

RECEIVED
4446
CITY OF TORONTO
CITY CLERK

December 14, 2011

Our File No.: 102957

DELIVERED BY COURIER

City of Toronto
City Hall
100 Queen Street West
2nd Floor
Toronto, Ontario
M5H 2N2

Attention: Ulli S. Watkiss, City Clerk

Dear Ms. Watkiss:

**Re: Notice of Appeal pursuant to Section 34(11) of the *Planning Act*
Application No. 11 146719 STE 28 OZ for Zoning By-law Amendment
FMC Front Street Developments Inc.
154 Front Street East, Toronto**

We are solicitors for FMC Front Street Developments Inc. (the "Landowner") with respect to the above noted matter. The Landowner is the owner of approximately 0.32 hectares of land (0.80 acres) on the north side of Front Street East between Frederick Street and Sherbourne Street (the "Subject Property"). The Subject Property has a municipal address of 154 Front Street East and was formerly occupied by a Greyhound (Courier Express) Bus Station.

We are hereby appealing our client's application for a zoning by-law amendment to the Ontario Municipal Board ("OMB") pursuant to Subsection 34(11) of the *Planning Act*, on the basis of Council's failure to enact the requested amendment within 120 days. Under separate cover, we are also appealing our client's site plan application to the OMB.

Reasons for the Appeal

Our client's application for an amendment to the zoning by-law was filed with the City on March 16, 2011, following pre-application consultation meetings with City Planning staff, the local Councillor and key stakeholders in the community. At that time, among other matters, a Planning Rationale Report, Transportation Impact, Parking and Loading Study, Shadow Study, Servicing Report and Archaeological Assessment were submitted in support of the application.

City planning staff prepared a Preliminary Report on the application dated May 6, 2011 which was considered and approved by Toronto and East York Community Council on May 25, 2011. An additional community consultation meeting was held on June 28, 2011.

Following these meetings, the Landowner undertook redesign exercises, which culminated in the submission of new plans to the City on November 15, 2011, along with an Addendum to the Urban Design and Planning Rationale, a revised Traffic Impact Study, a revised Servicing Report and a Heritage Impact Assessment. A number of significant changes were made to the development concept, including reduced height, reduced gross floor area, and the provision of additional 2-bedroom units (with the potential for 3-bedroom units). At a meeting on December 5, 2011, our client and its consultants presented these changes to the community stakeholders originally consulted in December 2010 and March 2011.

However, despite these significant changes made by the Landowner in response to concerns expressed by the community, City staff and the local Councillor, our client has been advised by City staff that the proposal remains unacceptable. Further, our understanding is that a Final Report will not be forthcoming at the next meeting of Toronto and East York Community Council. Unfortunately, given the labour uncertainty at the City, our client is concerned that further opportunities for a statutory public meeting will be delayed. Our client now believes that it is left with no choice but to appeal the City's non-decision to the OMB. However, we remain open to continued discussions with City staff and the local Councillor on this matter.

The Proposed (Revised) Development

The proposal being appealed is for a high density mixed-use residential building comprised of two tower elements at 22 and 26 storeys and a podium between 3 and 4 storeys. The proposed building, which would have a total gross floor area of approximately 36,000 m², includes 477 units, 284 vehicle parking spaces, 486 bicycle parking spaces and approximately 1,100 m² of retail space. The total density proposed is now 11 FSI, based on the definitions from the in-force zoning by-law.

Required Amendments

The Subject Property is designated "Regeneration Areas" in the City's Official Plan. This designation provides for a broad mix of commercial, residential, light industrial, institutional, live/work, parks and open space uses in an urban form to promote the revitalization of areas that are largely vacant or underutilized. It is also located within the Downtown and Central Waterfront which is an area where growth and reurbanization is anticipated and encouraged in order to create new housing and job opportunities. Finally, the Subject Property is also subject to the policies of the King-Parliament Secondary Plan. It is within an area of this plan targeted for significant growth.

