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March 20, 2013

Mayor and Council
c/o City Clerk
Attn. Marilyn Toft
City of Toronto
100 Queen Street West
Toronto, ON, M5H2N2

Mr. Mayor and Members of Council:

RE: DRAFT HARMONIZED ZONING BY-LAW
170 NORTH QUEEN STREET
QUAESTUS MANAGEMENT CORP.
OUR FILE 0650Q

We are writing on behalf of our client, Quaestus Management Corp. ("Quaestus"), regarding their site at 170 North Queen Street in West District. The site currently contains an existing industrial building and is zoned Class 2 Industrial (I.C2) in the former City of Etobicoke Zoning By-law.

We had submitted a letter to you on March 4th indicating our concerns with the Harmonized Zoning By-law. Subsequent discussions with the Zoning Team following the March 6th Planning and Growth Management Committee indicated that the Zoning Team do not intend to implement our recommendations from our March 4th letter.

As previously noted, the site is subject to the Employment Area designation in the current Official Plan, and the Sherway Centre site and area specific policies (SAS 19 and 20). In discussions with the Official Plan Employment Area Review team, the site is being considered for a 'Retail Employment Area' designation (see attached correspondence). The Retail Employment Area designation is intended to permit all uses permitted in other employment designations plus a broad spectrum of retail.

Currently, the I.C2 Zone permits, among others, the following uses:

- Amusement arcades;
- Banks;
- Banquet halls;
- Bingo Halls;
- Bowling alleys;
- Cinemas;
- Commercial sport/recreational facilities;
- Curling rinks;
- Entertainment facilities;
- Fitness Clubs;
- Nightclubs;
- Restaurants (standard, take-out, convenience);
- Vehicle sales and rental establishments.

The site is proposed to be zoned Employment (E) in the draft Harmonized Zoning By-law. This zone does not permit some of these uses, and does not recognize use permissions that the site currently enjoys.

Specifically, amusement arcades, daycares, banquet halls, cinemas, entertainment facilities, hotels, nightclubs, and vehicle sales and rental establishments will no longer be permitted.

Further, the Harmonized Zoning By-law imposes restrictions on restaurants which do not exist in the current Zoning. The restrictions of the new by-law would limit restaurants on this site individually or collectively to a maximum of the greater of 300 square metres or 10% of the gross floor area up to 500 square metres. These restrictions are not found in the current Etobicoke Zoning Code and are not supported by either the in force Official Plan policy or the new employment lands policies to be applied to this property.

Staff's reason for not carrying forward the existing permission was that they wanted to protect industrial uses from the encroachment of 'sensitive' uses, and that they are following the draft new employment lands policies of the Official Plan Review. As noted, the Official Plan Review team is considering this the site as a candidate for the Retail Employment Area designation, but will not be able to do so until they complete the next draft of their mapping. If the Harmonized Zoning By-law is adopted as proposed before that happens, the by-law will become inconsistent with the Official Plan when the new employment lands policies are adopted.

Entertainment and recreation uses (which in our interpretation includes the above-noted uses) are permitted in the current Employment Area designation of the Official Plan, when they front onto a major street shown on Map 3 of the Plan, per Section 4.6.2. North Queen Street is identified as a major street on Map 3 of the Official Plan. Therefore the current Official Plan policies permit the entertainment uses that are being taken away by the Harmonized Zoning By-law. Hotels are permitted as of right in the current Official Plan.

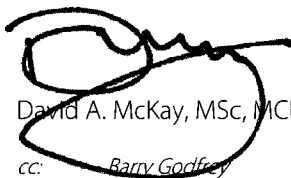
The uses being taken away are consistent with the in-effect Official Plan (both the general policies as well as the site-specific policies) and the current draft of the employment area policies prepared for the Official Plan Review. There is no planning justification for their removal and restriction. Therefore we request that Council direct staff to exclude this site from the Harmonized Zoning By-law pending further staff review. Such review should consider the draft employment area policies of the Official Plan Review as well as the in-effect policies.

We would be happy to meet with City staff to discuss this matter.

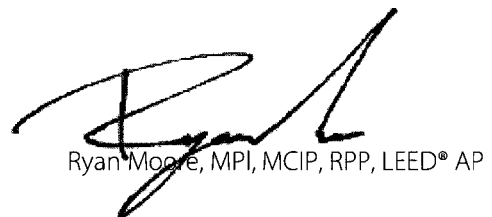
If you have any questions, please feel free to contact the undersigned.

Thank you,

MHBC



David A. McKay, MSc, MCIP, RPP
cc: *Barry Godfrey*



Ryan Moore, MPI, MCIP, RPP, LEED® AP

Ryan Moore

From: Paul Bain [pbain@toronto.ca]
Sent: February-14-13 9:35 AM
To: Ryan Moore
Cc: Cantos, Jeffrey; Godfrey, Barry; Hill, Sharon; David McKay
Subject: Re: City of Toronto Draft Official Plan Employment Area Policies - 170 North Queen Street

Hello Ryan.

I had confirmed to David M. that the 'Sherway Gardens subway area' site and area specific policies would remain in the OP. Given the content of the site specific we will indeed consider whether a retail employment area designation may be more appropriate.

Paul

Paul Bain, MCIP RPP
Project Manager, Official Plan Review
Strategic Initiatives, Policy and Analysis
City Planning Division
T: 416-392-8781



>>> Ryan Moore <rmoore@mhbcplan.com> 2/13/2013 2:33 PM >>>

Hi Paul;

The site at 170 North Queen Street is proposed to be designated 'General Employment' in the draft new employment area policies. We had asked for clarification in a letter dated February 5th as to whether site and area-specific policies 19 and 20 in the current Official Plan would remain in effect. Further to your discussion with David yesterday, given the site-specific provisions for retail on the site through the current site and area-specific policies, we would like to request that the site be redesignated to 'Retail Employment Area' instead of 'General Employment Area,' in order to implement the provisions of site and area-specific policies 19 and 20.

If you would like to discuss, please feel free to call David or myself.

Thank you,

Ryan Moore, MPI, MCIP, RPP, LEED® AP
Senior Planner

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