

PG21.1.138**mcmillan**

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Our File No. 97116
Date March 5, 2013

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: Crown Realty II Limited Partnership and 21 Voyager Court South Ltd.
submissions to the Statutory Public Meeting to be held on March 6, 2013 regarding
the City of Toronto's Draft Harmonized Zoning By-law**

We are the solicitors retained to act on behalf of Crown Realty II Limited Partnership, owner the properties municipally known as 400 University Avenue and 901 King Street West and on behalf of 21 Voyager Court South Ltd., owner of the property municipally known as 21 Voyager Court, all in the City of Toronto (the "City"). Together, Crown Realty II Limited Partnership and 21 Voyager Court South Ltd. are referred to herein as "Crown". We are retained by Crown in relation to the City's new draft zoning by-law as endorsed by City Council in November 2012 (the "Draft Zoning By-law") and its implications for our clients' above referenced properties.

We have had an opportunity to review the Draft Zoning By-law and have general and site specific concerns with respect to the various ways in which the Draft Zoning By-law would further restrict Crown's property rights. These concerns are as follows:

General Concerns - All Properties

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 a Property by the currently in-effect applicable 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.

In the former City of Toronto alone, examples of such uses include the following as defined or referenced by By-law 438-86: dwelling room, hostel, hospital, residence owned and controlled by Y.M.C.A Y.W.C.A., or Jewish Community Centre, and a residence affiliated with a hospital or university to house patients, students or employees or university residence; parking area; commercial baths; bake shop; union hall; auctioneer's premises; brew-on-premises establishment; dry-cleaner's distributing station; newspaper plant; showroom; artist live/work studio; private garage; publisher; taxicab stand or station and recreation use.

Site Specific Concerns

In addition to the general concerns outlined above affecting Crown's City of Toronto properties as a whole, we also have site specific concerns with respect to the way in which the Draft Zoning By-law would further restrict development rights for the following Properties as a result of the disparities identified:

400 University Avenue

The property is currently zoned **CR T7.8 C4.5 R4.8** pursuant to former City of Toronto Zoning By-law 438-86, as amended. The Draft Zoning By-law proposes to zone the Property **Commercial Residential CR 7.8 (c4.5; r4.8) SS1 (x2262)**.

We are concerned that the Draft Zoning By-law would further restrict development rights for this Property as a result of the following:

1. Some uses, which are explicitly permitted in a CR zone by By-law 438-86 are not explicitly permitted in a CR zone by the Draft Zoning By-law. Where they exist, such uses would continue to be permitted on the Property until interrupted but when interrupted or newly introduced to the Property, may not longer be permitted unless the type of use they represent is equivalent to any of the more broadly defined uses permitted by the Draft Zoning By-law. Uses affected include the following:
 - i. dwelling room
 - ii. hostel
 - iii. hospital
 - iv. residence owned and controlled by Y.M.C.A Y.W.C.A., or Jewish Community Centre, and a residence affiliated with a hospital or university to house patients, students or employees or *university residence*;
 - v. *parking area*
 - vi. commercial baths
 - vii. *bake shop*
 - viii. *union hall*
 - ix. auctioneer's premises
 - x. *brew-on-premises establishment*
 - xi. *dry-cleaner's distributing station*



- xii. *newspaper plant*
- xiii. *showroom*
- xiv. *artist live/work studio*
- xv. *private garage*
- xvi. *publisher*
- xvii. *taxicab stand or station*
- xviii. *recreation Use*

2. Some uses currently permitted by By-law 438-86 on an as-of-right basis may be subject to conditions under the Draft Zoning By-law. Such uses would continue to be permitted without conditions until interrupted. However, such uses, when interrupted or newly introduced to the Property, would be required to satisfy the applicable Draft Zoning By-law regulations. Uses affected include the following:
 - i. Live/work unit
 - ii. Tourist or Guest Home
 - iii. Laboratory, Class A
 - iv. Service, rental or repair shop
 - v. Nursery
 - vi. Undertaker's establishment
 - vii. Hotel
 - viii. Car Washing Establishment
 - ix. Custom workshop
 - x. Place of worship
 - xi. Private academic school
 - xii. Public or separate elementary school, High School or Secondary School
 - xiii. Post Office, Duplicating Shop
 - xiv. Sales or Hire Garage
 - xv. Non-profit Institution or other community or social agency
3. The new Draft Zoning By-law would introduce a **permitted building type** standard where no such standard is currently applicable under By-law 438-86. This standard could serve to restrict building types on the Property to an apartment building, a mixed-use building, a non-residential building and/or townhouses.
4. By-law 438-86 does not regulate minimum lot frontage for any building type permitted on the Property other than an apartment building or a townhouse (defined by the draft zoning by-law as a building that has three or more dwelling units, and no dwelling unit is entirely or partially above another) in this location. Therefore, the minimum 9m. lot frontage regulation under the Draft Zoning By-law would apply to any future redevelopment or enlargement of the existing development on the Property .
5. The new Draft Zoning By-law would introduce **principal building requirements** where no such standards are currently applicable under By-law 438-86.
6. By-law 438-86 does not regulate minimum height for a first floor of a building. Therefore, the 4.5m minimum height requirement under the Draft Zoning By-law would apply to any future development on the Property.
7. The new Draft Zoning By-law would introduce a main **wall setback standard** where no such standard is currently applicable under By-law 438-86. The new Draft Zoning By-law would require



