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File No.: 137831.1001

Chair and Members of the Planning Growth Management
Committee
City of Toronto
City Clerk's Office
Toronto City Hall, 100 Queen Street West
Toronto ON M5H 2N2

Attention: Nancy Martins, Committee Administrator

Dear Sirs/Mesdames:

Re: Item PG 2.1 - Technical Amendments to City-Wide By-law 569-2013
to Address Specific Appeals
Clients: D. Crupi & Sons Limited and D.C.M. Holdings Limited
Properties: 3800 Midland Avenue, 70 Passmore Avenue, 0 Passmore Avenue
(RP64R16536 Part 1-3), 83-85 Passmore Avenue and 3820 Midland
Avenue, City of Toronto

We are the solicitors for D. Crupi & Sons Limited, registered owner of 70 Passmore Avenue, 83-85 Passmore Avenue, and 3820 Midland Avenue and lessee of 3800 Midland Avenue, and D.C.M. Holdings Limited, registered owner of 0 Passmore Avenue (RP64R16536 Part 1-3) [sometimes referred to as 86 Passmore Avenue] (the "Crupi Properties").

The purpose of this letter is to document our client's concerns with the proposed amendments to Zoning By-law 569-2013, contained in the Staff Report, dated January 26, 2015 entitled, "Technical Amendments to City-wide By-law 569-2013 to Address Specific Appeals" (the "Staff Report"). Our clients are concerned with the new Site Specific Exception 900.22.10(11), and the amendment of the zone label on the Zoning By-law Map in Section 990.10 so that it reads EH 0.5 (x11) as shown on Schedule 5 to the Staff Report.

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The new Site Specific Exception 900.22.10(11) prohibits Asphalt Plants wherever the Exception applies and the Exception applies to those lands shown on Schedule 5 to the Staff Report, which includes the Crupi Properties.

D. Crupi & Sons Limited (“Crupi”) operates the following facilities and uses on the Crupi Properties:

Property	Use
70 Passmore Avenue	Maintenance Facility Equipment Storage QC Lab Concrete Plant
0 Passmore Avenue (RP64R16536 Part 1-3)	Asphalt Processing (screening and other outdoor processes) Open Storage (some recycled materials)
83-85 Passmore Avenue	Asphalt Plant Head Office Asphalt Processing (screening and other outdoor processes) Open Storage (some recycled materials) Maintenance Facility
3800 Midland Avenue	Open Storage Maintenance Facility
3820 Midland Avenue	Asphalt and Concrete Processing (screening and other outdoor processes) Open Storage (some recycled materials) Equipment Storage

The asphalt plant located at 83-85 Passmore Avenue was established pursuant to By-law No. 14091, which amended the Township/Borough of Scarborough Milliken Industrial District By-law No. 8380 - adding an Exception that permitted the lands to be used for asphalt manufacturing, refining, storage and/or the mixing of asphalt.

The rest of the Crupi Properties upon which recycled asphalt and concrete is stored and processed by means of screening and the storage of other materials, equipment and roadmaking machinery related to asphalt manufacture and paving, and concrete processing and manufacture were permitted uses according to By-law No. 8380, as amended, characterized as outside or open storage uses and contractor’s yards.

The Milliken Industrial District was consolidated into the Scarborough Employment Districts Zoning By-law No. 24982 and By-law No. 8380, as amended, was repealed. The exception that previously allowed an asphalt manufacturing, refining, storage and/or the mixing of asphalt at 83-85 Passmore Avenue is no longer in effect. Concrete manufacture and contractor’s yards appear to continue to

be permitted industrial uses under By-law No. 24982, and open storage and processing continue to be permitted uses of the Crupi Property, subject to additional qualifications.

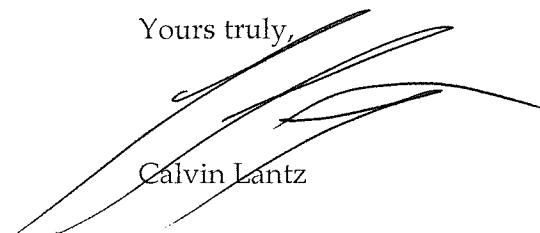
The Crupi Properties are zoned EH, Employment Heavy Industrial Zone (EH), by By-law 569-2013. When By-law 569-2013 was approved by Council, an asphalt plant use was permitted on the Crupi Properties. We note that asphalt plants are permitted as-of-right in the EH zone of By-law 569-2013 and the Crupi Properties are zoned EH. Now By-law 569-2013 proposes to prohibit "asphalt plants" on the Crupi Properties.

Also, Clause 60.30.20.100 of By-law 569-2013 requires that in the EH zone, outside operations must be combined with a permitted manufacturing use. Therefore, the proposed amendment to By-law 569-2013 that prohibits asphalt plants on the Crupi Properties also has the effect of prohibiting the outside screening and storage of asphalt and the equipment storage and maintenance facilities that are asphalt related. In other words, all of the Crupi Properties will be rendered legal non-conforming uses because of the amendments proposed to By-law 569-2013.

For these reasons and others, Crupi is concerned about the introduction of the asphalt plant prohibition in By-law 569-2103 and the effect that it will have on the use of all of the Crupi Properties. We reserve the right to raise further issues with the amendments to Zoning By-law 569-2013 that may affect the Crupi Properties. Additionally, please provide us with notice of all upcoming meetings of Council and Committees of Council at which Zoning By-law 569-2013, or amendments thereto, will be considered as well as notice of Council's decision with respect to any amendments.

If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,



Calvin Lantz

CL/nla

cc. Domenic Passalacqua, *D. Crupi & Sons Limited*