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File No. 702632-02

March 4, 2013

By E-mail to pgmc@toronto.ca

Merle MacDonald
Committee Administrator
Planning & Growth Management Committee
Toronto City Hall
100 Queen Street West
10th floor, West Tower
Toronto, ON M5H 2N2

Dear Ms. MacDonald:

**Re: Draft New City-wide Zoning By-law (Item PG21.1)
150-180 Bond Avenue and 1370 Don Mills Road
Robert Fish**

We are counsel to Robert Fish, the owner of approximately 6.1 acres of land at 150-180 Bond Avenue (the "Bond Property") and 1370 Don Mills Road (the "Don Mills Property"), located south of York Mills Road, east of Don Mills Road, as shown in Appendix "A" to this letter (collectively, the "Properties").

We write to set out our client's concerns with the draft New City-wide Zoning By-law (the "New By-law") as it affects the Properties.

The current use of the Bond Property is as a single storey print house. The Don Mills Property contains an office building with various tenants and a telecommunication tower on the roof.

The Properties are located in the Employment Areas designation of the Official Plan. The Official Plan Employment Areas policies are currently under review and, as of the time of writing, proposed draft Employment Area policies have been circulated for public comment.

The Bond Property is zoned Industrial Zone Two (M2) and the Don Mills Property is zoned Industrial Commercial Zone hold (MC)(H) under the in-effect North York Zoning By-law 7625 (the "Existing By-law").



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In the New By-law, the Bond Property is proposed to be zoned as Employment Industrial (E 1.0). The Don Mills Property, at the time of writing, is 'Not Part of the New By-law' and therefore the Existing By-law will continue to apply.

Our client supports the exclusion of the Don Mills Property from the New By-law and requests that the Bond Property also be excluded since it forms one contiguous site with the Don Mills Property. Redevelopment of the Properties will likely be done jointly; however, if the City's proposal to rezone only the Bond Property proceeds, future redevelopment of both Properties would be evaluated under two separate zoning regimes. Such an evaluation would be cumbersome and may result in inconsistent permissions for the Properties. The most appropriate step is to exclude the Bond Property from the New By-law at this time along with the Don Mills Property.

Notwithstanding our request that the Bond Property be excluded from the New By-law, our client has a number of concerns with the New By-law, including the following:

- 1. The New By-law does not carry forward the existing use permissions.**
A number of uses permitted in the M2 zone in the Existing By-law are not carried forward in the E zone of the New By-law, such as: personal service shop, hotel, car rental agency, motor vehicle dealership, and public self-storage warehouses. The City has not provided any planning rationale for this change and we ask that these uses be inserted into the E zone in the New By-law or as a site-specific exception to permit these uses on the Properties.
- 2. Specific permissions for retail uses in the Existing By-law are not carried forward.** Retail uses are permitted as-of-right in the M2 zone of the Existing By-law, with size restrictions of 0.25 FSI or 2,500 m², whichever is smaller. The New By-law would not permit retail uses, except as ancillary to manufacturing or vehicle fuel stations, and subject to other conditions set out in section 60.20.20.100. The existing retail permissions should be carried forward, particularly since the Official Plan Employment Areas policies are now under review and it would be premature to make changes – other than to carry forward existing permissions – until such time as the Official Plan review process is complete.
- 3. Additional restrictions on vehicle service shops in the New By-law should be removed.** The specific use regulations for vehicle service shops in the New By-law should be relaxed to match those of the Existing By-law. New By-law section 150.94 sets out vehicle service shop requirements for vehicle access width, vehicle access separation distances, and yard setback distances which are more onerous than the Existing By-law.



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4. **The New By-law introduces new restrictions on restaurant size.** Section 60.20.20.100(3) of the New By-law restricts eating establishments and take-out eating establishments to the greater of 300 m² or 10% of the GFA of the building to a maximum of 500 m². The Existing By-law permits restaurants without restriction. There is no basis upon which to limit restaurant size, particularly for sites which can accommodate larger-sized restaurants.
5. **The New By-law imposes a new lot frontage requirement.** The Existing By-law contains no minimum lot frontage, whereas the New By-law proposes a minimum lot frontage of 20 metres in the E zone. Under the New By-law, should a landowner in the E zone seek a subdivision or severance, it will require compliance with this new lot frontage requirement. Flexibility should be provided to allow these sites to be developed for uses which may not need lot frontages greater than 20 metres.

Based on the foregoing, it would be most appropriate to exclude the Bond Property from the New By-law at this time, and indicate that the Existing By-law continue to apply.

We also request the above changes be made to the New By-law to ensure that existing permissions are maintained in the New By-law.

We would also be pleased to discuss any of our comments with City Staff.

Please provide me with notice of any decision of the Planning & Growth Management Committee and City Council, and of any future public meetings and staff reports concerning the New By-law.

