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November 7, 2016

Mayor of Toronto & City Council
Toronto City Hall
12th Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ulli Watkiss, City Clerk

Dear Ms. Watkiss:

**Re: Proposed Official Plan Amendment No. 321
Steeles-Redlea Regeneration Area Study
Item PG15.5**

We are counsel to:

- D. Crupi & Sons Limited
- K-Line Insulators Limited
- All-Weld Company Limited
- Trisan Construction
- Edzar Investments Limited
- AGF-C&T Inc.
- Anchor Shoring & Caissons Ltd

all of whom are owners of operating industrial sites and/or businesses within the North Milliken Employment Area, in the vicinity of the Steeles-Redlea Regeneration Area.

Prior to the City's Planning and Growth Management Committee ("Committee") on October 17, 2016, a letter was sent from the above companies to Renrick Ashby, senior planner for the City of Toronto, in which a number of concerns were raised regarding the potential impact of the introduction of three high rise residential towers proposed by Global Fortune. This letter is attached.

Representatives of the above noted companies also appeared before the Committee on October 17, 2016 to vocalize many of those same concerns, namely that the introduction of high rise residential towers will jeopardize the viability of a core employment area which currently

employs over 1,300 people (not including employment arising from the subcontractors, suppliers and service companies utilized by the above noted businesses) within this core employment area.

The staff report before the Committee recommended that City Council amend the Official Plan (OPA 321), which would in effect permit the high rise residential development proposed by Global Fortune. However, upon listening to the depositions made by the businesses noted above, the Committee did not support the staff recommendation and it is now before Council without Committee's support.

It is claimed by Golden Fortune's solicitor and their consultant that high rise development adjacent to core employment lands is compatible and appropriate. However, given Committee's decision, this is clearly not the case and therefore we urge City Council, many of whom may not have had the benefit of hearing representatives of the concerned businesses noted above, to side with Committee's decision, continue to protect the integrity of Toronto's employment lands and reject Official Plan Amendment 321.

If you have any questions, please do not hesitate to contact us.

Yours Truly,

DEVRY SMITH FRANK *LLP*



David White, Q.C.
DSW/AGD/jrg
Encl.

cc: Mayor and all members of City Council



October 5, 2016

Mr Renrick Ashby, MCIP, RPP
Senior Planner
City of Toronto,
Scarborough Civic Centre
150 Borough Drive
Scarborough, ON M1P 4N7

Dear Mr. Ashby:

Re: Steeles-Redlea Regeneration Area Study & Global Fortune Inc. – 4665 Steeles Avenue East

We are writing as the owners of D. Crupi & Sons Limited and D.C.M. Holdings Limited, and, on behalf of several property owners and/or business operators within the North Milliken Employment Area, namely K-Line Insulators Limited, All-Weld Company Limited, Trisan Construction, Edzar Investments Limited, AGF-C&T Inc. and Anchor Shoring & Caissons Ltd. As the owners of operating industrial sites and/or businesses within the North Milliken Employment Area, directly to the south, south-east and within close proximity of 4665 Steeles Avenue East, our businesses will be adversely impacted by the introduction of three high-rise residential towers as proposed by Global Fortune. The potential adverse impacts resulting from the introduction of three high rise towers will be of such significance as to seriously compromise our ability to maintain current operations and/or the ability to expand operations in the future in response to changing market conditions.

You had asked us to outline what conditions would need to be imposed on the application of Global Fortune to provide the necessary level of comfort and/or reassurance that our businesses would not be negatively impacted by the introduction of the proposed high rise residential condominium towers. Given the varying nature of our industrial operations which involve heavy truck traffic throughout all hours of the day and night, yard operations, inclusive of outside storage of goods and materials and the operation of heavy equipment, which may result in noise, dust, odours and other fugitive emissions, we do not consider the proposal to introduce any form of residential development within the North Milliken Employment Area to be reasonable or appropriate from a land use planning or socio-economic perspective. Rather, the introduction of the proposed residential towers will only serve to limit our business operations and further result in new restrictions which are not conducive to maintaining a healthy employment area for core industrial uses. It follows therefore that, in response, we do not believe there are any reasonable or enforceable conditions or restrictions which may be imposed upon approval of the application Global Fortune which would resolve our concerns.

