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PG33.15.3

June 5, 2014

BY EMAIL

Members of Council
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Marilyn Toft

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**Re: Amendments to the City-wide Site Plan Control By-law
City Council Meeting – June 10, 2014
Item No. PG33.15**

We act on behalf of Urbancorp Inc. ("Urbancorp"), the owner of a number of properties in the City of Toronto. Our client has built and is in the process of developing a number of residential development projects in the City, many of which are characterized as infill townhouse developments.

In particular, our client is the owner of the property at 177 Caledonia Road and 19 Innes Avenue. On December 23, 2013, our client submitted applications for a zoning by-law amendment and part-lot control exemption (City File No. 13 281025 WET 17 OZ). The applications propose to redevelop the site with 38 semi-detached and 3 rowhouse dwelling units fronting onto Caledonia Road, McRoberts Avenue and Innes Avenue. We understand that a final staff report will be forthcoming to City Council prior to the end of the summer. This development is not currently subject to site plan control.

Our client has had an opportunity to review the proposed amendments to the City-wide Site Plan Control By-law considered by Planning and Growth Management Committee on May 29, 2014 (the "Revised By-law"). We are writing to advise that our client has concerns with the proposed revisions in particular, the deletion of Section 415-45 A(3) of the Municipal Code. This is especially the case if, as currently proposed, this amendment would be effective immediately upon approval by Council (i.e. without a transition clause) and would therefore apply to our client's development applications which are currently in progress.

In accordance with well-established case law, our client is entitled to have its application considered in the context of the policy and regulatory regime in force at the time of submission of its application. Accordingly, we are writing to request that this policy, if approved, not be applied by staff to retroactively seek site plan approval for sites which are the subject of pre-existing development applications already deemed complete by staff.

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We also note that there is an error in the staff report dated May 2, 2014. On page 3 of this report, staff incorrectly paraphrase section 415-45 A(3) of the City's Municipal Code. Currently, a row house or townhouse project is exempt from site plan approval if "the project includes no more than 4 dwelling units [...]" *emphasis added*. The staff report incorrectly stipulates that the current site plan control by-law exempts a "townhouse project with more than 4 townhouse dwelling units fronting on a public street."

On behalf of our client we request that City Council:

1. amend the Revised By-law to include a transition clause exempting all complete applications for townhouse projects with no more than 4 dwelling units from site plan control; or in the alternative,
2. approve an exemption for our client's project at 177 Caledonia Road and 19 Innes Avenue from the Revised By-law.

Additionally, we request that the undersigned be notified of any further meetings of City Council or any Committee of Council wherein this matter is considered. We also request that we be notified of any by-law enacted by Council in relation to this matter.

Should you require any further information, please do not hesitate to contact the undersigned.

Thank you for your attention to this matter.

Yours truly,

AIRD & BERLIS LLP



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EPKC/SJL

c. Tony Manocchio/David Mandell, Urbancorp
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