



Davies  
Howe  
Partners  
LLP

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

Please refer to: **Mark Flowers**  
e-mail: markf@davieshowe.com  
direct line: 416.263.4513  
File No. 702632-04

March 4, 2013

**By E-mail to [pgmc@toronto.ca](mailto:pgmc@toronto.ca)**

Merle MacDonald  
Committee Administrator  
Planning & Growth Management Committee  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
10th Floor, West Tower  
Toronto, ON M5H 2N2

Dear Ms. MacDonald:

**Re: Draft New City-wide Zoning By-law (Item PG 21.1)  
77 and 124 St. Regis Crescent  
Lissard Holdings Inc. and Yorkdale Contract Interiors Ltd.**

We are counsel to Lissard Holdings Inc. and Yorkdale Contract Interiors Ltd., co-owners of approximately 5.2 acres of land at 77 and 124 St. Regis Crescent in the Sheppard Avenue and Keele Street area of the City, as shown in Appendix "A" to this letter (respectively, "77 St. Regis" and "124 St. Regis", and collectively, "the Properties").

We write to set out a number of concerns our clients have with the draft New City-wide Zoning By-law (the "New By-law") as it affects the Properties.

Currently, the Properties are occupied by uses which include an apparel distribution centre, warehousing, light manufacturing of handicap accessible equipment, and some vacant units.

The Properties are located in the Employment Areas designation of the Official Plan. The Official Plan Employment Areas policies are currently under review and, as of the time of writing, proposed draft Employment Area policies have been circulated for public comment.

The Properties are zoned Industrial Zone (M2) under the in-effect North York Zoning By-law 7625 (the "Existing By-law"). The Properties are proposed to be zoned Employment Industrial (E 1.0 x318) under the New By-law. Exception 318 relates to the application of an airport hazards map.



Davies  
Howe  
Partners  
LLP

The Properties should not be rezoned by the New By-law at this time. Rather, the Properties should be “not part of the New By-law” similar to the adjacent lands.

Where lands are not part of the New By-law, the Existing By-law continues to apply. The lands immediately adjacent to 77 St. Regis to the south and west are each not part of the New By-law. The adjacent lands to the south form part of the Downsview Area Secondary Plan (the “Secondary Plan”) area, which is currently under appeal to the Ontario Municipal Board. The adjacent lands to the west – along the Keele Street frontage – are also not part of the New By-law. The Properties should not be brought into the New By-law until after such time as the Properties and the adjacent lands are further studied in a co-ordinated manner.

Notwithstanding our request that the Properties be excluded from the New By-law, our clients have a number of concerns with the New By-law, including the following:

- 1. The New By-law does not carry forward the existing use permissions.**  
A number of uses permitted in the M2 zone in the Existing By-law are not carried forward in the E zone of the New By-law, such as: personal service shop, hotel, car rental agency, motor vehicle dealership, and public self-storage warehouses. The City has not provided any planning rationale for this change and we ask that these uses be inserted into the E zone in the New By-law or as a site-specific exception to permit these uses on the Properties.
- 2. Specific permissions for retail uses in the Existing By-law are not carried forward.** Retail uses are permitted as-of-right in the M2 zone of the Existing By-law, with size restrictions of 0.25 FSI or 2,500 m<sup>2</sup>, whichever is smaller. The New By-law would not permit retail uses, except as ancillary to manufacturing or vehicle fuel stations, and subject to other conditions set out in section 60.20.20.100. The existing retail permissions should be carried forward, particularly since the Official Plan Employment Areas policies are now under review and it would be premature to make changes – other than to carry forward existing permissions – until such time as the Official Plan review process is complete.
- 3. Additional restrictions on vehicle service shops in the New By-law should be removed.** The specific use regulations for vehicle service shops in the New By-law should be relaxed to match those of the Existing By-law. New By-law section 150.94 sets out vehicle service shop requirements for vehicle access width, vehicle access separation distances, and yard setback distances which are more onerous than the Existing By-law.
- 4. The New By-law introduces new restrictions on restaurant size.** Section 60.20.20.100(3) of the New By-law restricts eating establishments and



Davies  
Howe  
Partners  
LLP

take-out eating establishments to the greater of 300 m<sup>2</sup> or 10% of the GFA of the building to a maximum of 500 m<sup>2</sup>. The Existing By-law permits restaurants without restriction. There is no basis upon which to limit restaurant size, particularly for sites which can accommodate larger-sized restaurants.

5. **The New By-law imposes a new lot frontage requirement.** The Existing By-law contains no minimum lot frontage, whereas the New By-law proposes a minimum lot frontage of 20 metres in the E zone. Under the New By-law, should a landowner in the E zone seek a subdivision or severance, it will require compliance with this new lot frontage requirement. Flexibility should be provided to allow these sites to be developed for uses which may not need lot frontages greater than 20 metres.
6. **In the event the New By-law will be applied to the Properties, greater use and performance permissions should be applied to the Properties not reduced permissions.** As noted above, the Properties are adjacent to the Secondary Plan area. Further, a new TTC/Go Transit station is proposed at Sheppard Ave. W. and Bakersfield St., within a few hundred metres of the Properties. Given these impending developments, the City should consider providing additional use and performance standard permissions for the Properties.

