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March 24, 2011
File No: 043970.1012

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SECRETARIAT SECTION
2011 MAR 28 A 11:49

Attention: Ms. Merle MacDonald, Administrator
Planning and Growth Management Committee

Dear Madam:

Re: Concerns with the Proposed Amendments to By-law 1156-2010
Proponent: Toronto Industry Network
Properties: Various
Municipality: City of Toronto

We are the solicitors for the Toronto Industry Network with respect to the above-noted matter. The Toronto Industry Network ("TIN") is an incorporated organization that represents manufacturers and industry associations located throughout the City of Toronto. TIN appealed By-law No. 1156-2010 (the "By-law") to the Ontario Municipal Board in September 2010. The appeal included all of Chapter 60 and all provisions that may affect lands regulated by Chapter 60 of the By-law.

We have reviewed the proposed amendments ("Proposed Amending By-laws") to the By-law as referenced in Staff Report pg11012, dated March 15, 2011. TIN's objections to the By-law have not been addressed by the changes in the Proposed Amending By-laws. In addition, TIN has concerns with the Proposed Amending By-laws' changes to the By-law.

Concerns

In the Proposed Amending By-laws, Attachment A5 - Zoning By-law Amendment #5 to the By-law includes a number of proposed changes to Table 200.5.10.10, Parking Space Rates and Parking Space Occupancy, in the By-law (the

"Table of Parking Rates"). Concerns with these proposed changes are summarized below:

Concern #1

If the Proposed Amending By-laws are approved as proposed, certain employment uses identified in the By-law will be classified as "All Uses Not Otherwise Listed" by the Table of Parking Rates. We are concerned because the parking rate associated with the "All Uses Not Otherwise Listed" classification is onerous when applied to such employment uses. We request clarification of the employment use classifications in the Table of Parking Rates to address this concern.

The Proposed Amending By-laws add a number of specific manufacturing uses, such as "Industrial Gas Manufacturing", to the Table of Parking Rates. If the Proposed Amending By-laws are approved in their current form, specific manufacturing uses identified in the By-law such as "Beverage Manufacturing" and "Food Manufacturing", which have not been specifically identified in the Table of Parking Rates, will be classified as "All Uses Not Otherwise Listed" in the Table of Parking Rates.

The parking rate proposed for "All Uses Not Otherwise Listed" of 2.0 spaces per 100 square metres of gross floor area ("General Parking Rate") could be applied to uses such as "Food Manufacturing", "Large Scale Smelting or Foundry Operations for the Primary Processing of Metals", "Water Filtration Plants", etc., specific uses listed as permitted in the Employment Industrial Zone category of the By-law but not listed or proposed to be listed in the Table of Parking Rates. Generally, these uses are space extensive but have a low employee to gross floor area ratio and generate less parking then required by the General Parking Rate. We are concerned that the proposed General Parking Rate represents an onerous and arbitrary standard for such employment uses.

Particular Public Utility, Industrial Sales and Service Uses, and Warehousing uses permitted in the Employment Industrial Zone of the By-law, would similarly be subject to the General Parking Rate in the Table of Parking Rates.

Recommended Solution:

To avoid misinterpretation and the inconsistent application of parking rates, a consistent structure is required in the Table of Parking Rates that presents groups of related uses instead of assigning particular parking rates to specific uses and not others.

We respectfully request that:

(1) Instead of articulating "Industrial Gas Manufacturing", "Pesticide or Fertilizer Manufacturing" and "Petrochemical Manufacturing" as distinctive individual uses in the Table of Parking Rates, the "Manufacturing Use" classification in

the Table of Parking Rates be replaced with the following broader listing of manufacturing uses:

