MCDERMOTT & ASSOCIATES LIMITED

LAND USE & ENVIRONMENTAL PLANNING CONSULTANTS

1550 KINGSTON ROAD, BOX 1408 PICKERING, ONTARIO L1V 6W9 TELEPHONE: (905) 509-5150

FACSIMILE: (905) 509-9898

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November 15, 2013

The Chair and Members
Planning & Growth Management Committee
City Hall
100 Queen Street West
10th Floor
West Tower
Toronto, Ontario

Attention: Ms. Nancy Martins,

Administrative Secretary

Re: Five Year - Municipal Comprehensive Review

Employment Areas - Land Use Policies and Designations / City of Toronto Official Plan

3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive

Tapscott Employment District (West), former City of Scarb orough

Our File: PN 5131

Dear Ms. Martins:

We understand that, pursuant to Section 26(3) of the Planning Act, R.S.O. 1990, c. P13, as amended, the Planning and Growth Management Committee will convene a Special Public Meeting on November 21, 2013, to consider a proposed amendment to the Official Plan for the City of Toronto. The proposed amendment follows from the Five Year - Municipal Comprehensive Review of the land use policies and designations applicable to Employment Areas. By way of this submission, the writer hereby requests to be listed as a deputation to appear before the Committee on behalf of our Client, Red Banner Developments Limited, the owner of those lands generally described as forming Lot 8 of Plan M1773, in part of Lot 18, Concession 4 of the former City of Scarborough, municipal addresses of 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive.

We enclose herewith a copy of our previous submission of October 8, 2013, addressed to Mr. Paul Bain, in relation to the aforementioned property and the Five Year - Municipal Comprehensive Review of Employment Lands in the City of Toronto. It is understood from our review of the proposed amendment that the subject lands are to be designated within the Core Employment Area classification. On behalf of our Client, we respectfully request that the Planning and Growth Management Committee direct that the lands referred to as 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive be designated within the General Employment classification, that is a land use classification which more appropriately responds to the established use of both the subject property and surrounding lands. The planning rationale and basis of this request are set forth in detail in the aforementioned submission of October 8, 2013.

In conclusion and in accordance with the requirements of Sections 17(23) and 17(35) of the Planning Act, R.S.O., 1990, c. P. 13, as amended, this will also confirm our request for Notice of Adoption and Notice of any Approvals concerning the proposed Amendment to the Employment Area land use policies and designations arising out of the Five Year - Municipal Comprehensive Review of the Official Plan. Should you have any questions in relation to our request to appear before the Planning and Growth Management Committee on November 21, 2013, or the request for Notice of Adoption and any Approvals of the proposed Official Plan Amendment, please do not hesitate to contact the undersigned.

Ms. Nancy Martins Our File: PN 5131

Sincerely yours,

McDermott & Associates Limited

John McDermott, M.C.I.P., R.P.P.

Principal Planner

copy to:

Mr. Keith Lahey

Red Banner Developments Limited

Mr. David White, Q.C. Devry Smith Frank LLP

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1550 KINGSTON ROAD, BOX 1408 PICKERING, ONTARIO L1V 6W9 TELEPHONE: (905) 509-5150 FACSIMILE: (905) 509-9898 e-mail: mcdplan@rogers.com

October 8, 2013

Corporation of the City of Toronto Metro Hall 22nd Floor 55 John Street Toronto, Ontario M5V 3C6

Attention: Mr. Paul Bain

Project Manager, Strategic Initiatives, Policy and Analysis

Re: Five Year - Municipal Comprehensive Review of the City of Toronto Official Plan 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive, former City of Scarb orough

Our File: PN 5131

Dear Mr. Bain:

We have been retained by Red Banner Developments Limited to assist in the review and consideration of the policy directions now emerging from the Five Year - Municipal Comprehensive Review of the Official Plan. Our Client is the owner of those lands located adjacent the north-east corner of the intersection of McNicoll Avenue and Dynamic Drive within the Tapscott Employment District in the former City of Scarborough. The subject lands are generally described as forming Lot 8 of Plan M1773 in part of Lot 18, Concession 4, of the former City of Scarborough, now in the City of Toronto, municipal address of 3500 -3520 McNicoll Avenue and 83 - 85 Dynamic Drive.