Based on the foregoing, it would be appropriate to exclude the Properties from the New By-law at this time, and indicate that the Existing By-law continue to apply.

If the New By-law is to apply, we request that the above changes be made to ensure that existing permissions are maintained in the New By-law.

We would also be pleased to discuss any of our comments with City Staff.

Please provide me with notice of any decision of the Planning & Growth Management Committee and City Council, and of any future public meetings and staff reports concerning the New By-law.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

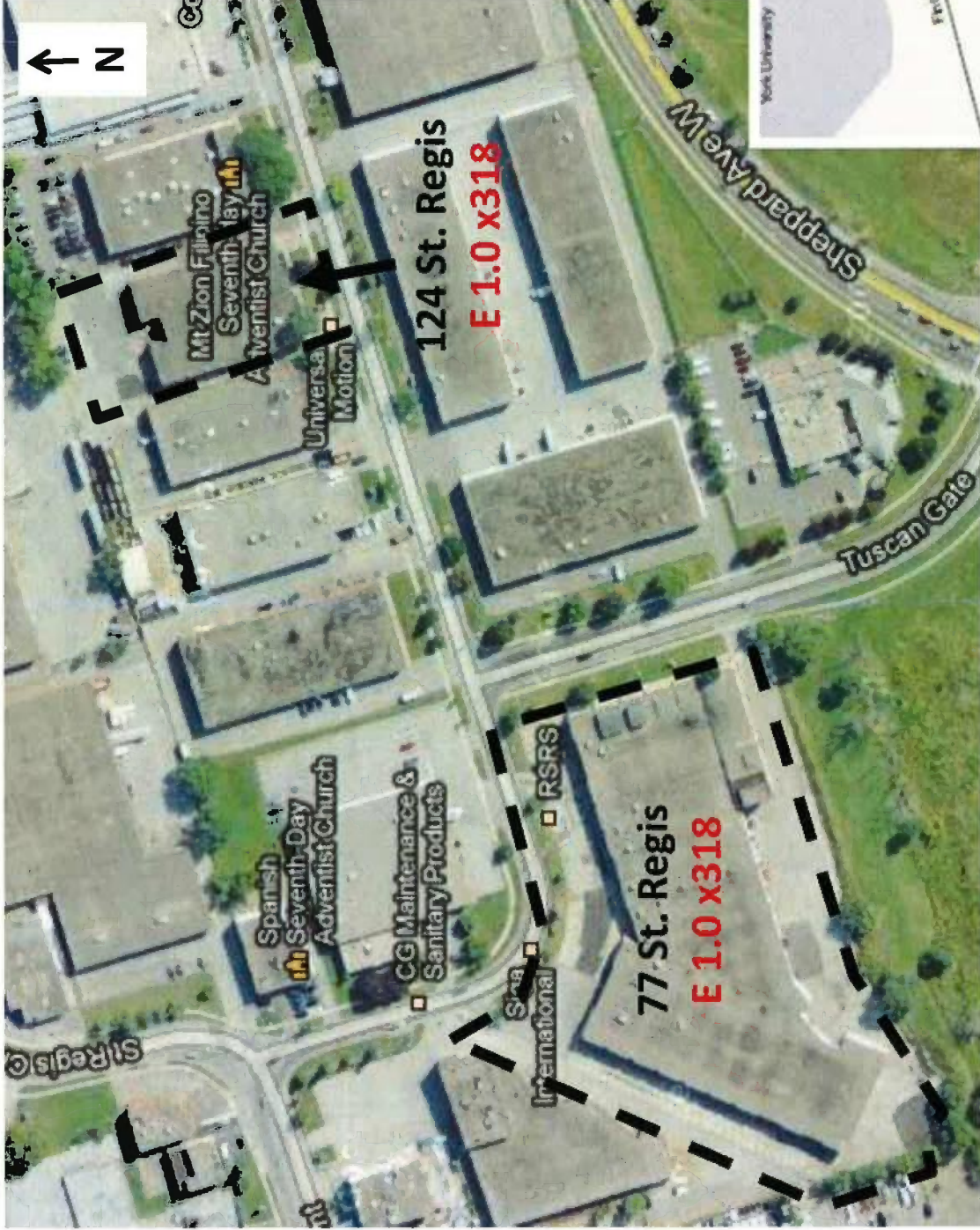
Mark R. Flowers  
Professional Corporation

MRF:IB

copy Client

# Appendix "A"

77, 124 St. Regis Crescent  
Location



Official Plan: Employment Area

Current Zoning: M2 – Industrial Zone 2

Proposed Zoning: E 1.0 (x318) - Employment Industrial Zone (max. FSI 1.0)