

March 5, 2013

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VIA E-MAIL

File 00527.15898

Chairman and Members
Planning and Growth Management Committee
City of Toronto
City Hall, 100 Queen Street West
10th Floor, West Tower
Toronto, ON M5H 2N2

**Attention: Ms. Frances Pritchard, Committee Administrator
City Clerk's Department**

Dear Sirs/Mesdames:

**Re: Planning and Growth Management Committee
Meeting No. 21 - March 6, 2013 - Agenda Item PG21.1
Statutory Public Meeting City-wide Zoning By-law**

We represent Premium Properties Limited in respect of its property interest at 36-44 Eglinton Avenue West (the "Site").

We understand that your Committee will be considering the above-noted item at a Statutory Public Meeting on March 6, 2013 and we take this opportunity to submit our client's comments for your consideration.

Background

You will recall that the above-noted site was the subject of an active Zoning By-law Amendment application (File No. 09 148228 NNY 16 OZ), which was recently approved by the Ontario Municipal Board. The Zoning By-law Amendment and related Section 37 Agreement have been agreed between the owner and the City, and the Final Order is expected shortly.

The site is designated as "Mixed Use Area" in the Official Plan. The Yonge-Eglinton Secondary Plan designates the subject lands *Mixed Use Area "A"*. The site is zoned as "CR T5.0 C4.0 R3.0" by By-law 438-86, as amended.

Comments

In our previous submissions respecting the City-wide Zoning By-law, we had requested that the site remain as an area excluded from the new By-law, pending the resolution of the active application.

On review of the November 8, 2012 and the January 22, 2013 By-law materials, we understand that the City proposes to exclude the site from the new By-law.

More specifically, we have had an opportunity to review Clause 1.5.7 of the proposed By-law and the related Zoning Map F-357, which indicates that the subject lands remain governed by the Former General Toronto By-law 438-86. The January 22, 2013 Final Staff Report does not propose to modify F-357 as presented.

With the finalization of the active development application, it would be timely to now include an appropriate Chapter 900 Prevailing By-law provision, recognizing the approved site-specific By-law together with its appropriate By-law context.

Summary

With the recent approval and finalization of the active development application, our client requests that the approval now be carried forward by way of a full and unrestricted Chapter 900 Prevailing By-law exception, including appropriate By-law context provisions.

We take this opportunity to bring this submission to your attention at this time, and request that you direct staff to amend the By-law in order to fully provide for the approvals in respect of this site.

We also take this opportunity to request the Clerk to provide us with Notice of any subsequent considerations or decisions of the related Zoning By-law Review.

We trust that you will find the above of some assistance in your consideration of this matter. Should you have any questions, please contact the undersigned, or our client's planning consultant, Mr. Paul Stagl (416-784-2952).

Yours truly,

WeirFoulds LLP



Bruce H. Engell

BHE/jnb

c: Mr. M. Winberg, Premium Properties Limited
Mr. Paul Stagl, MCIP, RPP, Opus Management Inc.

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