



**Confederation of Resident & Ratepayer  
Associations in Toronto**

October 5, 2016

**Mayor John Tory and Members of Council**

Toronto City Hall, 100 Queen Street West  
Toronto, ON M5V 2N2

Attention: Ms. Marilyn Toff  
Email: clerk@toronto.ca

Dear Mayor Tory and Members of Council

<p><a href="#">PG14.2:</a> Official Plan and Zoning By-law Amendments Impact of Large Retail Development on Pedestrian Shopping Areas City Council Meeting October 5, 2016</p>
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CORRA, the Confederation of Resident and Ratepayer Associations in Toronto, is writing concerned with the issues addressed in agenda item PG14.2 that addresses the Official Plan Amendment and in particular City of Toronto Zoning By-law 438-86 Section 12(2) 270.

The OPA 231 containing the Retail Policies was brought forward as part of the 5-year review of the City's Official Plan. It was CORRA's understanding the Chapters were to be reviewed by 'theme' as approved by Council. However, it is the Zoning By-law amendment being contemplated that draws equal concern because of the partial approvals of the City Zoning By-law that are currently under appeal at the OMB.

CORRA only learned of this agenda item in the last week and have not assessed the contents of the report and associated reports that are contained within. Despite its area specificity, the recommendations have city wide impact.

CORRA attaches the full read of ZBL 438-86 Section 12 (2) 270 as part of this submission. This regulation is quite specific to the uses as part of the Section 8 and 9 and the dates of permitted and continued use. MCR properties, within the City of Toronto, have been assigned the zoning by-law restriction as an exception under the ZBL 569-2013 currently appealed at the OMB.

We ask that CORRA be kept informed and be notified at the various stages of the decision-making process with respect to both the Official Plan and Zoning By-law.

Thank you,

Eileen Denny, Chair  
Confederation of Resident and Ratepayer Associations in Toronto  
Attached: ZBL438-86 Section 12 (2) 270

270. (a) No person shall, on any *lot* in any CR, MCR, RA, I or IC district, erect or use any building or construct an addition to an existing building, for any purpose permitted in sections 8(1)(f)(b)(iv) or 9(1)(f)(b)(iv) and (xi), where the total *non-residential gross floor area* used for such purpose is: (1994-0532) (1994-0540) (1996-0238)
- (i) greater than the amount which existed on the *lot* in July 20, 1993, plus an additional 1 800 square metres; and<sup>1</sup>
  - (ii) provided the total *non-residential gross floor area* is not greater than the amount permitted on the *lot* by sections 8(3) PART 1 2 and 9(3) PART 1 2 and 3; and (1994-0540)
  - (iii) provided no single retail or service use, unless existing on August 29, 1994, shall exceed a *non-residential gross floor area* of 8 000 square metres. (1994-0540)

The provisions of this paragraph, other than in respect of a *retail-warehouse*, shall not apply to *lots* located within the areas outlined by heavy lines on the following maps. (1994-0540)

(425-93)

- (b) Paragraph (a) shall not apply to a *lot* within an RA district in *King-Spadina* and *King-Parliament*, provided the uses listed in paragraph (a) are located within:
  - (i) a building or structure existing on April 30, 1996; or
  - (ii) a building or structure erected after that date, provided such building or structure complies with the following:
    - (a) the uses set out in paragraph (a) are located in a building that is setback less than 3 metres from any *frontage*;
    - (b) the principal public entrance to each shop or store is located in the exterior wall of the building which is directly accessible by pedestrians along a route not more than 3 metres from the *frontage* of the *lot* on which the shop or store is located;
    - (c) the level of the floor of the principal public entrance is within 0.2 metres of the level of the public sidewalk directly opposite such entrance; and
    - (d) the uses are located in a building that complies with the setback requirement set out in this paragraph, and the width of such building equals a distance that is not less than 90 percent of the aggregate length of the portion of the *frontage* of the *lot* abutting the *street*, excluding any vehicular access required by this by-law.

For the purposes of this paragraph, the expression "*frontage*" shall not include the limit of a *public park*.

(1996-0238)

- (c) Reserved.

<sup>1</sup> Technical amendment is required to remove the word "and".

