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By Email

Mayor and City Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto ON
M5H 2N2

**Attention: Sylwia Przewdziecki
Manager**

Dear Mayor and Councillors:

**Re: City Council - Meeting 43
Item EY33.3 - Lake Shore Boulevard West - City Initiated Official Plan and Zoning
Amendments - Final Report
Wakefield Canada Inc. and WCI Real Estate Holdings Inc.**

We represent Wakefield Canada Inc. and WCI Real Estate Holdings Inc. ("Wakefield"), the registered owners of the lands municipally known as 3620 and 3660 Lake Shore Boulevard West (the "Site"), with respect to proposed City initiated Official Plan Amendment 951 ("OPA 951") for Lake Shore Boulevard West and the associated Draft Zoning By-law Amendment.

On behalf of Wakefield, we are writing to express concerns with proposed OPA 951 and the Draft Zoning By-law Amendment. In preparing OPA 951 and the Draft Zoning By-law Amendment, the City focused on long-term growth and intensification but failed to consider how expanding the Mixed Use Areas designation along Lake Shore Boulevard, facilitating larger consolidated development sites and permitting taller and more intensive sensitive land uses could instantly expose Wakefield, a previously compliant industry, to non-compliance, complaints and enforcement action.

The Site is located on the north side of Lake Shore Boulevard West, west of Thirty-Second Street, within the OPA 951 area. Some of the lands that would be affected by the Draft Zoning By-law Amendment are within the area of influence of Wakefield's long-standing industrial operation ("Major Facility") on the Site. Wakefield processes, blends, packages, stores, warehouses and distributes motor oils, lubricants and other automotive fluids and additives for the automotive and industrial sectors. This existing, viable and compliant Major Facility has operated on the Site for more than 75 years.

Taller, denser and larger buildings accommodating sensitive land uses in proximity to Wakefield will introduce new and more complex compatibility challenges, including:

- Increased exposure to noise, odour, and air emissions
- Greater risk of complaints and enforcement issues
- Risk of being unable to maintain existing environmental approvals or obtain environmental approvals in the future.

Higher-density housing is not the same as low-density housing from a compatibility or mitigation perspective. Also, emissions and impacts are directional. So, compliance at existing receptors in proximity to Wakefield's Major Facility does not guarantee compliance at new or higher density receptors elsewhere.

A deferral would allow City Staff and Wakefield to address land use compatibility in order to balance interests: to support long-term transit-oriented, mixed-use development while also protecting the interim continued lawful operation of an established Major Facility. As currently drafted, proposed OPA 951 and the Draft Zoning By-law Amendment are premature as these instruments do not address the land use compatibility requirements of the Provincial Planning Statement ("PPS") or the Official Plan.

Wakefield recognizes and supports the City's long-term vision for the Lake Shore Boulevard West corridor as a mixed-use, medium-density community with high-density, transit-supportive development in proximity to the Long Branch GO Station. Wakefield is not seeking to frustrate that long-term vision. To the contrary, Wakefield accepts that, at some future point, industrial operations on the Site will cease and the Site will be redeveloped in accordance with OPA 951 or the planning instruments then in force.

With respect to the long-term vision, proposed OPA 951 would amend SASP 23 to require a precinct plan in addition to the existing requirement for a Block Context Plan to redevelop the Property. As drafted, proposed OPA 951 does not explain how a precinct plan differs from a Block Context Plan, what matters it is intended to resolve, what approvals or consultations it would require, or why this additional obligation applies only to the lands within SASP 23 and not to other lands affected by OPA 951. The lack of clarity around the precinct plan in proposed OPA 951 risks duplication, promotes a perception of uneven treatment, and it may constrain the orderly redevelopment of the Property without advancing a clearly identified planning objective.

Action Item:

We respectfully request Council to defer its decision on OPA 951, and in particular on the Draft Zoning By-law Amendment, and to direct City Staff, in consultation with Wakefield, to undertake the necessary land use compatibility assessment of proposed OPA 951 and the Draft Zoning By-law Amendment relative to the current ongoing operations of Wakefield's Major Facility and to also add clarity or remove the precinct plan requirement associated with SASP 23.

Wakefield looks forward to working with the City to address land use compatibility in order to preserve the City's ability to plan for growth, to protect future residents and occupants, and to avoid placing an established employer and lawful industrial operation in unnecessary regulatory jeopardy. Without that work, proposed OPA 951 and the Draft Zoning By-law Amendment risk materially increasing complaints, compliance issues and enforcement consequences for Wakefield's Major Facility.

We request notice of Council's decision on OPA 951 and the Draft Zoning By-law Amendment. Wakefield reserves all rights and remedies in respect of this matter.

Yours truly,

Stikeman Elliott LLP



Calvin Lantz
Partner

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cc: Daniel Kolominsky, Senior Planner, Community Planning (Daniel.Kolominsky@toronto.ca)
Alex Teixeira, Director, Community Planning (Alex.Teixeira@toronto.ca)
Clients