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File No. 702632-01

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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 PG 21.1)
50-52, 64, 66, 68, and 70 Colville Road
Colville Developments Ltd. and North Park Shopping Centres Ltd.**

We are counsel to Colville Developments Ltd., owner of 70 Colville Road, and North Park Shopping Centres Ltd., owner of 50-52, 64, 66, and 68 Colville Road, located south of Lawrence Avenue and east of Keele Street, as shown in Appendix "A" to this letter (collectively, the "Properties").

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

The present use of the Properties include wholesale, retail, laundromat, motor vehicle service and repair shop, office, manufacturing and light industrial.

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 Properties are currently zoned Industrial Zone Two (M2) under the in-effect North York Zoning By-law 7625 (the "Existing By-law"). The draft New By-law proposes to zone the Properties Employment Industrial (E 1.0).



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Our clients have 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.
- 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.



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We request that the above changes be made to the New By-law to ensure that existing permissions are maintained in the New By-law. In particular, to ensure the current retail use on the Properties are permitted in the New By-law, either retail uses should be carried forward in the New By-law or a site-specific exception should be provided.

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

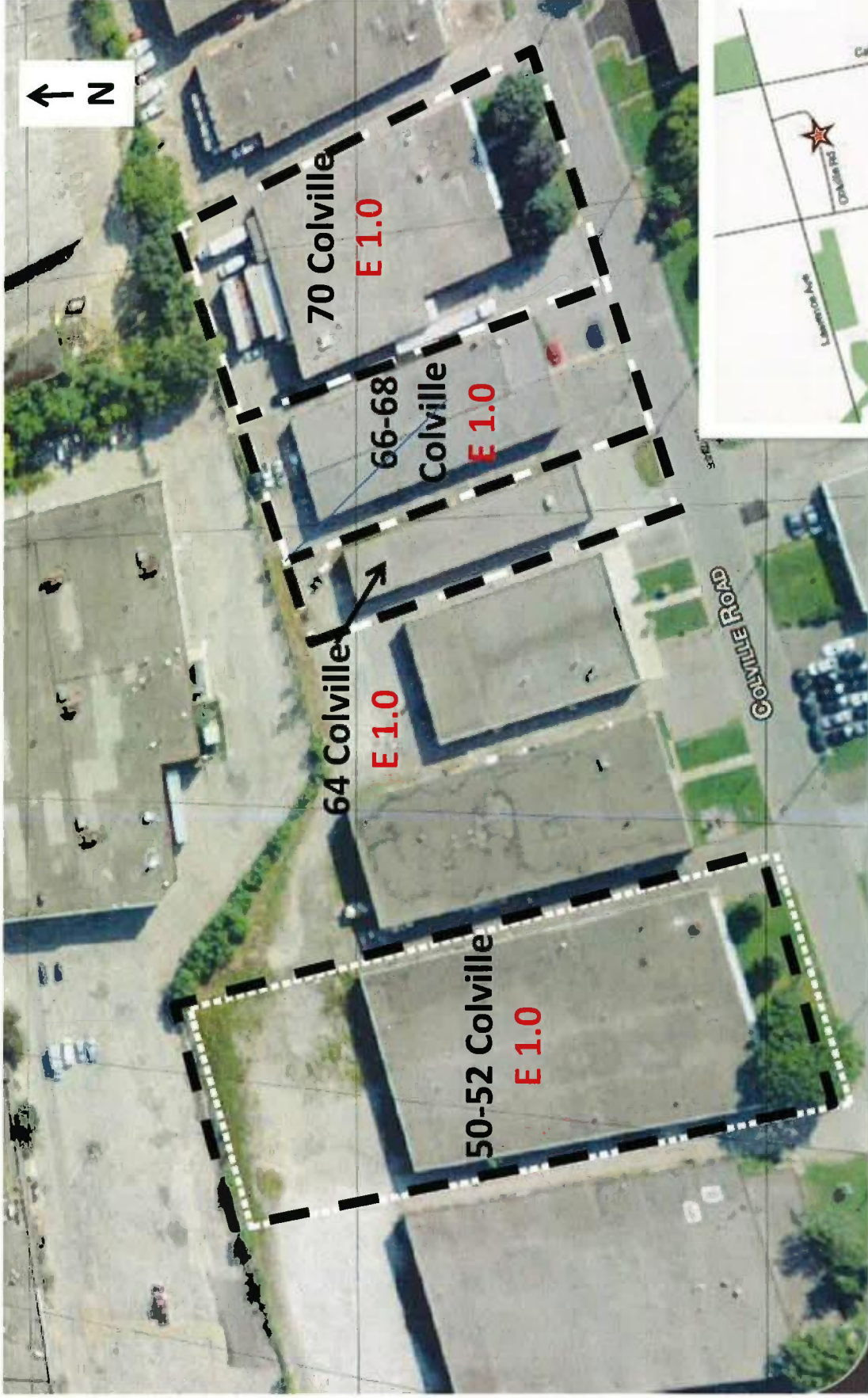
Mark R. Flowers
Professional Corporation

MRF:IB

copy Client

Appendix "A"

50-52, 64, 66, 68, 70 Colville Road
Location



Official Plan: Employment Area

Current Zoning: M2 – Industrial Zone 2

Proposed Zoning: E 1.0 – Employment Industrial (max. FSI 1.0)