Based upon the policy directions for Employment Areas and the intent of the City of Toronto Official Plan to protect such areas from the introduction of sensitive and/or incompatible land uses, it is submitted that the City of Toronto should not give favourable consideration to the proposal of Global Fortune but rather introduce an amendment to the Official Plan to delete the Steeles-Redlea Regeneration Area, a designation which simply serves the interests of Global Fortune. An amendment to the Official Plan which deletes the Steeles-Redlea Regeneration Area or which specifically states that no residential development or sensitive land uses are permitted within the Regeneration Area will resolve our concerns as business owners that provide employment to over 1300 people plus thousands of jobs through subcontractors, suppliers and service companies that we utilize.

We have heard many times in statements and public speaking engagements from the Chief Planner, the Mayor, city staff, and from various City Councillors that there is a need to protect Employment Lands. For example, to quote a tweet from Chief Planner Jennifer Keesmaat:

@jen_keesmaat "If we put condos everywhere, it's tricky to add employment growth to the city. Protecting employment lands protects a diverse economy." 9:47 AM - 27 Jan 2016

We are aware that, even where industrial employment lands are vacant and underutilized, City staff have recommended refusal of the conversion application on the premise that such lands must be protected for employment related uses. Therefore, we cannot understand why, in this instance, the proposal of Global Fortune to introduce three residential towers within the North Milliken Employment Area is even being considered as an option for the SASP 395 lands. There is no question that negative impacts upon existing businesses and associated industrial operations will result should residential buildings be introduced at this location.

At its meeting of November 16, 2015, the Planning & Growth Management Committee approved a resolution in relation to the Steeles-Redlea Regeneration Study Area/ SASP 395 and the proposed Official Plan Amendment No. 321 which directed staff to undertake additional work and consult with the area stakeholders on numerous matters. By way of correspondence dated December 18, 2015, we wrote to thank staff for listening to our concerns at the Planning & Growth Management Committee Meeting, and to make ourselves available for further consultation while seeking direction in terms of the next steps in the consultation process to which there was no response. Subsequently, we were invited to attend two public meetings during which revised development applications, as filed by Global Fortune, were presented. During the meetings we were advised by Staff that this would be the extent of further consultation with affected business owners in the area.

At the same time, we understand that City staff have been working closely with Global Fortune and their consultants with a view to modifying the residential application in such a manner that the high rise condominiums will "work or fit in with" the adjacent and nearby core industrial uses in response to the requirements set out by the Planning and Growth Management Committee. As Stakeholders with significant investments in the area, we have said it countless times before and will say it again – it makes no sense to spend so much time debating the design elements and details of residential buildings for a site where it has not been properly determined that residential uses are appropriate in the first place. It remains that the proposed introduction of residential uses within the Steeles-Redlea Regeneration Area, including 4665 Steeles Avenue East, is unequivocally INCOMPATIBLE with the existing, well established core industrial uses in the area. The effect of introducing the proposed towers will be to impair the desirability of the area from the perspective of the introduction of new industrial uses and continuing capital investment throughout the area. One only needs to look at the difficulties being encountered by the City of Toronto in advancing the proposed TTC McNicoll Bus Garage in the vicinity of mid to high rise residential structures partially located upon lands originally intended for employment forms of land use to see that these conflicting uses will struggle to coexist.

As Stakeholders in this area, we have not been consulted or involved in a meaningful manner in the further study of the land use compatibility issues raised through the SASP 395 process and as specifically identified in the resolution of the Planning and Growth Management Committee as being more than just compliance, but related to the prevention of adverse impacts, identifying and securing mitigation, and the potential destabilization and economic impact of introducing high density residential development into an active heavy industrial area, either now or in the future. We understand that an updated report will be placed before the Planning and Growth Management Committee in October, however, we do not

believe that the issues identified through the Committee's resolution, specifically the potential destabilization and adverse economic impacts, have been properly considered in the absence of well-defined criteria. More importantly, the very businesses that will feel those impacts have not been given an opportunity by Planning Staff to assist in defining appropriate criteria for assessment of the impacts, a rudimentary requirement in responding to the directions of the Committee. Rather, the only discernable outcome during the course of the recent meeting of July 21, 2016, has been the opportunity given to Global Fortune's consultants to tweak the building designs and development application with a view to marginalizing concerns relating to the incompatibility of the high rise residential towers relative to visual impacts from the southerly building faces of the proposed towers. The broader issues relating to compatibility and destabilization of the area had not been addressed as of the date of the last meeting.