On behalf of our Client, we are requesting that the property located at 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive be designated within the General Employment land use classification as outlined in the draft policy paper attached to the Staff Report dated August 20, 2013, and which is now before the Planning and Growth Management Committee. To assist you in the review and consideration of this request, we offer the following comments in relation to the existing use of the lands, the contextual setting of the property, the current land use planning framework, and, the existing built form and nature of the structures on the property.

1. Site Characteristics

The lands in question encompass approximately 1.9 hectares (i.e. 4.75 acres) with a frontage of approximately 136 metres (i.e. 448 feet) adjacent the northerly limit of McNicoll Avenue, the southerly property boundary, and 146 metres (i.e. 480 feet) upon Dynamic Drive, the more westerly property boundary. The subject lands are situated approximately 150 metres (i.e. 500 feet) to the west of the intersection of Markham Road, the primary north-south arterial road serving this area, and McNicoll Avenue, a major east-west collector road.

The site was developed circa 1985 for the purposes of four multi-unit, multi-tenant, one storey structures. The gross floor area of the buildings varies from approximately 3,160 square metres (i.e. 34,021 square feet) to 1,046 square metres (i.e. 11,262 square feet). The total gross floor area of the four structures is approximately 7,452 square metres (i.e. 80,210 square feet), the average area of the individual units being in the order of 128 square metres (i.e. 1380 square feet).

Today, the structures are occupied by a wide range and variety of businesses which include retail and service commercial uses, light manufacturing and fabrication operations, food processing, custom workshops, and, wholesale distribution and warehouse operations inclusive of showrooms for the display and sale of products. Other uses and activities which occupy the units include offices, religious and educational training facilities, a recording studio, a printing establishment, and, a telephone and telecommunications switching centre operated by Bell Canada. Typically, such uses do not require large floor plates for the purposes of manufacturing goods and materials nor do such uses require facilities for the outside storage of goods and materials, a use prohibited at this location under By-law No. 24982.

Given the configuration of the structures and the relatively small unit size, the four buildings are best suited to uses of a commercial - light industrial and fabrication nature which, by their nature and scale of operations, are not well suited to retail centres or mixed use commercial locations. Designation of the lands within the General Employment land use classification, that is the same classification which is proposed for the adjoining properties to the north and east, will properly recognize the existing built form and the varied nature of the uses which presently occupy the units within the structures.

2. Contextual Setting

To assist you in the review and consideration of our Client's request, an aerial view illustrating the pattern of land use and development in the vicinity of 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive, to the west of Markham Road and south of Turbina Drive, that is the lands within 150 to 250 metres of the subject property, is attached hereto as Appendix "A1". Reference should also be made to Appendix "A2" wherein a description of the existing use of each of the properties within the study area is provided for your review and information. The information provided by way of this submission is based upon field observations undertaken by the writer during September of this year.

Immediately to the north of the lands in question, between Markham Road and Dynamic Drive, is a relatively large site, having an area of approximately 1.68 hectares, developed for the purposes of a public storage facility. Further to the north, south of Turbina Drive, the land uses in the area between Markham Road and Dynamic Drive consist of two multi-unit office, commercial quasi industrial structures (i.e. 101 Dynamic Drive), the offices and warehouse of an importer (i.e. 1 Turbina Drive), and, a food processing and wholesale distribution establishment (i.e. 3 Turbina Avenue). It is further noted that a place of worship opposite the south-west corner of the intersection of Markham Road and Turbina Drive.

Directly to the east of 3500 - 3520 McNicoll Avenue, adjacent the westerly limits of Markham Road, is the site of a retail commercial plaza and wholesale grocery store (i.e. 2900 Markham Road). The lands are zoned within the Special District Commercial (SDC) Zone under By-law No. 24982 of the former City of Scarborough. The SDC Zone permits a wide array of retail and service commercial uses inclusive of mall food court retail outlets, financial, educational and training uses, offices, recreational uses, places of worship, recreational uses and other similar sensitive land uses and activities.

To the south-east and south of the subject lands, between Markham Road and Dynamic Drive, the lands south of McNicoll Avenue are developed for the purposes of a retail commercial centre (i.e. 2810 - 2834 Markham Road), a transportation depot (i.e. 3558 McNicoll Avenue) and a commercial - industrial mall complex which hosts a variety of retail and service commercial uses, light industrial uses and a wholesale food processing and distribution facility (i.e.3501 McNicoll Avenue). To the south-west of the lands in question, adjacent the south-west corner of McNicoll Avenue and Dynamic Drive, is the site of a commercial-industrial mall like complex which hosts various retail and service commercial uses activities in association with business and professional offices and a light industrial fabrication facility. A high tension hydro utility corridor, having a width of approximately 150 metres (i.e. 450 feet), exists on the lands to the

south of the above noted properties.

