



Fogler, Rubinoff LLP
Lawyers

77 King Street West
Suite 3000, PO Box 95
TD Centre North Tower
Toronto, ON M5K 1G8
t: 416.864.9700 | f: 416.941.8852
foglers.com

November 15, 2013

Reply To: Joel D. Farber
Direct Dial: 416.365.3707
E-mail: jfarber@foglers.com
Our File No. 13/1974

VIA EMAIL (PGMC@TORONTO.CA)

Planning and Growth Management
Committee, Toronto City Council
100 Queen Street, West, City Hall
Toronto, Ontario
M5H 2N2

Dear Mr. Chairman and Members of the Committee:

Re: PG 28.2 – Official Plan Review

RioCan Queensway Cineplex (1001-1037 Queensway)

We are the solicitors for the owner of the above noted property located on the south side of the Queensway at Islington (the Cineplex site). The site boundaries are as described in the staff report at page 433 and comprise the entire block from The Queensway to the Gardiner and from Islington to Dorchester. This letter follows our written submissions made on February 22, 2013 and May 13, 2013.

The proposed retention of the employment designation for the subject property is not viable, justifiable or appropriate. The staff recommendation (pages 433-437) respectfully fails to properly consider the single most important factor impacting the subject property, being the approved Remington "IQ" development located just west (within about 100m) of the subject lands. The Remington development comprises the entire block between The Queensway and the Gardiner between Zorra and St. Lawrence Avenue.

I would invite the Committee to review the depiction of the Remington site in the marketing materials and how the community is being presented. Quite clearly and quite properly, the community is being presented as it is emerging, which is a vibrant residential and commercial area, not an employment zone. This is entirely consistent with the City's land use policies for the south side of The Queensway as they have been emerging since the 2003 Avenues zoning was implemented.

As the Committee may also be aware, Remington currently has a proposal before the City to amend the existing permissions for two 22 storey and one 27 storey tower, to twin 49 storey

towers with a 7 storey podium. The current permission for 1,270 residential units is now proposed to be increased to 1,825 units.

The staff report goes on at some length to describe the potential for land use conflicts between residential uses and employment uses as a means to justify the recommendation to refuse this conversion request. In the circumstances of this case, the rationale actually justifies the conversion that we are seeking, given not only the Remington proposal that anchors the entire block between Kipling and Islington, but also the existing residential permissions along the Avenues designation, including the existing residential on the north side of The Queensway opposite the site. Residential uses, existing and approved, surround the subject land and is the dominant emerging land use along The Queensway in this location.

The staff report also attempts to justify the employment designation on the basis of the exposure of the site, in particular its exposure and prominence from the Gardiner. As the staff report notes, there is an existing (and recently expanded) cinema located abutting the Gardiner. The cinema dominates the exposure to the site and is of course the site's key tenant. It is anticipated that the cinema use will continue on the property for a very long time, and therefore there is no practical opportunity for other business and enterprises to capitalize on the site's prime highway exposure. Therefore, the exposure argument also fails in our respectful submission.

The existence of the cinema, and the importance of that use to the existing centre, eliminates what otherwise would be the prime location for additional employment uses. Employment uses are not viable and can not be appropriately accommodated in the interior of the site or adjacent to the Avenues.

The principle of residential development on the site has already been developed along the Avenue designation and zoning. However, the linear Avenues designation does not recognize that this is a corner property that can accommodate a much more intense form of residential and mixed use development throughout the site, and is not constrained by a single frontage of minimal depth.

It is also suggested in the staff report that our conversion request for this property did not address the additional considerations that Council directed staff to consider. With respect to those issues, we point out that:

1. Our client would positively consider any policy requiring no net loss of employment existing on site as of the date of adoption of the proposed OPA. Given the relatively low employment density on the site, there should be no difficulty in meeting this criteria and in fact we would anticipate any new development would include additional commercial and small scale office space that would greatly increase the actual employment density on the site. In other words, by allowing the conversion, it is likely that more employment opportunities will be created on site, not less. Implementation of a Mixed Use designation for the entirety of the site would in no way detrimentally impact the continued retail and commercial use of the site, nor the intensification thereof for retail and commercial purposes.

2. A policy requiring a phasing plan to address the enhancement of employment opportunities at the site in conjunction with residential development would be acceptable to our client.
3. Our client would have no concern with a policy addressing land use compatibility issues with nearby employment uses, as practically, there are no remaining sensitive land uses and the small strip of employment land between Dorchester and St. Lawrence can be protected in the same fashion as the Remington proposal has addressed this interface on the east side of its development.

We would therefore respectfully ask that the Committee direct staff to amend the proposed OPA to re-designate that portion of the site currently designated employment to Mixed Use Area and to bring forward appropriate policies to provide for no loss of employment and to address land use compatibility concerns in connection with any future residential uses of the property.

We thank you for the opportunity to make these submissions.

Yours truly,

FOGLER, RUBINOFF LLP

“Joel D. Farber”

Joel D. Farber
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cc. client