

1 May 2018

Sent via E-mail (etcc@toronto.ca)

City Clerk
Etobicoke York Community Council
399 The West Mall
Toronto, ON M9C 2Y2

Attention: Ms. Rosemary MacKenzie, Administrator

Dear Ms. MacKenzie:

**Re: Staff Report: 13 277902 WET 02 OZ and 17 207652 WET 02 SB
2200 Islington Avenue - Zoning By-law Amendment and Draft Plan of Subdivision
Applications (the “Applications”)**

We are the lawyers for SmartCentres REIT, the owner of lands located at 2267 Islington Avenue (the “Rexdale Shopping Centre”) and 2625 Weston Road (the “Crossroads Shopping Centre”) in the City of Toronto (the “City”). The Rexdale Shopping Centre is located directly across from 2200 Islington Avenue (the “Subject Site”), and both the Rexdale Shopping Centre and the Crossroads Shopping Centre are within “nearby shopping districts” and the primary trade area for the Subject Site.

We have reviewed the Staff Report, dated 11 April 2018, that will be considered by Community Council at its meeting on Wednesday, 2 May 2018 (Item EY30.1). The Staff Report recommends that the City amend the former City of Etobicoke Zoning Code to permit the proposed development and advises that City Planning intends to approve the Draft Plan of Subdivision subject to conditions. Our client has serious concerns regarding the Applications and the supporting reports and studies submitted by the applicant, CR Islington Inc. (the “Applicant”).

For the reasons summarized below, our client is concerned that the development of the Subject Site, as proposed, would adversely affect the economic health of nearby shopping districts, that include the Rexdale Shopping Centre and the Crossroads Shopping Centre. Section 4.6 of the City’s Official Plan requires that the proposed development must ensure that the economic health of nearby shopping districts is not adversely affected. Official Plan Amendment 231 (“OPA 231”), which was adopted by Council and represents Council’s long-term land use planning policy, also requires the protection of the economic health and planned function of nearby shopping districts.



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Our client's consultants have reviewed the reports and studies submitted by the Applicant and are of the view that the proposed Zoning By-law Amendment attached as Attachment No. 7 to the Staff Report does not conform with the policies of the Official Plan and OPA 231.

Accordingly, our client requests that Community Council defer making a decision on the Applications until after our client's consultants have had an opportunity to discuss their concerns with the City Planning Division. Alternatively, should Community Council decide to support the Applications, our client requests that the Recommendations proposed by the City Planning Division be amended, and adopted as amended, in accordance with our proposed revisions attached as Appendix A to this correspondence.

Market Impact Analysis and Economic Impact Analysis

Our client's market and land economics consultant, Mimi Ward of Ward Land Economics Inc., has reviewed the Retail Market & Impact Analysis and Employment District Economic Analysis prepared by urbanMetrics inc., dated February 2017 (the "urbanMetrics Reports"). She has also reviewed the peer review of the urbanMetrics Reports conducted by Three Sixty Collective (the "Peer Reviews").

Ms. Ward's review indicates that the urbanMetrics Reports overstate the market support for retail and service commercial space and understate the negative impact on the economic health of nearby shopping districts. The urbanMetrics Reports indicate that there is a significant amount of existing vacant space (over 400,000 square feet) in the nearby shopping districts. However, urbanMetrics does not account for the re-tenanting of most of that space. If the City passes the requested Zoning By-law Amendment, this space will likely remain vacant and would adversely affect nearby shopping districts. Among other concerns, Ms. Ward also notes that sales performances are very low for other non-food store space which also makes the nearby shopping districts particularly vulnerable to impact.

Accordingly, Ms. Ward recommends that the City should first account for and protect nearby shopping districts before approving the Applications and permitting additional retail commercial space on the Subject Site.

However, if Community Council decides to support the Applications, it is Ms. Ward's recommendation that the Zoning By-law Amendment to be considered by Council should appropriately reflect the findings of the urbanMetrics Reports and the Peer Reviews by incorporating development controls that relate to the amount of space that was studied by urbanMetrics. Our client's planning consultant, David McKay of MHBC Planning, has prepared an amended draft Zoning By-law Amendment, attached as Appendix B, that incorporates Ms. Ward's recommendations.