We do not believe, based on the outreach to us as land and business owners, that it has been demonstrated or proven that we will not be forced to limit our business operations. We do not believe that it has been proven that we will not lose the ability to adapt and grow in ways that may become necessary due to the changing of our industry or business requirements. We do not believe that it has been shown that we will not lose future growth opportunities and permitted future land uses on our existing properties. We do not believe that anyone from the City of Toronto or Global Fortune can demonstrate that we will not eventually be forced to close our companies due to major incompatibility issues with new residents moving in. We will not be able to coexist with residential uses or mitigate for resident complaints that are certain to come (and we should not have to). This would mean losing our investments in our businesses, in our properties, in the area, and, in our employees and the thousands of jobs that are at risk by putting high rise residential in an area where it does not work given surrounding land uses.

What would make us comfortable with this report is if it put a hold on this process and looked at the possibility that this particular Regeneration Area, in the middle of an active and vibrant employment area connected to an active and stable heavy industrial area, should never have been contemplated in the first place. The industrial businesses within the employment area will definitely experience severe negative and crippling impacts. The regeneration study should have looked at uses other than residential and sensitive land uses which are being considered simply in response to the application of Global Fortune. These are businesses that have been operating within the City of Toronto for anywhere from 40 to 100 years. The issue to be addressed should be the advancement of a sound planning framework which protects the integrity of and reinforces and strengthens the role of the North Milliken Employment Area as part of the economic base of the City of Toronto.

Each of our neighbours have experienced the problems associated with the encroachment of residential development upon our businesses and the pressures which are brought to bear upon our day to day operations. Many of us have had to go to inordinate expense and business limiting measures to manage impacts due to compatibility related issues under the current regulatory framework. In some instances, notwithstanding the long term established commercial industrial function of the area, the end result has been a need to abandon our previous properties due to the inability to satisfy or comply with proposed mitigation measures and/or due to the extraordinary financial hardship associated with the implementation of such measures. High rise residential buildings and heavy industrial activities are not meant to coexist side by side, the uses are simply incompatible. City Planners need to step back and realize that, despite the identification of lands as employment areas, there are a very limited number, if any, locations available in the City of Toronto which are well suited to our types of industries, not to mention the costs of property acquisition, requisite Planning Act approvals, and relocation costs. In the

end, the residential uses will prevail and many of our businesses will be forced to shut down if operations at our existing facilities and locations are no longer financially viable or competitive.

We understand that a fundamental element of the City of Toronto's Official Plan is to provide for residential development. However, due to the limited land available in the City, much of the future demand for housing will, of necessity, have to be met through the construction of mid to high rise structures. It is respectfully submitted that the need to go vertical does not mean it is appropriate to develop high rise residential structures anywhere and everywhere as that only leads to uncertainty and speculation by the development industry. As per the City of Toronto's Official Plan Section 2.24 "In the Employment Districts, the needs of business will take priority in city-building decisions. The Plan will provide a climate of stability and certainty in which businesses can make major investments. The lands and buildings in the Employment Districts are important economic assets for new and expanding businesses. Once lands are lost to economic activity through, for example, conversion to residential use, it is almost impossible to return them to commercial or industrial uses."

In the case of the Steeles-Redlea Regeneration Area, the introduction of high rise residential structures is not appropriate and is contrary to the equally important objective of creating and protecting jobs in the City. The studies and consultation completed to date have identified very serious concerns and issues arising from the incompatibility of the residential development with the established employment function of the North Milliken Employment Area. This is underscored to some degree by the fact that the proposal of Global Fortune has recently been modified to create monolithic walls opposite the southern exposures facing the adjacent industrial operations. The revised design is, in and of itself, a clear indication that a residential high rise building is not a compatible form of land use and one which does not belong at this location.

