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# AIRD & BERLIS LLP

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Barristers and Solicitors

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July 29, 2013

File No. 116007

BY EMAIL

Paul Bain, Project Manager  
Strategic Initiatives, Policy & Analysis  
City Planning Division  
Metro Hall  
22nd fl., 55 John St.  
Toronto ON M5V 3C6

Dear Mr. Bain,

**Re: City of Toronto - Municipal Comprehensive Review  
Request for Reconsideration of Proposed Designation  
1220 – 1230 Dundas Street East**

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Please be advised that Aird & Berlis LLP represents 1220 Dundas Street East Inc., the owner of 1220-1230 Dundas Street East in the City of Toronto (the "Site").

On June 17, 2013, our client filed applications to amend the applicable zoning by-law and to obtain site plan approval to permit the construction of a 7 storey residential building with below grade parking on the Site (City File Nos. 13 191691 STE 30 OZ and 13 191680 STE 30 SA). Nine (9) of the one hundred and eleven (111) condominium units, are proposed to be live-work units and each of them include a mezzanine and have frontage onto Dundas Street East. The remainder of the units will be zoned to permit live-work occupancies.

In terms of the physical context of the Site within the neighbourhood, a new mixed-use condominium is currently under construction immediately to the west, a townhouse development is located immediately to the east and north-east, and two new mixed use projects are located to the south, across Dundas Street East. The Site is the only property located in the north east quadrant of the intersection of Dundas Street East and Carlaw Avenue that has not been redeveloped with residential uses or could be otherwise described as a site transitioning from industrial to mixed-use.

The area's transition to a more mixed use character is contemplated in the City of Toronto Official Plan Site and Area Specific Policy 154, which provides:

"A mix of employment and residential uses are permitted provided that:

- a) if the property is designated Employment Areas, the building will provide for a satisfactory living environment compatible with the employment uses in the building and the adjacent area; or
- b) if the property is designated as any designation other than Employment Areas, the employment uses are restricted to those compatible with residential uses in terms of emission, odour, noise and generation of traffic.”

The applicable policies therefore expressly provide for the introduction of residential uses provided they are compatible with the adjacent uses, including employment uses. The residential development proposal, with its inclusions of parking underground and the inclusion of live work units, implements this policy direction.

Based on our review of the City’s Staff Report *Planning for a Strong and Diverse Economy: Official Plan/Municipal Comprehensive Reviews – Draft Policies and Designations for Employment* dated October 23, 2012, we note that the proposed designation is *Core Employment* and that a new Site and Area Specific Policy is proposed to apply to the “Dundas-Carlaw sub-area” in which the Site is located. The latter policy proposes to permit residential and live/work uses when located within mixed use buildings that include Core Employment Area uses provided a number of conditions are met. One of the conditions require:

- iv) non-residential gross floor area existing on [approval date] or developed subsequently is replaced with any new development, preferably adjacent to the rail corridor as a land use buffer.

While the proposed development does include live-work permission, the uses permitted would not constitute *Core Employment Uses* on the Site. Specifically, our client is not proposing to replace the existing approximately 1,750 m<sup>2</sup> of warehouse uses on the Site as the existing tenant is seeking accommodation off the Site.

In our view, the proposed Site and Area Specific policy would not permit the mix of employment and residential uses that are specifically contemplated and permitted by the existing Site Specific Policy No. 154. Moreover, it would be contrary to the existing development which has occurred in reliance on the that policy and which has resulted in the above-mentioned mixed use developments being approved and constructed in the area. In light of the existing planning policy and the current as built context, in our submission, there is no planning justification for the staff recommendation to now seek to designate the Site and surrounding area as Core Employment nor is there any planning justification to require the replacement of existing non-residential gross floor area.

When the item is considered by Planning and Growth Committee in the fall, we will request that 1220-1230 Dundas Street East be removed from the Municipal Comprehensive Review and the current site specific Official Plan Policy No. 154 be retained. In particular,

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we will be asking that the Committee not accept the staff recommendation with respect to the proposed Core Employment designation and the proposed site and area specific policy for the Site and area as shown on Map 45 and Attachment 6(b) of the October 23, 2012 Staff Report.

We submit that the underlying site specific policy is appropriate and has assisted in the evolution of this area. In contrast, redesignating this Site and the surrounding area to Core Employment effectively ignores the mixed use character which has evolved in accordance with City policy.

We request a meeting to discuss this matter with you. Please contact the undersigned directly or Sandra Marki, a planner with our office, to arrange a meeting. Thank you very much.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar

KMK/SM

c: 1220 Dundas Street East Inc.  
Kerri Voumvakis

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