



Jason Park

jason.park@dentons.com  
D +1 416 863 4786

Salans FMC SNR Denton  
dentons.com

Dentons Canada LLP  
77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON, Canada M5K 0A1

T +1 416 863 4511  
F +1 416 863 4592

November 20, 2013

File No.: 515844-455

**SENT VIA E-MAIL (pgmc@toronto.ca)**

Chairman and Members  
Planning and Growth Management Committee  
City of Toronto  
100 Queen Street West  
City Hall, 10th Floor, West Tower  
Toronto ON M5H 2N2

Attention: Ms. Nancy Martins, Committee Administrator, City Clerk's  
Department

Dear Sirs/Mesdames:

**RE: 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  
Agenda Item PG28.2  
243, 245, 251 and 255 Consumers Road and 165 Yorkland Boulevard, Toronto**

We are the solicitors for Parkway Place Holdings Ltd. and 2200191 Ontario Limited, the owners of the property referred to as Blocks C, D and E and Part of Blocks A, B and Yorkland Boulevard (closed) on Registered Plan M-1248, and Part of Block C on Registered Plan M-1164, including the properties municipally known in A.D. 2013 as 243, 245, 251 and 255 Consumers Road, and 165 Yorkland Boulevard in the City of Toronto (collectively, the "**Property**").

By way of background, our clients have provided comments to City Planning staff in letters dated October 23rd, 2013 and November 12th, 2013, outlining our concerns with respect to the City's proposed Employment Lands policies contained in the August 20th, 2013 Planning staff report and also with respect to proposed Official Plan Amendment No. 231. As we had noted to City Planning staff, we do support the redesignation of the Property to General Employment Area; however, we continue to have some concerns with the new Area and site-specific Policy 386 (Policy 386) which significantly impacts this redesignation and our clients' proposed redevelopment of the Property.

As noted in our November 12th, 2013 letter to City Planning staff our concerns with Policy 386 are two-fold:

Firstly, Policy 386 prohibits major retail development with 6,000 square metres or more of retail gross floor area in "Area C" (see subpolicy (f)). As you may be aware, OPA 231 permits auto dealerships within

a "General Employment Area" as a retail and service use. As noted in our letter of October 23, 2013 to City staff, City Council enacted Zoning By-law Amendment No. 802-2013 to permit the development of a car dealership on the Property which is approximately 8,000 square metres in size. It should be noted although there was an appeal of Zoning By-law Amendment No. 802-2013 to the Ontario Municipal Board (the "OMB"), this appeal was resolved at a settlement hearing held on November 6, 2013 with minor revisions to the adopted Zoning By-law Amendment being approved by the OMB as part of a settlement with the appellant. None of the approved revisions place further restrictions on the proposed car dealership use. However, our clients are concerned that the size restriction contained in Policy 386 could be interpreted to be unduly placing a size limitation for car dealerships on the Property. It should be noted that our clients may be pursuing another car dealership in the future on the Property in addition to the car dealership permission contained in Zoning By-law Amendment No. 802-2013, as amended by the OMB. Accordingly, subpolicy (f) of Policy 386 should be deleted.

Secondly, subpolicy (h) of Policy 386 states:

"Restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services are only permitted in Area "C" when these uses are located on lower level floors of multi-storey buildings that include *Core Employment Area* uses, particularly office uses."

It is unclear why the City has proposed the significant restrictions on employment-supporting uses in subpolicy (h) of Policy 386, given the importance of this area in attracting employment to the City. As set out in the Report, the Consumers Road Business Park area is uniquely important to the City of Toronto as an employment area which does not currently include manufacturing uses. The Report sets out the City's interest in developing this area with greater amenities for workers in the interior of the business park, mirroring a previous discussion in the October 2, 2013 City Planning Staff report dealing with Draft Policies and Designations for Employment. Indeed, the "General Employment Area" designation is intended to allow a broad range of employment-supporting uses, including restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services.

Our clients have discussed their plans with the City, including the development of a parkade, on the Property. As part of the redevelopment, our clients may also want to pursue daycare and fitness centre uses on the Property. All of these uses would enhance the value of the area for office workers, and improve the range of services and amenities provided to the existing and future tenants of the Consumers Road Business Park.

Despite the City's recognition of this area's potential, Policy 386 impose severe restrictions on these uses, including limiting employment-supporting uses to lower level floors in multi-storey buildings that include "Core Employment Area" uses. We would propose subpolicy (h) be revised to simply read as follows:

"Restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services are permitted in Area "C"."

In light of the above-noted concerns, we would respectfully request that Planning and Growth Management Committee, with respect to Policy 386, recommend the deletion of subpolicy (f) and revise subpolicy (h) as noted above.

Thank you for your consideration of this request. We would also appreciate receiving any notice of decisions and/or future public meetings with respect to this matter.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at 416.863.4786.

Yours very truly,  
**Dentons Canada LLP**

  
Jason Park  
JIP/ss

c.c. Parkway Place Holdings Ltd. and 2200191 Ontario Limited  
Paul Bain, Project Manager, Policy and Research, City of Toronto Planning