

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 1525 Victoria Park Avenue (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**

The existing zoning applicable to the site is "CC" Community Commercial (CC-29-86) in the Scarborough Clairlea Community By-law (further subject to Exception V). The site is designated as "Mixed Use Area" in the approved Official Plan. The Site is further subject to Site and Area-Specific Policies #109 and #110.

**Comments**

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 "CR 0.22 (c0.22; r0.0) (x470)", further subject to a Height overlay of 11 metres. Exception CR "x470" has reference to a Site Specific Provision permitting a maximum gross floor area, excluding mezzanine storage areas, public walkways

and malls, of 2,254 square metres and further prescribing minimum setbacks from Victoria Park, and from any other street.

While the proposed “CR” zoning is acceptable in principle to our client, the manner in which it and other associated Zoning proposals have been applied are not acceptable. Specifically, issues continue to include that the proposed zoning does not fully carry-forward existing permissions (including the exceptions for frontage on a street, lands not covered by a building and FSI), the proposed zoning has the effect of creating legal non-conforming issues for elements of the existing development, and new regulations and definitions (such as gross floor area, height, minimum build to setbacks, etc.) also negatively impact existing uses and permissions.

### **Summary**

Our client is not in a position to support the proposed “CR 0.22 (c0.22; r0.0) (x470)” zoning, and they request that existing permissions and protections 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 above.

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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