

Barristers & Solicitors

WeirFoulds^{LLP}

March 7, 2013

Barnet H. Kussner
T: 416-947-5079
bkussner@weirfoulds.com

VIA E-MAIL & REGULAR MAIL

File 14083.00001

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

Attention: Frances Pritchard

Dear Ms. Pritchard:

Re: Proposed new City of Toronto Comprehensive Zoning By-law

1. 1620-30 Albion Road, Toronto
2. 2636-2692 Eglinton Avenue East, Toronto
3. 1515-1575 Steeles Avenue East, Toronto
4. 202-210 Markham Road, Toronto

We are counsel for the following landowners (collectively referred to as "Jocine") with regard to their respective properties (collectively referred to as the "Sites"), in the City of Toronto (the "City"). Particulars of each of the Sites and their ownership are as follows:

- (i) Jowaks Developments Limited, Durham-Mara Corporation and Fredwaks Developments Limited, owners of lands municipally known as 1620-30 Albion Road, former City of Etobicoke;
- (ii) Jay Waks, Freddy Waks and Lujan Investments Limited, owners of lands municipally known as 2636-2692 Eglinton Avenue East, former City of Scarborough;
- (iii) Jocine Holdings Limited, owner of lands municipally known as 1515-1575 Steeles Avenue East, former City of North York; and
- (iv) Finch-Main Plaza Limited, owner of lands municipally known as 202-210 Markham Road, former City of Scarborough.

4100 - 66 Wellington Street West, PO Box 35, Toronto-Dominion Centre, Toronto, Ontario, Canada. M5K 1B7

T: 416-365-1110 F: 416-365-1876

www.weirfoulds.com

Our clients have an ongoing interest in the City's processing of its proposed new City-Wide Comprehensive Zoning By-law ("CWZBL") and as such have sought our advice and recommendations respecting the effect of the CWZBL on each of the Sites.

We have conducted a preliminary review of the November 8, 2012 draft version of the CWZBL (the "current draft CWZBL") and have the following comments as it pertains to the Sites. The purpose of this correspondence is to register our clients' concerns with the current draft CWZBL as it relates to each of the Sites.

SITE-SPECIFIC COMMENTS

1. 1620-30 Albion Road, Etobicoke (the "Albion Road Site")

The Albion Road Site is currently zoned CP Local Planned Commercial (CPL) under the former Borough of Etobicoke Zoning Code (the "Code"), subject to Site-Specific Zoning By-law Nos. 3228 and 1986-19. A maximum lot coverage of 25% is permitted under the current zoning.

Pursuant to the current draft CWZBL, the Albion Road Site is proposed to be zoned Commercial Residential (CR) Zone – CR0.5 (c0.5, r0.0) Development Standard Set 3, subject to Site-Specific Exception 1127. This exception requires that this property must comply with the applicable prevailing By-laws, as follows:

"The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections::

Site Specific Provisions: (None Apply)

Prevailing By-laws and Prevailing Sections:

(A) Former City of Etobicoke by-law 3228; and

(B) Former City of Etobicoke by-law 1986-19."

Thusfar we have been unable to locate a copy of the former City of Etobicoke By-laws 3228 and 1986-19. We are therefore unable to determine its implications for this Site.

In comparing the two By-law regimes, there is no difference in terms of coverage. However, unless there are some contrary provisions contained in the referenced Site-Specific Zoning By-laws, we do note a concern with the proposed density and height provisions in the new CWZBL. While the Code contains a 25% maximum lot coverage and a 2 storey height limit, there is no

specific density maximum. The generated density would be a function of both coverage and height. Although the proposed zoning maintains the maximum lot coverage of 25% and provides for an increased height to a maximum of 8 metres and 3 storeys, a maximum density of 0.5 times the area of the lot is also being proposed. We respectfully request that this density maximum be deleted from the new CWZBL.

2. **2636-2692 Eglinton Avenue East, former City of Scarborough (the "Eglinton Avenue East Site")**

The Eglinton Avenue East Site is proposed to be zoned Commercial Residential (CR) Zone – CR0.25 (c0.25; r0.0) Development Standard Set 3, subject to Site-Specific Exception 602 as set out in the prevailing provisions of the current draft CWZBL. Site-Specific Exception 602 states as follows:

"(602)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) the maximum permitted **gross floor area** is the greater of:
 - (i) 25% of the **lot area**; or
 - (ii) the **gross floor area** that **lawfully** existed on the date of enactment of this By-law;
- (B) the minimum **building setback** from a **lot line** that abuts a **street** is:
 - (i) the greater of 16.5 metres from the original centre line of Brimley Road, or 3.0 metres from a **lot line** abutting Brimley Road;
 - (ii) the greater of 23 metres from the centre line of Eglinton Avenue, or 5.0 metres from a **lot line** abutting Eglinton Avenue; and
 - (iii) 3.0 metres from a **lot line** abutting any **street** other than those listed in (i) and (ii) above; and
- (C) the minimum **building setback** from a **rear lot line** is 7.5 metres;

Prevailing By-laws and Prevailing Sections: (None Apply)"

The foregoing represents a string of presumably existing zoning performance standards. Thusfar, we have not been able to access the referenced site-specific by-law standards and therefore cannot determine their implications for this Site, if any.

