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December 13, 2013

Mayor and Members of Council
City of Toronto
Metro Hall, 24th Floor
55 John Street
Toronto, ON M5V 3C6

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

**Re: City Council Meeting - December 16/17, 2013
Planning and Growth Management Committee Matter
Proposed Official Plan Amendment No. 231 Pertaining to Economic Health Policies and
the Policies, Designations and Mapping for Employment Areas ("OPA 231")
Texmart International Co. Ltd., in Trust**

We are solicitors for Texmart International Co. Ltd., in Trust ("Texmart"). Texmart has filed offers to purchase the properties located at 357 Canartic Drive and 4801 Keele Street, in the City of Toronto (the "Properties"). The Properties are proposed to be redesignated as *Core Employment Area* and *General Employment Area*, respectively, in OPA 231.

We understand that OPA 231 will proceed to the Council meeting on December 16/17, 2013 where it is expected to be approved. We have reviewed the Staff report on "Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations on Conversion requests" dated November 5, 2013. While our client is supportive of the City's efforts to protect employment uses, on behalf of our client, we raise the following concerns with OPA 231 in the spirit of strengthening the policies to protect employment uses in the City:

(i) Compatibility of Uses Within Employment Areas

Policy 4.6.6 states: *"Implementing Zoning By-law(s) will create a gradation of zones that distinguish between employment uses on the basis of their potential operations and impacts to ensure a compatibility of uses within Employment Areas."*

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uses on the basis of their potential operations and impacts to ensure a compatibility of uses within Employment Areas."

We agree that it is appropriate to create a gradation of zones that distinguish between employment uses on the basis of their potential operations and impacts, but the gradation should ensure land use compatibility between uses within Employment Areas and uses that are external to Employment Areas. We suggest that the language of Policy 4.6.6 be amended to include the following text: ...within Employment Areas *and areas adjacent or near to Employment Areas*". Such additional language would be consistent with the language of Policy 2.2.4.5 in OPA 231.

(ii) Matters More Appropriately Regulated by a Zoning By-law

Policy 4.6.5... "j) providing landscaping on the front and any flanking yard adjacent to any public street, park and open space to create an attractive streetscape, and screening parking, loading and service areas;"

This policy is very detailed for an Official Plan and more restrictive in some cases than the City's new Zoning By-law 569-2013. The requirement for screening of all parking, loading and service areas is onerous and not appropriate in all *Employment Areas* and in all Employment Zones.

We understand that the City wishes to improve the aesthetics of Employment Areas, however, the requirement to provide landscaping on the front and flanking yards may conflict with the objective of creating "competitive, highly functional" and higher density Employment Areas.

A policy requiring all flanking yards to be landscaped adjacent to any public street, park and open space to "screen" all parking, loading and service areas is unreasonable. Such issues are better addressed through zoning. Policy 4.6.5 j) should therefore be deleted in its entirety.

Conclusion

There are policies in OPA 231 that are of concern to our client, in particular, such policies that may adversely affect the current and future employment use of the Properties. The above noted list of concerns with OPA 231 is not exhaustive and we would welcome the opportunity to discuss them with City staff. This correspondence serves to protect our client's right to appeal OPA 231 to the Ontario Municipal Board, should it be required. We also reserve the right to raise additional comments and concerns as OPA 231 is subject to further refinement and Council approval.

Please keep us apprised of the status of OPA 231 by providing us with copies of any further staff reports, notice of any further public meetings, committees of

Council and Council meetings and copies of all decisions made by Council, that are concerned with this OPA.

Should you have any questions respecting this request, kindly contact the writer at your earliest convenience.

Yours truly,



Calvin Lantz

CL/na

- cc. Ulli S. Watkiss, *Clerk, City of Toronto*
Nancy Martins, *Administrator, PGMC, City of Toronto*
Paul Bain, *City Planning*
Issie Fishman, *Texmart International Co. Ltd., in Trust*