To the west and north-west of the intersection of McNicoll Avenue and Dynamic Drive, opposite the lands in question, is the site of two multi-unit commercial -industrial structures which include a variety of retail and service commercial uses (i.e. 3480 McNicoll Avenue and 80 Dynamic Drive). Further to the north-west, west of Dynamic Drive, is the site of Atlas Paper Products (i.e. 90 Dynamic Drive) and three multi-unit quasi commercial - industrial buildings which accommodate a wide variety of office, commercial and light industrial type uses (i.e. 100, 110 and 120 Dynamic Drive).

As is apparent from the pattern of land use and development in the immediate vicinity of 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive, large scale manufacturing and industrial type uses are largely absent within the study area. Rather, industrial and manufacturing uses which are representative of core industrial uses by reason of their size, location and operational characteristics and which may result in offsite impacts as a result of nuisance vectors associated with noise, odour, dust and other fugitive emissions, are somewhat removed to the north and west of our Client's lands and the area in the vicinity of the intersection of McNicoll Avenue and Dynamic Drive.

In summary, our Client's lands form part of a cluster of retail and service commercial uses intermixed with offices and other sensitive land uses, public storage facilities, wholesale and warehouse operations and, to a limited degree, industrial uses and activities located between the westerly limits of Markham Road and Dynamic Drive, north and south of McNicoll Avenue. It is submitted that the lands generally bounded by Markham Road, McNicoll Avenue, Dynamic Drive and Turbina Avenue represent a transitional area of land use from the commercial and institutional uses associated with the Markham Road corridor and the areas to the north and west which are characterized by larger, single purpose industrial sites and facilities, that is uses which are consistent with a core employment uses from a both a locational and/or operational perspective.

3. Current Land Use Planning Framework

3.1 Approved Official Plan

With the exception of the high tension hydro corridor, which forms the southerly limit of the study area and which is designated as a Utility Corridor, those lands in the vicinity of 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive are designated within the Employment Area land use classification under the approved Official Plan for the City of Toronto. A copy of an extract of Map 22, the Land Use Plan attached to and forming part of the approved Official Plan for the City of Toronto, whereon the general location of the subject lands is identified, is attached as Appendix "B" to this submission.

As stated in Section 4.6, the introduction to the Employment Area policies, of the approved Official Plan for the City of Toronto..." a broad and inclusive approach to employment uses in Employment Areas is needed for the City's economic future. Uses that support the prime economic function of Employment Areas, such as parks, small scale retail stores and services to meet the daily needs of business and employees, workplace daycare and restaurants, must also be readily accessible within Employment Areas. Uses that detract from the economic function of these lands will not be permitted to locate in Employment Areas". By way of reference to Section 4.6.1 of the Official Plan, it is further noted that Employment Areas are generally defined as places of business and economic activity, and, that the permitted uses include offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, ancillary retail outlets, and, restaurants and small scale stores and services that serve area businesses and workers.

As is apparent from a review of the foregoing policies, the existing use of 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive is generally consistent with the policy directions established under the approved Official Plan for the City of Toronto. In the case of our Client's lands, the buildings were developed as multiunit structures offering relatively small floor plates to small business ventures, that is uses which frequently involve retail and service commercial functions. It is further significant to note that the four structures were developed and leased in advance of the adoption of the Official Plan for the City of Toronto, and, at a period in time when the introduction of commercial and service type uses, as well as sensitive land uses such as places of worship and training facilities, were specifically recognized as an appropriate form of land use in the approved municipal planning framework which governed the future development and use of lands within the Tapscott Employment District.

It remains that, while the effect of the policies introduced upon adoption of the Official Plan for the City of Toronto in November of 2002 was to limit retail activities to small scale retail and service commercial uses serving the needs of employees, neither the design of the structures or the functions which have historically occupied the buildings located at 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive are restricted to retail activities which strictly serve the needs of area businesses and employees. It is therefore submitted that the designation of the lands within the General Employment land use classification is the most appropriate classification in that it will recognize the existing built form and inherent nature of the businesses, both existing and future, which seek premises at this location.

