



Intensification through Brownfield Redevelopment While Retaining Employment Lands

Jacquelyn E. Stevens

Associate

Willms & Shier Environmental Lawyers LLP

www.willmsshier.com

Outline

- **Source of policies on intensification, Brownfield Redevelopment and Employment Lands**
- **What are municipalities doing?**
- **What is the OMB saying?**
- **Case Study – Town of “Quarrel”ton**
- **Final Thoughts**

Legislation, Regulations and Plans

- **Theme is balanced growth – live, work and play**
- **Planning Act**
 - Provincial Policy Statement, 2005 (PPS)
 - Municipal policy direction and decisions must be consistent with the PPS
- **Places to Grow Act, 2005**
 - Greater Golden Horseshoe Growth Plan
 - Requirements for employment lands to meet projected needs - conversion policies
- **Greenbelt Act, 2006**
 - Greenbelt Plan

Legislation, Regulations and Plans

- **Niagara Escarpment Planning and Development Act**
 - Niagara Escarpment Plan
- **Oak Ridges Moraine Conservation Act, 2001**
 - Oak Ridges Moraine Conservation Plan
- **Intersection of policies**
 - All applicable policies to be applied in conjunction with each other
 - Where conflict, look to statute or plan
 - Common conflicts with
 - Provincial Policy Statement
 - Greater Golden Horseshoe Growth Plan

Residential Intensification

- **Identify opportunities for intensification and redevelopment**
- **Growth Plan requires emphasis on:**
 - Intensification and re-urbanization of existing built-up areas
 - Areas of focus
 - Urban growth centres
 - Intensification corridors
 - Major transit station sites
 - Brownfields and greyfields

Brownfields Redevelopment

- **Comprehensive reforms reaffirm the government's commitment to Brownfields redevelopment**
- **Redevelopment of Brownfields to achieve intensification**
- **Barriers to Brownfield redevelopment**
 - The usual suspects
 - Funding
 - Risks
 - Approvals
 - Liability
 - Provincial Policy conflicts

Employment Lands

- **Provincial policies require**
 - An adequate supply of employment lands to meet employment needs of the population
 - Protection and preservation of employment lands
 - Restrict conversion – strict policy
 - Comprehensive review prior to conversion

Employment Lands

- **Conversion of Employment Lands is not to be the norm**
 - Test for conversion from Employment to Non-employment from section 1.3.2 PPS
 - Whether the lands are needed for employment uses
 - Whether they are needed for residential uses
 - Whether the required “comprehensive review” as defined by PPS has been completed
- **Consideration of whether conversion needed to meet residential requirements...but Province saying employment “trumps”**

What are Municipalities doing?

- **One size does not fit all**
 - Municipalities to develop own policies and strategies to meet provincial growth targets
- **A couple of examples:**
 - City of Hamilton
 - City of London

What are Municipalities doing? City of Hamilton

- **Residential Intensification**
 - Conservation and integration
 - Criteria to review intensification proposals
- **Brownfields Redevelopment**
 - Inventory of Brownfield sites
 - Strategic initiatives – ERASE and Prioritization Strategy
- **Employment Lands**
 - Flexibility for economic opportunity and control of adverse impacts
 - Criteria to review whether conversion to non-employment appropriate
 - Several sites identified to be converted (some to residential)

What are Municipalities doing? City of London

- **Not part of Greater Golden Horseshoe Growth Plan**
- **Residential intensification**
 - Greater emphasis on compatibility with existing neighbourhoods
 - Criteria for compatibility and character
- **Brownfield Redevelopment**
 - Community Improvement Plan for Brownfield Incentives
 - Financial incentives for contamination assessment and property tax assistance
- **Employment Lands**
 - Development of Office Land Use and Industrial Land Use areas
 - Economic Development Strategy

What is the OMB saying? Terrasan Corporation

- **Terrasas Corporation appeal of City of Toronto refusal to convert Employment Land to Mixed Use Residential**
 - Brownfield redevelopment of former Benjamin Moore site
 - Community is mixed - Co-existing harmoniously
 - Planning Act and PPS apply – not Growth Plan
- **OMB found Terrasan proposal**
 - Inconsistent with PPS regarding protection and preservation of Employment Lands
 - Offends the City of Toronto Official Plan and Zoning By-law
 - Did not represent good planning
 - No comprehensive review completed

