of compatible service oriented commercial - industrial functions in relatively close proximity of sensitive land uses which have been introduced in more recent years in accordance with the planning framework under the approved Official Plan.

Designation of this somewhat unique node of institutional, commercial and industrial forms of land use within the General Employment Area classification is an essential first step in the reconciliation of the potential for land use conflicts in this area which embody both social and cultural issues. Recognition of the distinct nature and use of our Client's lands as an integral part of the area to the north and east of the intersection of Markham Road and Nashdene Road, which area is to be designated within the General Employment classification, will further assist in minimizing the pressure for adoption of Employment lands by uses which establish differing priorities for lands well suited to the core employment uses.

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, should you consider it appropriate, we would welcome the opportunity to meet with you and your Staff to discuss this matter and to ensure that the issues facing our Client and the adjacent property owners are addressed in an appropriate manner.

Sincerely yours,
McDermott & Associates Limited



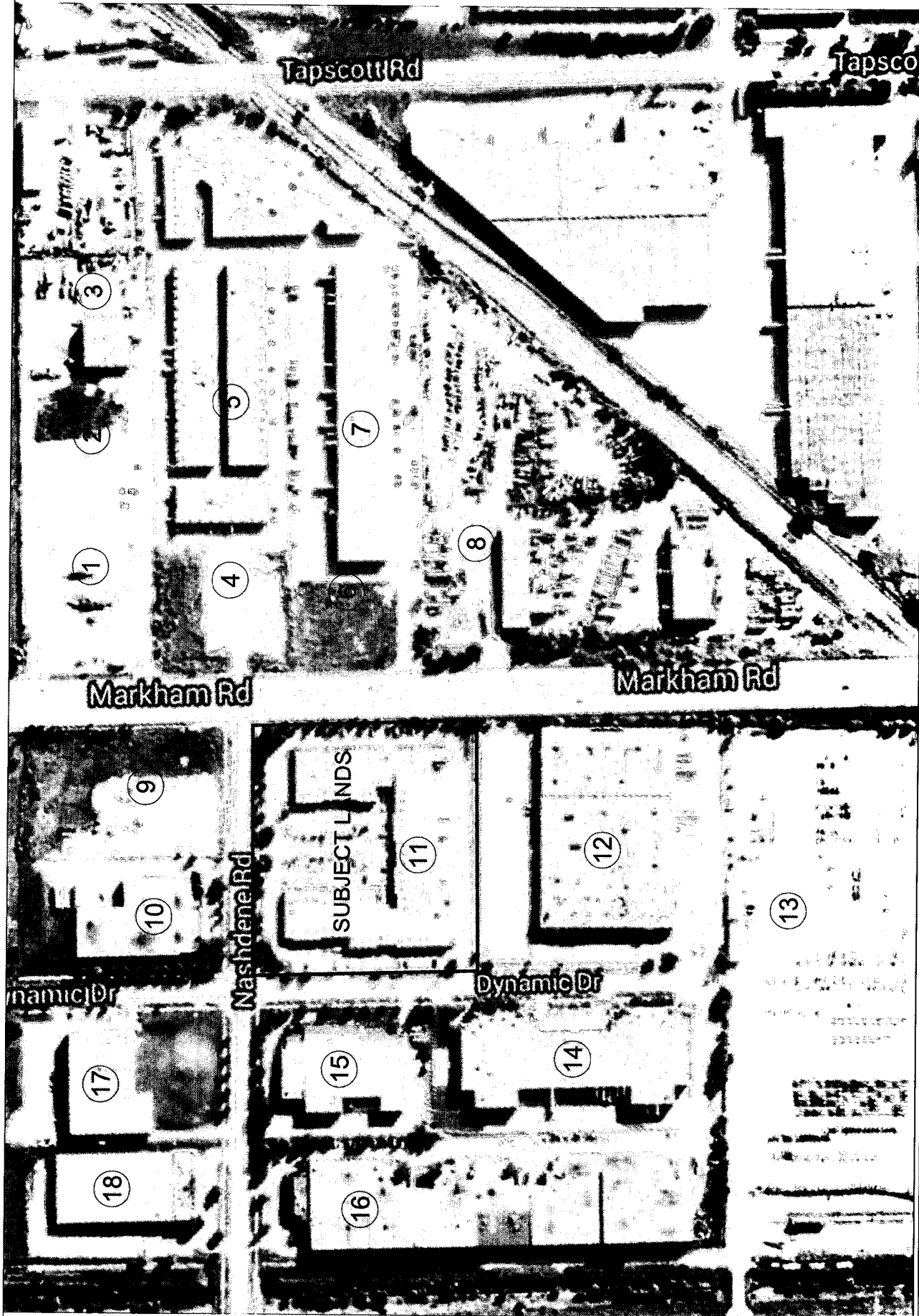
John McDermott, M.C.I.P., R.P.P.
Principal Planner

