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Chairman and Members
Planning and Growth Committee
City of Toronto
100 Queen Street
Toronto, Ontario

Attention: Chair Councillor Peter Milczyn and Members of the Committee

Dear Chair Councillor Milczyn and Members of the Committee

**Re: Five-Year Official Plan Review / Municipal Comprehensive Review
Draft Policies and Designations for Employment
6620 Finch Avenue West
Committee Item 2012.PG19.5**

We are the Solicitors for A. Mantella & Sons Limited, with respect to its property located at the northeast corner of Highway 27 and Finch Avenue West, municipality known 6620 Finch Avenue West ("the Site"). The Site is currently occupied with an older retail plaza with surface parking along Finch Avenue.

In December 2006, our client made an application for an Official Plan and Zoning By-law Amendment to permit a mixed-use development maintaining retail uses on the ground floor with residential uses above in two 14-storey buildings. The applications were refused by Council because the Site was designated for Employment Uses.

It is important to note that in July, 2006, prior to my client's application, Council, by By-law 1068-2006, approved Official Plan Amendment 14 to permit a 5 storey senior citizen apartment building with ancillary commercial facilities on the adjacent site to the north. In August, 2010, Zoning By-law 1132-2010 was approved, implementing the Official Plan Amendment and permitting residential uses (see attached).

The previous Etobicoke Official Plan designated the Site as "Neighbourhood Retail". The Neighbourhood Retail designation permitted retail and residential uses in the form of units above stores or stand-alone apartments. The site is zoned Limited Commercial (CL) with a site -specific provision permitting the commercial plaza.

The staff analysis on the conversion request fails to note that the adjacent site to the north has recently received approvals to permit residential uses. The staff assessment states:

"Although the Municipal Comprehensive Review has not been completed, a preliminary assessment based on the criteria in the Growth Plan and Provincial Policy Statement has determined that these lands should be retained for employment uses and be designated as *Retail Employment Areas*."

In this regard, it is noted that the PPS defines "employment area" as:

"... those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities".

It is noted that the Growth Plan for the Greater Golden Horseshoe definition of "employment area" is identical to that contained in the Provincial Policy Statement.

It is our submission that with the Official Plan Amendment and rezoning on the site to the north, the area no longer constitutes a "cluster" of business and economic activity". Within the block, there is a place of worship (formerly a Canadian Tire store), various businesses, the proposed apartment building and the retail plaza on the Site (which is not "associated retail" but stand alone retail).

The staff report recommends the continuation of the Site as a retail plaza. In addition to ignoring the surrounding land use permissions, the report fails to recognize that the Site is on the proposed Finch West Light Rapid Transit line, with a stop directly in front of the plaza. The recommendation of a retail employment designation is, in our opinion, an underutilization of a site that is on a planned transit line. Further, it disregards the previous Official Plan designation in the Etobicoke Official Plan that permitted residential uses on retail plaza sites, through rezoning, recognizing the desirability of intensifying such sites with a mix of uses.

We respectfully request that you consider the Site for Mixed Use within the context of the MCR. We would appreciate the opportunity to address the Committee.

Yours truly

BRATTY AND PARTNERS, LLP

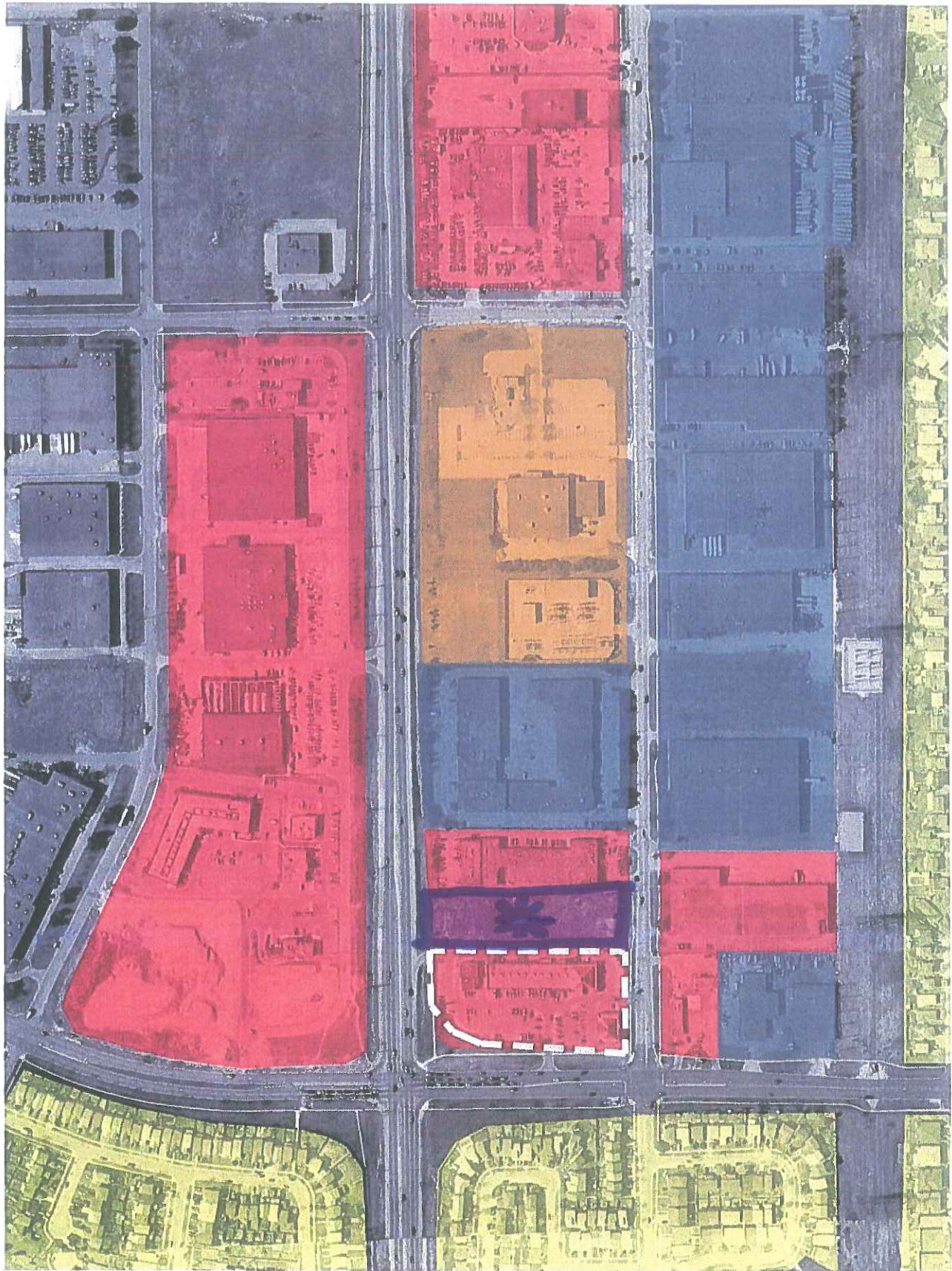


Barry A. Horosko

Encl.

cc. R. Mantella

May 27



Finch



Low Density Residential



Retail / Service Commercial



Institutional



High Density Residential



Light Industrial

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APPROVED