
AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

November 18, 2013

BY EMAIL

File No. 115120

Planning and Growth Management Committee
c/o Nancy Martins (Secretariat)
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Committee Members,

**Re: PG28.2 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**

2219103 Ontario Inc.

65-81 McCormack Street, City of Toronto

Aird & Berlis LLP is counsel to 2219103 Ontario Inc., the owner of properties municipally known as 65-81 McCormack Street (the "Site") in the City of Toronto.

Our office had previously written to City Staff to request that the Site be considered a candidate for conversion from its present Employment Areas designation to a designation of either Neighbourhoods or Mixed Use. A copy of our letter, dated May 30, 2013, is attached for your convenience.

We have reviewed the draft Official Plan Amendment prepared by City Staff pertaining to the City's Employment Areas. We have also reviewed the City Staff Report, including Attachment 2, which provides City Staff's site-by-site analysis of the various requests for conversion, including the request made by 2219103 Ontario Inc. in respect of the Site.

City Staff are recommending that the Site not be converted from its present Employment Area designation. Instead, City Staff recommend that the Site be designated as *General Employment Area* with a site-specific policy (No. 437) that would further limit the potential uses of the Site. Site-Specific Policy No. 437, if approved, would require any new employment uses on the Site to be compatible with the nearby residential uses to the north, would only permit ancillary retail uses, and would prohibit any and all restaurant uses.

As discussed in our May 30 letter, the Site is not presently within an Employment District and is physically disconnected from the larger Employment Area to the south across the hydro corridor. While there is industry to the west, low-scale residential and office uses are found to the immediate north and east of the Site. Site-Specific Policy No. 437 would appear to be aimed at protecting the residential uses to the north, which confirms that the

Site is more directly connected (and more directly affects) the residential area than the employment area.

As is indicated in Attachment 2 to the City Staff Report (see pgs. 257-260), a Site Plan Approval application has been submitted in respect of the Site. The Site Plan Approval application seeks approval of 32 industrial units on the Site in 3 buildings. It is 2219103 Ontario Inc.'s position that some of these industrial units should be permitted as live/work units. Such a use would constitute an ideal transition between the industrial uses to the west, the office uses to the east, and the residential uses to the north.

2219103 Ontario Inc. asks that Planning and Growth Management Committee direct City Staff to re-examine the Site in light of the Site Plan Approval application to determine whether a site-specific conversion to permit a limited number of live/work units would constitute a better planning approach to the Site than a *General Employment Areas* designation subject to the more restrictive Site-Specific Policy No. 437.

Please accept this written submission pursuant to subsection 26(5) of the *Planning Act*. Please also provide my office with notice of any decision affecting the Site. My office and my client's planner, Mr. Jonathan Benczkowski, remain available to meet with City Staff at their convenience.

If you have any questions please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington
PJH/jh

Attch.

cc: Keri Voumvakis, Acting Director, Strategic Initiatives, Policy and Analysis, City Planning
Client

15785856.1

AIRD & BERLIS LLP

Barristers and Solicitors

Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

May 30, 2013

BY EMAIL

File No. 115120

Paul Bain
Project Manager
Official Plan Review
Metro Hall – 55 John Street
22nd Floor
Toronto, ON M5V 3C6

Dear Mr. Bain,

Re: 65 – 81 McCormack Street, City of Toronto

Please be advised that Aird & Berlis LLP represents 2219103 Ontario Inc., the owner of properties municipally known as 65 – 81 McCormack Street (the "Site") in the City of Toronto.

We are writing in respect of the Staff Report dated October 23, 2012, entitled "Planning For A Strong and Diverse Economy: Official Plan/Municipal Comprehensive Reviews – Draft Policies and Designations for Employment", which was considered by the Planning and Growth Management Committee on November 8, 2012. We have reviewed the draft policy language as well as the mapping in respect of the above-noted properties and have the following comments.

Map 33 of the Staff Report includes proposed designations for current Employment Areas in the area in which our client's lands are situated. The mapping indicates that these lands are proposed to be designated Core Employment. For the reasons below, our client submits that this is not an appropriate designation for the Site.

The Site previously supported a variety of automobile-oriented uses. Currently, the Site is predominately used for outdoor storage with residential uses in the existing buildings. Similar uses are present on the adjacent properties to the east and west. An established low-rise residential neighbourhood is located immediately north of the Site, across McCormack Street, while a hydro corridor runs along the southern boundary of the properties.

The Site is designated Employment Areas on Map 18 – Land Use. However, this small area is not within an Employment District and is physically disconnected from the larger Employment Area to the south across the substantial hydro corridor. Geographically, the Site shares more similarities with the lands designated Neighbourhoods located immediately to the north across McCormack Street than with the Employment Area to the south. A designation of either Neighbourhoods or Mixed Use for these lands would provide a logical and natural extension of this adjacent community and provide the possibility of serving it more effectively and efficiently.

Our client intends to file a formal comprehensive redevelopment application for the Site. This redevelopment will provide an opportunity to implement Official Plan policies including mixed-use intensification in close proximity to the higher order transit route of the St. Clair dedicated streetcar line, and to provide a wider array of housing, employment and commercial opportunities to the surrounding community.

In summary, our client submits that the proposed Core Employment designation is not reflective of the locational attributes of the Site and strictly limits any future improvements to the Site and surrounding community. To restrict the land use permissions on the Site by designating it Core Employment would be unreasonable given its location adjacent to an established residential area and the potential of the Site to support a healthier mix of uses that would better serve this neighbourhood. We therefore respectfully request on behalf of our client that staff reconsider the proposed designation on the subject properties.

Yours truly,

AIRD & BERLIS LLP

per: [Signature]
Patrick J. Harrington
PJH/jh

cc: Keri Voumvakis, Acting Director, Strategic Initiatives, Policy and Analysis, City Planning
Client

13889400.3