3.2 Zoning By-law No. 569-2013

The subject lands are zoned within the Employment Industrial (E) Zone under By-law No. 569-2013. We advise that our Client has filed an appeal in relation to the passing of By-law No. 569-2013 as it applies to 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive. The basis for the appeal follows from the fact that the by-law does not conform with the Official Plan for the City of Toronto and further results in an unnecessary degree of hardship by virtue of precluding uses previously permitted under By-law No. 24982, the Employment Districts Zoning By-law, of the former City of Scarborough. Furthermore, the effect of By-law No. 569-2013 is to cause many of the businesses operated by existing tenants to be non-conforming uses in the absence of a well defined planning rationale.

The zoning of the lands within the Employment Industrial (E) Zone under By-law No. 569-2013 is therefore effective to preclude the use of our Client's property for existing, established uses. In essence the effect of By-law No. 569-2013 is to impair the economic viability of the site and to compromise the business objectives of our Client. It is further noted, that notwithstanding the intent of Section 4.6 of the Official Plan, several of the uses permitted in the Employment Industrial (E) Zone are either land uses which are associated with the provision of services by the City of Toronto and/or affiliated organizations which serve the general needs of the public, or, uses which are neither compatible with adjacent land uses nor feasible to locate on the property by reason of the built form and/or site characteristics.

5. Concluding Remarks

For the reasons set forth in this submission, it is respectfully submitted that the lands referred to as 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive should be designated within the General Employment Area land use classification as set forth in the draft policy paper, dated August 20, 2013, which is now before the Planning and Growth Management Committee. To assist you in the review and consideration of our Client's request, a copy of Map 8 to the August 20, 2013, Staff Report, whereon the subject lands are delineated in red, is attached hereto as Appendix "C".

Designation of the lands within the General Employment Area classification will provide for the continued use of the existing structures by a range of smaller retail and service related uses in association with a range of small to moderately sized light manufacturing, wholesale and warehouse type uses which serve both area businesses and the community as a whole. Such uses are well suited to this location by virtue of the building design, accessibility and ease of access to public transit, compatibility with adjacent land uses and the existing built form of the area, and, the need to provide facilities for small business ventures unable to sustain the financial requirements typical of mixed use retail areas.

-5-

It is significant to note that the policies contained in the approved Official Plan followed some 17 years after the construction of the buildings located on the subject lands. Since adoption, implementation of the policy framework through zoning and other regulatory measures has been effective to impose both an unnecessary and unreasonable measure of hardship upon both the Owner and the businesses which occupy the structures, most notably from the perspective of the expansion of existing operations and/or the need to provide for a reasonable and appropriate measure of flexibility in the context of allowing for office, retail and service related uses and activities. Designation of the subject lands within the General Employment Area classification will assist in promoting the economic viability of the site and further foster a positive economic climate for continued investment in the property, rudimentary considerations in providing for a healthy employment area which contributes to the financial base of the City of Toronto.

In contrast, the alternative now being proposed by the City is to designate the lands within the Core Employment Area classification. Designation of the lands within the Core Employment Area land use classification will simply be effective to frustrate our Client's ability to lease premises to many of the business which have historically occupied the units and/or which are well suited to the physical design and locational characteristics of this site but which would no longer be recognized as permitted uses. Similarly, the proposed designation of the lands within the Core Employment Area classification will significantly impact upon existing business opportunities not permitted within the context of the Core Employment Area policies but which desire to expand at this location.

Our review of the proposed Core Employment policies suggests that many of the existing businesses, that is uses which have historically leased premises at this location and which have operated successfully without impact upon the use of adjacent lands, would represent non-conforming uses. In conclusion, the effect of designating our Client's lands as a Core Employment Area will result in high vacancy rates which in turn will undermine both the economic viability of the site and the established mix of employment uses. Ultimately, the effect of designating the lands within a Core Employment classification will be detrimental to the economic base of the City of Toronto, an effect which is diametrically opposed to the stated desire of providing for healthy and vibrant employment areas.

