

PG21.1.384

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April 2, 2013

Mayor and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Your Worship and Members of Council:

**Re: Proposed New Comprehensive Zoning By-law ("New By-law")
Sterling Studio Lofts Inc.**

And Re: Item PG21.1 – Final Report on the City Wide Zoning By-law

We are the solicitors for Sterling Studio Lofts Inc., being the owner of the property municipally known 221-227 Sterling Road in the City of Toronto (the "Site"). The Site is located on the east side of Sterling Avenue, just south of Bloor Street West. The Site is currently zoned R4 Z1.5 under By-law No. 438-86, as amended. In addition to the uses permitted under the R4 zone, Section 12(1)(455) sets out an exception that permits the use of the lands known municipally in 2001 as, in part, 221 Sterling Road, "for any purpose that is existing on April 16, 2003."

The City of Toronto Official Plan (the "Official Plan") designates the Property as *Apartment Neighbourhoods*, which permits residential and various other uses (including those uses permitted under the *Neighbourhoods* designation). In addition to those uses expressly recognized by the *Neighbourhoods* and *Apartment Neighbourhoods* designations, Site Specific Policy No. 97 of the Official Plan provides that, in part, the Site may be used for "any purpose existing on November 26, 2002."

We have been advised by our client that as of November 26, 2002 and April 16, 2003, the Site contained industrial and other non-residential uses.

Based on our review of the New By-law, it appears that the Site is proposed to be zoned R (d1.5) (x58). Exception 58 sets out "prevailing sections" that apply to the Site, including Section 12(2) 187 of the former City of Toronto By-law 438-86, which does not currently apply to the Site, and which sets out additional restrictions on permitted use. Our client is also concerned that the New By-law proposes changes to certain definitions and performance standards, including changes that may impact zoning permissions, such as the introduction of new requirements for vehicle parking, loading, and bicycle parking. Generally speaking, it is our client's submission that the entire zoning regime applicable to the Site should reflect the permissions and provisions contemplated by the existing approvals.

In relation to this last point, we note that the New By-law does not permit industrial uses on the Site, notwithstanding the current exception set out in By-law No. 438-86, as amended, and Site Specific Policy No. 97 of the Official Plan, which would permit such uses. To the extent that

either the failure to appropriately recognize existing site-specific zoning permissions, or the imposition of restrictions on uses, new performance standards, and changes to defined terms will impact the current legal zoning status of the Site, our client objects thereto. Our client respectfully submits that all existing zoning permissions should be clearly recognized by the New By-law and no new restrictions should be imposed.

To the extent that the New By-law does not recognize the use permissions under Site Specific Policy No. 97 of the Official Plan, we submit that the New By-law is not an appropriate implementation of the Official Plan.

Our clients would object to any amendments to the New By-law which would serve to derogate from the permissions contemplated by either the existing zoning framework or official plan provisions as they relate to the Site.

We would be pleased to discuss the foregoing. Please provide us with notice of Council's decision in this matter or of any future consideration by Community Council, Council, or any Committee.

Thank you for your attention in this regard.

Yours very truly,

McCarthy Tétrault LLP

Per:



Daniel B. Artensosi

DBA

c. Eli Dadouch