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BARRISTERS & SOLICITORS

November 5, 2012

Planning and Growth Management Committee
Toronto City Hall
10th Floor, West Tower
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: Ms. Merle MacDonald, Secretariat

Dear Chair and Members of the Planning and Growth Management Committee:

Re: Request that Recommendation #1 of the Draft Policies and Designations for Employment report proceeding to Planning and Growth Management Committee on November 8th be deleted in respect of the property municipally known as 171 EAST LIBERTY STREET in the City of Toronto

We are the solicitors for Liberty Market Building Inc., the owners of the property municipally known as 171 East Liberty Street (the "Site") in the City of Toronto. The Site is located in the area south of King Street West and east of Dufferin Street, commonly referred to as Liberty Village. More specifically, the Site is an irregular shaped lot located on the south side of East Liberty Street between Hanna Avenue and Pirandello Street, which Site has a frontage on East Liberty Street and an overall site area of 19,374 square metres.

The Site is designated as an "Employment District" pursuant to the Urban Structure section of the City of Toronto Official Plan and is designated as an "Employment Area" pursuant to the Land Use section of that same Official Plan. The Site is located within the boundaries of the "Garrison Common North Secondary Plan", which area is intended to provide a mix of uses which complement the changing market demands of the area including live/work units. The Site is zoned "IC D3 N1.5" pursuant to the City of Toronto Zoning By-law No. 438-86, as amended by Site Specific Zoning By-law No. 150-2008 which permits retail and service uses on the Site. The Liberty Village area has been the subject of significant rejuvenation and reinvestment over the last several years.

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PRACTISING IN ASSOCIATION

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THE INDIVIDUAL LAWYERS NAMED ABOVE PRACTICE IN ASSOCIATION WITH ADAM J. BRUNN PROFESSIONAL CORPORATION.

Our client acquired the Site in 2004 and has invested over \$15 million dollars towards revitalizing the Site and the Liberty Village area in consultation with City Planning Staff and the local councillor. The Site is currently occupied by the Liberty Market Building, a three storey commercial building comprised of a mix of retail and office uses. The area surrounding the Site is comprised of an eclectic mix of historical industrial buildings and more recent commercial and live/work residential developments including 215 live/work units at 43 Hanna Avenue, 463 residential units at 150 East Liberty Street, 438 live/work units at 125 Western Battery Road and 295 live/work units 5 Hanna Avenue. The Site is well served by transit, including the 63 Ossington bus, 511 Bathurst and 504 King streetcars, and the GO Transit Lakeshore East commuter rail line which stops immediately south of the Site.


On September 14, 2012, following an extremely positive pre-consultation meeting with City Staff, where our client's live-work proposal was positively received, our client submitted a "complete" application for a Zoning By-law Amendment to demolish the eastern portion of the existing building to be replaced by a 32-storey building comprised of a 7-storey office and retail podium and 25 storeys of live/work units above. Our client's proposal for live/work units was identical to other applications that have been proposed and approved in the immediate area, which other applications have been subject to the identical Official Plan and Secondary Plan policies. All of the other applications were accepted as being in full compliance with the same Official Plan and Secondary Plan policies applicable to the Site.

The Site provides an excellent live-work intensification opportunity at a prime location in the City, which is consistent with the goals and objectives of the Official Plan which promote reinvestment in this area. The proposed development represents an intensification of the existing employment uses on the Site that will complement the various business establishments in the area. The proposal will generate approximately 986 new jobs above and beyond those remaining in the existing commercial uses in the Liberty Market Building.

Our client has recently been made aware of a report proceeding to the November 8th Planning and Growth Management Committee meeting, which report recommends that our client's Site be designated as a "Core Employment Area" pursuant to the City of Toronto Official Plan, which recommendations would remove the existing live/work permissions from our client's Site. Our client filed its application based on an understanding of the existing policy framework which specifically permits live/work units on the Site. To "down designate" our client's Site by removing rights that exist today on an application that is now filed and accepted as "complete" by the City, is both unreasonable and unfair based on the recent surrounding approvals in the area, which recommendations do not represent "good planning". We would respectfully request that our client's Site be removed from the Municipal Comprehensive Review and that our client's application be processed in the context of the existing policies applicable to the Site, which policies specifically permit live/work units on the Site.

Should you have any questions or require any additional information, please do not hesitate to contact the writer.

Yours very truly,


Adam J. Brown

cc: Ms. Kerri Voumvakis, Acting Director, Policy & Research
Ms. Lynda Macdonald, Manager, Community Planning, Toronto and East York District
Mr. Graig Uens, Planner, Community Planning, Toronto and East York District
Mr. Brian Brown, Lifetime Developments
Mr. Peter Smith, Bousfields