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November 18, 2013

Our File No. 116007

BY EMAIL

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
Official Plan Amendment No. 231
1220 – 1230 Dundas Street East
Planning and Growth Committee Meeting – November 21, 2013**

We act on behalf of 1220 Dundas Street East Inc., the owner of 1220-1230 Dundas Street East in the City of Toronto (the "Site").

On July 29, 2013 we submitted a letter to City staff and subsequently provided it to Planning and Growth Management Committee on September 11, 2013. In it, we advised that a rezoning application (City File No. 13 191691 STE 30 OZ) to permit a residential building, including a number of live/work units had been submitted and was being processed by the City along with our client's application for Site Plan Approval (City File No. 13 191680 STE 30 SA). We also indicated that in light of the evolution of the neighborhood from industrial to mixed-use residential (including a new mixed-use (primarily residential) condominium currently under construction immediately to the west, a townhouse development located immediately to the east and north-east, and two new mixed use (primarily residential) projects located to the south, across Dundas Street East), we were requesting that the current in force Site and Area Specific Official Plan Policy ("SASP") No. 154, which permits residential uses on these lands, be retained for the subject Site.

We have now reviewed proposed OPA 231 and note that the proposed designation of the Site has been changed from the previously recommended Core Employment Areas

designation to General Employment Areas, however, proposed SASP 247 continues to require the following, not contained in the in force SASP No. 154:

"247. Certain Lands Within the Blocks Bounded by Queen Street East, Boston Avenue, Logan Street and the CN Railway Tracks

(a) Residential and live/work uses are permitted when located within mixed use buildings that include Core Employment Area uses, provided that:

v) non-residential gross floor area existing on December 16, 2013 or developed subsequently is replaced with any new development.

The Site currently contains a total of approximately 1,790 m² non-residential gross floor area. The application is to permit an 8,726 m² residential building on the site, conforming with the current Official Plan. The application as submitted incorporates a mix of live/work units, townhouse units and condominium units. However, in response to feedback received from City staff, our client has agreed to replace the live/work units with approximately 1,000 m² of office space. The inclusion of office space will support the transition from the scale and mix of uses found to the west of the Site along Carlaw Avenue to the low rise residential neighbourhood located to the east. Accordingly, our client does not object to the Site being redesignated to General Employment Areas and being required to incorporate 1,000 m² of office uses in any redevelopment incorporating residential uses. However, the proposed SASP 247 would require 1,790 m² of non-residential uses be included.

The case law is well established that development applications are to be reviewed and considered in the context of the policy and regulatory regime in force at the time of their submission and on that basis the proposed OPA 231 ought not to be applied retroactively to this Site.

Our client has advised that it would accept a SASP which required the inclusion of 1,000 m² of office space in the project. Our client would also be willing to provide an additional 565 m² of office space offsite at 345 Carlaw Avenue, the adjacent site being developed by a related company. We are prepared to discuss appropriate revised language with your staff.

Thank you very much for consideration of our client's concerns and request. We reiterate our request to be notified of any further meetings of City Council or any Committee of Council wherein OPA 231 is considered and request notice of adoption of OPA 231.

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Yours truly,

AIRD & BERLIS LLP



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cc: 1220 Dundas Street East Inc.
Paul Bain

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