

MUNICIPAL, PLANNING & DEVELOPMENT LAW

12 September 2019

Sent via E-mail

Ms. Ellen Devlin  
Administrator, Toronto and East York Community Council  
City of Toronto  
2<sup>nd</sup> Floor West Tower, Toronto City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Dear Ms. Devlin:

**Re: Toronto and East York Community Council Meeting 16 September 2019**  
**Agenda Item TE8.13**  
**City-initiated Amendment of Zoning By-law No. 569-13**  
**Lafarge Canada Inc. - 535 Commissioners Street**

We are counsel for Lafarge Canada Inc. ("Lafarge"), which operates a Concrete Batching and Aggregate Depot at the property known municipally as 535 Commissioners Street in the City of Toronto (the "City"). We are writing to provide our comments on the draft East Port & South Port Zoning By-law Amendment ("Draft ZBA") that is being considered by Community Council at its meeting on 16 September 2019.

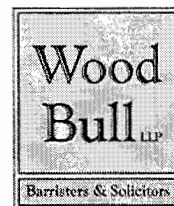
Lafarge has actively participated in the extensive planning process in the Port Lands and continues to appreciate Staff's efforts to recognize and protect existing industrial uses. Further we appreciate that the following changes have been made to the Draft ZBA:

- The definition of "Port-Oriented Use" has been broadened, permitting Lafarge's existing activities, including open storage.
- It is clearly stated that despite Section 60.20.20.10(1) of Zoning By-law No. 569-13, an Asphalt Plant, Cement Plant and Concrete Batching Plant are permitted uses.
- Open storage will no longer be limited to 30% of the lot area and requires only a minimum setback of 3 metres from any lot line, compared to 7.5 metres from any lot line as required by Zoning By-law No. 569-2013.
- Clarification regarding the nature of the opaque visual barrier required to screen open storage.

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- Diagram 7 of the Draft ZBA has been updated to encompass all of Lafarge's existing operation at 535 Commissioners Street as "Port Oriented Use".
- Removal of the height and storey label from the lands subject to the Draft ZBA.

Lafarge still has certain concerns regarding the requirement for an opaque visual barrier for open storage, and the requirements for parking, as set out below.

### **Opaque Visual Barrier**

It is unclear how Subsections F(ii)(a) and (b) relate to each other, or which subsection would apply to the Lafarge site. Subsection F(ii)(a) appears to require an opaque visual barrier only between a lot line that abuts a street and the portion of the lot used for open storage, where Subsection F(ii)(b) appears to require an opaque visual barrier along the entire perimeter or portion of the lot used for open storage. In Lafarge's case, if subsection F(ii)(b) applies it would require an opaque visual barrier along the dockwall, which is not practical. Clarification is required.

### **Parking**

The Draft ZBA proposes new parking rates which are not appropriate for industrial uses. In particular, we question the need and appropriateness of establishing a new maximum parking rate.

In addition, the Draft ZBA and the proposed "E" zone would not allow parking in the front-yard of a lot, rendering Lafarge's existing parking with the Commissioners Street yard non-compliant. The proposed parking provisions largely limit Lafarge's existing parking area as the rear and side yard of the site are needed for the receiving, processing and storage of bulk materials, as well as access to the dockwall. Parking within the front yard is appropriate in this case.

Lafarge continues to welcome the opportunity to discuss the Draft ZBA further with the City in an attempt to resolve Lafarge's concerns set out above. We ask to be provided with notice of the City's decision regarding the Draft ZBA.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in black ink, appearing to read "Kim Mullin", is written over a light grey rectangular background.

Kim Mullin  
KM

c Anthony Kittel, City of Toronto