- (v) despite the provisions of (iv) herein, in the case of a *restaurant* having a *non-residential gross floor area* of 350 square metres or less, floor area above or below *grade* in the aggregate up to 21 square metres shall be permitted for the purposes set forth in (iv);

(1996-0028, as amended by O.M.B. Order June 18, 1997, D.O. #0416)

*"restrictive by-law"*

means, (1997-0422)

- (i) a by-law passed pursuant to one or more of the following statutory authorities, and amendments thereto:
- A. section 399a of The Municipal Act, R.S.O. 1914, Chapter 192, as enacted by section 10 of The Municipal Amendment Act, 1921 (11 Geo. V, Chapter 63);
  - B. section 399a of The Consolidated Municipal Act, 1922;
  - C. section 398 of The Municipal Act, R.S.O. 1927, Chapter 233;
  - D. section 406 of The Municipal Act, R.S.O. 1937, Chapter 266, and as re-enacted by section 13 of The Municipal Amendment Act, 1941 (5 Geo. VI, Chapter 35);
  - E. section 390 of The Municipal Act, R.S.O. 1950, Chapter 243;
- (ii) a by-law referred to in subsection 3 of section 13 of The Municipal Amendment Act, 1941 (5 Geo. VI, Chapter 35);

(1997-0422)

*"retail store"*

means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of the goods, wares, merchandise, substances, articles or things sufficient only to service the store but does not include a retail outlet otherwise classified or defined in this by-law or a mechanical or electronic game machine to be used for the purpose of gambling; (1997-0617)



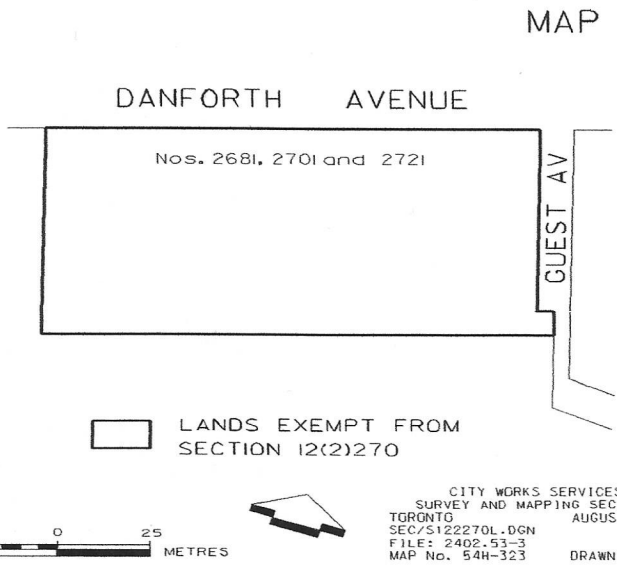
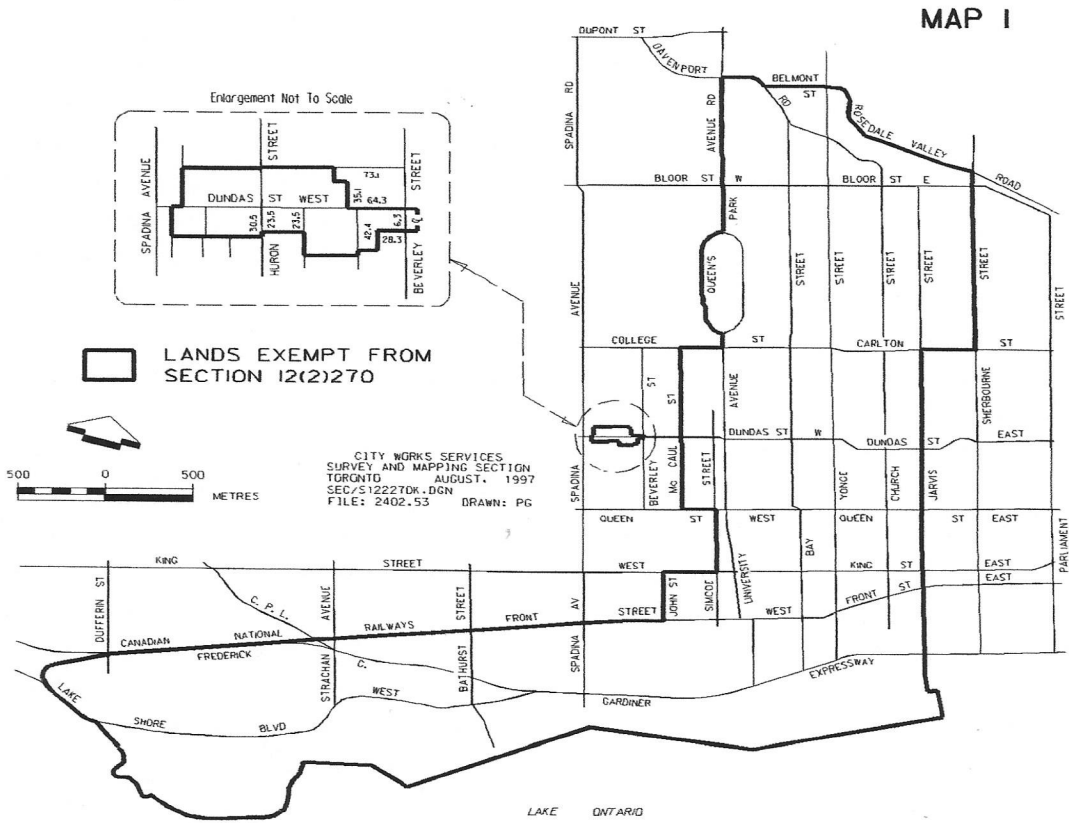
*"retail-warehouse"*

