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March 2, 2013

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SENT VIA E-MAIL (pgmc@toronto.ca)

Planning and Growth Management Committee
City of Toronto
c/o City Clerk's Department
100 Queen Street West
10th Floor, West Tower
Toronto ON M5H 2N2

Attention: Committee Administrator

Dear Committee Members:

**Re: Item PG21.1 - Statutory Meeting on March 6th, 2013 re City-wide Zoning By-law
- Submission on behalf of 1054881 Ontario Limited and Anspor Construction
Limited**

Please be advised that we are the solicitors for 1054881 Ontario Limited and Anspor Construction Limited (the "Owner"), the owner of the property municipally known as 63 Callowhill Drive (the "Site"). The Owner has monitored the process with respect to the proposed new City-wide Zoning By-law and wants to ensure that its existing zoning rights for the Site are not negatively impacted in any way. Unfortunately, in reviewing the draft of the proposed new Zoning By-law that is before the Committee, the Owner has not been able to determine with certainty that its existing zoning rights are fully protected and that those rights are not undermined by other proposed new zoning provisions.

We note the proposed Zoning By-law indicates the Site is subject to "Former General Etobicoke Zoning Code V131". The Owner supports the exclusion of the Site from the application of the proposed Zoning By-law, however, it is not clear to the Owner whether it is the intention of the proposed Zoning By-law to also recognize site-specific amendments to the Former General Etobicoke Zoning Code V131 for the Site. The Site has been rezoned pursuant to Site-Specific Zoning By-law 371-2012. The proposed Zoning By-law does not appear to reference this site-specific zoning instrument.

We are also concerned that the process of adoption for the proposed Zoning By-law does not permit us to know what its exact contents will be until after it's adopted by City Council. As you

know, motions can be brought forward on the City Council floor to revise the proposed Zoning By-law before its adoption and the public will not have the opportunity to speak to those revisions.

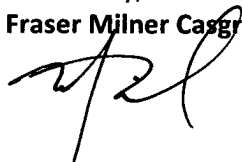
Accordingly, please accept this letter as a request that the City ensure that all of our client's existing rights as provided for under the Former General Etobicoke Zoning Code V131 (together with all amendments thereto) are not negatively impacted by the provisions of the new Zoning By-law. Until such time as our client is satisfied by the City that its existing zoning rights are not prejudiced in any way the Owner objects to the adoption of the new Zoning By-law as it relates to the Site.

If the City could provide us with confirmation that the new Zoning By-law does not make any changes whatsoever to the existing zoning rights of our client, then we would be pleased to review that information. However, until such time as that confirmation is received from the City, our client maintains its objection to the proposed Zoning By-law.

Kindly provide the writer with notice of all further actions with respect to this matter including Notice of Passing of the proposed Zoning By-law. In addition, kindly ensure that this written submission is forwarded to City Council for its consideration prior to the adoption of the proposed Zoning By-law.

Should you require anything further with respect to this matter, kindly contact the writer at your earliest convenience.

Yours truly,
Fraser Milner Casgrain LLP



Mark A. Piel
MAP

Enclosure: Site-Specific Zoning By-law 371-2012

c.c. 1054881 Ontario Limited
Anspor Construction Limited

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Authority: Etobicoke York Community Council Item 12.4,
as adopted by City of Toronto Council on February 6 and 7, 2012
Enacted by Council: March 7, 2012

CITY OF TORONTO

BY-LAW No. 371-2012

To amend Chapters 320 and 340 of the former City of Etobicoke Zoning Code with respect to the lands municipally known as 63 Callowhill Drive.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in density and height of development permitted hereunder, beyond that otherwise permitted on the lands by the City of Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as identified within the heavy black lines on Schedule 'A' annexed hereto from Fourth Density Residential Zone (R4) as amended by By-law No. 12,660 to Sixth Density Residential Zone (R6), provided the following provisions shall apply to the development of the lands in Schedule 'A'.

2. Notwithstanding Sections 320-18, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to all of the lands described in Schedule 'A' attached hereto.

3. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

"Above Grade Storage Areas" means enclosed areas or lockers that are available for resident use on assignment that are not a part of any dwelling unit but that are separately constructed on the above ground floors of the existing 10-storey apartment building located on Part 1 of the Lands in accordance with Schedule 'B' attached to this By-law;

"Average Grade" means the average level of proposed or finished ground adjoining a building at all exterior walls;

"Building Envelope" means the building area permitted within the setbacks established in this By-law, as delineated generally on Schedule 'B' attached hereto;

"Density" means the ratio of the built gross floor area in relation to the overall area of the Lands;

"Gross Floor Area" shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; unenclosed balconies; underground parking garage; Indoor Amenity Areas; and Above Grade Storage Areas and below-grade storage areas;

"Height" for the existing 10-storey apartment building located on Part 1 of the Lands in accordance with Schedule 'B' of this By-law at the time of passing of this By-law means the number of storeys between the Average Grade of the Lands and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements is no higher than 5.0 metres above the highest point of the roof surface of the building;

"Height" for the garbage shelter located on Part 1 of the Lands in accordance with Schedule 'B' of this By-law means the vertical distance between Average Grade of the Lands and the mean height level between the eaves and ridge of a sloped roof;

"Lands" means the lands described in Schedule 'A', as shown as Part 1 and Part 2, attached to this By-law and for the purposes of this By-law shall be based on the Lands prior to land dedications and conveyances;

"Landscaped Open Space" means a yard or court on the Lands located at grade, including land above an underground parking area, which is suitable for landscaping and shall include any part of the Lands occupied by accessory recreational buildings, bicycle

storage facilities, surfaced walks, patios of similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude driveways and ramps;

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical equipment, elevator shafts, or telecommunications equipment that serves only such building;

"Minor Projections" means minor building elements which may project from the main wall of the building into required yards and may include roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, canopies, exterior stairs and covered ramps, parapets and vents to a maximum projection of 1.5 metres;

"Owner" means the owner of the Lands; and

"Tandem Parking" is defined as two vehicles parked in a linear arrangement with one vehicle not provided with independent freedom of access.

4. Permitted Uses

No buildings or structures shall be erected or used on the Lands, except for the following uses:

- (a) The existing 10-storey apartment building located on Part 1 of the Lands in accordance with Schedule 'B' of this By-law at the time of passing of this By-law and any accessory uses related to the existing 10-storey apartment building at the time of passing of this By-law, and any services associated with these uses including roadways and parking areas required to support such uses;
- (b) The town house dwellings located on Part 2 of the Lands in accordance with Schedule 'B' of this By-law;
- (c) The semi-detached dwelling located on Part 2 of the Lands in accordance with Schedule 'B' of this By-law;
- (d) Accessory structures including those permitted under Section 320.76F of the Zoning Code and shall include covered ramps, exterior stairs and garbage enclosures and buildings and ventilation shafts, covered bicycle storage racks, gazebos and fixed lawn furniture such as benches, and tables and play equipment areas and structures such as slides and climbing facilities; and
- (e) Nothing in this By-law shall prevent the use of the Lands, within a building on either Part 1 or Part 2 of the Lands, for a temporary sales office for the purpose of marketing and sales related to the town house dwellings and the semi-detached dwelling to be located on Part 2 of the Lands in accordance with Schedule 'B'.

5. Gross Floor Area

The total maximum Gross Floor Area permitted on the Lands shall be 15805 square metres.

6. Maximum Density

The maximum floor space index permitted on the Lands shall be 1.25 times the area of the Lands.

7. Maximum Height

The maximum building heights to be permitted on the Lands shall be in accordance with heights shown on Schedule 'B' attached to this By-law.

8. Setbacks/Building Envelope

- (a) No building or structure within the Lands shall be located other than within the Building Envelope for that building or structure as shown on Schedule 'B' attached to this By-law;
- (b) Any portion of any building or structure which is located below the finished exterior ground level immediately adjoining such building or structure, may be located outside of the Building Envelope for that building or structure provided that the building remains within the Lands; and
- (c) Permitted accessory structures, ground floor canopies, wheelchair and covered ramps, exterior stairs, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings, garbage enclosures and buildings, gazebos, and other landscape features, and covered bicycle racks shall be permitted outside the Building Envelope.