What is the OMB saying? Home Depot

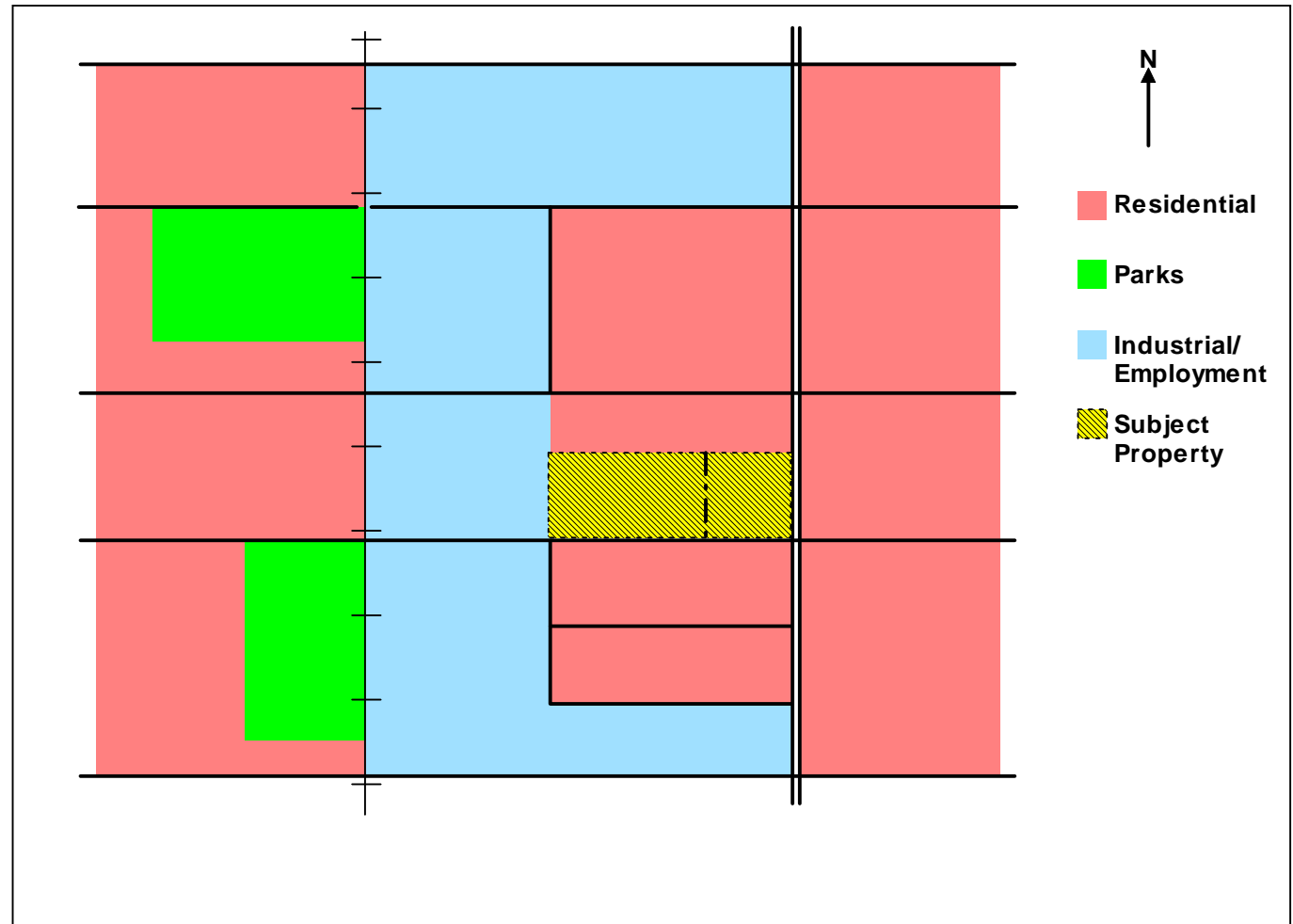
- **Home Depot appealed City of Toronto's refusal to redesignate site in Lesmill Employment District to large scale retail use**
 - City of Toronto Official Plan contemplates large scale retail use within employment areas on major streets
 - Section 4.6 of Official Plan, PPS and Growth Plan apply
 - PPS and Growth Plan inconsistent on major retail as non-employment
- **OMB found Home Depot proposal**
 - City's Official Plan considered large scale retail as employment use
 - Not a conversion of employment to non-employment (no need for comprehensive review)

What is the OMB saying? Smart Centres

- **Smart Centres and Toronto Film Studios appealed the City of Toronto's refusal to redesignate site mixed-use commercial**
- **Site forms part of South of Eastern Employment District**
 - Employment district "eclectic" – variety of uses and property sizes
 - 2002 Official Plan and Planning Act apply
- **OMB found Smart Centres and TFS**
 - Site Specific Application did not adequately consider
 - Policy 9.18 consideration of impact on surrounding employment lands (industrial) not redesignated
 - Concern with "retail contagion" and destabilization of employment district

Case Study

Town of "Quarrel"ton



Conflict between Employment Lands and Brownfield Redevelopment

- Protect and preserve employment lands conflicts with Brownfield redevelopment
- Brownfield Redevelopment traditionally to “big box” retail or mixed use residential
- Developers not going to redevelop Brownfield to another industrial use or business park
- Policies require retention of employment lands...not broad enough to allow for redevelopment to uses developers want
- Conversion requires comprehensive review undertaken by municipality – does not fit within developers timetable

Final Thoughts...

- Provincial policies are driving land use planning process
- Creation of workable review process for conversion of employment lands – practical considerations
- Uncertainty may lead to more appeals to OMB
- Brownfield remaining idle...not because of the usual suspects - cannot get approval for desired end use
- The land use climate is any thing but certain... urban development may be adversely affected



Contact Information

Jacquelyn E. Stevens

Phone: (416) 862-4828

jstevens@willmsshier.com

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