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# AIRD & BERLIS LLP

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November 12, 2013

Our File No. 97196

**BY EMAIL**

Councillor Peter Milczyn, Chair  
c/o Nancy Martins,  
Secretarial Contact, Planning and Growth Management Committee  
City of Toronto  
10<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

Dear Chair Milczyn,

**Re: City of Toronto - Municipal Comprehensive Review  
Official Plan Amendment No. 231  
21 Broadview Avenue, City of Toronto  
Planning & Growth Management Committee Meeting – November 21, 2013**

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We act on behalf of 2179508 Ontario Inc., the owner of 21 Broadview Avenue in the City of Toronto (the "Site").

We have reviewed proposed Official Plan Amendment No. 231 as it applies to the above-referenced Site. While our client supports the recommended redesignation from *Employment Areas* to *Mixed Use Area*, there is a concern with the drafting of Clause (a) of the proposed Site and Area Specific Policy ("SASP") 414. As currently drafted, SASP 414(a) provides as follows:

Before any zoning by-law permitting the development of residential uses on the subject site is enacted the owner shall:

- (a) Provide a minimum, net of required building setbacks, of 1 FSI of employment space on the ground floor;

The intent of Clause (a) is not entirely clear. While our client would agree to provide employment space on the ground floor of the building, SASP 414(a) would appear to require the entire ground floor to be used for employment uses, thus preventing any residential use at grade.

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In addition, we note that the opening sentence of SASP 414 requires that the replacement employment space be provided "before" any zoning by-law is enacted, whereas we presume the intent is that the employment space be required "in" any by-law enacted.

Accordingly, we would suggest that the opening sentence and clause (a) be revised to reflect what we think may be the intent here. A possible suggestion is as follows:

In any zoning by-law permitting the development of residential uses on the subject site the owner shall be required to:

- (a) Provide employment space in the new building equivalent to the total gross floor area of the ground floor of the new building.

Our client has no objection to clauses (b) and (c) of the proposed SASP.

Thank you very much for consideration of our client's request.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar  
KMK/SM/mn

cc: Paul Bain  
2179508 Ontario Inc.

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