9. Parking and Loading Requirements

- (a) Existing 10-storey apartment building
 - (i) A minimum of 1.25 parking spaces per dwelling unit shall be provided;
 - (ii) Of the total number of parking spaces referred to in section 9(a)(i) of the this By-law, 0.15 spaces per dwelling unit shall be reserved for the exclusive use of visitors parking;
 - (iii) Nothing in this By-law restricts the provision of required parking spaces for the existing 10-storey apartment building at ground level;

- (iv) Bicycle parking for the existing 10-storey apartment building will be provided, with a minimum of 20 spaces in a covered at-grade bike shelter and a minimum of 16 secured spaces in the underground garage; and
 - (v) A minimum of one on-site loading space shall be required.
- (b) Town house dwellings
- (i) A minimum of 2.2 parking spaces per dwelling unit shall be provided;
 - (ii) Of the total number of parking spaces referred to in section 9(b)(i) of this By-law, 0.2 parking spaces per dwelling unit shall be reserved for the exclusive use of visitors parking; and
 - (iii) Of the number referred to in section 9(b)(i) of this By-law, no more than 2 spaces per dwelling unit may be provided in Tandem Parking situated within an integral garage providing minimum dimensions of 2.9 metres in width by 11.0 metres in length.
- (c) Semi-detached dwelling
- (i) A minimum of 2.2 parking spaces per dwelling unit shall be provided;
 - (ii) Of the total number of parking spaces referred to in section 9(c)(i) of this By-law, 0.2 parking spaces per dwelling unit shall be reserved for the exclusive use of visitors parking;
 - (iii) Of the total number of parking spaces referred to in section 9(c)(i) of this By-law, each dwelling unit shall provide one parking space in an integral single-vehicle garage providing minimum internal dimensions of 2.9 metres in width by 6.0 metres in length; and
 - (iv) Of the total number of parking spaces referred to in section 9(c)(i) of this By-law, each dwelling unit shall provide an additional parking space on the driveway in front of each garage, providing minimum dimensions of 2.9 metres in width by 5.6 metres in length.

10. Area Requirements

A minimum 40% of the Lands shall be reserved for Landscaped Open Space.

11. Section 37

Pursuant to Section 37 of the *Planning Act* and subject to compliance with provisions of this By-law, the increase in height and density of development on the Lands is permitted in return for the provision by the Owner, at its sole expense, of the following facilities, services and matters to the City on the terms set out in an agreement pursuant to Section 37 of the *Planning Act* described in clause (b) below:

- (a) Prior to the issuance of an above grade building permit, the Owner shall:
- (i) provide to the City a Construction Mitigation Plan and Tenant Communication Plan to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - (ii) provide to the City a letter of credit in the amount of 120 percent of the estimated cost of improvements to the Lands and the existing 10-storey apartment building identified in section 11(b)(iii) to the satisfaction of the Chief Planner and Executive Director, City Planning.
- (b) The Owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the Lands by the City to secure:
- (i) matters provided for in section 11(a);
 - (ii) the implementation by the Owner of the Construction Mitigation and Tenant Communication Plan;
 - (iii) improvements to the Lands, and the existing 10-storey apartment building, for the benefit of the residents of that building, including but not limited to:
 - 1. the restoration and improvements to outdoor amenity areas, including landscaped open space, a new gazebo, permanent outdoor seating and a new children's playground;
 - 2. enhanced security features and improved lighting for the outdoor amenity areas and underground parking;
 - 3. the restoration and improvements to the lobby, the laundry room, and interior common hallways, stairways and doors; and
 - 4. the additional bicycle parking spaces.
 - (iv) the Owner's responsibility to ensure that none of the costs of the improvements to be made by the Owner that are provided for in (c) above are passed on in any form to the tenants of the existing 10-storey apartment building, including increases to the rents of tenants;
 - (v) the retention of the existing 112 rental dwelling units within the existing 10-storey apartment building as follows:
 - 1. retaining the 112 units as rental housing units for a minimum period of 20 years from the date this By-law comes into force and effect;

2. ensuring that none of the rental dwelling units shall be registered as condominium or any other form of ownership such as life lease or co-ownerships which provide a right to exclusive possession of a unit; and
 3. ensuring that no application for conversion for non-rental housing purposes, or application to demolish the rental dwelling units without replacement can be made during the 20 year period.
12. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
 13. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each phase.
 14. Unless otherwise noted, this By-law shall apply collectively to the Lands described in Schedule 'A' annexed hereto, notwithstanding their future division into parcels and shall be deemed to have an area of 12,980 square metres.
 15. Notwithstanding the definition of "lot" in Section 304-3 of the Etobicoke Zoning Code, the standards of this By-law shall apply collectively to the R6 lands identified in Schedules 'A' and 'B' attached hereto in their entirety and nothing in this By-law shall preclude town house dwellings, group dwelling units, or the semi-detached dwelling from being divided into individual lots within the meaning of the *Planning Act*.
 16. Despite any existing or future severance, partition, or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
 17. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

