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2013 APR -2 P 12: 51

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April 2, 2013

Mayor and Council
c/o City Clerk
Attn. Marilyn Toft
City of Toronto
100 Queen Street West
Toronto, ON, M5H2N2

Mr. Mayor and Members of Council:

**RE: DRAFT HARMONIZED ZONING BY-LAW
1, 9-11 CITY VIEW DRIVE
WARD 2
CITY VIEW INDUSTRIAL LTD
OUR FILE 1286B**

We are writing on behalf of our client, City View Industrial Ltd., regarding their site at 1, 9-11 City View Drive in West District. The site is currently occupied by two existing industrial buildings and is zoned Class 2 Industrial (I.C2) in the former City of Etobicoke Zoning Code. Currently, the I.C2 Zone permits, among other uses, schools including elementary, secondary, private, nursery, and commercial schools.

The site is proposed to be zoned Employment Industrial (E) in the draft Harmonized Zoning By-law. This zone does not permit schools, and therefore does not recognize use permissions that the site currently benefits from.

The City View Industrial Ltd. is contemplating locating a private school on the lands on a temporary basis, and has not determined the long term use of the lands yet. Our client is still in the process of completing a Consent application to sever the lands to create individual parcels for the two existing buildings. The Consent file is B84/12 EYK and the Notice of Decision for the Consent (attached) was issued on January 10, 2013. Once the conditions are cleared, City View Industrial Ltd. intends to file permit applications to renovate the building interior of the severed parcel (1 City View Drive) for the temporary private school. Our client wishes to maintain several other current use permissions to allow for flexibility in tenancing the site over the long term.

We respectfully request that a site-specific exception be provided within the Harmonized Zoning By-law for 1, 9-11 City View Drive that recognizes the current permissions of the site. Such a provision should read:

"(XXX) Exception E XXX

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:"

- (A) In addition to the uses permitted in Section 60.20.20, the following uses are permitted:
- a. Schools (elementary, secondary, private, nursery, commercial);
 - b. Hotel;
 - c. Service/Repair Operations;
 - d. Car Wash.

Prevailing By-laws and Prevailing Section (None Apply)"

In addition, the transition provisions of the Harmonized Zoning By-law include a provision for Consent applications. Clause 2.1.3.6(1) says "nothing in this By-law will prevent the erection or use of a building or structure for which a complete application for (A) a consent to sever..." Clause 2.1.3.6(3) goes on to say "where a project qualifies under regulation 2.1.3.6(1): (B) a building permit for that project may be issued, based on an application for a building permit filed after [the date of passage of this By-law], if the project in question complies, or the building permit application or the project is amended to comply, with the provisions of the applicable Former General Zoning By-law as it read on [insert date of passage of this By-law..." Therefore it is our interpretation that the current Consent application B84/12EYK exempts the site from the Harmonized Zoning By-law, and subsequent permit applications will be reviewed under the former general Zoning By-law (being the Etobicoke Zoning Code).

If you have any questions, please feel free to contact the undersigned.

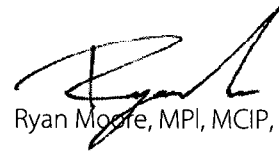
Thank you,

MHBC



David A. McKay, MSc, MCIP, RPP

cc: *Mark Goldberg, Ward Councillor Doug Ford*



Ryan Moore, MPI, MCIP, RPP, LEED® AP

Thursday, January 10, 2013

NOTICE OF DECISION
CONSENT
(Section 53 of the Planning Act)

File Number:	B84/12EYK	Zoning:	I.C2
Owner(s):	CITY VIEW INDUSTRIAL LTD	Ward:	Etobicoke North (02)
Agent:	MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING		
Property Address:	1 AND 9-11 CITY VIEW DR	Community:	
Legal Description:	CON 2 FTH PT LOT 22		

Notice was given and the application considered on Thursday, January 10, 2013, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into two industrial lots.

Conveyed Lot - Part 1**1 City View Drive**

The lot frontage is 186.1 m and the lot area is 10 740.83 m². The existing land use and building will be maintained.

Retained Lot - Part 2**9 City View Drive**

The lot frontage is 121.25 m and the lot area is 13 265.31 m². The existing land use and building will be maintained.

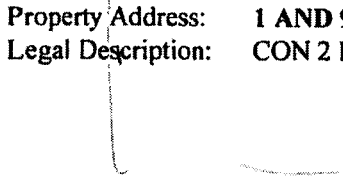
IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**The Consent Application is Approved on Condition**

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the creation of new lots as shown on the attached plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office within ONE YEAR of the date of this Decision:


1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services. Contacts: John House, Supervisor of Property Records, at 416 392-8338; jhouse@toronto.ca, or his designates, Elizabeth Machynia, at 416-338-5029; emachyni@toronto.ca, John Fligg at 416-338-5031; jfligg@toronto.ca
3. The applicant shall satisfy all conditions concerning City and Privately owned trees, to the satisfaction of Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of Urban Forestry Services.
5. **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the City Surveyor, Survey & Mapping, Technical Services. Contact: John House, Supervisor, of Property Records, at 416 392-8338; jhouse@toronto.ca, or his designate, Virgil Gomes at 416 338-5033; vgomes@toronto.ca
6. **Three copies of the registered reference plan of survey** satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
7. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act* , as it pertains to the conveyed land and/or consent transaction.

SIGNATURE PAGE

File Number: B84/12EYK Zoning I.C2
Owner(s): CITY VIEW INDUSTRIAL LTD Ward: Etobicoke North (02)
Agent: MACNAUGHTON HERMSEN
BRITTON CLARKSON
PLANNING
Property Address: 1 AND 9-11 CITY VIEW DR Community:
Legal Description: CON 2 FTH PT LOT 22



Douglas S. Colbourne
(signed)



Mary-Anne Popescu (signed)




Paul Valenti (signed)

DATE DECISION MAILED ON: Friday, January 18, 2013

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Thursday, February 7, 2013

CERTIFIED TRUE COPY


Susanne Pringle
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

NOTE: Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.