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Reply To: Joel D. Farber  
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Our File No. 15/5670

**VIA EMAIL (NYCC@TORONTO.CA)**

North York Community Council  
North York Civic Centre  
Main Floor, 5100 Yonge Street  
Toronto, ON  
M2N 5V7

Attention: Francine Adamo

Dear Members of Community Council:

**Re: 13 190927 NNY 26 OZ 42-46 Overlea Boulevard - Costco**

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We are the solicitors for Racko Developments Inc. ("Racko") and Atlantic Packaging Products Ltd. ("Atlantic"). Atlantic is the owner of 36 Overlea Boulevard, and Racko is a development consultant engaged by Atlantic to pursue development opportunities at 36 Overlea Boulevard.

Our clients are currently engaged in pursuing retail and commercial development opportunities for 36 Overlea Boulevard. Our client filed a zoning by-law amendment application on July 21, 2015.

There is an ongoing transformation of the north side of Overlea Boulevard from an industrial area to retail, commercial and institutional uses. The industrial uses are now largely gone from Overlea Boulevard. Ultimately, our client anticipates that the north side of Overlea Boulevard will be wholly transformed from its industrial past to a new mixed use community that can complement and enhance the existing Thorncliffe Park community. We also anticipate the East York Town Centre to intensify as a mixed use development with new residential and retail uses.

Our client has concerns about how the Costco proposal for 42-46 Overlea Boulevard will fit in with the required planning changes for the north side of Overlea Boulevard.

Our client's concerns include the following:

1. The Costco proposal seeks to utilize the existing traffic signals at the eastern end of the East York Town Centre in order to provide a direct access from Overlea Boulevard including eastbound left in movements. Our client seeks assurance that there is

appropriate full moves access to its property and that its ability for access is not limited or restricted by the Overlea improvements contemplated in the Costco application.

2. In the event that the proposed Costco improvements would impact access to our client's property and/or other uses on the north side of Overlea, then consideration should be given to whether a revised transportation plan is required for the north side of Overlea so that all the businesses on Overlea would have the benefit of left in movements via the existing traffic signals, which are now proposed to service only the proposed Costco store. Alternatively, is a new transportation plan required to adequately and fairly serve the lands on the north side of Overlea Boulevard.
3. The proposed location of the Costco building including the maintenance of certain aspects of the former Coca-Cola office building creates visual and aesthetic impacts on future development of the lands at 36 Overlea. Our client is concerned that the current proposal would result in a wall along the entire eastern boundary of our clients property, which would be detrimental to vistas and streetscape for our client's property. We understand and acknowledge the requirement to address heritage matters for the former Coca-Cola office building, and we would request that development options to lessen the impact of the development proposal on our clients property be considered by the applicant and HPS.

We would respectfully request that Community Council decline to accept the staff recommendation at this time. We would respectfully request a deferral of consideration of this application so that our client has an adequate opportunity to:

- (i) consider the impact of the revised development proposal on its recently submitted development application;
- (ii) consider the input of the members of the Thorncliffe community including the residents and business owners; and
- (iii) address planning staff and the applicant with our clients' concerns on the revised application.

The current application will have considerable long term effects for the entire Thorncliffe Park community so it is critical to make sure that any redevelopment of 42-46 Overlea represents positive change and has support from the Thorncliffe Park community.

Thank you for your consideration of these submissions.

Yours truly,

**FOGLER, RUBINOFF LLP**

*"Joel D. Farber"*

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