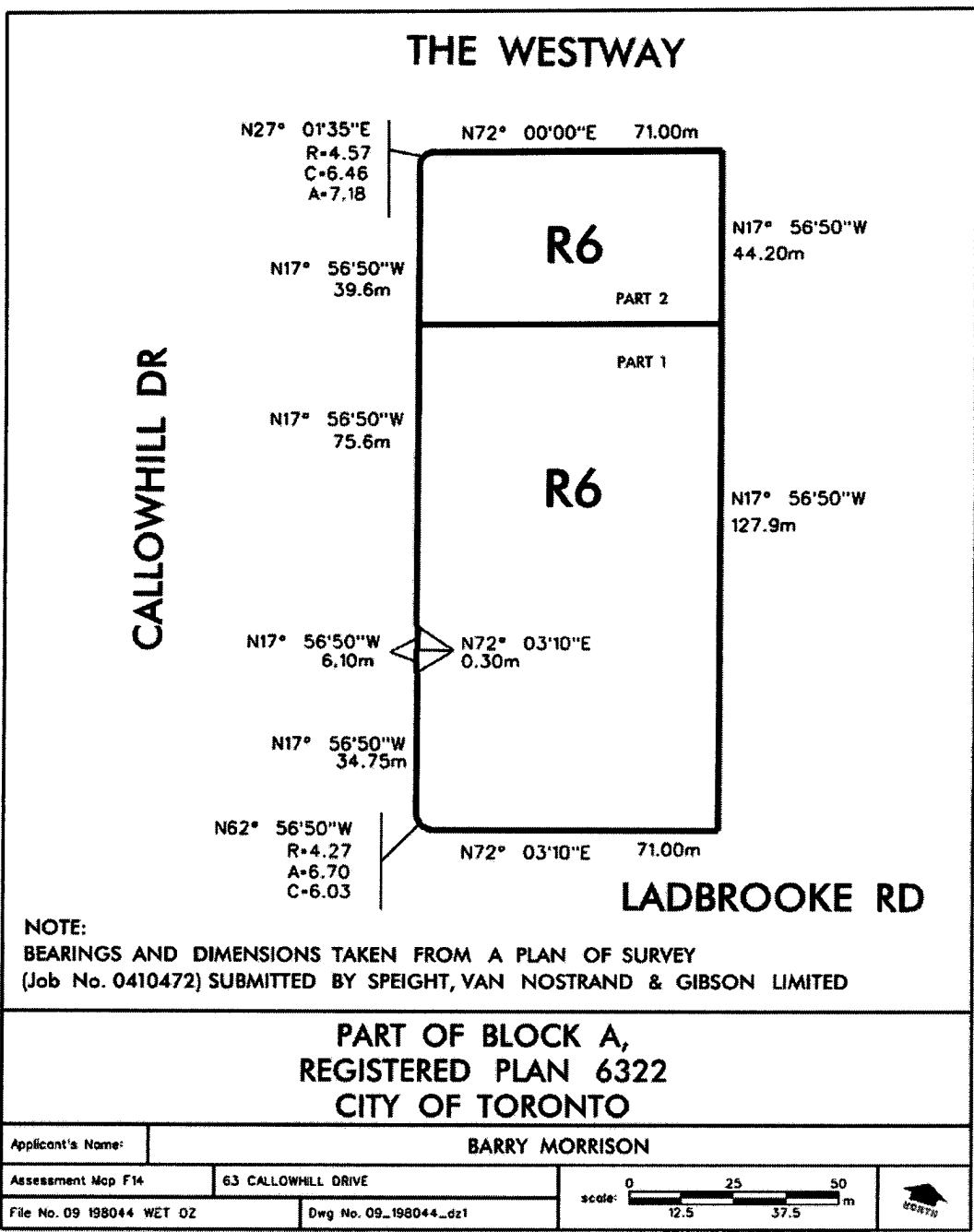
| BY-LAW NUMBER AND ADOPTION DATE | DESCRIPTION OF PROPERTY | PURPOSE OF BY-LAW |
|---------------------------------|--|--|
| 371-2012 March 7, 2012 | Lands municipally known as 63 Callowhill Drive | To rezone the lands from R4 to R6 to permit the construction of town house dwellings and a semi-detached dwelling on the site. |

ENACTED AND PASSED this 7th day of March, A.D. 2012.

FRANCES NUNZIATA,
Speaker
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Toronto Schedule 'A' BY-LAW



Toronto Schedule 'B' BY-LAW