If there was merit in the designation of the SASP 395 lands as a Regeneration Area, studies contemplated under the policies contained in the approved Official Plan for the City of Toronto should have been undertaken to thoroughly examine and consider all options for and the possible impacts associated with the redevelopment of the area as a whole rather than providing for a shoe horn approach which focuses upon the redevelopment of one relatively small area for residential purposes. A need now exists to examine the opportunities for the introduction of alternative forms of land use in this area and to focus on the ability to attract compatible and complimentary uses like retail and service commercial uses and/or office buildings. To the best of our knowledge, consideration was not given to other development options prior to the designation of the Steeles-Redlea Regeneration Area, the designation of which was only introduced in the final draft of Official Plan Amendment No. 231.

We firmly believe based upon our experience and knowledge that, if the proposal of Global Fortune is sanctioned through the proposed Official Plan Amendment No. 321, it is simply the catalyst which precipitates further continued residential development along the south side of Steeles Avenue. To proceed with the current planning direction of allowing residential uses within the north-westerly part of the North Milliken Employment Area will, simply stated, erode and undermine the integrity of the employment area function and which will result in the implementation of a policy direction which forges the beginning of the end of the employment area lands south of Steeles Avenue.

As a group of land and business owners we ask that the City of Toronto not risk and gamble with our business investments, our investments into the area and with our employees' jobs. ***It is incumbent upon the City Planners and Councillors to understand that this is about the survival of our businesses and the jobs of all of our employees.*** This should not be about the development interests of Global Fortune in relation to a singular parcel of land but rather about a holistic view for the area which is consistent

with the intent of the Provincial Growth Plan for the Greater Golden Horseshoe entitled Places to Grow, the Provincial Policy Statement and the overall policy framework for Employment lands established under Official Plan Amendment No. 231 which are directed towards the strengthening and reinforcement of the employment and economic base of the City of Toronto.

In closing, it has been stated to us, by you and by many of your colleagues in both the Planning Department and in Economic Development, that no one wants to see us leave the area. We have heard that our businesses are important to the City, and that you hear our concerns, and, that you are focussed on protecting our business interests and the jobs of those people employed by our firms. While we appreciate the comments, we do not understand the logic in proceeding with further consideration of the proposal of Global Fortune. Actions speak louder than words and now is the time for City Planners and Politicians to clearly state that the proposal of Global Fortune to introduce a significant residential component of development within an established employment area is inappropriate from a land use planning perspective by reason of being inconsistent with the policy directions set out under the Provincial Growth Plan, the Provincial Policy Statement, and, the policy directions concerning the future disposition of Employment Lands as set out in the Official Plan for the City of Toronto.

To proceed with further consideration of the application of Global Fortune, despite the many issues and concerns we have raised on numerous occasions, in spite of the preferred approach proffered by Economic Development in response to real, not perceived, issues, and, despite the initial studies by Golder, a consultant retained by the City who confirmed at the first stakeholder meeting that they anticipate resident complaints against industry if residential is built on these lands, is simply effective to demonstrates a lack of understanding of the issues. In response to the question asked of us, the only alternative which provides for an appropriate measure of comfort and reassurance for us as business owners in the North Milliken Employment Area is an amendment to the Official Plan which removes the Steeles-Redlea Regeneration Area and/or which clearly states that no residential development is permitted in this area.

Should you consider it appropriate, we would be pleased to meet with you to discuss the issues and concerns outlined in this submission. Please ensure all stakeholders listed below receive notice of all upcoming public meetings, inclusive of meetings of Committees of Council and meetings of Council where any applications, studies or approvals are being considered for the Regeneration Area lands that are the subject of SASP 395, and for 4665 Steeles Avenue East and 3447 Kennedy Road (rear), as well as notice of any Council decisions with respect to these matters.

Sincerely yours,  on behalf of:

Cosimo Crupi
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Tony Carreira, P.Eng.
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K-Line Insulators Limited

Scott Dunsmoor, P.Eng.
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CC: City of Toronto

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CC: Stakeholders

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