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September 6, 2013

Members of Etobicoke York Community Council
City of Toronto
Etobicoke Civic Centre
399 The West Mall
Toronto, Ontario
M9C 2Y2

Dear Council Members:

**RE: CITY-INITIATED SHERWAY AREA STUDY – AGENDA ITEM EY26.8
170 NORTH QUEEN STREET DEVELOPMENT PROPOSAL
OUR FILE 0650Q**

We represent North Queen Development Inc. who is proposing the redevelopment of the lands municipally addressed as 170 North Queen Street ("the site" or "the subject property"). The subject property is located within the Sherway Centre Secondary Plan.

Our client has been working through the development plans for the property over the last number of years, including monitoring the North Queen EA process; submitting PPR / Zoning Review applications; meeting with City Planning and Building staff on a number of occasions; and the filing of Building Permit applications for the demolition and construction of the existing buildings for existing as-of-right permitted uses.

City staff have requested direction to undertake a review of the Secondary Plan through a report as item EY26.8. The staff report recommends the following:

"Staff to undertake a review and update of the planning policy framework for the Sherway area, in particular those lands subject to Official Plan Site and Area Specific Policies 12, 13, 19, and 20."

The timing for completion of the study is the third quarter of 2016.

On behalf of our client, we are writing to support the review and update of the planning policy framework for this area. However, as our client has existing development permissions, and thus as-of-right traffic capacity permissions, **we formally request that Council direct staff to accept, process and report on our pending redevelopment application such that Council can make a decision on the application prior to the completion of the study outlined in Item EY26.8.**

PROPERTY DESCRIPTION & POLICY FRAMEWORK

The subject property is approximately 6.15 acres in size and currently used as a rubber manufacturing facility. The existing building is approximately 114,000 sq ft in size. It is intended that in any redevelopment scenario, the existing building will be partially demolished with 92,000 sq ft being reused for retail / service commercial uses.

The subject property is currently designated "Employment Area", with Site Specific Policy 19 allowing retail and service commercial uses up to 250,000 sq m. before requiring a comprehensive traffic assessment occurring (part of the Secondary Plan update being requested by staff). The subject property is zoned Industrial Class 2 (I.C2) Zone in the Former City of Etobicoke Zoning By-law which permits restaurants, entertainment facilities, banks and commercial recreation uses. The Harmonized Zoning By-law zones the site as Employment Industrial (E), however, this By-law is currently under appeal and therefore not in effect.

To permit retail uses (as now contemplated) a Zoning By-law Amendment is required to add these uses to the existing zoning.

PROJECT HISTORY OF REDEVELOPMENT PROPOSAL

Between 2010 and 2013 our client has been monitoring the North Queen Extension Environmental Assessment, waiting for the City to complete the process to determine the potential impacts on the property. The North Queen Extension EA was proposing a potential north-south extension through the middle of our client's property, which would have rendered the property undevelopable. This north-south extension has since been removed from consideration.

The North Queen Extension EA had not made any significant progress by 2012, so our client proceeded with his proposed development by initiating a Preliminary Project Review (PPR) in the fall of 2012. An examiner's notice was issued on October 22, 2012. The notice revealed that the development proposal at that time (for retail uses) did not meet the use, setback, access, parking space size, and loading area requirements of the Zoning By-law.

In an effort to bring a proposal forward that conforms to the Zoning By-law, our client revised the plans for restaurant and commercial recreation uses, utilizing the existing building. A second examiner's notice was issued on January 7, 2013 and stated that the proposal complied with the Zoning By-law. Subsequent to the PPR process, a Zoning Certificate application for the restaurant / commercial recreation proposal was submitted on April 2, 2013. The effect of the Zoning Certificate application is that it 'grandfathered' the proposal from the revisions to the Zoning By-law as contemplated in the Harmonized Zoning By-law as per Section 2.1.3.3 of the new by-law. On June 17, 2013 a Building Permit application was filed for the restaurant / commercial recreation scenario.

Since the filing of the restaurant / commercial recreation scenario Building Permit application, our client has been approached by prospective retail tenants. Through a pre-consultation meeting with City staff on August 15, 2013, regarding a Zoning By-law Amendment and Site Plan Approval application for the retail proposal, we were advised that the maximum retail floor area cap (250,000 sq m) set out in the Secondary Plan policies had been reached. This cap was predicated on the potential for traffic issues to arise if additional retail development were to occur.

RATIONALE FOR ALLOWING THE 170 NORTH QUEEN APPLICATIONS PROCEED

The rationale for allowing the 170 North Queen applications to proceed prior to the completion of the Secondary Plan update study is as follows:

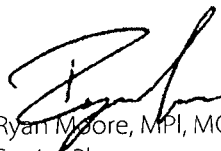
1. Given the maximum retail floor area cap has been reached, our client's modest proposal to add retail uses which will primarily utilize the existing building (a small building addition being proposed), will be unduly and unfairly delayed should the application not be reviewed and reported back on by staff before the Secondary Plan update study is completed. Staff are anticipating that the study will be completed in the third quarter of 2016, however, this could be extended depending on City resources and / or third party. This is in addition to the delays our client has endured due to the extended time frame involved with the North Queen Extension EA, which significantly put the redevelopment of the property into doubt with a potential north-south extension (now not being pursued). Without the Secondary Plan update study process, our client's application would be processed in a more timely manner (10 to 12 months in our opinion).
2. It is our client's position that the use permissions existing on the property under the current zoning, namely restaurants, inherently have as-of-right traffic volumes which should be recognized by City staff. To this effect, our client's traffic engineer has confirmed that the traffic volumes created by the as-of-right restaurant use permissions equate to 718 trips generated in the PM peak hour and 907 trips generated in the Saturday peak hour scenarios. These trip generation rates are more than double those produced by a retail development as proposed by our client's pending applications.
3. Lastly, our client's traffic engineer has advised that the proposed retail development will have insignificant impacts on the area road network intersections and thus can be accommodated without major infrastructure improvements. As such, the need to wait for an area wide study is not substantiated based upon traffic issues associated with our client's development.

In conclusion, our client believes these are substantial arguments to allow their applications to be accepted, processed and ultimately brought back to Council for decision prior to the completion of the Secondary Plan study update. We therefore request Council provide this direction to staff accordingly.

Thank you.

Yours truly,
MHBC


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Partner


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Senior Planner

cc: *Barry Godfrey, North Queen Development Inc.*
Steve Zakem, Aird & Berlis LLP