The Subject Property is presently zoned Reinvestment Area (RA), which permits a wide range of residential uses (including apartment buildings), commercial, institutional and limited industrial uses. There is no density limit within the RA zone, as gross floor area is controlled by height and setback controls. The proposed development complies with the above-noted Official Plan policies, but it will

require a site-specific zoning by-law amendment to implement the specific design features, including height, density and setbacks.

A site plan application is also required before the development can proceed. This application was filed with the City at the same time as the rezoning application and is being appealed to the OMB under separate cover letter.

Planning Rationale

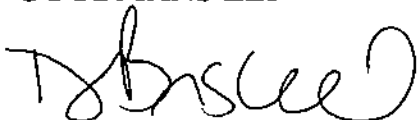
In our submission, the proposed development represents good planning, and is worthy of approval by the OMB for the following reasons, which will be expanded upon at any hearing:

- The proposed redevelopment appropriately addresses the relevant provincial and municipal planning policies within the context of the built form patterns and evolving character of the area.
- The Subject Property is well-served by municipal infrastructure and represents an important opportunity for intensification and revitalization.
- The proposal is an innovative and vibrant building that responds to the significance and amenity of surrounding streets while ensuring compatibility with the heritage, scale and character of the area.
- There are no undue impacts, including shadowing, and the proposed building meets the spirit and intent of the City's tall building guidelines.

The OMB's Appellant Form is enclosed, along with a cheque in the amount of \$125.00. If any further information is required, please contact the undersigned.

Yours very truly,

GOODMANS LLP



David Bronskill
DJB/

Encl.

cc. Client



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elfto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

154 FRONT STREET EAST

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: TORONTO

Part 3: Appellant Information

First Name: _____ Last Name: _____

FMC FRONT STREET DEVELOPMENTS INC.

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: Please use representative information.

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____

Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: DAVID Last Name: BRONSKILL

Company Name: GOODMANS LLP

Professional Title: SOLICITORS

E-mail Address: DBRONSKILL@GOODMANS.CA

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416.597.4299 Alternate Telephone #: _____

Fax #: 416.979.1234

Mailing Address: 333 BAY STREET SUITE 3400 TORONTO

Street Address Apt/Suite/Unit# City/Town

ONT. M5H 2S7

Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: Dec. 14/2011

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

11 146719 STE 2807

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see attached letter.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: MARCH 16, 2011
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Please see attached letter.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality?

YES

NO

Are there other planning matters related to this appeal?

YES

NO

(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

Site plan
appealed at same
time

(Please print)

11 146730 STE 285A

December 14, 2011

Our File No.: 102957

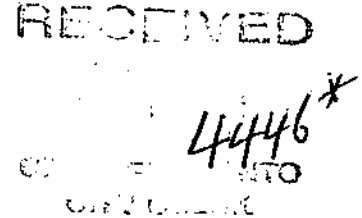
DELIVERED BY COURIER

Ontario Municipal Board
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

Attention: Patrick Hennessy, Board Secretary

Dear Mr. Hennessy:

**Re: 154 Front Street East, Toronto
Site Plan Application No. 11 146730 STE 28 SA
Referral of Site Plan Drawings to the Ontario Municipal Board pursuant to Section 114(15)
of the *City of Toronto Act, 2006***



We are solicitors for FMC Front Street Developments Inc. (the "Landowner") with respect to the above-noted matter. The Landowner is the owner of approximately 0.32 hectares of land (0.80 acres) on the north side of Front Street East between Frederick Street and Sherbourne Street (the "Subject Property"). The Subject Property has a municipal address of 154 Front Street East and was formerly occupied by a Greyhound (Courier Express) Bus Station.

Our client filed rezoning and site plan applications for the Subject Property on March 16, 2011. By separate cover letter to the City Clerk, our client is appealing the rezoning application pursuant to subsection 34(11) of the *Planning Act*.

Given that the rezoning application will be before the OMB, we have also been instructed to refer our client's site plan application to the OMB pursuant to Subsection 114(15) of the *City of Toronto Act, 2006*, on the basis of Council's failure to approve the site plan drawings within 30 days. We ask that this site plan referral be consolidated with the rezoning appeal so that the two matters can be heard together at the earliest possible hearing date. The reasons for this appeal are the same as those cited in the rezoning appeal.