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In addition, given the Applications and the changes to the retail environment, our client requests that City Council direct City staff to undertake a land use study to determine the appropriate mix of uses in order to revitalize the lands located in the general vicinity of Highway 401 and Weston Road. We have included a new Recommendation 7 in attached Appendix A which reflects this request.

Transportation Considerations

Our client's transportation consultant, LEA Consulting Ltd. ("LEA Consulting"), has reviewed the reports prepared by BA Group that considered the transportation impacts of the proposed development (the "BA Reports"). LEA Consulting notes that the BA Reports have not studied the potential gas bar, which generates a large amount of traffic and would have affected the traffic analysis conducted by BA Group. It is also apparent that the proposal will have significant impacts on both the capacity and location of the existing intersection at Rexdale Boulevard and Islington Avenue. Of particular concern to our client is the removal of the designated northbound right turn lane at the unsignalized entrance to the Rexdale Shopping Centre and the adverse effect on the signalized entrance to the Rexdale Shopping Centre at Islington Avenue.

As indicated by the Staff Report, an Environmental Assessment should be required for the proposed realignment of the Rexdale Boulevard and Islington Avenue intersection. However, LEA Consulting is of the opinion that the intersection redesign and realignment is a Schedule B project, rather than a Schedule A project as suggested in the Staff Report. The project and its potential impacts should be subject to a Schedule B screening process and require appropriate consultation with our client.

Our Client's Request of the City

Our client requests that Community Council defer making a decision on the Applications until our client's concerns have been addressed. In the alternative, our client requests that:

- Recommendations 1, 3, and 7 be amended as set out in attached Appendix A; and
- the proposed Zoning By-law Amendment be revised in accordance with attached Appendix B.

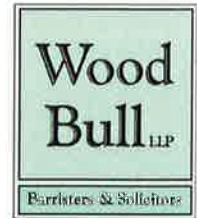
Yours very truly,

Wood Bull LLP

A handwritten signature in blue ink that reads "Mary Bull". The signature is written in a cursive, flowing style.

Mary Bull

Certified Specialist (Municipal Law: Land Use Planning and Development)



1 May 2018

Encl.

- c. Mr. Neil Cresswell, Director, Community Planning (Neil.Cresswell@toronto.ca)
Ms. Kathryn Thom, Senior Planner, Community Planning (Kathryn.Thom@toronto.ca)

APPENDIX A

1. **Amend Recommendation 1** to read as follows:

“City Council amend the former City of Etobicoke Zoning Code for the lands at 2200 Islington Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 7 to this report with the following revisions.

Add the following Definitions to Section 3:

Department Store - shall mean a retail store which offers, for retail purposes, commercial goods and services which shall include, but not limited to, the following: clothing, food, hardware, sporting goods, household goods, and furnishings.

General Merchandise Space - shall mean retail space such as but not limited to a department store, home and auto supply store, and warehouse membership club.

Add the following to the definition of Retail after the words “retail stores;”: “department store, home and auto supply store, warehouse membership club;”.

Revise Section 5 **Gross Floor Area** to read as follows:

- (a) A maximum of 83,818 square metres of **Gross Floor Area** for all uses shall be permitted on the **Lands**.
- (b) A maximum of 29,579 square metres of **Gross Floor Area** for all retail and service commercial uses on the **Lands** prior to January 1, 2021, subject to the following restrictions:
 - i. A maximum 4,645 square metres of **Gross Floor Area** devoted to a supermarket/grocery store and the food related component within a department store or a warehouse membership club.
 - ii. A maximum 12,152 square metres of **Gross Floor Area** devoted to **General Merchandise Space**. Within this maximum **Gross Floor Area** for **General Merchandise Space** a food related component may be included subject to provision b(i) above.
 - iii. A maximum 1,672 square metres of **Gross Floor Area** devoted to retail uses devoted to health and personal care.
 - iv. A maximum 4,955 square metres of **Gross Floor Area** devoted to all other non-food retail uses.
 - v. A maximum 6,155 square metres of **Gross Floor Area** devoted to service commercial uses.

