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File No. 702717

November 20, 2013

By E-Mail Only to pgmc@toronto.ca

Ulli S. Watkiss
City Clerk
City Hall, 100 Queen Street West
10th Floor, West Tower
Toronto, ON M5H 2N2

**Attention: Nancy Martins, Administrator, Planning and Growth
Management Committee**

Dear Members of the Planning and Growth Management Committee,

**Re: Official Plan Review
Proposed Employment Lands Policies and Designations
November 21, 2013 Special Public Meeting**

We are counsel to Kevric Real Estate Corporation Inc., the agent for the owner of the property municipally known as 99 Atlantic Avenue in the City of Toronto.

Our client's property is proposed to be designated "Core Employment Area" in the proposed Official Plan Amendment (the "OPA") recommended by the City Planning Division in the report dated November 5, 2013 (the "Staff Report"). In addition, our client's property is included in Liberty Village Area 3, which is subject to a proposed amendment to Site and Area Specific Policy No. 3 in the Garrison Common North Secondary Plan also recommended in the Staff Report (the "LVA3 Amendment").

In general, our client supports the proposed LVA3 Amendment, which would allow for broader permissions for small scale restaurant and retail uses to support the viability of the Area's office uses and provide amenities for its current and future employees. However, in our client's view, the requirement that a small scale restaurant use be located within the same building as a primary employment use is unnecessarily restrictive and should be revised to be consistent with the requirement for small scale retail uses in the LVA3, which is to be on the same lot.

With respect to the proposed OPA, our client has concerns with the "Conversion and Removal Policies for Employment Areas" proposed to amend section 2.2.4 of



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the Official Plan. In particular, our client is concerned with policy 9 which suggests that the introduction of any use which is not permitted in an *Employment Area* would be considered to be an employment conversion, whether or not that use was an employment use. Secondly, our client is concerned with the assertion that the introduction of a use permitted in the *General Employment Area* into the *Core Employment Area* is considered an employment conversion to be permitted only by way of a municipal comprehensive review.

These provisions are overly strict and do not conform with Provincial policy. As they are currently drafted, these policies could result in a situation where the introduction of an employment use, such as a retail use, into a *Core Employment Area* would be considered a conversion of employment lands, despite the fact that it provides jobs and employment opportunities.

Our client respectfully requests that if the Committee recommends the adoption of the OPA, including the LVA3 Amendment, it does so subject to the revisions necessary to address the above concerns.

Thank you for your consideration.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

per: Michael Melling

MWM:MEM

copy Client