copy to: The Chair and Members,
Planning and Growth Management Committee, City of Toronto

Councillor Chin Lee, Councillor
Ward 41, Scarborough Rouge River, City of Toronto

Mr. Al Wakeel
Dundas Real Estate Investments

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



Drawing
BASE MAP
Date of Last Revision
09/03/13

151 NASHDENE BLVD.
TORONTO, ON

ORIGINAL DRAWING SCALE: 1:1,000 METRIC
0 10 20 30 40 50 60 70 80 90 100

Appendix "A2"

Land Use Index

Easterly Limits of Markham Road

1. 2761 Markham Road
Sun City Plaza
- retail commercial complex with various retail outlets
2. Parking Lot
Shirdi Sai Mandir Worship Centre
3. 2751 Markham Road
Offices of Furfari Paving Limited inclusive of Depot for storage and servicing of equipment
4. 2731 Markham Road
Athia Cultural Centre
5. 2721 Markham Road
Multi-Tenant Commercial - Industrial Complex (3 buildings containing 49 units)
6. 2711 Markham Road
Shirdi Sai Mandir Temple (under construction)
7. 2691 Markham Road
Multi Tenant Commercial - Industrial Site (32 Units)
8. 2651 Markham Road
Multi Tenant Commercial - Industrial Site (3 buildings)
 - Key Card Propane and Fuel Sales
 - B&F Truck and Car Repairs
 - Sunrise Truck Wash
 - P.C. Auto Sales and Repair
 - Williams Truck Centre
 - Soon's Auto
 - FIBA Canning Inc. Truck Centre
9. 2730 Markham Road
Agincourt Hyundai - Automotive Dealership

Appendix "A2"

Land Use Index

Nashdene Road / Dynamic Drive - West of Markham Road

10. 150 Nashdene Road
Integrated Plastics Warehouse and Distribution Centre

11. 151 Nashdene Road (subject lands)
(For Tenant Details Refer to Appendix "A3")

12. 35 Dynamic Drive
Partially Vacant Warehouse / Industrial Structure - former site of Honeywell Controls
- Deluxe Paper Products in portion of building

13. CP Rail Yard - Auto Loading and Unloading Area

14. 40 Dynamic Drive
Multi Unit Commercial - Industrial Complex (4 Units)
- Dolson Marketing
- Reena Enterprises
- Therapeutic Products
- Starquip Industrial

15. 50 Dynamic Drive
Multi Unit Commercial - Industrial Complex (4 Units)
- APO Products (Units 1, 2 & 3)
- Vacant Unit

16. 125 Nashdene Road
Multi Unit Commercial Industrial Complex (6 Units)
- DRMG Envelopes Inc.
- Kobay Enstall Ltd. - Tool & Stamping
- Vacant Unit

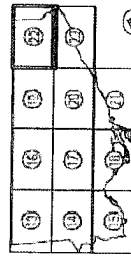
17. 60 Dynamic Drive
Gelderland Ltd. Machining and Manufacturing

18. 120 Nashdene Road
Thomas & Betts Canada
- Emergency Lighting Manufacturing Facility and Warehouse & Distribution Centre