means a building or portion of a building, operated as a single store with a *non-residential gross floor area* exceeding 8 000 square metres, for the sale of products displayed and stored in a warehouse format and where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of such goods, wares, merchandise, substances, articles or things sufficient only to service the store but does not include a department store or a retail outlet otherwise classified or defined in this by-law; (1994-0540)

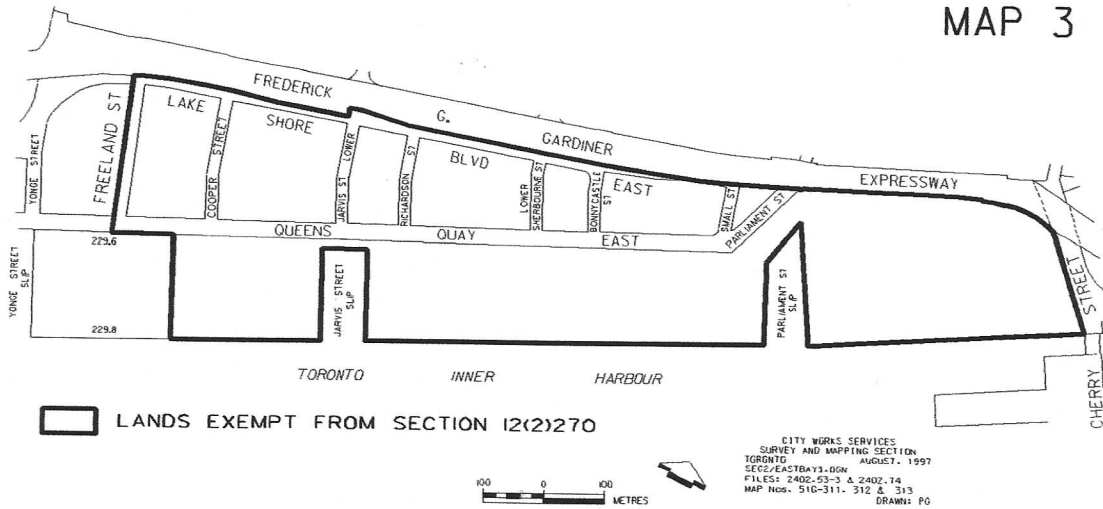
*"rooming house"*

means a building that:

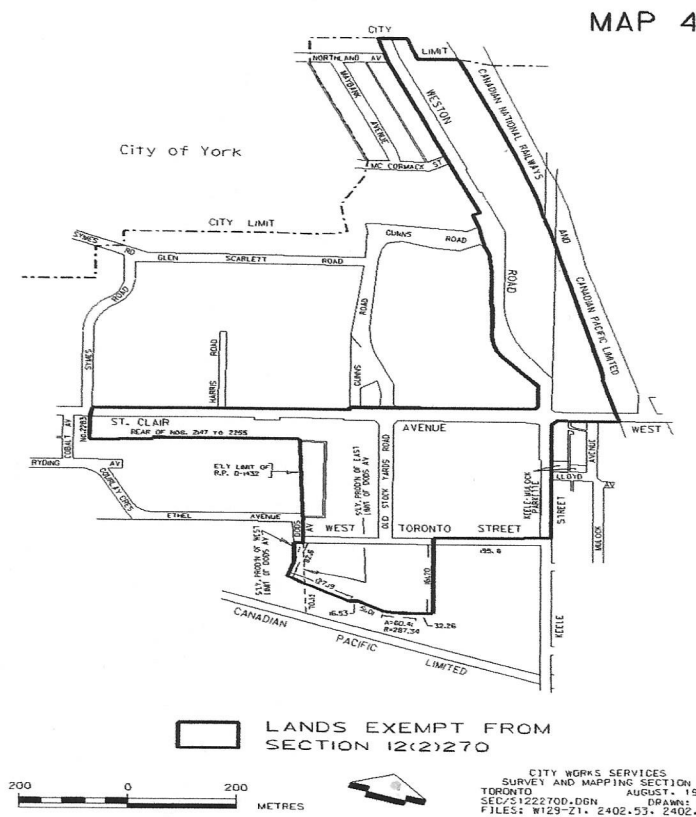
- (i) contains *dwelling rooms* designed or intended for use as living accommodation by more than three persons; and (293-89)



