



June 9, 2015

City Clerk's Office
Toronto City Hall, 13th floor, West
100 Queen St. West
Toronto, ON M5H 2N2
clerk@toronto.ca

Dear City Clerk:

**Re. June 10 Meeting, City Council, Item CC7.6
440 Dufferin Street**

Active 18 Community Organization has been working on the planning issues regarding the 440 Dufferin site and the large adjoining property to the west which has come to be known as the "Dufferin Triangle". The issue before Council on June 10, 2015 concerns the OMB case regarding 440 Dufferin which is set to begin June 15, 2015. Active 18 are a Party to this hearing.

We oppose the settlement offer from the developer currently before Council. And we strongly urge Council to direct Legal staff to resist the conversion of the Official Plan designation of this property from "Employment" to "Mixed Use", and the associated Zoning By-Law Amendment.

Employment lands

City Planning Staff have consistently opposed the conversion of this property and the adjoining one from 'employment' to mixed use. See:

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-45783.pdf>

<http://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-71952.pdf>

Indeed the local Planner repeatedly told the community at public meetings that City Planning would never agree that this property be converted.

City Council adopted that position on August 25 2014.

Essentially the same issue has come up in the complex proceedings under OPA Amendment 231 and the developer's application there that the same property be released from the Core Employment designation that it received after the City review of Employment lands around the City. Again, City Planning staff said "this land should be saved for employment purposes". Furthermore, in their approval of OPA 231 on this site, the Province deemed the Core Employment designation on this land to be in keeping with the Provincial Policy Statement as it relates to Employment.

Thus, what is proceeding at the OMB in Case No. PL140271 is a proposal for a building that is contrary to the Official Plan provisions not only under the existing, in force, Official Plan policies, but also under the City Council adopted, and Provincially-approved, comprehensively updated Official Plan employment policies. Not to mention the recommendation of every public official or department that has considered the issue in the last ten years.

It is impossible to understand how or why the City Planning department is supporting the proposed settlement – if they are.

Active 18 supports this conclusion that the land should remain as employment. In simple rhetoric, our community needs employment space in the neighborhood, and not more condos, to balance the mix and to keep our neighbourhood from being fully dominated by a mono-culture of high rise residential uses.

The proposed settlement pays lip service to this concern in that it does include employment space equivalent to approximately 1x coverage. This is exactly what there is now. Active 18 has taken the position that IF this land were to be released from Employment, then it should only happen IF:

- a. there is significant employment space in the new buildings, in keeping with the existing zoning and the City's position of protection employment lands. **THE EXISTING ZONING ALLOWS 2x COVERAGE EMPLOYMENT.**
- b. the proposed building is in keeping with a proper Secondary or Area Plan for the whole Dufferin Triangle area.

Proposed Settlement

The developer has modified its former proposal and is now suggesting a settlement of a smaller condo project. The concession is that the northern most building would be designated mostly as employment space so that there is 'no net loss' of employment space on the 440 Dufferin property. Further, they offer the City \$2M+ in Section 37 benefits to take the form of a ten year lease on a small portion of this building at reduced rates. The City has developed an admirable proposal for Manufacturing Incubator space. While we endorse the concept of protecting the existing employment space, ten years is not nearly long enough to be a rationale to abandon the City's firmly held employment policies.

The result is that we would lose a workable and affordable warehouse full of artisan and craft units for workers living in the neighborhood, in exchange for 10 years of cheaper rent that would abruptly end after 10 years. What will become of the businesses after the 10 years? Are they kicked out or forced to now pay market rent, thereby losing their businesses? We see this all the time in the retail world where local businesses are driven out by the international chains. How is this any different?

Why is the City Abandoning Its Position?

The developer makes the argument that the OMB has jurisdiction to consider the conversion request in the site specific OPA and ZBA application (and thus escape the need to follow through with their appeal of OPA231).. There is admittedly some OMB case law for suburban properties that might support this argument; however, as I read it, it leads to permission to develop supportive retail uses on employment area lands adjacent to employment districts, rather than wholesale conversion. More to the point the argument is clearly contrary to the Province's policies for this land - that it be kept as core employment rather than retail be added to existing employment lands.

Aside from the technical jurisdictional arguments, the proposal is by any standards bad planning. The land to the west of the proposed 440 Dufferin condo project is used as a food wholesaling depot and as a

storage site for heavy equipment. The moment people start moving into the new condo units they will start complaining of the dust and noise and visual intrusion from the trucks etc. Very sensible complaints – except that this kind of use is exactly what the City and the Province feel (correctly) that the City needs. Future employment uses of the remainder of the Dufferin Triangle will be compromised if not poisoned, by this ill-conceived proposal, thereby eliminating all the remaining employment lands in this neighbourhood when the inevitable OPA and ZBAs come forward in the future.

Respectfully, IF the City were to consider ‘rolling over’ on its employment policies for this particular project – which we strongly urge that it not do – the ‘price’ should be much, much higher, in terms of guaranteed permanent affordable employment space to replace what is there. Further the massing, set backs etc. should be much more rigorous to buffer present and future employment uses in the adjoining employment area, thus necessitating the need for a Secondary or Area Plan.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Shalina Ali". The signature is fluid and cursive, with the first name "Shalina" written in a larger, more prominent script than the last name "Ali".

For: Charles Campbell
ACTIVE 18 Association

cc. Linda Macdonald, Manager, City Planning, lmacdonald@toronto.ca
Sarah Phipps, City Planning, sshipps@toronto.ca
Kelly Matsumoto, Solicitor, Planning and Administrative Tribunal Law kmatsumoto@toronto.ca
Kim Kovar, Lawyer, Aird and Berlis, kkovar@airdberlis.com