

NY9.27.14

# HERITAGE FUNERAL CENTRE

o/o 2041430 Ontario Inc.

October 28, 2015

EMAILED: clerk@toronto.ca

Mayor and Toronto City Council,  
City Hall,  
100 Street West,  
Toronto, Ontario,  
M5H 2N2

Attention: Ms. Marilyn Toft

Dear Mayor Tory and Members of Council

**Re: 42-46 Overlea Boulevard, Zoning By-law Amendment to permit a Costco store with 18 pump gas bar**

I am writing to ask you to reject or in the alternative defer this decision and return this application to staff to have the required consultation and consideration completed for the proposed amendment.

This Zoning By-law Application No. 13 190927 NNY 26OZ ("Amendment") is recommended for acceptance by your City Planning Division but without recommendation from the North York Community Council. I am asking you to not approve this application on the basis the Applicant has failed to meet all of the minimum tests required as set forth in the Official Plan in order for this Amendment to be allowed. Moreover, it fundamentally violates the spirit of policy 4.6.3 of the Official Plan dealing with big box stores and their effect on Employment Lands.

I am the adjacent neighbour to the east of the proposed Costco Warehouse Membership Club ("Costco") with gas bar ("Gas Bar") (together "Development").

Policy 4.6.1 of the Official Plan states Employment Areas are places of business and economic activity. Uses that support this function consist of restaurants and small scale stores and services that serve area businesses and workers, as well as offices, manufacturing, warehousing, distribution, research and development facilities, media facilities and hotels. The Plan notes large scale, stand-alone retail stores, are uses that can detract from the economic function of the employment area and are not permitted in Employment Areas.

Notwithstanding, policy 4.6.3 states consideration may be given to permit large scale and stand-alone retail stores and “power centres” in Employment Areas in locations on major streets which form the boundary of an employment area (as Overlea Boulevard does for the lands comprising the Leaside Business Park). Where a site meets this locational requirement, new large scale, stand-alone retail stores and “power centres” **may be permitted if it can be demonstrated that:**

**a) Sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets; and**

**b) The function of other economic activities within the Employment Areas and economic health of nearby shopping districts are not adversely affected.**

The Official Plan has specific criteria to be met that are most relevant to Heritage and this application to ensure the proposed Development:

1. avoids excessive vehicular traffic within and adjacent areas,
2. provides adequate parking,
3. shares driveways wherever possible, and
4. mitigates noise, dust, odours, etc. that will be detrimental to other businesses or the amenity of the neighbouring areas.

**Staff has duly noted that permission for retail is conditional and is only permitted through a rezoning if all the criteria have been met.**

Heritage Funeral Centre is a fourth generation small business, the immediate neighbour to the east and is a large, growing funeral home open 7 days a week; 13 hours per weekday, 11 hours on Saturday and 8 hours on Sunday. Up to 1,000 mourners will attend to offer condolences on a given day and as many as 100 cars leave in procession to church or cemetery. Our annual call volume currently averages more than 2 events per day but by the nature of our business can spike to 4-8 events per day.

At no time have I been contacted by any consultant to the developer or City staff to ascertain what effect, if any, the proposed Development will have on my business and whether any design or site plan considerations, if any, could be made to mitigate these effects. The reality is the proposed Development **WILL have an adverse affect** on the function of my business. The reports issued in support of this Application attempt to focus on “Economic Impact” well beyond

this neighbourhood rather than the required “function of other economic activities and nearby shopping districts.”