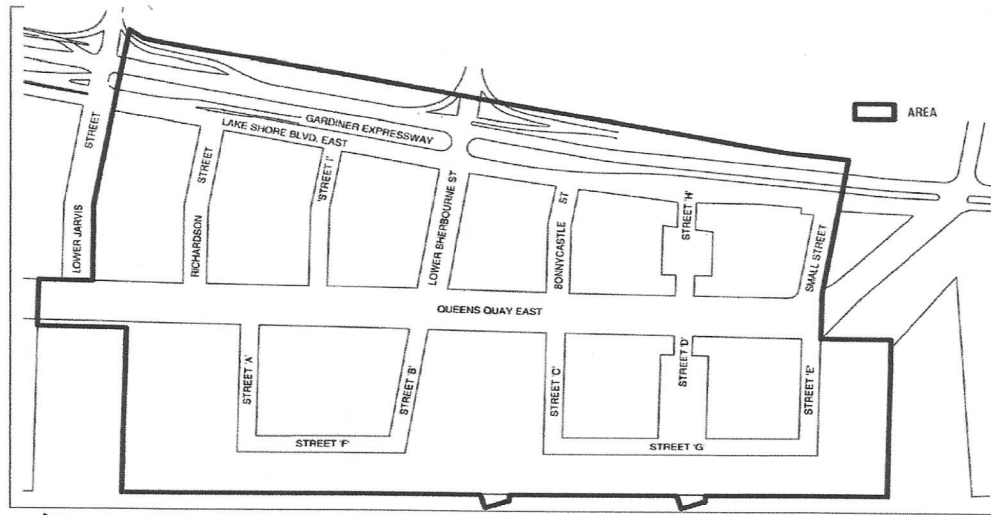
(425-93, as amended by O.M.B. Order dated July 17, 1996, OB 1996-4, Folio 231) (1994-0532) (1997-0422)



(1997-0184, as amended by OMB Order #2059 dated November 10, 1999, PL 970629 and PL 980050, Ex #33)  
(1997-0422)



(1996-0356) (1997-0422) (1997-0480)



**Map C: Lands Exempt from Section 12(2) 270**

East Bayfront - West Precinct

File # 06\_160461

The Location of Streets 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I' Are Shown For Illustrative Purposes Only

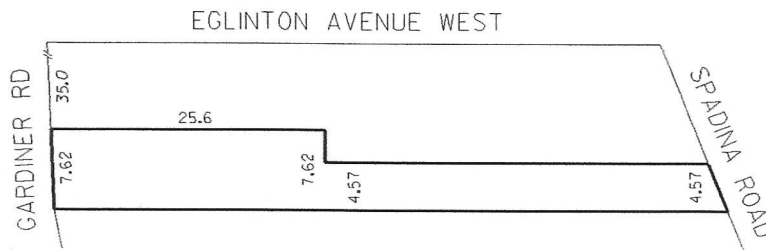


(1049-2006)

271. No person shall, within the area outlined by the heavy lines on the map at the end of this exception, use such land except for one or more of the following uses:

- (i) open, unobstructed space suitable for the growth and maintenance of grass, flowers, bushes and other landscaping; or
- (ii) a surfaced walk, patio or similar area or decorative pool.

