

Pino Di Mascio, MCIP, RPP

2376-2388 Dundas Street West

OMB File No. PL 121287 & OMB File No. PL 130743

Reply Witness Statement

Prepared for Dun West Properties Ltd.

1. I have reviewed the Witness Statements of Dan Nicholson, Janet Lee and Anne McIlroy. Section 28 of Dan Nicholson's Statement refers to the site-specific Zoning By-law No. 1994-0799 that resulted from the 1998 OMB Decision, permitting the 5 and 11-storey development on the subject property.
2. At the time of writing my Witness Statement, I correctly stated the details of the 1998 OMB Decision but incorrectly noted that the site-specific By-law was not in force. Prior to the exchange of the Witness Statements, I believed there was a mutual understanding between me and City Staff that the OMB Decision was never implemented. Both the Preliminary Staff Report, dated February 17, 2012 (page 2), and the Request for the Directions Report, dated January 14, 2013 (pages 2-3) state that the proposed Official Plan Amendment and Zoning By-law Amendment were never implemented.
3. Having the knowledge now that site-specific Zoning By-law 1994-0799 was implemented by a final Board Order and is still in force, does not impact my opinion on any of the planning issues addressed in my Witness Statement. It remains my opinion that the 1998 OMB Decision and the corresponding Zoning By-law 1994-0799 do not reflect or respond to the current provincially-led planning policy framework or the current Toronto Official Plan and that it is appropriate to review the proposal before the Board with regard to its ability to respond to the current planning policy context.
4. The fact that the Board approved Zoning By-law 1994-0979 with City consent, does however, provide further insight and direction on my opinion of Issue 8a and Staff's stated concerns raised regarding locating the proposed pedestrian connection along the southern portion of the property line. It is worthwhile noting that By-law 1994-0799 permits an 11-storey building to be located only 1.2 metres from the southern property line. A building setback only 1.2 metres from the property line would effectively restrict any vehicular access along the mutual right-of-way in favour of the City-owned lands to south. In any event, it remains my opinion that the Dun West Properties Ltd. proposed pedestrian connection is appropriate and respects the existing right-of-way agreement. Having knowledge of the effect of the existing By-law's permissions underscores that the pedestrian connection issue should have no impact on the acceptance of the rezoning proposal in question. Finally, the location and legal implementation of the pedestrian

walkway is a matter that is usually finalized through Site Plan negotiation, and not as a matter of rezoning.

5. I have reviewed the comments provided in the City's Witness Statement regarding the Site Plan Control Application, and I believe that these issues have been addressed in revised drawings submitted to the City on August 16, 2013, and are reflected appropriately in the Draft NOAC, filed with my Witness Statement. As such, I believe it is appropriate to consolidate the two appeals for the sake of the upcoming hearing.

Respectfully,

A handwritten signature in black ink, appearing to read "Pino Di Mascio". The signature is fluid and cursive, with a large initial "P" and "D".

Pino Di Mascio, RPP, MCIP

September 6, 2013