Amongst the issues that **WILL have an adverse affect** on the **function** of Heritage’s business include:

1. Heritage’s only entrance on Overlea is immediately adjacent to Costco’s only entrance on Overlea meaning very serious traffic issues for accessing my site and egress to process funerals to church, cemetery and crematorium;
2. Costco store and gas bar bound vehicles will trespass through Heritage’s property to by-pass the line up to Costco’s parking and get to the long gas queues faster;
3. Grossly, insufficient parking on the Costco site will result in spill-over users expecting to use my parking lot;
4. Extra staff and physical barrier costs will need to be incurred to protect my driveways and parking lot for our use only;
5. Persistent harmful air pollution causing **severe health and environmental impacts** will result the daily turnover of the 625 parking spaces, cars waiting to find parking and an expected 75 cars in idling while in queue waiting 20-30 minutes for gas;
6. Persistent gasoline odours will occur from the three island 18 gas pumps immediately beside Heritage. Additionally, very serious environmental damage will occur if the very large capacity underground tanks or the multiple daily tanker trailer delivery ever rupture as they are located only meters from the Don Valley;
7. Inevitable noise pollution of so many cars coming and going, horns honking, doors and trunks closing and people talking. In the normal course these pollutants may not seem to be significant but our main egress from our building to funeral coach and queuing of the procession is right beside Costco’s main driveway; and
8. General traffic congestion on Overlea and on surrounding roadways will:
  - i) increase frustration of families wishing to use our facilities however electing to go elsewhere because we are “no longer convenient”,
  - ii) increase frustration of friends attending visiting and or funerals who experience the traffic and access issues that decide to go elsewhere when they subsequently are needing a funeral home,
  - iii) increase costs of the business for providing livery and staff because of traffic issues, and
  - iv) reduced vehicular safety as mourners will now be in heavy traffic.

Logically, Costco will also have an adverse effect on the 5 gas stations within one kilometer of the site, the 6 major grocery stores and countless smaller neighbourhood and specialty grocers within a few kilometers.

Additionally, as required by the **Official Plan, the Development fails to provide adequate parking on-site.** The adequacy of parking needs to consider:

- i) nature of the business,
- ii) number of spaces now,
- iii) number of spaces for the future, and
- iv) size of the spaces

Staffs' has accepted BA Group conclusion of the adequacy of 625 parking spaces together with a proposed Transportation Demand Management (TDM) to accommodate the anticipated parking demand. Pejoratively, why does the average Costco have 750 parking spaces; 20% more than is being proposed and Scarborough (designated as a comparable store for Costco's consultant's data collection) 929 parking spaces; 50% more than is being proposed? Likely, this is all this small site can accommodate! In fact, the majority of the parking spaces have now been shrunk by 6" from standard to get the count up!

By the very nature of Costco's business it is unrealistic to think there will be any material diminution to the parking needs on account of a TDM plan. Costco shopping carts are large, filled with single choice large, often heavy package sizes and bulky means people will come by car.

Costco should be providing the data from it comparable stores in the US to determine parking adequacy for now and for the future. An easy internet review highlights lots of their stores have chronic parking issues. If this is the reality when 750 spaces or more exist, then why start with 625 spaces and believe it will not happen here? **Parking adequacy cannot be a snapshot of just today; it must look to the future. When and where was the last time a new Costco with Gas Bar and so few parking spaces?**

Costco is the most successful big box retailer in the world. The reasonable expectations of this Costco site are:

- i) it's sales will be in the decile of all stores and likely within the top few percentile,
- ii) Canadian average store same store sales annual growth was 9% (F 2014) and this store will certainly be at least average, and



- iii) Winning business from existing neighbourhood competitors for 56% of sales from food, and 17% of sales from gas, pharmacy, fast food and optical. Overall, 73% of sales will come from existing businesses likely totaling \$250 - \$300 million.

Based on Costco's regulatory filings, Canadian same store sales data predicts sales in this store will likely double within 7-10 year period. As Costco states, this sales growth will be from more members, members shopping more often and shopping for more things (ie. longer store visits with extended parking times). Building this store right beside its target demographic all but guarantees this to happen.

A review of geographically comparable US sites provides a good glimpse of what Costco has done in other urban locations. The two main solutions to adequate parking are i) site is part of a larger development where other big box stores share much larger parking lots, and ii) multi-level parking garages. A quick count of many of these sites reveals the proposed 625 spaces is significantly less than what they've developed elsewhere. In fact, according to Costco published material, they require 750 spaces on a site of 14-16 acres.