Yours truly,
DAVIES HOWE PARTNERS LLP

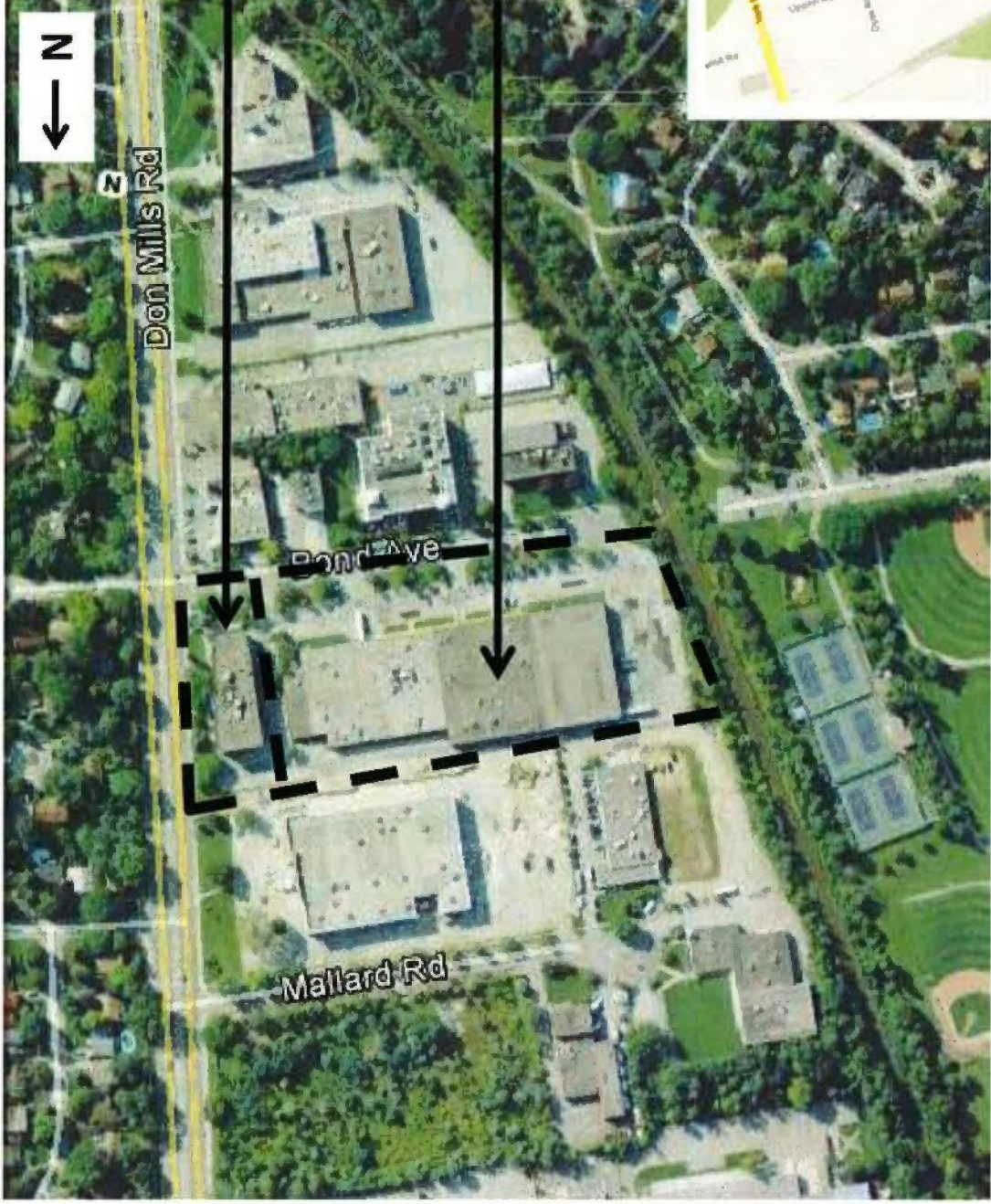
Mark R. Flowers
Professional Corporation

MRF:IB

copy Client

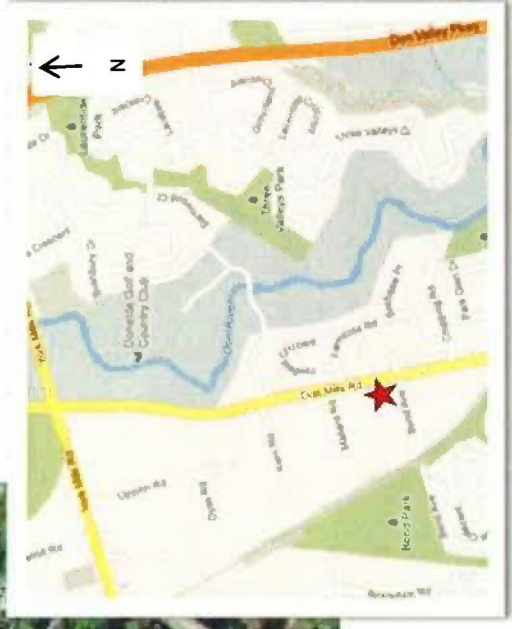
Appendix "A"

150-180 Bond Avenue and 1370 Don Mills Road
Location



1370 Don Mills
"Hole"

150-180 Bond
E 1.0



- Official Plan: Employment Area
- Current Zoning: 150-180 Bond Ave. M2 – Industrial Zone 2
- Current Zoning: 1370 Don Mills Road MC(H) – Industrial Commercial Zone
- Proposed Zoning: 150-180 Bond Ave. E1.0 – Employment Industrial 1.0 FSI
- Proposed Zoning: 1370 Don Mills Road "HOLE" – NOT PART OF NEW BYLAW - Maintains MC(H)