

mcmillan

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<i>Our File No.</i>	<i>97116</i>
<i>Date</i>	<i>March 5, 2013</i>

VIA FAX (416-392-1879) AND E-MAIL (pgmc@toronto.ca)

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

**Attention: Merle MacDonald,
Administrator, Planning and Growth Management Committee**

Dear Chair and Members:

**Re: King Jay Developments Ltd. ('King Jay') re 357-363 King Street West
and 62 Peter Street in the City of Toronto in relation to the City of Toronto's
Draft Zoning By-law to be considered on March 6, 2013**

We are the solicitors retained to act on behalf of King Jay Developments Ltd., owners of the above referenced Property at 357-363 King Street West in the City of Toronto (the 'City'), in connection with the City's Draft Zoning By-law (the "**Draft Zoning By-law**"), as endorsed by City Council in November 2012.

The property is currently subject to City of Toronto Zoning By-law 438-86 as amended by By-law 1556-2012 pursuant to an Order of the Ontario Municipal Board issued on June 26, 2012. By-law 1556-2012 was enacted to permit the erection of a mixed use building on the Property. Currently the Property is located within an **RA- Reinvestment Area** designation.

The Draft Zoning By-law proposes to zone the Property **Commercial Residential Employment CRE (x80) subject to Exception CRE 80**.

We have had an opportunity to review the Draft Zoning By-law and have the following concerns with respect to the various ways in which the Draft Zoning By-law would further restrict King Jay's property rights as they affect 357-363 King Street West. These concerns are as follows:

1. There are several instances where new regulations would be introduced requiring compliance with standards not previously applicable. Examples of these new standards include but are not restricted to minimum building height, minimum first floor building height, setbacks to windows of another dwelling unit, minimum main wall setbacks from a front lot line or from a lot line that is not adjacent to a street or lane, minimum lot frontage, principal building standards, permitted building type standards, certain landscaping requirement and regulations applicable to energy devices.



2. Building height and gross floor area or floor space index calculation methods (including floor space exclusions) differ between the Draft Zoning By-law and the various in-effect zoning by-laws applicable to former municipalities within the amalgamated City. In some instances, calculations under the Draft Zoning By-law would effectively further restrict the development rights of the Property affected.
3. Some uses explicitly permitted on the Property by the currently in-effect zoning by-law are not explicitly permitted in the equivalent zone under the Draft Zoning By-law. It is unclear whether each of these permitted uses under the current zoning is equivalent to any of the more broadly defined permitted uses listed by the Draft Zoning By-law and whether, as such, each would continue to be permitted under the Draft Zoning By-law.
4. Some uses, which are explicitly permitted in a **RA** zone by By-law 438-86 are not explicitly permitted in a **CRE** zone by the Draft Zoning By-law.
5. Some uses currently permitted by By-law 438-86, as amended on an as-of-right basis would be subject to conditions under the Draft Zoning By-law.
6. By-law 1556-2012 permits a range of heights of the Property up to 132.3m. By contrast, the Draft zoning By-law would permit a maximum height of 30m.

CONCLUSION

The above is intended to provide an brief outline of some of the reasons for our client's concern with the implications of the Draft Zoning By-law. The list is not exhaustive and is subject to change as new information becomes available.

Meanwhile, we understand that the City will be holding a statutory public meeting at 10am on March 6, 2013 to consider the Draft Zoning By-law and the public's concerns related thereto. We trust that Committee members will take the opportunity to consider our written submissions on behalf of King Jay.

Yours truly,

for Mary Flynn-Guglietti

IM/

c.c.: King Jay Developments Ltd.
Attention: Mr. Nathan White