



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: **John M. Alati**
e-mail: johna@davieshowe.com
direct line: 416.263.4509
File No. 702127

February 23, 2015

By E-Mail Only to pgmc@toronto.ca

Nancy Martins
Secretariat, Planning and Growth Management Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Members of the Committee:

**Re: February 24, 2015 Meeting Item PG2.1
Amendments to City-wide By-law 569-2013 to Address Specific
Appeals (the "February 2015 Amendments")
Conservatory Group of Companies**

We write on behalf of our client, the Conservatory Group of Companies ("Conservatory Group"), with respect to the February 2015 Amendments to be addressed at tomorrow's *Planning and Growth Management Committee* meeting.

Conservatory Group is an appellant to the City-wide By-law 569-2013 ("Bylaw 569"). On behalf of our client, we made several written submissions to the Committee on By-law 569, before and after it was passed, on October 11, 2012, November 7, 2012, March 5, 2013 and June 19, 2013.

Some of our client's concerns were addressed prior to the passing of By-law 569 or through subsequent amendments; however, many of our client's issues remain outstanding.

The proposed February 2015 Amendments include changes to By-law 569 regulations under appeal by our client. We are pleased with the proposed change to Commercial Residential zones at item 20, to permit residential uses below non-residential uses for lobby access and on the first storey of corner lots where certain conditions are met.

However, there are a number of proposed revisions which do not resolve our client's concerns. One of the proposed changes, at item 16, is to delete the existing regulation 40.10.90.40(1) applying to lands in Commercial Residential zones and replace it with a new regulation. The existing regulation requires vehicle access for loading spaces to come off a lane, where the lot abuts a lane. The proposed



Davies
Howe
Partners
LLP

February 2015 Amendments would maintain this restriction for lands in Standard Set Areas 1 and 2.

A similar change is proposed at item 18, to delete regulation 40.10.100.10(1) and replace it with a new one. The existing regulation requires vehicle access to come from a lane where the lot abuts a lane in Commercial Residential zones. The proposed February 2015 Amendments would, again, maintain this restriction for lands in Standard Set Areas 1 and 2.

The Staff Report does not provide any planning rationale for why these restrictions should be maintained in Standard Set Areas 1 and 2.

Our concern is demonstrated at our client's property at 636 Bay Street/70 Edward Street, which is in Standard Set Area 1. This property is one of several Conservatory Group properties under appeal in By-law 569 since, amongst other reasons, 636 Bay Street/70 Edward Street forms part of a larger contiguous parcel with 100 Edward Street, which is left out of By-law 569. Since 636 Bay Street/70 Edward Street are in By-law 569, but 100 Edward Street is not, regulations 40.10.90.40(1) and 40.10.100.10(1) for loading and lane access will apply to this portion of the redevelopment site, but not the balance.

In our view, it would be appropriate to amend items 16 and 18 in the February 2015 Amendments to entirely delete 40.10.90.40(1) and 40.10.100.10(1) instead of maintaining it for Standard Set Areas 1 and 2. Alternatively, 636 Bay Street/70 Edward Street could be removed from By-law 569 so that the regulations applying to this address are consistent with the balance of the site at 100 Edward Street.

Kindly ensure that we receive notice of any decision made by the City regarding the proposed February 2015 Amendments.

Yours truly,

DAVIES HOWE PARTNERS LLP


John M. Alati

JMA:IB

copy: Peter Swinton, PMG Planning Consultants
Client