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File No.: 214460.00801/11889

Via Email to pgmc@toronto.ca

Privileged

Planning and Growth Management Committee
Attention: Nancy Martins, Administrator
10th Floor, Wet Tower, City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Dear Ms. Martins:

Re: ITEM PG35.3 (10:00am) - Proposed Amendments to City of Toronto Zoning By-law No. 569-2013 relating to: 2397, 2399 and 2401 Eglinton Avenue West, City of Toronto

We are solicitors for 2401 Eglinton Avenue West Ltd., the owner of lands municipally known as 2401 Eglinton Avenue West in the City of Toronto. This letter shall serve as our client's objection to the proposed amendments to By-Law No. 560-2013 as it relates to its property and the lands lying immediately to the east, being 2399 Eglinton Avenue West and 2401 Eglinton Avenue West in the City of Toronto.

The contemplated amendments fail to provide for or recognize the above-noted properties for Mixed Use Commercial Residential purposes. The subject three parcels of lands are located on the south side of Eglinton Avenue east of Blackthorne Avenue. Given its prime location directly across from the planned Caledonia LRT Station, these lands are suited for a Mixed Use zoning, consistent with other Eglinton Avenue fronting lands and lands in close proximity to other LRT Stations in the vicinity. To not zone these lands under City of Toronto Zoning By-law No. 569-2013 as Commercial Residential, will serve to defer intensification of this important location adjacent to a planned LRT station, and work against the overall vision for intensification along the Eglinton Avenue corridor. Moreover, it will place the onus of the rezoning squarely on the shoulders of the property owners, whereas the City's initiative to recognize intensification along the Eglinton LRT route should have, with all respect included, such lands.

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It appears that these lands may have been excluded from this City initiated zoning by-law amendment because of the General Employment Area designation that currently applies to the subject lands under OPA 231. It is our view that the Employment designation under OPA 231 for this small isolated pocket of properties is inconsistent with the emerging land use designations and the policy framework that surround these properties, particularly those arising from the Eglinton Connects Planning Study. The City's Official Plan primarily designates properties in the vicinity that front onto Eglinton Avenue "Mixed Use Area" except the subject lands. Moreover, OPA 253, recently approved by Council to implement the policy framework emanating from the Eglinton Connects Planning Study (and that would allow mid-rise built form in the "focus area" in which the subject properties are located), similarly "passed-over" the subject lands as a result of their Employment designation. Having said that, other amendments to the Official Plan were undertaken under OPA 253 to recognize the "mixed-use" potential of the Eglinton LRT corridor. Accordingly, we respectfully submit that OPA 231 and OPA 253 do not constitute good planning as it relates to the subject properties and correspondingly, neither do the proposed zoning by-law changes to By-law 2013, given the omission of the subject properties from a CR zoning classification.

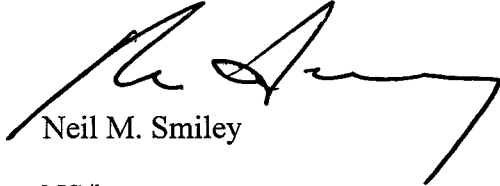
We currently have appealed OPA 231 and the General Employment designation that applies to the subject lands. We are of the view that the subject lands should be released from their "employment lands" designation under OPA 231 and can be recognized in OPA 253 as being "Mixed Use Area" so as to harness the land's transit-related potential. The zoning of the lands should similarly reflect such mixed-use development potential in keeping with emerging policy flowing from the Eglinton Connects Planning Study.

We hope to continue to work with planning staff towards resolving our client's objections relating to the official plan and proposed zoning for the subject lands. Recognizing CR zoning for the subject lands would bring them into the proper planning framework to encourage intensification on lands strategically located near planned LRT Stations

Should you have any questions or require anything further, please do not hesitate to contact the undersigned. Please provide the undersigned with notice of any decisions and or further meetings in connection with the proposed amendments to Zoning By-law 569-2013.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP



Neil M. Smiley

NS/jg

cc. Malcolm Silver, 2401 Eglinton Avenue West Ltd.