
AIRD & BERLIS LLP

Barristers and Solicitors

Kim M. Kovar
Direct: 416.865.7769
E-mail: kkovar@airdberlis.com

November 18, 2013

BY EMAIL

Our File #107851

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

Dear Chair Milczyn,

**Re: City of Toronto, Municipal Comprehensive Review
430-444 Dufferin Street and 41 Alma Avenue
Item: PG28.2, November 21, 2013**

We act on behalf of Siteline 390 Dufferin Street Inc., the registered owner of 430-444 Dufferin Street and 41 Alma Avenue in the City of Toronto (the "Subject Site").

On November 27, 28 and 29, 2012, City Council adopted the following recommendation:

Notwithstanding the Preliminary Assessment of sites noted in Attachment 5 of the report (October 22, 2012) from the Chief Planner and Executive Director, City Planning, City Council request the Chief Planner and Executive Director, City Planning, to conduct additional analysis of the following properties:.... 436 to 444 Dufferin Street and 41 Alma Avenue.

We have reviewed draft Official Plan Amendment 231 and it appears that City Staff have not changed their recommendation in regard to the Subject Site. We continue to maintain our position as set out in our letters of November 7, 2012 and March 20, 2012, attached for your convenience.

We note that in contrast to the Subject Site, the majority of properties in the immediate area are now proposed to be redesignated to permit parks, residential or mixed-use development. In particular, 11 Peel Avenue has been recommended for redesignation to Mixed Use Areas, and all of the properties on the south side of Florence Street as well as all of the employment properties along the west side of the rail tracks in this area are now proposed to be redesignated to a General Employment Areas Designation and subject to Site and Area Specific Policy 154, which allows residential uses. The only remaining employment properties where residential uses are prohibited would be the Subject Site, the small site at the northwest corner of Dufferin Street and Alma Avenue and the single property located to the rear of the Subject Site.

We are requesting that OPA 231 be revised to redesignate the Subject Site to Mixed Use Areas and add the following Site and Area Specific Policy to secure an appropriate amount of employment space be retained on the Property if it is redeveloped for mixed-use residential purposes:

New development will be planned to provide a variety of uses, including a significant amount of employment use, in tandem with residential units provided that:

- a. there is a net gain of non-residential gross floor area from that existing on December 16, 2013;
- b. not more than 20% of the non-residential gross floor area on the site shall be used for retail uses;
- c. residential uses will have a satisfactory living environment compatible with newly developed and existing employment uses in the adjacent area; and
- d. for the purposes of interpreting the noise standards applicable to the lands identified on Map 1 the lands shall be considered a Class 4 area under Ministry of the Environment Guidelines NPC-300 in order to allow a wide range of employment uses.

Please provide the undersigned with notice of any decision or any further consideration of this matter, including the passing of any Official Plan Amendment in this regard.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KK/SJL/mn

cc: J. Silber
P. Di Mascio
Councillor Bailão

attach.

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AIRD & BERLIS LLP

Barristers and Solicitors

Kim M. Kovar
Partner
Direct: 416.865.7769
E-mail:kkovar@airdberlis.com

November 7, 2012

BY EMAIL

Our File #107851

Councillor Peter Milczyn, Chair
c/o Merle MacDonald
Secretarial Contact, 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: 430-444 Dufferin Street and 41 Alma Avenue, City of Toronto
Staff Report – Planning for a Strong and Diverse Economy: Official
Plan/Municipal Comprehensive Reviews – Draft Policies and Designations
for Employment dated October 23, 2012
Item: PG19.5 to be considered on November 8, 2012**

We act on behalf of Siteline 390 Dufferin Street Inc., the registered owner of 430-444 Dufferin Street and 41 Alma Avenue in the City of Toronto. On December 2, 2011, our client submitted an application to amend the City of Toronto Official Plan and Zoning By-law to permit a mixed-use development on the subject site (City File No. 11-320041 STE 18 OZ).

The above-noted application is to permit a mixed-use development containing three buildings ranging in height from 8 to 24-storeys. The development proposal maintains existing employment uses, including flexible workshop/craft employment and office space, and incorporates new residential uses above.

We have reviewed the above-noted Staff Report and note that the properties east of the site, on the east side of Dufferin Street are proposed to be redesignated to Mixed Use Areas however based on what staff describe as a “preliminary assessment”, our client’s site is proposed to be redesignated to Core Employment. It is unclear why different designations are being considered for the west and east sides of Dufferin Street and there is no rationale for this distinction set out in the Staff Report.

In our submission, the subject site should be considered for redesignation to Mixed Use Areas. It may also be appropriate to consider the introduction of a site or area specific policy which would permit the redesignation from Employment Areas to Mixed Use Areas

November 7, 2012

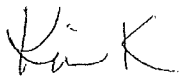
Page 2

on the condition that a similar amount of existing employment gross floor area be accommodated in any new mixed-use development. In this respect we would ask that staff continue to assess the subject development application in light of the foregoing.

Please provide the undersigned with notice of any decision or any further consideration of this matter, including the passing of any official plan amendment or zoning by-law amendment in this regard.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar

KMK/sm

cc: P. Bain, City of Toronto
S. Phipps, City of Toronto
J. Silber
P. Di Mascio
A. Slobodsky
Councillor Bailão

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AIRD & BERLIS LLP

Barristers and Solicitors

Kim M. Kovar
Direct: 416.865.7769
E-mail: kkovar@airdberlis.com

March 20, 2012

BY EMAIL

Our File #107851

Councillor Peter Milczyn, Chair
c/o Merle MacDonald
Secretarial Contact, 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: 430-444 Dufferin Street and 41 Alma Avenue, City of Toronto
Official Plan Amendment and Zoning Amendment Applications -
Preliminary Report
Item: PG12.7, March 22, 2012
File No. 11 320041 STE 18 OZ**

We act on behalf of Siteline 390 Dufferin Street Inc., the registered owner of 430-444 Dufferin Street and 41 Alma Avenue in the City of Toronto (the "Property"). On December 2, 2011, our client submitted an application to amend the City of Toronto Official Plan and Zoning By-law to permit a residential mixed-use development on the Property, currently designated Employment Areas in the City's Official Plan. A Preliminary Staff Report, dated February 17, 2012, with respect to our client's application will be considered by Planning and Growth Management Committee on March 22, 2012.

In its report, City Planning staff have recommended that our client's application be reviewed concurrently with, and in the context of, the ongoing Five-Year Official Plan and Municipal Comprehensive Review and that only upon the completion of the Municipal Comprehensive Review should a community consultation meeting with the area residents and stakeholders be held. We disagree with this recommendation and are of the view that it is appropriate and desirable to obtain community input with respect to the subject application early in the process and concurrently with staff's review of same.

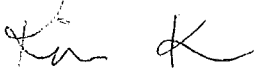
Accordingly, we respectfully request that the Committee direct that Planning staff review the subject application for the purposes of a residential mixed-use development and schedule a community consultation meeting in respect of the subject application at this time.

March 20, 2012
Page 2

We thank the Committee in advance for consideration of our request.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KK/SJL

cc: J. Silber
P. Di Mascio
Councillor Bailão

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