From a land use planning perspective we suggest that an opportunity now exists through the Five Year -Municipal Comprehensive Review to refine the policy framework applicable to this area in a manner which recognizes the differing priorities for the use of lands throughout the Tapscott Employment District. Designation of the 3500 - 3520 McNicoll Avenue and 83 - 85 Dynamic Drive within the General Employment Area classification will be effective to recognize the function of our Client's lands as part of a distinct node or cluster of retail, service commercial and office type uses which co-exist in multi-tenant buildings with various light manufacturing, wholesale distribution and warehouse uses not requiring large, single use dedicated floor plates. It is further submitted that the designation of the lands in question within the General Employment land use classification will not only reinforce and strengthen the role of this diverse cluster but also identify the area as being distinct and separate from the Core Employment Areas to the west which are frequently characterized by larger, single use industrial concerns representative of core employment uses.

Mr. Paul Bain Our File: PN 5131

We trust that our Client's concerns and the matters outlined herein will be given due consideration during the course of the Five Year - Municipal Comprehensive Review of the Official Plan for the City of Toronto. Should you require any additional information in relation to the existing character and use of our Client's lands, please do not hesitate to contact the undersigned. As we have frequently noted by way of various other submissions on behalf of our Clients, we would welcome the opportunity to meet with you to discuss the designation of our Client's property holdings which are located in various Employment Districts throughout the City of Toronto.

Sincerely yours,

McDermott & Associates Limited

John McDermott, M.C.I.P., R.P.P.

Principal Planner

copy to: The

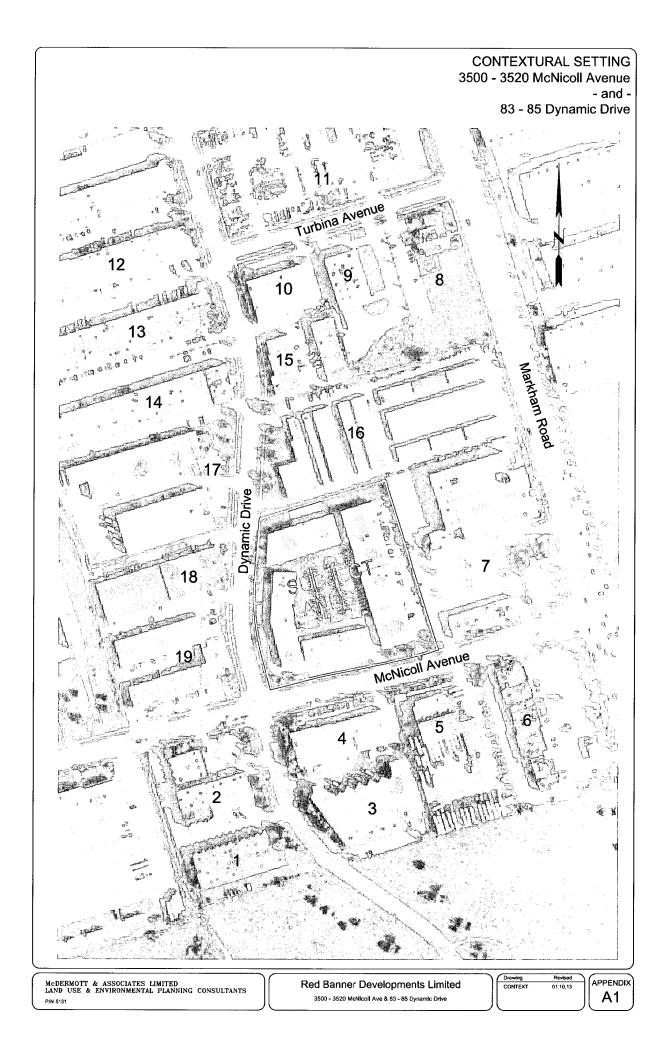
The Chair and Members,

Planning and Growth Management Committee

City of Toronto

Mr. David White, Q.C. Devry Smith Frank LLP

Mr. Keith Lahey Al Reisman Limited



Appendix "A2" Land Use Index

1. 70 Dynamic Drive

multi-unit commercial - industrial structure

- Cambo Restaurant Equipment Manufacturing
- AAMAX Precision Engineering
- Europlex Technologies

2. 72 - 74 Dynamic Drive

multi-unit commercial - industrial structure

- Thai Blinds and Shutters
- RVA Canada (lighting and masts)
- Used Office Furniture Sales
- 105.9 FM 2nd Floor Offices
- Homeworthy Products
- Yarl Foods Inc.