3. 1515-1575 Steeles Avenue East, former City of North York (the "Steeles Avenue East Site")

The Steeles Avenue East Site is currently zoned Local Shopping Centre (C2), subject to Exception C2(4) under the current zoning.

Pursuant to the current draft CWZBL, this Site is proposed to be zoned Commercial Residential (CR) Zone – CR1.0 (c1.0; r0.0) Development Standard Set 3, subject to Site-Specific Exception 239. In this particular instance, the prevailing by-law applicable to this Site states that Section 64.24(4) of the former North York Zoning By-law 7625 prevails. It appears that Exception 239 appropriately carries forward the existing C2(4) zoning exception.

4. 202-210 Markham Road, former City Scarborough (the "Markham Road Site")

The Markham Road Site is proposed to be zoned as Commercial Residential (CR) Zone – CR0.4 (0.4; r0.0) Development Standard Set 3, subject to Site-Specific Exception 652. This exception provides as follows:

"(652) CR652

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) despite land use permissions for this zone, only the following uses are permitted; **financial institution**, office use not including a medical office, **day nursery, club, funeral home, personal service shop, place of worship, recreation use, eating establishment, take-out eating establishment, retail store**, performing art studio and **artist studio**;
- (B) the maximum permitted **gross floor area** is 0.4 times the area of the lot;
- (C) the minimum **building setback** from a **lot line** that abuts a **street** is:
 - (i) the greater of 23.0 metres from the original centre line of Eglinton Avenue East or 5.0 metres from a **lot line** abutting Eglinton Avenue East; and

- (ii) the greater of 21.0 metres from the original centre line of Markham Road or 3.0 metres from a lot line abutting Markham Road; and
- (D) the minimum **building setback** from a rear lot line is 7.5 metres.

Prevailing By-laws and Prevailing Sections (None Apply)"

The above represents a string of presumably existing zoning performance standards. Thusfar, we have not been able to access the referenced site-specific by-law standards and therefore cannot determine their implications for this property, if any.

GENERAL CONCERNS REGARDING THE CURRENT DRAFT CWZBL

In our respectful submission, there are some significant changes to the underlying and existing zoning rights in the current draft version of the CWZBL, which could potentially have significant adverse impacts on the Sites. These are summarized as follows:

1. Development Standard Set 3

In our opinion, this development standard could be better implemented through the City's current Tall Buildings Guidelines and Official Plan policies. We therefore request that these performance regulations be deleted from the CWZBL.

2. New Zoning Standards

Our clients have concerns with the significant changes proposed to the zoning standards in the current draft CWZBL, as reflected in parking/loading, setbacks, frontage, use permissions, building heights and landscape standards. In our opinion, these new zoning standards could have significant potential adverse impacts on our clients' existing property rights respecting redevelopment of the Sites.

3. Site-Specific Zoning By-laws

Complex site-specific zoning by-law amendments are currently recommended to be listed in the current draft CWZBL as a "Prevailing By-law" or "Prevailing Section", which will continue in force and prevail to the extent of any conflict between the site-specific zoning provisions and the new CWZBL. Until such time as we can fully confirm the existing zoning of the Sites (including the applicable referenced prevailing provisions), we take this opportunity to confirm that our clients are opposed to the current recommendations and would ask that the Sites instead

remain as areas excluded from the proposed CWZBL at this time (i.e., "NOT PART OF THIS BY-LAW" category). This request is being made in order to avoid any conflict between the Sites' current zoning rights and that proposed in the CWZBL.


Please accept this correspondence as our clients' written comments filed prior to Council enactment of the CWZBL for the purposes of registering the Sites' current zoning and reserving our client's *Planning Act* appeal rights, if necessary. We reserve the right to further supplement our concern as the CWZBL evolves, especially since we are not aware what further amendments (and to which provisions of the CWZBL) may be made by Staff and Council which could have zoning impacts on each of the Sites.

Please also accept this correspondence as our formal request that we be provided with any Staff Reports, Council and/or Committee's resolutions, and Notice of Decision by the City under s. 34(18) of the *Planning Act* with respect to the CWZBL.

Thank you for your attention to this matter. Should you have any questions or require clarification, please contact Paul Chronis, Senior Planner in our office, at (416) 947-5069.

Yours truly,

WeirFoulds LLP


pc: Barnet H. Kussner

BHK:PC:d

cc: Joe D'Abramo, City of Toronto
Lisa Borsook, WeirFoulds LLP
Paul Chronis, WeirFoulds LLP
Clients

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