

PG21.1.425

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April 4, 2013

Mayor and Members of Council
City of Toronto
Metro Hall, 24th Floor
55 John Street
Toronto, ON M5V 3C6

Attention: Your Worship and Members of Council

2013 APR -4 P 1:04
CITY CLERK'S OFFICE
SECRETARIAT SECTION

Dear Sirs/Mesdames:

**Re: Proposed City-wide Zoning By-law
Item No. PG21.1, Planning and Growth Management Committee
Client: Greey Realty Holdings Limited
Property: 66 & 70 The Esplanade and 4 Church Street**

We are the solicitors for Greey Realty Holdings Limited, the owner of the properties municipally known as 66 & 77 The Esplanade and 4 Church Street in the City of Toronto (the "Properties").

We wish to bring to your attention concerns that our client has with the proposed new city-wide zoning by-law released on November 8, 2012 (the "Draft By-law").

The Properties are zoned CR T4.0 C3.0 R4.0, Mixed Use District under Zoning By-law 438-86 (the "By-law"). Under the Draft By-law, the Properties are zoned CR 4.0 (c3.0; r4.0) SS1 (x1699), Commercial Residential.

There are a number of significant amendments in the proposed regulations of the Draft By-law applicable to Properties, relative to the in-force zoning, that are of concern to our client, including but not limited to the following:

- Clause 40.10.30.20(1): The Draft By-law proposes a minimum lot frontage of 9 metres for all lots in a CR zone regardless of the type of use or building. The By-law currently does not have a minimum lot frontage requirement for mixed-use buildings;

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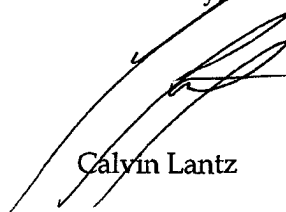
- Clause 40.10.40.1(1): The Draft By-law proposes a new requirement that, in a mixed-use building in the CR zone, the residential uses must be located above the commercial uses;
- Clause 5.10.60.1(4): The Draft By-law contains additional conditions in order for an outdoor patio to be permitted in the CR zone;
- Clauses 40.5.40.40(1): The definition and calculation of gross floor area of a non-residential building in the CR zone does not exclude parking areas and mechanical rooms above grade (other than a mechanical penthouse), which could decrease the maximum permitted floor space index; and
- Clause 40.10.40.70(2)(A): The Draft By-law proposes a new maximum setback requirement for new construction that requires at least 75% of the main wall of a building facing a front lot line to be located at or between the front lot line and a maximum of 3 metres from the front lot line.

Generally, the proposed Draft By-law will render the existing use and development of the Properties as “legal non-conforming” and will seriously limit their future development potential.

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

Please provide us with copies of all staff reports, notice of all community and public meetings and copies of all decisions of Council and committees of Council made with respect to the Draft By-law, including notice of the passing of the Draft By-law. Thank you for your attention to this matter.

Yours truly,



Calvin Lantz

CWL/mc
cc: *Jon Williams*