We are enclosing copies of the following materials in conjunction with this site plan referral:

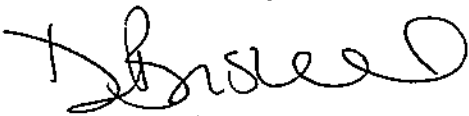
1. A copy of the completed OMB Appellant Form (O2);
2. A copy of the application for site plan approval;

3. A cheque for \$125 made payable to the Minister of Finance for the appeal fee;
4. A copy of the plans which are the subject of this referral;
5. A copy of the preliminary planning report prepared by City Planning staff on the related rezoning application; and
6. The affidavit required by the OMB Appellant Form.

Should you require any additional information, please contact the undersigned.

Yours very truly,

GOODMANS LLP



David Bronskill
DJB/

Encl.

cc. Ms. Ulli S. Watkiss, City Clerk
Client



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6348 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (O2)
 PLANNING ACT**

SITE PLAN

SUBMIT COMPLETED FORM TO OMB

Instructions:

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of \$126 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain representation after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) to the Ontario Municipal Board by the filing deadline.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.

Receipt Number (OMB Office Use Only):

Reference Number (OMB Office Use Only):

Date Stamp - Appeal Received by OMB

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Site Plans	<input checked="" type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<input type="checkbox"/> Application for a site plan – appealing requirements imposed by the municipality/county or by the regional metropolitan/district municipality	

Part 2: Location Information

154 FRONT STREET EAST

Address and/or Legal Description of property subject to the appeal:

TORONTO

Municipality

Upper Tier (Example: county, district, region)

Part 3: Appellant Information (Landowner)

First Name: _____ Last Name: _____

~~###~~ **FMC FRONT STREET DEVELOPMENTS INC.**
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: **Please use representative information** Fax #: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: **DAVID** Last Name: **BRONSKILL**

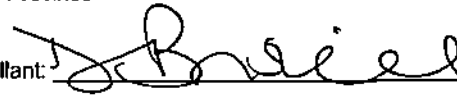
Company Name: **GOODMANS LLP**

Professional Title: **SOLICITORS**

E-mail Address: **DBRONSKILL@GOODMANS.CA** Fax #: **416.979-1234**
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: **416.597.4299** Alternate Telephone #: _____

Mailing Address: **333 BAY STREET SUITE 3400 TORONTO**
Street Address Apt/Suite/Unit# City/Town
ONT. **M5H2S7**
Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: **DEC. 14/2011**

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

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Part 6: Appeal Specific Information

1. Please provide the Municipal File Number: 11 146730 STE 28 SA

2. Outline the nature of your appeal and the reasons for your referral. Be specific.
**If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see attached letter.

3. Provide a brief explanatory note regarding the proposed use of the land and a description of the lands under appeal.
**If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see attached letter

Part 7: Related Matters

Are there other appeals not yet filed with the Municipality?

YES NO

Are there other planning matters related to this appeal?

YES NO Reasoning application also being appealed

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

11 146719 STE 28 02

Part 10: Required Documentation (Please check boxes to indicate document included in filing)

I confirm that I have attached the following items to this form.

Signature of Appellant/Representative: D. Busleip Date: Dec. 14 / 2011

The following material must be attached to this form where applicable, in the order which it is listed:

- A copy of the application for site plan approval.
- Board fee of \$125 made payable to the Minister of Finance. The appeal will not be processed without this fee.
- A copy of any plans, drawings or agreements which are the subject of this referral.
- A copy of any planning report considered by Council.
- If applicable, a copy of the decision of the approval authority. N/A.
- An affidavit or sworn declaration, certifying that copies of all material listed above, as well as a copy of this form, have been sent to the approval authority having jurisdiction to approve the site plan and that the approval authority has been informed of the filing of this referral.

Part 11: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.