

# Teddington Park Residents Association Inc.

| Toronto ON |

December 4, 2017

Mayor John Tory and Members of Council  
Toronto City Hall, 100 Queen Street West  
Toronto, ON M5V 2N2

Attention: Ms. Marilyn Toft, Council Secretariat  
clerk@toronto.ca

**Dear Mayor Tory and Members of City Council**

**PG24.5 Technical Amendments to Zoning By-law 569-2013  
City Council Meeting held on December 5, 2017**

Teddington Park Residents Association Inc. (TPRA) is an appellant to the City-wide Zoning By-law 569-2013. TPRA was also an appellant of the predecessor Zoning By-law 1156-2010 that was repealed in May 2011. And TPRA was in support of having the predecessor ZBL1156-2010 provided Notice was given to allow for representations to be received concerning the repeal decision.

TPRA has been involved with the City's Zoning By-law for about 10 years beginning with informal public meetings and then from 2009 attending standing committee meetings / non-statutory / statutory meetings through to 2017, spanning 3 different Administrations. This City-wide Zoning By-law was passed in May 2013 and there continues to be amendments described as "technical", correction of typographical errors and omissions and to correct mapping errors and omissions. This set of amendments also include a repeal and replace of an entire site specific zoning by-law.

The staff report rationale for these amendments state that:

During the OMB hearing process, there have been a number of technical errors identified by staff and appellants in the Zoning By-law. These errors include references to previously approved by-laws that were not completely carried forward on all of the lots that made up a development parcel. In some cases, previously approved by-laws were incorrectly applied to lots. This technical amendment corrects and restores those previous permissions granted by Council.

#### **Amendment No. 4: Chapter 10.5.50.10 Landscaping:**

In regulation 10.5.50.10(1)(A) delete the contents of (A) and replace it with the following, so that it reads:

(A) for lots with a lot frontage less than 6.0 metres, or a townhouse dwelling unit less than 6.0 metres wide, the front yard, excluding a permitted driveway or permitted parking pad, must be landscaping;

TPRA appealed residential zoning including the landscaping sections of ZBL569-2013 to ensure that the landscaping requirements were applied and met first before considering the dimensions of the driveway and hard surfaces. This is consistent with the in force City of Toronto Zoning By-law 438-86.

The enacted ZBL569-2013 uses a diminishing approach that is contrary to the approach taken under the in force City of Toronto Zoning By-law 438-86, as amended. The impact is the driveway is not reduced or eliminated to make way for the maximal amount of open landscaped space in the front yard to support mature trees and assist with other City objectives such as soil and water retention and tree canopy. In addition, garages through the wall facing the front lot line is not permitted under the in force ZBL 438-86 for lots that are less than 7.62m wide and for all lots where the floor of the garage is also below average grade (as defined). And a driveway must lead to a parking space.

Furthermore, the parking pad request is not subject to the zoning by-law requirements but is a municipal decision under different criteria. Under the in force ZBL 438-86, the request would result from not meeting the minimum requirement of one parking space or not having an alternate parking arrangement available. The overall impact of the amendment is not technical.

#### **Amendment No. 5: Site Specific Provisions**

In Site Specific Exception 900.11.10(810) under the heading 'Site Specific Provisions' amend regulations (F) and (G), so that they read:

(F) The maximum building height is 32.0 metres;

(G) the permitted number of storeys is:

(i) a minimum of 2; and

(ii) a maximum of 10, excluding basements and mechanical penthouses.

An additional storey is permitted if:

(a) it is used exclusively for mechanical penthouse purposes, that includes mechanical equipment for the building and elevator machine rooms; and

(b) the overall height is not greater than 4.5 metres; and

The original 900.11.10 (810) section (F) and (G) being replaced states:

(F) The maximum Building Height is 11.0 metres

(G) The number of storeys is:

(i) a minimum of 2; and

(ii) a maximum of 3; and

The so-called “error”, “correction” or “technical amendment” changes the height restriction from 11.0m to 32.0m (3-times higher) and the maximum number of storeys is increased from 3 storeys to 10 storeys. On its face, this amendment does not appear to be minor or technical and the location is not known. The amendment is site-specific and not an exception as noted.

### **Amendment No. 6: Amendments to other Site Specific Exceptions**

In Site Specific Exceptions 900.11.10(674)(L), 900.11.10(707)(A), 900.11.10(708)(A), 900.11.10(709)(A), 900.11.10(712)(O), 900.11.10(714)(O), 900.11.10(715)(O), 900.11.10(716)(O), 900.11.10(800)(A), 900.11.10(802)(A), 900.11.10(808)(A), 900.11.10(810)(A), 900.11.10(811)(A), 900.11.10(812)(A), 900.11.10(815)(A), and 900.11.10(818)(A) under the heading 'Site Specific Exceptions' revise the permitted list of uses in the regulations above to include '**medical office**', so that they read:

"Despite the uses listed in Article 40.10.20, the only uses permitted are: **dwelling unit** in a **building** type permitted by Clause 40.10.20.40, **day nursery, education use, financial institution club, hotel, office, medical office, nursing home, personal service shop, entertainment place of assembly, private home daycare, recreation use, sports place of assembly, eating establishment, take-out eating establishment, retail store, retail service, retirement home, private school, public school**, municipally owned **public parking, transportation use**, ambulance depot, fire hall, police station, and **public utility**."