So why are we prepared to allow the under-sizing of this parking when Costco has otherwise determined they need much larger lots? As an easy glimpse to the need, the Scarborough Costco when combined with the neighbouring St. John's Greek Orthodox Church has 929 spaces and both are often full.

To meet the test of the **Official Plan requirement to provide adequate parking on-site** for any site, consideration should be given to what happens if the reality is there is insufficient parking. Since there are no shared lot areas for encroachment and no adjacent available lands to expand, some cushion to the determined minimum number needs to be part of a sensible plan. Otherwise, the spill-over parking onto other peoples' lands is inevitable and gives rise to an adverse effect occurring. Perhaps it would be more prudent to not allow the Gas Bar at this time so an additional parking cushion will exist. A future application for the Gas Bar could be made once many of these issues have been clarified with real-time data and store sales have stabilized.

Policy 4.6.3 of the Official Plan requires **sufficient transportation capacity is available to accommodate the extra traffic generated by the Development, resulting in an acceptable level of traffic on adjacent and nearby streets.**

Insomuch as the submitted traffic impact study concludes the broader study area will have capacity issues with or without the proposed development it's been decided because the problem already exists, the test required by the Official Plan is no longer relevant. In my opinion, if there is already an unacceptable traffic problem on nearby streets (as admitted) then there should be no way of satisfying the pre-requisites of the Official Plan.

I also believe the extra traffic generated by the proposed Development will result in an unacceptable level of traffic on adjacent streets. Transportation Services also believes this to be the case or it would not have required signal modifications. The problem is the signal modifications only serve to move the congestion to the next unmodified signalled intersection. While more cars can move past Costco every minute, there are no signal changes proposed for the Overlea / Don Mills. This can only mean a longer lineup than already extends well back onto the bridge requiring 3 or more signal changes to access Don Mills intersection. Additionally, if we add time to east-west signals, then you reduce north-south capacity which is very important for the Employment Area. So how can Transportation Services conclude this will work when all that has occurred is to move the bottleneck to Don Mills Road and further impede southbound Beth Neilson left turn onto Overlea?

A more fulsome approach to the traffic issue needs to highlight:

- i) what is good for the 30,000 residents of Thorncliffe Park
- ii) pedestrian safety especially for children attending 4 large schools,
- iii) high percentage of children, seniors and people with disabilities,
- iv) consider the importance of Overlea as a primary transportation corridor for vehicular traffic and public transit (7 bus routes with **65,000 riders per day**) now and in the future,
- v) consider the design of the road including its short length to T intersections and median impacting pedestrian crossing times and left turn safety and frequency,
- vi) protect the all-day No Stopping - HOV status (1 of 5 in the City) so it isn't a congested right hand turn lane to Costco,
- vii) railway crossing on Wickstead,
- viii) high number of traffic signals over short distance, and
- ix) special consideration for primary roadways used by tractor trailers moving into and from adjacent Employment Lands.

A better understanding of the likely future traffic patterns needs to be developed that considers:

- i) where will people be traveling from to go to Costco,
- ii) impact of the tenancy of former Target site,
- iii) impact of all current and possible developments
- iv) as John Winter Associates Limited notes a "major magnet" such as Costco attracts other commercial uses and it is his opinion that approval of a Costco store "is a virtual approval for big-box retail along the north side of Overlea Boulevard" thereby contributing to "retail contagion", and
- v) expected annual growth of these businesses will foreseeably bring more people, more often to these stores.

We must then prioritize the use of Overlea and effectively ration its use as it simply can't service all of these needs. A snap shot of today not weighing the competing priorities simply fails the Official Plan's requirement to prove **sufficient transportation capacity is available to accommodate the extra traffic generated by the Development, resulting in an acceptable level of traffic on adjacent and nearby streets.**

This Costco will be anything but "average". On account of the relatively high urban density of this location compared to the typical suburban location of the "average store" and the next door proximity to typical Costco demographic: college education, \$100,000 annual income & 2 cars, this store will likely have sales at least 150% of the average implying traffic counts are more than average and parking spaces also need to be more than the average. Costco knows this will not be average as this store's size is 10% greater than normal.

