

SHERMAN · BROWN · DRYER · KAROL
BARRISTERS & SOLICITORS

March 6, 2013

Planning and Growth Management Committee, City of Toronto
Toronto City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, Ontario M5H 2N2

Attention: Ms. Frances Pritchard, Planning and Growth Committee Administrator

Dear Sirs/Madams:

**Re: Final Report on the City-wide Zoning By-law
Planning and Growth Management Committee Item No.: PG21.1**

We are the solicitors for approximately 150 property owners in the City of Toronto, who had appealed the City's August 2010 passage of Zoning By-law No. 1156-2010, the "Harmonized Zoning By-law", which appeals related to concerns about the City's failure to recognize prior site specific approvals, as well as numerous concerns about the lack of proper notice, coupled with the hundreds of pages of last minute revisions which were approved in August of 2010, without any prior consultation with either the public and/or internal City Staff who are charged with implementing same.

We have reviewed the revised draft "Harmonized Zoning By-law" proceeding to Planning and Growth Management Committee at its March 6, 2013 meeting. We would like to thank City Staff for bringing forward a revised draft of the Harmonized Zoning By-law which addresses our clients' concerns from the previous draft. We commend City Staff for their hard work in correcting the majority of the oversights and errors from the previous draft. The revised draft Harmonized Zoning By-law provides both fair and reasonable transition provisions which do the following: (1) they recognize pre-existing site specific zoning by-law approvals; (2) they provide for an exemption for applications in the queue; and (3) they provide for a three year time period where minor variance approvals will remain in effect. These significant changes, in and of themselves, have satisfied a significant amount of the concerns raised in respect of the original version of the Harmonized Zoning By-law, with City Staff having carefully and fairly addressed these concerns. The revised draft Harmonized Zoning By-law also addresses the majority of site specific concerns with proper exemptions in the mapping.

The following outlines several site specific issues with the revised draft Harmonized Zoning By-law, which we formally request be addressed before City Council's passage of same:

- **Four Seasons Hotel and Residences (as well as associated retail and parking)- zoned Commercial Residential (CR 3.0(C1.75; R3.0) SS1 (x1937)).** The applicable exception

SHERMAN · BROWN · DRYER · KAROL
PRACTISING IN ASSOCIATION


states that Site Specific By-law 331-2006 applies to “55 Scollard Street, 36-48 Yorkville Avenue, and 1263 Bay Street” (the addresses identified in By-law 331-2006). Since the revised draft of the Harmonized Zoning By-law was posted, the Site has been subject to an approval for consent, and now includes the addresses: 60 Yorkville Avenue (The Four Seasons Hotel), 53 Scollard Street (Retail) 59 Scollard Street (Parking Garage), 1275 Bay Street (Retail) and 50 Yorkville Avenue (West Tower). The exemption for this site should include all of the above-noted municipal addresses;

- **431 Richmond Street-** This site is the subject of a complete application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly. (City File Number 11 226036STE 20 SA);
- **2362-2388 Danforth Avenue-** This site is the subject of an application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File Number 13 125649 STE 31 SA);
- **925 & 935 Eglinton Avenue West-** This site is the subject of a complete application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly. 925 Eglinton Avenue West has been appropriately excluded, but 935 Eglinton Avenue West has not (City File Number 11 271384 STE 21 SA);
- **80 Esther Lorrie -** This site is the subject of an application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File Number 12 138250 WET 02 SA);
- **2270 and 2272 Weston Road -** This site is the subject of an application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File Number 09 172870 WET 11 SA);
- **3101 and 3157 Bathurst Street -** This site is the subject of a complete application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly. 3101 Bathurst Street has been appropriately excluded, but 3157 Bathurst Street has not (City File Number 07 132232 NNY 16 SA);
- **164 Avenue Road -** This site is the subject of an application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File Number 09 199225 STE 20 SA);
- **2 Algoma Street-** This site is the subject of an application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File Number 07 166486 WET 06 SA);
- **567, 575 & 577 Lawrence Avenue West and 70, 72 & 74 Fairholme Avenue-** This site is the subject of an application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File Number 10 265733 NNY 15 SA). The zoning by-law for the site has also been approved in principal but not enacted (City File Number: 08 147016 NNY 15 OZ);
- **2737 Keele Street-** This site has a site specific zoning by-law in effect and should be excluded from the new Harmonized Zoning By-law accordingly (City File No: 08 182084 NNY 09 SA);
- **18-30 Erskine Avenue-** This site is the subject of a complete application for a zoning by-law amendment and site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File No: 12 267217 NNY 25 OZ and 12 267211 NNY 25 SA);

- **66-70 Temperance Street**- This site is the subject of a complete application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File No: 12-115522 STE 28 SA);
- **22 Metropolitan Road** – This site is the subject of an application for an Official Plan Amendment, and has only been partially excluded from the Harmonized Zoning By-law (City File Number 12 274412 ESC 40 OZ), and the entire extent of the site should be excluded from the Harmonized Zoning By-law;
- **1213-1229 York Mills Road and 35-53 Valley Woods Road and 101-113 Valley Woods Road** – This site has a site specific zoning by-law amendment in effect and should be excluded from the Harmonized Zoning By-law accordingly (City File No: 07 288330 NNY 34 OZ); and
- **609 Avenue Road**- This site is the subject of a complete application for site plan approval and should be excluded from the Harmonized Zoning By-law accordingly (City File No: 11 327473 STE 22 SA).

We respectfully request that confirmation be provided to the writer that the above-noted site specific issues are addressed before the new Harmonized Zoning By-law is passed. Should you have any questions or require additional information, please do not hesitate to contact the undersigned, or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown

cc: Mr. Joe D'Abramo, Acting Director Zoning Bylaw & Environmental Planning