The change in use may develop certain impacts. Medical offices generally attract traffic and parking concerns. However if the use is not specified in the ZBL569-2013 and if uses are not specified they are not permitted. Again, amending uses are not considered a technical amendment. The sections above are site-specific provisions.

### **Amendment No. 9: Chapter 40.10.90.1 (1) Loading Space Options Mixed Use Buildings**

The replacement wording of this clause is under appeal. Is this how corrections are being made as “technical amendments”.

### **Amendment No. 10: Amending the zone label to Exception 28:**

It appears this item was adopted by consent (to mean a Councillor did not hold the item down for debate) comprising of an OPA and amendments to 2 zoning by-laws with having draft zoning available until community council meeting. The amendment involves zoning neighbourhood residential properties CR.

### **Repeal and Replacing of Site-Specific Zoning 820-2015:**

It appears this application did not have the normal round of due process required. To repeal a by-law a notice to repeal should be provided with public statutory meeting in the area affected and a Notice of the amendments and whether all conditions precedent have been met.

To have this site-specific amendment affecting the consolidation of lands and heritage buildings processed in this manner is not transparent. And the actions to repeal and the actions to adopt new and separate and both are deserving of receiving representations and deliberations before bills are attached.

**Notice and public process:**

TPRA received the City's Notice of the proposed amendments. As already noted, the amendments described as "technical", correction of typographical errors and omissions and to correct mapping errors and omissions and yet another "repeal and replace" of an entire site specific zoning by-law. Notice is more than receiving a piece a paper informing of pending by-law changes.

As noted in previous communication to planning staff upon receiving the Notice, I sent an email on October 25, 2017 making a request for an electronic copy of the proposed zoning amendments and staff report recommending the changes.

The response I received said,

As it states in the notice you are welcome to come to our office to review the document. As you are well aware, we are not in a position to provide you with an electronic copy of the draft by-law until the material is available for the committee members a week before the meeting. request for an electronic copy of the proposed zoning amendments and staff report recommending the changes.

The above process for amending zoning by-laws couldn't be more wrong. The Planning Process under the City's Official Plan Section 5.5.1 states:

OP 5.5.1: A fair, open and accessible public process for amending, implementing and reviewing this Plan (note: implementing the Plan includes Zoning By-laws) will be achieved by:

(c) providing adequate and various opportunities for those affected by planning decisions to be informed and contribute to planning processes including:

- ii) holding at least one community meeting in the affected area, in addition to the minimum statutory meeting requirements of the Planning Act, for [...], Zoning By-law amendment prior to approval;
- iii) ensuring that information and materials submitted to the City as part of an application during the course of its processing are made available to the public (city-initiated amendments should not be subjected to lower standards);
- iv) [...] endeavouring to make draft Zoning By-law amendments available to the public for review at least 10 days prior to statutory public meetings [...]

In the interpretative text of the City's Official Plan and supported by legislation, it is Council that determines the consultation process as to whether one or more subsequent meetings will be required. OP 5.5.1 (c) (iii) can be expanded to reflect the complexity of the amendments.

**Financial Impact:**

There should be a conscious effort of considering the "financial impact" of every report and amendment. The reporting of the cost of this exercise should be routine – it is now running up to a total of \$12mm and the law is not improved, applied consistently nor defended when challenged.

**Conflicts:**

Mr. Lehman and Mr. Theobald are planners assigned to the appeal of the enacted Zoning By-law 569-2013 and they are the same planners making recommendation for amendments to zoning and now part of the Committee of Adjustment – quasi-judicial body that is supposed to operate at arms-length of the City. TPRA is an appellant to Zoning By-law 569-2013.

**Summary:**

TPRA continues to monitor the "technical" amendments to ensure they are technical in nature and will reserve our right to raise other issues following a more detailed review of the background information supporting the proposed amendments. In this review, the amendments were not technical and may have broader implications, including the erosion of due process.

In addition, TPRA would appreciate receiving Notice to all amendments to ZBL569-2013, and site and area zoning amending ZBL569-2013 as ZBL569-2013 is currently under appeal.

Thank-you for your consideration.

Sincerely,

*Eileen Denny*

Eileen Denny, President  
Teddington Park Residents Association Inc.

cc. TPRA Board Secretary  
Planners Mr. Theobald and Mr. Lehman  
OMB Case Coordinator