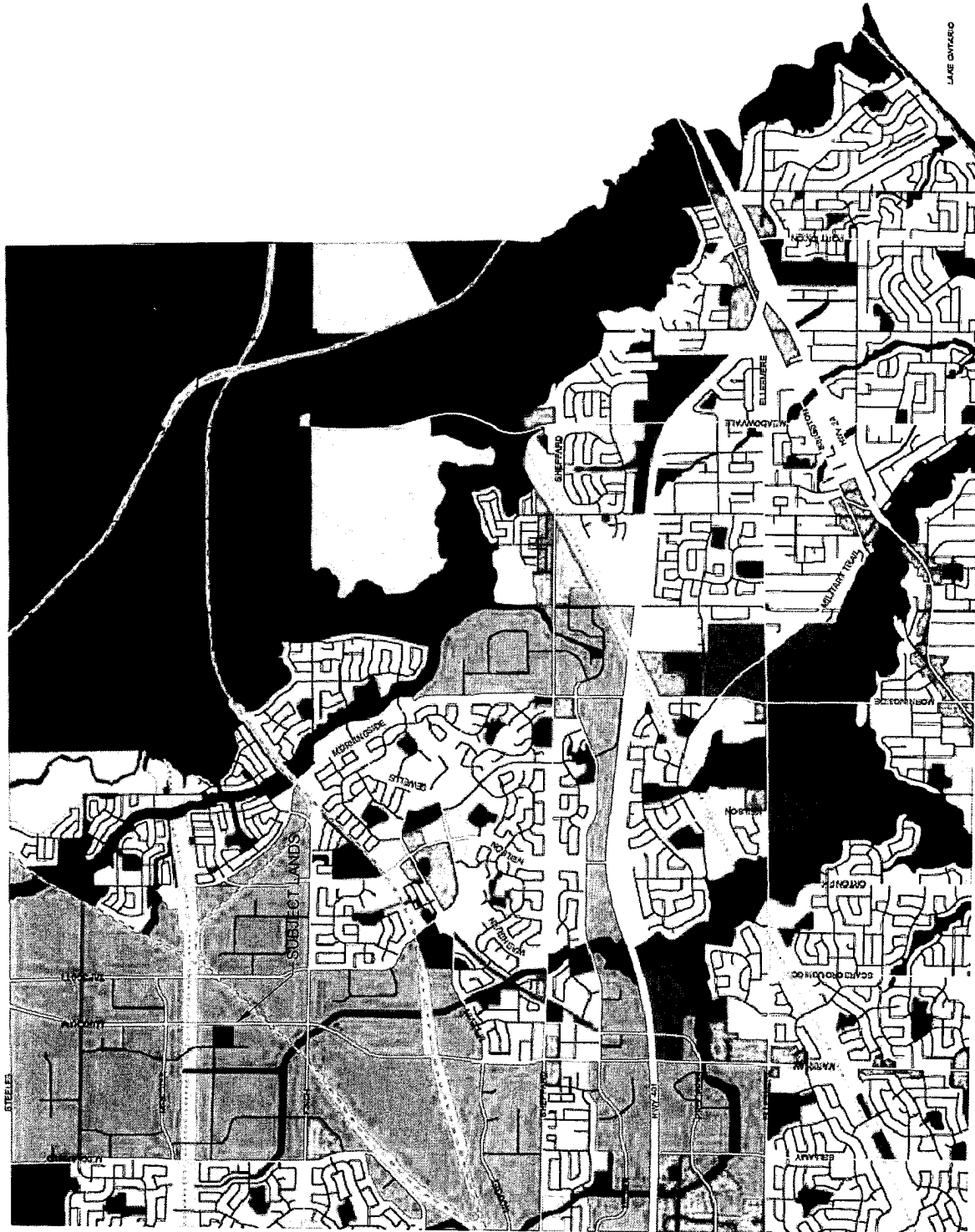
Land Use Designations

- Neighbourhoods
- Apartment Neighbourhoods
- Market Use Areas
- Parks and Open Space Areas
- Natural Areas
- Parks
- Other Open Space Areas (including Golf Courses, Cemeteries, Public Utilities)
- Institutional Areas
- Recreation Areas
- Employment Areas
- Utility Corridors

