

**STIKEMAN ELLIOTT**

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
Direct: (416) 869-5669  
E-mail: clantz@stikeman.com

**BY E-MAIL**  
clerk@toronto.ca

April 2, 2013  
File No: 112404.1033

City of Toronto City Clerk's Office  
Toronto City Hall  
100 Queen Street West  
10th Floor, West Tower  
Toronto, ON M5H 2N2

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

**Re: Concerns with the Proposed City of Toronto Zoning By-law**  
**Client: InnVest Hotels (Etobicoke) Ltd.**  
**Property: 640 Dixon Road - Radisson Suites Hotel**  
**Municipality: City of Toronto (former City of Etobicoke)**

We are solicitors for InnVest Hotels (Etobicoke) Ltd. with respect to the property municipally known as 640 Dixon Road, City of Toronto (the "Property"). The Property is developed with a Radisson Suites hotel and several accessory and complementary uses, including a restaurant.

The purpose of this letter is to document some of our client's concerns with the proposed new city-wide Zoning By-law (the "Draft By-law") released on November 8, 2012.

The Property is zoned IC2, Industrial Class 2, by the Etobicoke Zoning Code (the "By-law"). The City is proposing to zone the Property EO1.5 (e1.5, o1.5), Employment Industrial Office, in the Draft By-law.

The IC2 zone currently applies a maximum density of 0.6 times lot area for office uses but does not contain a density limit for hotel uses on the Property. The Draft By-law will impose a maximum floor space index of 1.5 times the lot area for all uses on the Property. Given that the existing hotel has a density of 1.56 times the lot area and is not presently subject to any density limit, the proposed density requirement is of concern. Mechanical rooms within the hotel building are excluded from the calculation of gross floor area in the By-law, whereas only below-grade mechanical rooms and mechanical penthouses are excluded from the calculation of

TORONTO  
MONTREAL  
OTTAWA  
CALGARY  
VANCOUVER  
NEWYORK  
LONDON  
SYDNEY

gross floor area for non-residential buildings in the Draft By-law. This change in definition of gross floor area may affect the calculation of floor space index for the Property and is of concern, particularly if our client wishes to make improvements to its Property.

The Property is developed with front yard surface parking spaces. Clause 60.5.80.10(1) of the Draft By-law requires that front yard surface parking be set back at least 3.0 metres from the front lot line. This restriction did not apply to the Property under the By-law. Despite the exemption for existing parking spaces in Clause 60.5.80.11(2) of the Draft By-law, any reconfiguration of the parking spaces on the Property will have to comply with the three metre setback requirement, and is of concern.

The Draft By-law requires a greater minimum side yard setback for the Property than is currently provided (where a side lot line does not abut a street: 4.5 metres if the lot frontage is less than 60 metres and 6.0 metres in all other cases). The City of Etobicoke Committee of Adjustment granted a minor variance from the By-law to reduce the required side yard setback to 1.329 metres. Despite the exemption in Clause 60.40.40.71(1)(C) of the Draft By-law, which permits an existing side yard setback for an existing building or structure to continue if it lawfully existed prior the By-law's enactment, we are concerned that any future improvements to the existing building on the Property will not be permitted by the Draft By-law.

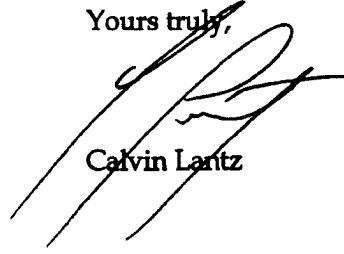
The Property benefits from a number of minor variances from the By-law. The Draft By-law contains ambiguity with respect to how existing minor variances will be treated. The legality of the transitioning and grandparenting provisions for minor variances is still also in question.

The Draft By-law contains no bicycle parking requirements for hotel uses but introduces bicycle parking requirements for restaurants, retail stores, offices and service shops in a hotel (and also related shower/change facility requirements). Given the ancillary nature of restaurants, retail stores, offices and service shops in a hotel, and the fact that the Property is in the vicinity of Pearson International Airport and regularly serves air travellers, the introduction of such bicycle parking requirements in the Draft By-law is of concern.

Since the Draft By-law process is an iterative one, we reserve the right to raise further issues with provisions of the Draft By-law that may affect the Property.

We ask to be provided with notice of all upcoming meetings of Council and Committees of Council at which the Draft By-law will be considered and we ask to be provided with notice of Council's decision with respect to the Draft By-law. If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Calvin Lantz', written over the typed name below.

Calvin Lantz

CWL/mc

cc: George Kosziwka, *InnVest Hotels (Etobicoke) Ltd.*