that, at least 75% of the main wall of the building facing a front lot line must be located at or between the front lot line and a maximum of 3.0m from the front lot line;

8. The new Draft Zoning By-law would introduce energy regulations where none currently apply under By-law 438-86. These energy regulations would apply, when and if energy devices are required, to the location, height and setbacks for renewable energy or co-generation energy devices.
9. Whereas By-law 438-86 does not regulate landscaping in a CR Zone, the Draft Zoning By-law would apply to require a minimum 3.0m wide landscaping strip between any lot line that abuts a street and those portions of a main wall where the building is setback 3.0m or more from the front lot line. On a lot where all portions of the main walls of a building are set back from the front lot line 3.0 or less, no landscaping is required. Accordingly, whether or not landscaping would be required in a future development, would depend on the front lot line setbacks from University Avenue and Simcoe Street.
10. Minimum parking ratios for financial institution uses would be more restrictive under the new Draft Zoning By-law.

901 King Street West

1. The new Draft Zoning By-law would introduce a **permitted building type** standard where no such standard is currently applicable under By-law 438-86. This standard would serve to restrict building types on the Property to an apartment building, a mixed use building or a non-residential building.
2. By-law 438-86 does not regulate *lot frontage* for any building type other than an apartment building (for which a minimum 6m lot frontage is required). Therefore, the minimum 9m lot frontage regulation under the DRAFT ZONING BY-LAW would apply to future redevelopment or enlargement of the development on the Property.
3. The new Draft Zoning By-law would introduce **principal building requirements** where no such standards are currently applicable under By-law 438-86.
4. The new Draft Zoning By-law would introduce a **minimum permitted first floor height** standard where no such standard is currently applicable under By-law 438-86.

21 Voyager Court

1. Some uses, which are explicitly permitted in a C.1.2 zone by The Zoning Code are not explicitly permitted in an E zone by the Draft Zoning By-law. Where they exist, such uses would continue to be permitted on the Property until interrupted but when interrupted or newly introduced to the Property, may not longer be permitted unless the type of use they represent is equivalent to any of the more broadly defined uses permitted by the Draft Zoning By-law. Uses affected include the following: (1) Place of worship, (2) Residential unit association with a place of worship, (3) Schools, colleges and training centres, (4) one accessory residential unit for a caretaker in conjunction with any industrial establishment on the same lot (5) Community centre (6) Libraries (7) Daycares (8) Public parking (9) Bingo halls; (10) Arenas; Race-tracks and ancillary facilities; (11) Nightclubs; (12) Fraternal organizations; (13) Studios for arts-related purposes; (14) Hotels (15) Undertaking establishments, (16) Banquet halls; (17) Entertainment facilities; (18) One food-vending cart (two permitted on corner lots).
2. Some uses currently permitted by The Zoning Code on an as-of-right basis may be subject to



conditions under the Draft Zoning By-law. Such uses would continue to be permitted without conditions until interrupted. However, such uses, when interrupted or newly introduced to the Property, would be required to satisfy the applicable Draft Zoning By-law regulations. Uses affected include restaurants and take out restaurants.

3. Whereas The Zoning Code requires landscaping (no width is stipulated) along the entirety of the front lot line in a C.I.2 zone, the Draft Zoning By-law would apply to require a minimum 3.0m wide soft landscaping strip along any lot line (excepting driveways) abutting a street (in this case the front lot line).

CONCLUSION

The above is intended to provide an outline of some of the reasons for Crown'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 Crown.

Yours truly,

A handwritten signature in cursive script, appearing to read "Mary Flynn-Guglietti".

Mary Flynn-Guglietti

TM/

c.c.: Crown Realty Partners
Attention: Mr. Jamie Christie