- Major Streets and Highways
- Local Streets
- Bike Way Lines
- Hydro Corridors



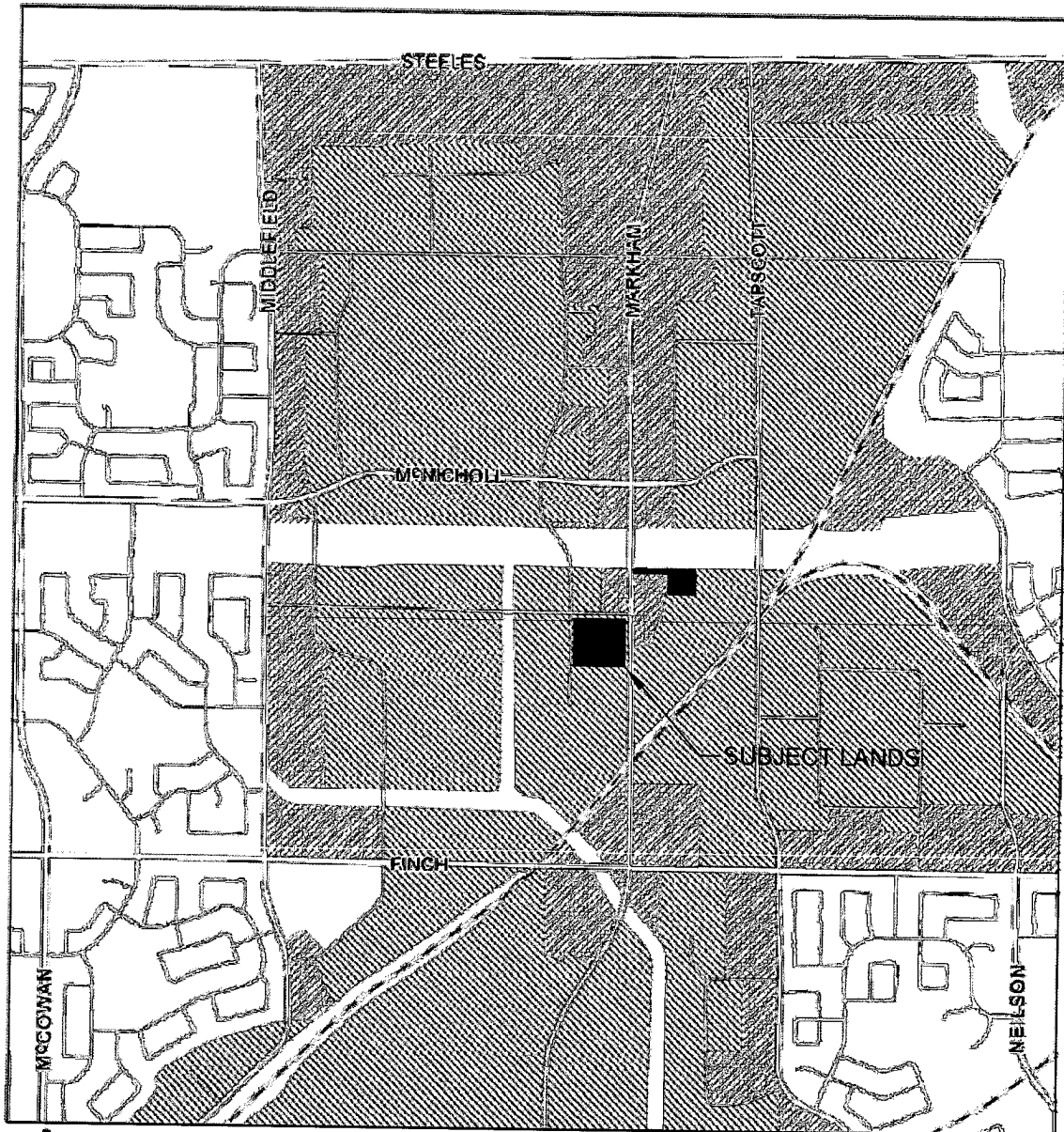
Key Map



APPENDIX "C"

EXTRACT FROM STAFF REPORT DATED AUGUST 20, 2013
 RELEASED SEPTEMBER 6, 2013

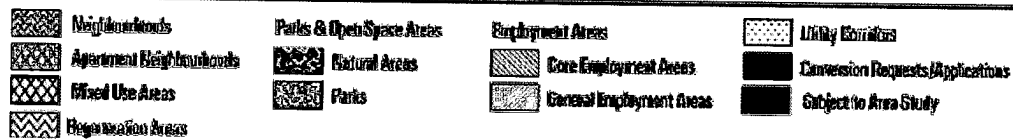
24.



Toronto City Planning

Redesignate from 'Employment Areas' to Official Plan Designations Shown on Maps 1 to 48 inclusive

Map 8



↑
 Not to Scale
 02/25/2013