3. 71 Dynamic Drive

multi-unit commercial industrial structure

- Flare Star International Food Products

4. 3501 McNicoll Avenue

multi-unit commercial - industrial structure

- Lian Hing Meat Trading Inc.
- La Rissa Food Inc. Importer of Indonesian Foods
- King Paper
- Pinnco Elevator Industries Inc.
- Amour Cosmetics & Fragrances (retail sales)
- GAA Manufacturing Pork Rind Chips & Snack Products
- Steel Fabrication Custom Workshop

5. 3558 McNicoll Avenue

Trans Ontario Express Depot

6. 2810 - 2834 Markham Road

multi-unit retail commercial centre

- AMCO Motor Vehicle Fuel Station
- Honey B Hive Restaurant
- Safa Tika & Kabab House Restaurant
- New Ocean Supermarket East and West Indian Groceries
- Kitchen Basket Convenience Store
- Mr. Sub
- Shoeless Joe's Restaurant and Bar
- Health Check Pharmacy
- Fitness Generation
- Phillips Copy Centre
- Adult Video Sales and Rental
- Timmy's Bagel and Coffee Shop

Appendix "A2" <u>Land Use Index (cont'd.)</u>

7. 2900 Markham Road

- Chef's Depot Wholesale Market Place
- vacant multi-unit retail commercial structure

8. 2940 Markham Road

- New Life Gospel Church
- Guang Hua Mandarin School

9. 3 Turbina Avenue

- Ocean Food Co. Inc.

10. 1 Turbina Avenue

- JL Trading Company Ltd.

11. 2960 Markham Road

AECON AGM Traffic Technology Works Yard\

12. 120 Dynamic Drive

multi-unit commercial - industrial structure (18 units)

- Jaimco Doors & Windows Inc.

Suriya ImportsElite Art Supplies

- Hooper Holmes Canada Limited

- Hooper Hollings Canada Limite

- Natcorp Import Export

- Coventry Printers / Designers

- Stronex Paper Boxes Inc.

- OGI Precision

- CM Meat Trading Ltd.

- Maple Meat Trading Ltd.

- Maprin Products Inc.

- N.Y. Products

- U E Trading Co. Ltd.

- Cosmo Leather Goods

- L & B Wholesale

- Uni Garment Services Inc.

- Yu Fung Meats

13. 110 Dynamic Drive

multi-unit commercial - industrial structure (20 units)

- Besmeats Wholesale Limited
- CBC Trading Food Products and Meats Wholesale
- The Fair Trading Co. Ltd.
- Ontario Nutrition Company Inc.
- Can Aqua Inc.
- Omega Alpha Pharmaceuticals
- Olympic Railings
- Kwan Shun Food Trading
- Royal Bar-B-Q Foods (2001) Inc.
- Arkcan Graphics Inc.
- Tricom Business Equipment Ltd.

Appendix "A2" Land Use Index (cont'd.)

14. 100 Dynamic Drive

multi-unit commercial - industrial structure (27 units)

- MBE Royal Lepage
- Dilin Strategies
- Smile Canada
- sun sonic
- Mel Cabinets Limited
- S&S Property Maintenance
- Sea Hawk Maintenance Supply
- Expo Contracting

- Bluemount Plumbing Heating & Air Conditioning
- CMS Building Consultant and Engineers
- Norcyn Enterprises Ltd.
- Dynamic Colour
- M & M Twins Tropical Foods
- Can Media Publishing Inc.
- A. L. Platinum Realty
- LCP Co.
- 51 Construction Ltd.

15. 101 Dynamic Boulevard

multi-unit office / commercial - industrial complex (approximately 12 units)

- C'est si Bon Bakery
- Britannia Silversmiths
- CTO Custom Woodworking
- Elson Seafood
- Vacant Units (estimate 2 3)

16. 91 Dynamic Boulevard

- PS Storage (Rental Storage Units)

17. 90 Dynamic Boulevard

Atlas Paper Products (2 buildings)

18. 80 Dynamic Boulevard

multi-unit commercial - industrial structure (33 units)

