

March 5, 2013

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File 00527.15898

VIA E-MAIL

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 and 1160895 Ontario Limited, in respect of their property interests at 115 Commander Boulevard, which is located on the west side of Commander Boulevard, south of Huntingwood Drive.

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 clients' comments for your consideration.

Background

The subject lands have been developed since the mid 1970's with an industrial building with approximately 8,923 square metres of gross floor area. The lands are designated as "Employment Area" in the City's Official Plan and are currently zoned as "M" Industrial in Zoning By-law No. 24982 – Marshalling Yard Employment District.

The Committee of Adjustment approved a severance and related minor variances in 2008 (File Nos. 07 279487 000 00 CO & 07 279479 000 00 MV) to facilitate the development of a new industrial building on the severed parcel. Variances for both the severed and the retained lots were granted by the Committee and included variances such as gross floor area, rear and side yard setbacks, number of parking spaces, location of parking spaces (including off-site permissions) and minimum lot frontage (13.59 metres). Construction of the new building has not yet commenced.

The property is an approved pipeline project, for which construction has not yet commenced. Phasing of the project, including site plan approvals and building permits, is expected to occur over the next few years. We anticipate that all phases of building permits and construction will bridge the transition period of the City's new By-law enactment.

Proposed Zoning

On review of the November 8, 2012 and the January 22, 2013 By-law materials, we understand that the City proposes to zone the subject site as Employment "E 0.7 (x180)". Exception E "x180" has reference to a Site Specific Provision prescribing a minimum permitted lot frontage of 30 metres in lieu of the 20 metres that otherwise applies to an "E" Zone.

While the proposed "E" zoning is acceptable in principle to our clients, the manner in which it and other associated Zoning proposals have been applied are not acceptable. The proposed Zoning By-law does not fully recognize or fully carry-forward the approved but unbuilt 2008 minor variances. The proposed transitional minor variance provisions do not accommodate the likely build-out schedule for this project.

Summary

Our clients are not in a position to support the proposed "E 0.7 (x180)" zoning, and they request that the 2008 unbuilt minor variance approvals be carried forward by way of a full and unrestricted Chapter 900 Site Specific Amendment.

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

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 clients' 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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