- (c) A maximum 50,018 square metres of **Gross Floor Area** for all retail and service uses on the **Lands** after January 1, 2021, subject to the following restrictions:
- i. Provisions 5(b)(i) to (iii) shall continue to apply.
 - ii. Provision 5(b)(iv) shall no longer apply and will be replaced by a maximum of 22,607 square metres of **Gross Floor Area** devoted to other non-food retail uses space.
 - iii. Provision 5(b)(v) shall no longer apply and will be replaced by a maximum of 8,942 square metres of **Gross Floor Area** devoted to service commercial uses.
- (d) A minimum of 33,800 square metres of warehouse and/or office space shall be provided on the **Lands**.”

2. **Amend Recommendation 3** to read as follows:

“The realignment of Islington Avenue and Rexdale Boulevard shall proceed through the Municipal Class EA process for a Schedule B project and shall specifically examine the impacts of the realignment on accesses on adjacent properties, including the Rexdale Shopping Centre. The realignment shall be approved and constructed prior to Phase 2 proceeding. The owner shall design and construct the Islington Avenue and Rexdale Boulevard realignment all at the owner’s expense and in accordance with the approved drawings to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.”

3. **Add new Recommendation 7** which reads as follows:

“Given the changes to the retail environment, the existing vacancies at the Toronto Crossroads Shopping Centre and the nearby shopping district, and the potential for further vacancies to occur as a result of the approval of the current proposal, City Council directs City staff to undertake a land use study to determine, in consultation with the landowners, the public, and the City Councillor, the appropriate mix of uses in order to revitalize the lands located in the general vicinity of Highway 401 and Weston Road. City staff shall bring forth a recommendation report, including amendments to the Official Plan no later than the fourth quarter of 2019.”

APPENDIX B

Attachment 7: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

BY-LAW No. ~-20~

To amend Chapter 304, 320 and 324 of the Etobicoke Zoning Code with respect to the lands municipally known as 2200 Islington Avenue.

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990,c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS pursuant to Section 36 of the *Planning Act*, the Council of a municipality may in a by-law passed under Section 34 of the *Planning Act*, by the use of the holding symbol "H" in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law; and

WHEREAS the City of Toronto Official Plan also contains provisions relating to the use of a holding symbol "H".

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, is amended, by affirming the classification of the lands located in the former Township of Etobicoke, as described in Schedule 'A' attached hereto as Class 1 Industrial (IC1) and Class 1 Industrial (IC1(H)), subject to the following provisions:
2. Notwithstanding Sections 304-36, 320-21, and 320-22 the following development standards shall now apply to Class 1 Industrial Zone (IC1) and Class 1 Industrial (IC1 H) described in Schedule `B`.
3. **Definitions:**

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law, the following definitions shall apply:

Bicycle Parking Space - shall mean an area used for parking or storing a bicycle.

Brew Your Own Operation – shall mean a service use where members of the public can make their own beer, wine or other beverages, for consumption off the premises, and where the owner or operator may retail related equipment or ingredients.

Building Envelope - shall mean the building area permitted within the setbacks established in this By-law, as shown on Schedule 'B', attached.

Beer Production Facility – shall mean a building or part of a building where beverages are prepared and offered for retail sale to the public for consumption on or off the premises and where the use may be associated with a restaurant.

Department Store – shall mean a retail store which offers, for retail purposes, commercial goods and services which shall include, but not limited to, the following: clothing, food, hardware, sporting goods, household goods, and furnishings.

General Merchandise Space – shall mean retail space such as but not limited to a department store, home and auto supply store, and warehouse membership club.

Lands – shall mean the lands as described in Schedule 'A' attached and shall be based on the gross land area prior to all dedications, conveyances and Lot divisions.

Mechanical Floor Area – shall mean a room or enclosed area, including its enclosing walls within a building or structure above or below Grade that is used exclusively for the accommodation of heating, cooling, ventilation, electrical, mechanical (other than escalators), and/or telecommunications equipment that serves only such building.