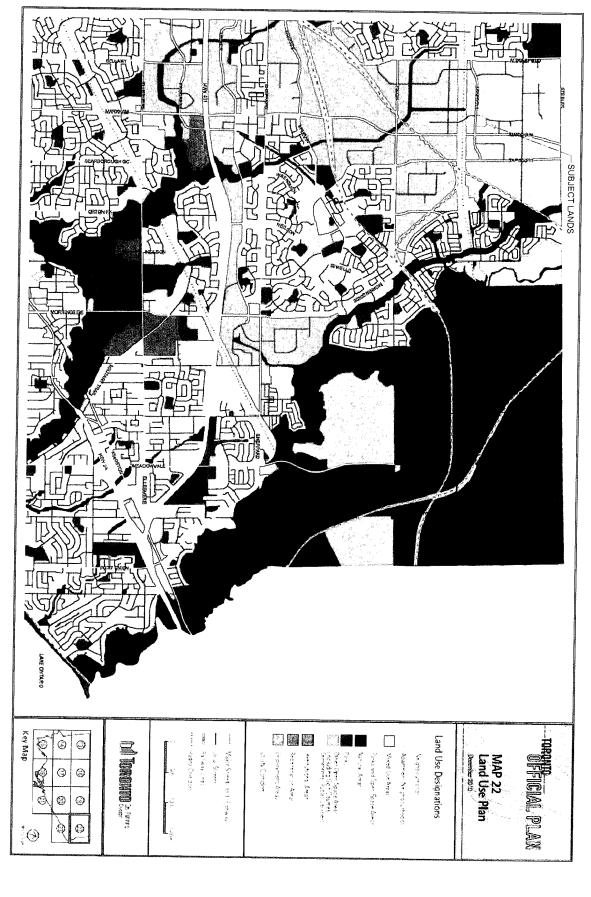
- WEEN Professional Abrasives
- Mading Sign
- Complete Janitorial Services
- Glass Art Design
- Supertech Paints
- House of Colour
- Mrreh Apparel Inc.
- Raging Tiger Martial Arts School
- Thermo Press
- SR India Marketing Inc.
- The Metal Depot
- Several Vacant Units

Appendix "A2" <u>Land Use Index (cont'd.)</u>

19. 3480 McNicoll Avenue

multi-unit commercial - industrial structure (26 units)

- VSK Machining Inc.
- ASP Doors & Windows Inc.
- Uptick Apparel
- CMT Clothing
- Dark City Coffee Company
- Best Choice Renovation & Flooring
- Mr. Spicy Inc.
- Royal Cake House Bakery
- R&R Products Inc. Janitorial & Warehousing Products
- My Mattress
- Mobile Welding
- Signs City Design
- Shai Blinds, Shutters & Draperies
- Juskan Electric
- RI DA Windows Inc.
- Several Vacant Units

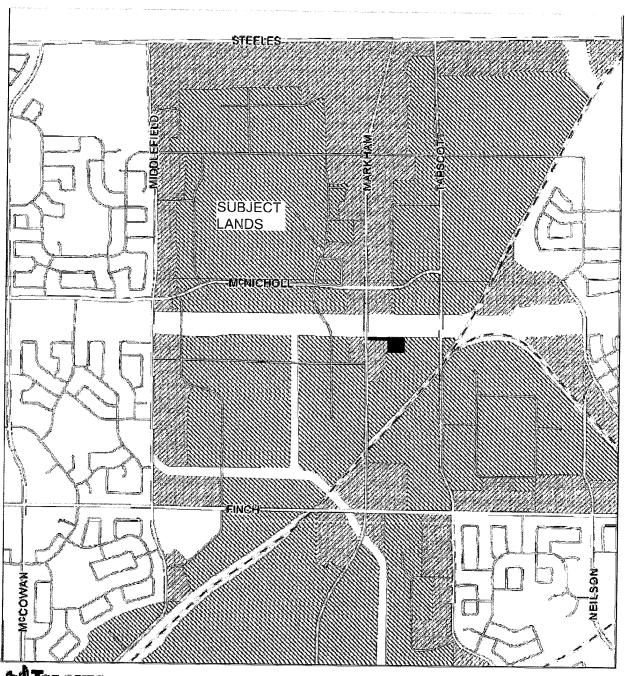


EXTRACT FROM THE APPROVED OFFICIAL PLAN

APPENDIX "B"

APPENDIX "C"

EXTRACT FROM STAFF REPORT DATED AUGUST 20, 2013



TORONTO CHYPTANIC

Redesignate from 'Employment Areas' to Official Plan Designations Shown on Maps 1 to 48 inclusive

Map 8



Apartment Neighbourhoods

Wined Use Areas

Regeneration Areas

Paiks & Open Space Aleas

Natural Areas Parks



Core Employment Areas General Employment Areas



Conversion Requests / Applications Subject to Area Study