(425-93)



LANDS REFERRED TO IN SECTION 12(2)271



DEPARTMENT OF PUBLIC WORKS  
AND THE ENVIRONMENT  
SURVEY AND MAPPING SECTION  
TORONTO  
FILE: 2402.53  
MAP No. 50K-321  
APRIL, 1993  
DRAWN: PG

## SECTION 8 - MIXED-USE DISTRICTS (CR, MCR and Q) (425-93)

### (3) REGULATIONS APPLYING TO MIXED-USE DISTRICTS

#### PART I - DENSITY (425-93)

1. Maximum total density: T symbol

Subject to regulations 2 and 3 no person shall erect or use a *mixed-use building* on a *lot* in a CR, MCR or Q district where the combined *non-residential gross floor area* and *residential gross floor area* exceeds the product of the *lot* area multiplied by the number following the symbol T as shown on the District Map for the zone in which the *lot* is located. (1994-0178)

2. Maximum non-residential gross floor area: C symbol

No person shall erect or use a *non-residential building* or *mixed-use building* on a *lot* in a CR, MCR or Q district having a greater *non-residential gross floor area* than the product of the *lot* area multiplied by the number following the symbol C as shown on the District Map for the zone in which the *lot* is located. (1994-0178)

3. Maximum residential gross floor area and average unit size: R symbol

(a) No person shall erect or use a *residential building* or *mixed-use building* on a *lot* in a CR, MCR or Q district having a greater *residential gross floor area* than the product of the *lot* area multiplied by the number following the symbol R as shown on the District Map for the zone in which the *lot* is located.

(b) The average floor area of the *dwelling units*, as measured from the exterior walls of such units, in a *residential building* or *mixed-use building* shall be at least 50 square metres where the *lot* is in a CR, MCR or Q district and 100 or more *dwelling units* are erected or used.

(1994-0178)

4. Exception: Saving provision for buildings existing on a certain date

Notwithstanding regulations 1, 2 and 3, a building or structure on a *lot* in a CR, MCR or Q district that has a greater *non-residential gross floor area*, *residential gross floor area* or combination of the two, than permitted by those regulations, may be used for any purpose permitted in the district in which the *lot* is located, provided the *non-residential gross floor area*, *residential gross floor area* or the combined *non-residential gross floor area* and *residential gross floor area* of the building or structure, as the case may be, does not exceed the amounts lawfully on the *lot* on July 20, 1993. (1994-0178)

(b)	NON-RESIDENTIAL USES	Acc.	CR	MCR	Q
(iv)	RETAIL AND SERVICE SHOPS				
	<i>auctioneer's premises</i>	*	P	P	
	<i>bake-shop (1997-0422) (1997-0595)</i>	*	q7	q7	q7
	<i>branch of a bank or financial institution</i>	*	P	P	P
	<i>brew-on-premises establishment</i>	*	P	P	P
	<i>caterer's shop (1997-0595)</i>	*	q7	q7	q7
	<i>courier service</i>	*	q6	q6	
	<i>dry-cleaner's distributing station</i>	*	P	P	P
	<i>dry-cleaning shop</i>	*	P	P	
	<i>duplicating shop</i>	*	P	P	P
	<i>laundry shop</i>	*	P	P	P
	<i>pawnbroker's shop</i>	*	P	P	
	<i>personal grooming establishment</i>	*	P	P	P
	<i>pet shop</i>	*	P	P	
	<i>private art gallery</i>	*	P	P	
	<i>restaurant (1996-0028)</i>		q7	q7	q7
	<i>retail store</i>	*	P	P	q5
	<i>service, rental or repair shop</i>	*	P	P	
	<i>showroom</i>	*	P	P	
	<i>tailoring shop</i>	*	P	P	P
	<i>take-out restaurant</i>	*	q7	q7	q7

(425-93) (1994-0178)



## SECTION 9 - INDUSTRIAL DISTRICTS

(I1, I2, I3, I4, IC, T and Tr) (425-93)

### (3) REGULATIONS APPLYING TO INDUSTRIAL DISTRICTS

#### PART I - DENSITY

1. Deleted by By-law 425-93.
2. Maximum non-residential gross floor area: symbol D

No person shall erect or use a *non-residential building* or *non-residential structure* on a *lot* in an I, IC or Tr district having a greater *non-residential gross floor area* than the product of the *lot* area multiplied by the number following the symbol D as shown on the District Map for the zone in which the *lot* is located.