"**Manufacturing Use** (includes Food Manufacturing; Beverage Manufacturing; Apparel and Textile Manufacturing; Printing Establishment; Metal Products Manufacturing; Clay Product Manufacturing; Pharmaceutical and Medicine Manufacturing; Plastic Product Manufacturing; Computer, Communications, Electronics, or Optical Media Manufacturing; Transportation Product and Vehicle Manufacturing; Furniture Manufacturing; Abattoir, Slaughterhouse or Rendering of Animals Factory; Pulp Mill, using pulpwood or other vegetable fibres; Petrochemical Manufacturing; Industrial Gas Manufacturing; Resin, Natural or Synthetic Rubber Manufacturing; Pesticide or Fertilizer Manufacturing; Primary Processing of Oil-based Paints, Oil-based Coatings or Adhesives; Cement Plant, or Concrete Batching Plant; Primary Processing of Limestone; Primary Processing of Gypsum; Large Scale Smelting or Foundry Operations for the Primary Processing of Metals; Asphalt Plant; Metal Factory involving Forging and Stamping; Bindery; **Custom Workshop**; Carpenter's Shop; and Dry Cleaning or Laundry Plant)."

(2) The "Public Utility" use classification in the Table of Parking Rates be replaced with the following:

"**Public Utility** (includes Sewage Plant; and Water Filtration Plant)."

(3) The "**Industrial Sales and Service Use**" classification in the Table of Parking Rates be replaced with the following:

"**Industrial Sales and Service Use** (includes **Building** Supply Yards)."

(4) The "Warehouse and Self-Storage Warehouse" use classification in the Table of Parking Rates be replaced with the following:

"**Warehouse** and **Self-Storage Warehouse** (includes Chemical Materials Storage; Fuel Storage; Cold Storage; Food **Warehouse**; Propane Transfer, Handling and Storage Facility; and **Wholesaling Use**)."

There is precedent for providing broader use inclusions in the By-law Table of Parking Rates for such uses as Post Secondary School, Place of Assembly, and Entertainment Place of Assembly.

Concern #2

Certain uses proposed to be added to the Table of Parking Rates do not correctly reflect uses that are permitted by the By-law. For example, a "Drive-in Eating Establishment". The use should have been described in the Proposed Amending By-laws as a "Drive Through Facility" to be consistent with the uses permitted in the By-law. Likewise, a "Power Generation Use" is not permitted in any zone in the By-law and should not be added to the Table of Parking Rates [see further discussion of this point in #3 below].

The By-law Table of Parking Rates contains a "Cartage, Express or Truck Transport Yard or Terminal" use and an "Industrial Skills Training" use. Such uses are not listed as permitted by the By-law and should be deleted.

Recommended Solution:

The uses contained in the Table of Parking Rates should correspond directly with uses listed as permitted in the By-law to avoid misinterpretation and the inconsistent application of parking rates.

Concern #3

As mentioned above, "Power Generation Use" has been proposed to be added to the Table of Parking Rates by the Proposed Amending By-laws; whereas a "Power Generation Use" is not a use permitted in any zone of the By-law.

Should renewable energy production or cogeneration energy production be interpreted to be a "Power Generation Use", according to Clause 5.10.20.100(6) of the By-law; "unless otherwise stated in this By-law renewable energy production or cogeneration energy production is permitted if it is ancillary to an existing principal use on the lot". Since there are no zones in the By-law where renewable energy production or cogeneration energy production is permitted as a principal use, all such energy production must be an ancillary use.

According to Section 200.5.10.1(3) of the By-law, "unless otherwise stated in this By-law, an ancillary use has the same parking rate as the use to which it is ancillary." Since all renewable energy production or cogeneration energy production must be ancillary to comply with the By-law and there are no "despite" clauses/exceptions in the By-law specifying a parking rate for ancillary renewable energy production or cogeneration energy production, it is both perplexing and redundant to add a "Power Generation Use" to the Table of Parking Rates.

Recommended Solution

A "Power Generation Use" should not be added to the Table of Parking Rates.

Concluding Remarks

We reserve the right to raise additional concerns with the Proposed Amending By-laws. We also ask to be provided with notice of all upcoming meetings of Council and Committees of Council at which the Proposed Amending By-laws will be considered and that we be provided with notice of Council's decision with respect to the Proposed Amending By-laws.

If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,

PER: Calvin Lantz

/aad & na

cc: Ulli S. Watkiss, *City of Toronto Clerk*
Paul Scrivener, *Paul H. Scrivener & Associates*
Andrew Judge, *Redpath Sugar Ltd.*
Al Brezina, *Campbell Company of Canada*