Average 2014 sales in all 88 Canadian stores was \$255 million; >20% higher than US stores. The top decile of all stores (60) had sales in excess of \$312 million and top 2 stores had sales over \$500 million. It is very realistic this store could be one of the top stores meaning traffic and parking needs could be 2 to 2.5 X the average! So why are we planning on a "less than average" Costco with 625 spaces when so much more will result?

Transportation patterns of where member trips will originate from are not supported but will have significant impacts on subject intersections. The Cole Report assumes 39% of the trips will come from the north (7%) and west (32%) neighbourhoods; highly correlated to Costco's target demographics. It is reported 85% of members are from upper income groups so it is more reasonable to consider at least 70% of the trips coming from North and West

neighbourhoods. Further, the Cole Report models 50.5% of the trips will come from the South (much lesser of target demographics) and allocates this to: 5%

of the traffic northbound from Don Mills turning at Overlea and 43% northbound over the Millwood Bridge turning at Overlea. The relative split (5% : 43%) is really out of line as Don Mills Road is more central to east-end Toronto and is likely is the route for the majority of the east-end trips plus it also picks-up Don Valley Parkway trips from downtown.

Notwithstanding the above reasons to significantly upwardly adjust and re-distribute the anticipated traffic, if we only consider the traffic patterns for accessing Costco at the major intersections in making the conclusion in the Cole Report (with the lower traffic counts and unrealistic distributions), a different opinion could reasonably responsibly be given.

Isolating just existing traffic on the way to the Costco site at Overlea/Don Mills, Eglinton/Laird, Eglinton/Brentcliffe, Laird/McRae, Laird Millwood intersections, all are currently categorized as D, E or F with a ratio of volume /capacity near 1. Adjusting the existing condition for Costco, **ALL** of these intersections become F with volume / capacity ratios over 1.00 and as much as 1.44. Meaning **sufficient transportation capacity is NOT available to accommodate the extra traffic generated by the Development, resulting in an UNacceptable level of traffic on adjacent and nearby streets.**

In summary, this is not a good site; it's simply too small and there is no latent road capacity. It has inadequate main arterial roadway capacity to handle the traffic generated, the site is too small to have adequate parking now and for the future, it will adversely affect many businesses in close proximity to the site and it will significantly affect current public transportation and limit future public transit possibilities.

In conclusion, on a technical basis, the Applicant has failed to conclusively evidence as required by the Official Plan:

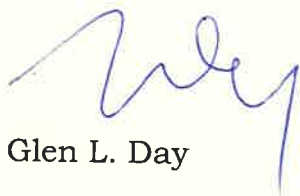
- i) **Sufficient transportation capacity is available to accommodate the extra traffic generated by the Development, resulting in an acceptable level of traffic on adjacent and nearby streets;**
- ii) **The function of Heritage will not be adversely affected, and**
- iii) **There will be adequate parking on-site.**



In my opinion, this proposed Costco Store with Gas Bar is a real dichotomy with my understanding of official policy to emphasize public transportation, clean air and neighbourhood protection. We seem prepared to compromise these policies by facilitating cheap gas encouraging driving, accepting of traffic bottlenecks, disrupt a vital public transit corridor inconveniencing 65,000 daily riders and not do what is right for the neighbouring communities. I submit it's not worth compromising these important civic values so we can have another Costco. Costco was born in the suburbs and simply should stay there; it isn't an urban store.

Thank you for taking the time to read this letter and becoming better informed about this proposed transformational by-law amendment. If you have any questions or wish to discuss this letter, please call me at 416-423-1000.

Thanks for your support,



Glen L. Day