

March 5, 2013

BY EMAIL (pgmc@toronto.ca)

File No. 108737

Planning and Growth Management Committee
City of Toronto
c/o City Clerk's Department
10th Floor, West Tower, City Hall
100 Queen Street W
Toronto, ON M5H 2N2

Dear Committee Members:

**Re: Planning and Growth Management Committee – Statutory Public Meeting
on March 6th, 2013 re City-wide Zoning By-law (Item PG21.1)
Submission on behalf of 2264201 Ontario Inc.
300 Nugget Avenue, City of Toronto**

We act on behalf of 2264201 Ontario Inc., the registered owner of the property municipally known as 300 Nugget Avenue, in the City of Toronto (the "Site"). The Site is located on the north side of Nugget Avenue, south of the Canadian Pacific Railway, and approximately half way between McCowan Road and Markham Road in the former City of Scarborough.

The Site is designated as Employment Area in the City of Toronto Official Plan. A portion of the property is zoned Industrial (M) and the remainder is Special Industrial (MS) in the Employment District By-law No. 24982 of the former City of Scarborough.

We were involved in a minor variance hearing before the Ontario Municipal Board (PL110328), on behalf of our client, which resulted in the Board, on August 18, 2011, granting our client the following variances to By-law No. 24982:

1. A variance to permit waste handling as a component of a recycling facility on the property. The Applicant/Appellant proposes that the waste handling component be contained within an enclosed structure on the property.
2. A variance to permit parking spaces within the front yard or flankage yard of the property.

The proposed new City-wide Zoning By-law (version dated November 8, 2012) shows our client's site in the Employment Heavy Industrial zone (EH 0.7). This zoning category, which we think clearly articulates the City's and our client's intended use permissions for the Site, is consistent with the approved variances and is acceptable to our client.

Our client has submitted a complete site plan approval application and a building permit application (December 5, 2012) for the Site (the "**Development Applications**").

Under the proposed transition provisions in clause 2.1.3 of the proposed By-law, our client's Development Applications can continue to proceed and will be transitioned for a period of three years to allow our client to implement its proposed development plans for the Site.

The City Staff Report to Planning and Growth Management Committee dated January 22, 2013 ("**Staff Report**") includes a list of properties (Appendix 5) that are subject to the transition policies, including the Site, and it proposes to depict them with diagonal hatching on the Zoning By-law Map. In this respect, the Staff Report states:

Under the Transition Protocol, lands that are subject to complete applications for site plan and zoning amendments are not included in the proposed City-wide Zoning By-law and are depicted on the Zoning By-law Map with diagonal hatching. The November draft reflected the Transition Protocol for complete applications as of September 13, 2012. In the meantime, new site plan and zoning amendment applications continue to be submitted.

Appendix Five is a list of properties for which applications have been filed between September 14 and December 31, 2012, which will be removed from the Zoning By-law Map under the Transition Protocol. It is recommended that direction be given to make these map changes and to continue to do so without further public notice until production of the final version of the Zoning By-law Map prior to the enactment of the City-wide Zoning By-law. (p. 11)

We appreciate the City's intention to protect existing development applications through the transition provisions in clause 2.1.3 of the proposed By-law. However, the approach of identifying the properties that are subject to the transition provisions in the By-law through diagonal hatching is problematic because it appears to conflict with clause 1.5.7 of the proposed By-law, which states that the By-law does not apply to the lands depicted in diagonal hatching:

1.5.7. "This By-law applies to all the lands in the City of Toronto, except for those lands depicted on the Zoning By-law Map in Section 990.10 with diagonal hatching and the name and number of one of the Former General Zoning By-laws." [emphasis added]

Accordingly we ask that our client's Site remain shown as subject to the EH zone category on the proposed Zoning By-law mapping (without diagonal hatching), and that the Site therefore form part of the proposed new By-law, including the proposed transition provisions in Clause 2.1.3 which recognize our client's Development Applications.



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Should you have any questions or require further information, please do not hesitate to contact the undersigned or Andrea Skinner, at 416.865.3423.

Yours truly,

AIRD & BERLIS LLP


Steven A. Zakem
SAZ/AS

Encls.

c: Andrea Skinner, Aird & Berlis LLP
Emily Elliott, Aird & Berlis LLP
Client
Joe D'Abramo, Acting Director, Zoning & Environmental Planning

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