(425-93)

3. Maximum non-residential gross floor area for certain uses: symbol N

Subject to regulation 2, no person shall erect or use a building on a *lot* in which the *non-residential gross floor area* or portion of the *non-residential gross floor area* used for any of the uses in the list at the end of this regulation exceeds the product of the *lot* area multiplied by the number following the symbol N as shown on the District Map for the zone in which the *lot* is located. (1994-0532)

The following is the list:

*a bake-shop, take-out restaurant, restaurant, caterer's shop, tailoring shop, dry-cleaning shop, dry-cleaner's distributing station, laundry shop, branch of a bank or financial institution, personal grooming establishment, retail store, pawnbroker's shop, pet shop, auctioneer's premises, service, rental or repair shop, fire hall, police station, open air market, office, post office, private art gallery, club, place of amusement, commercial baths, clinic, commercial school, community centre, day nursery, public park not including a stadium or arena, union hall, trade school, automobile service station, taxicab stand or station, car washing establishment, cold storage locker plant, animal hospital, ornamental structure, and any use that is accessory to any of the foregoing uses.*

(425-93)

4. Deleted by By-law 1997-0422.

(b)	NON-RESIDENTIAL USES	Acc.	I1	I2	I3	I4	IC	T	Tr
	<i>day nursery</i>	*	P	P	P		P		
	fire hall *		P	P		P		P	
	<i>place of worship</i> (1994-0532)	*					P		
	police station	*		P	P		P		P
(iii)	GENERAL INSTITUTIONS								
	<i>post office</i>	*	q1	P	P		P		
	<i>union hall</i>	*	P	P	P		P		
(iv)	RETAIL AND SERVICE SHOPS								
	auctioneer's premises	*					P		
	<i>bake-shop</i>	*					P		
	<i>branch of a bank or financial institution</i>	*	q1	P	P		P		
	<i>brew-on-premises establishment</i>	*	P	P	P		P		
	<i>caterer's shop</i> (1997-0422)	*		P	P		P		
	<i>dry-cleaner's distributing station</i>	*		P	P		P		
	<i>dry-cleaning shop</i>	*	q1	P	P		P		
	<i>duplicating shop</i>	*	P	P	P		P		
	<i>laundry shop</i>	*					P		
	newsstand	*	q1	P	P		P		
	pawnbroker's shop	*					P		
	<i>personal grooming establishment</i>	*	q1	P	P		P		
	<i>pet shop</i>	*					P		

(b) NON-RESIDENTIAL USES	Acc.	I1	I2	I3	I4	IC	T	Tr
<i>private art gallery</i>	*					P		
<i>restaurant</i> (1996-0028)			q2	q2		q2		
<i>retail store</i>	*					P		
<i>showroom</i> (527-1998)	*	q29	q29	q29		q29		
<i>service, rental or repair shop</i>	*	q1	P	P		P		
<i>tailoring shop</i>	*	q1	P	P		P		
<i>take-out restaurant</i>	*		q2	q2		P		
(v) WORKSHOPS AND STUDIOS								
<i>artist live/work studio</i>	*	P				P		
<i>artist's or photographer's studio</i>	*	P	P	P		P		
<i>communications and</i>	*	P	P	P		P		
<i>broadcasting establishment</i>								
<i>custom workshop</i>	*	P	P	P		P		
<i>data processing establishment</i> (1997-0422)	*		P	P		P		
<i>designer's studio</i> (1997-0422)	*	P	P	P		P		
<i>industrial computer service</i>	*	P	P	P		P		
<i>laboratory, class A</i>	*	P	P	P		P		
<i>performing arts studio</i>	*	P	P	P		P		
<i>publisher</i>	*	P	P	P		P		
<i>software, design and development establishment</i>	*	P	P	P		P		

(b)	NON-RESIDENTIAL USES	Acc.	I1	I2	I3	I4	IC	T	Tr
(x)	INDUSTRIAL WORKSHOPS								
	<i>bookbinder's shop</i>	*	P	P	P		P		
	<i>carpenter's shop</i>	*	P	P	P		P		
	<i>cleaning plant</i>	*		P	P				
	<i>contractor's shop, class A</i>	*	P	P	P		P		
	<i>contractor's shop, class B</i>	*		P	P				
	<i>laboratory, class B</i>	*				P			
	<i>sheet metal shop</i>	*	P	P	P		P		
	<i>welder's shop</i>	*	P	P	P		P		
(xi)	SALES OUTLET								
	<i>builder's supply yard</i>	*		P	P				
	<i>open air market</i>	*					P		
(xii)	TRANSPORTATION, DISTRIBUTION AND RELATED USES								
	any administrative, engineering, maintenance, repair or storage use related to the operations of the Toronto Transit Commission and Go Transit (1995-0492)	*							P
	<i>bread distributing depot</i>	*		P	P				
	bus station	*			P				
	cartage, express or truck transport yard or terminal for one or more highway transportation companies or organizations	*			P				