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November 7, 2012

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File Number : 527499-6

**VIA EMAIL**

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

Attention: Ms. Merle MacDonald, Committee Administrator,  
City Clerk's Department

Dear Sirs/Mesdames,

**RE: Planning for a Strong and Diverse Economy: Official Plan/Municipal  
Comprehensive Reviews - Draft Policies and Designations for Employment  
Agenda Item PG19.5  
743 Warden Avenue**

We are the solicitors for The Goldman Group, Zahavish Downtown Developments Ltd. and Zahavish Downtown Commercial Ltd. who are the beneficial and registered owners of the property known municipally as 743 Warden Avenue in the City of Toronto (the "Site"). The Site currently consists of 17 acres of presently vacant land.

We have now had an opportunity to review the above-noted City staff report and the recommendations and directions set out specifically on pages 129-130 of Attachment 5 to the report, which deal with the Site.

In a letter dated April 13th, 2011 to City Planning staff, we had respectfully requested that the Site be redesignated from *Employment Areas* to *Mixed Use Areas* as part of the City's Five-Year Official Plan Review/Municipal Comprehensive Review.

The Site was originally scheduled for inclusion in the Warden Woods Secondary Plan Area when that Secondary Plan was being formulated but, as a result of significant clean-up costs, the previous owner chose not to pursue inclusion within the Secondary Plan Area. Subsequently, the manufacturing facility operated by Samuel Steel was discontinued and the facility was shut down.

Our client received development approvals from the City to designate just over 6 acres of the approximately 16-acre property fronting on Warden Avenue for commercial use. Our client has met all of the conditions set by the City to enact a site-specific by-law to allow for the commercial designation; however, for the last several years, our client has attempted unsuccessfully to lease both the industrial and commercial portions of the Site. It should be noted our client has been refused by all grocery store chains in light of the fact that the population base is not adequate to support a store location in the Warden Woods Secondary Plan Area and surrounding neighbourhoods.

As a result, our client is proposing to change the designation to *Mixed Use Areas* to permit commercial and residential development on the Site. A plan of subdivision for the Site has been previously provided to City Planning staff. The proposed residential/commercial development for the Site would consist of approximately 2 acres of commercial, fronting onto Warden Avenue and the remaining  $\pm 14$  acres would be a residential subdivision of approximately 224 townhouse units. The proposed development has a street plan that would be fully integrated with the subdivision located to the south through the extensions north of Ayers Crescent, Howe Avenue and Pidgeon Lands.

Despite our client's proposed development and request for redesignation, City staff's preliminary assessment is that the Site "should be retained for employment uses and be designated as Retail Employment Areas". Unfortunately, there are no supporting reasons given for City staff's preliminary assessment.

It is our opinion that the redesignation of the Site to *Mixed Use Area* would be consistent with the policy direction recommended by the August 27th, 2012 City staff report regarding "Employment Uses Policies", to allow residential mixed-use development on the edges of *Employment Districts* near rapid transit stations. Given the close proximity of the Site to the Warden Subway Station, its location at the edge of the *Employment District*, its close linkages to the Warden Woods Community, and the presence of residential uses immediately to the south, we are requesting that City staff revisit this preliminary assessment and reconsider redesignating the Site to *Mixed Use Area*. Further, our client also requests that the existing retail/commercial and industrial land use permissions continue to apply to the Site.

Accordingly, we would ask Planning & Growth Management Committee not to endorse City staff's preliminary assessment for the Site but to direct City staff to meet with our client to discuss the redesignation of the Site to *Mixed Use Area*.

Thank you for your consideration of this request. If you have any questions regarding the above, please do not hesitate to contact the undersigned at 416.863.4786.

Yours very truly,  
**Fraser Milner Casgrain LLP**

  
Jason Park  
JIP/ss

c.c. Councillor Michelle Berardinetti  
Joe Nanos, Manager, Community Planning  
Paul Bain, Project Manager, Policy & Research, City Planning  
Anna Czajkowski, Senior Planner, Policy Planning  
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