

November 7, 2012

Our File No.112044

BY EMAIL

Councillor Peter Milczyn, Chair
c/o Merle MacDonald
Planning and Growth Management Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear: Mr. Chairman and Members of the Committee:

**Re: 100 Lynn Williams Street
Request for Review of an Employment District Designation within the
context of the City's Five-Year Official Plan and Municipal Comprehensive
Review**

Please be advised that Aird & Berlis LLP represents First Capital Asset Management LP, the registered owner of 100 Lynn Williams Street (the "Site") in the City of Toronto. The Site is currently located within the boundaries of an Employment District, as indicated on Map 2 – Urban Structure from the City of Toronto's Official Plan. We are writing to request that the Site's inclusion within an Employment District be reviewed within the context of the City's Five-Year Official Plan and Municipal Comprehensive Review for the reasons outlined below. More specifically, we are requesting that the boundaries of the Employment District be modified so as to exclude the Site.

The Site is currently designated Mixed Use Areas on Official Plan Map 18 - Land Use Plan which contemplates a broad range of commercial, residential and institutional uses in single or mixed use buildings. The Site is also located in area A of the Inglis Lands within the Garrison Common North Secondary Plan which permits flexibility in the allocation of the permitted floor area.

Zoning By-law 566-2000 which applies to the Site provides that those uses that are permitted in an IC or I3 district in Section 9(1)(f) of City of Toronto Zoning By-law 438-86 are permitted on the Site. The IC and I3 zoning designations in this By-law permit a very wide variety of uses including commercial, retail and industrial.

This Site has been planned and developed to support a mix of office and retail uses and is an important part of the vibrant mixed use neighbourhood of Liberty Village. In our view, it is essential for the continued vitality of the individual businesses and the area as a whole that there remain flexible permissions in place in respect of both uses and built form. The strong growth of the residential component of Liberty Village to the immediate east and west of the Site means that the area has emerged as a true mixed use neighbourhood. Additionally, the Site is located on the northern boundary of the Employment District (as currently illustrated on Map 2) in which it is situated. This location, together with the current Official Plan designation, the as-of-right permissions and development to date all militate in favour of minor adjusting of the Employment District mapping to remove the property.

We have also now had an opportunity to review the October 23, 2012 Staff Report entitled "Planning for a Strong and Diverse Economy" wherein certain draft policies and mapping in respect of employment lands are proposed to "be the subject of a broad discussion". While we understand that these policies and mapping are early drafts, and meant to be the subject of consultation, we wish to provide our initial comments on behalf of our client in order to frame future discussions.

In respect of the property at 120 Lynn Williams Street we note that it remains within an Employment District on Map 2 but is shown as Retail Employment and is surrounded by lands designated as Mixed Use on Map 43. For the reasons outlined above, our client maintains its request that the boundaries of the Employment District be modified so as to exclude this site. Secondly, while we would observe that the Retail Employment designation does reflect the current use of the site we question the rationale behind maintaining a distinction between this area and the Mixed Use designation which is proposed to surround it. In our view providing for a Mixed Use designation across the entire area more appropriately reflects the actual development to date and would ensure the continued vibrancy and flexibility of the area as it continues to mature.

We have also had an opportunity to review, in a preliminary manner, the policies proposed as amendments to Chapters 3 and 4 of the Official Plan. While we require additional time to review the implications of the changes in the policy language on all of our client's holdings, we can observe that the policies in respect of the new Retail Employment Designation are unnecessarily restrictive in our view. These policies will restrict the range of uses in these areas so as to prohibit the introduction of residential and residential institutional uses. In our view this blanket prohibition is overly restrictive, ignores the important interaction between retail and residential uses, and removes the flexibility previously enjoyed and anticipated on these sites.

As outlined above, our client's site at 120 Lynn Williams is currently permitted a broad range of uses though the applicable Official Plan designations and Zoning By-law permissions. In our view, adjusting the Employment District boundary in the manner requested with more accurately reflect the planned and actual land use for the Site. This

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will permit the Site to continue to serve the growing and vibrant, mixed use neighbourhood in which it is located. Accordingly, we kindly request that the Committee direct Planning staff to review the Employment District designation for this property and to consider our client's request.

We thank the Committee in advance for its consideration of the foregoing.

AIRD & BERLIS LLP



per : Eileen P. K. Costello

EPC/jh

cc: client

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