Minor Projections – shall mean minor building elements which may project from the main wall of a building into required setbacks beyond the **Building Envelope**, including architectural elements, parapets, landscape features, elements of Green Roof, roof eaves, window sills, lights, vents, railings and guard rails, cornices, doors, canopies, balustrades and exterior stairs, to a maximum projection of .5 metres.

Outdoor Patio - shall mean an outdoor patron area that is ancillary to a permitted use.

Privately-Owned Publicly-Accessible Space – shall mean a *Landscaped Open Space* area, as shown on Schedule B, attached, which is open to the public at all times.

Retail Store – shall mean a premises in which goods or commodities are sold, rented or leased to include all uses such as grocery store and pharmacy, but not limited to.

4. Permitted Uses:

In addition to the uses permitted in the IC1 zone, the following uses shall be permitted on the **Lands**:

Retail: retail stores; department store; home and auto supply store; warehouse membership club; ancillary retail and pharmacy; home improvement warehouse; ancillary restaurants (including take-out service); outdoor storage and garden centre area; personal service shop; a supermarket; outdoor patios associated with bake shops, specialty food shops, grocery stores and restaurants; drive-through facilities; automated banking machines; dry cleaning establishments; eating establishments; brew your own operation; beer production facility; financial institution.

Vehicle-related uses: gas bar; service station; service station/retail store with food services; ancillary car wash; ancillary public garages; and vehicle rental establishments.

5. Gross Floor Area

(a) A maximum of 83,818 square metres of **Gross Floor Area** for all uses shall be permitted on the **Lands**.

(b) A maximum of 29,579 square metres of **Gross Floor Area** for all retail and service commercial uses on the **Lands** prior to January 1, 2021, subject to the following restrictions:

i. A maximum 4,645 square metres of **Gross Floor Area** devoted to supermarket/grocery store and the food related component within a department store or a warehouse membership club.

ii. A maximum 12,152 square metres of **Gross Floor Area** devoted to **General Merchandise Space**. Within this maximum **Gross Floor Area** for **General Merchandise Space** a food related component may be included subject to provision b(i) above.

iii. A maximum 1,672 square metres of **Gross Floor Area** devoted to retail uses devoted to health and personal care.

iv. A maximum 4,955 square metres of **Gross Floor Area** devoted to all other non-food retail uses.

v. A maximum 6,155 square metres of **Gross Floor Area** devoted to service commercial uses.

(c) A maximum 50,018 square metres of **Gross Floor Area** for all retail and service uses on the **Lands** after January 1, 2021, subject to the following restrictions:

i. Provisions 5(b)(i) to (iii) shall continue to apply.

ii. Provision 5(b)(iv) shall no longer apply and will be replaced by a maximum of 22,607 square metres of **Gross Floor Area** devoted to other non-food retail uses space.

iii. Provision 5(b)(v) shall no longer apply and will be replaced by a maximum of 8,942 square metres of **Gross Floor Area** devoted to service commercial uses.

(d) A minimum of 33,800 square metres of warehouse and/or office space shall be provided on the **Lands**.

6. Setbacks and Building Envelopes:

Buildings or structure on the **Lands** must be setback:

(a) A minimum of 1.5 metres from all Lot Lines,

(b) A minimum of 1.5 metres from all lot lines abutting a road, measured from the right-of-way limits of the abutting existing and future public roads

(c) No portion of any building or structure which is located above the finished exterior ground level immediately adjoining such building or structure within the **Lands** shall be located other than within the building envelopes as shown on Schedule "B"; and

(d) Notwithstanding the foregoing clause, **Minor Projections** may extend beyond the **Building Envelope** shown on Schedule "B".

7. Landscaping:

A minimum 1.5 metre landscape strip shall be provided within all setbacks abutting a street.

8. Parking, Loading and Bicycle Parking Requirements

a) Notwithstanding Section 320-18.B, C, D, E and F of the Etobicoke Zoning Code, parking spaces shall be provided on the Lands and calculated for each use in accordance with the following requirements:

(i) Amusement Arcade, Retail Store, Retail Service, Retail:

- (a) if the gross floor area is more than 200 square metres and less than 10,000 square metres, at a minimum rate of 1.5 for each 100 square metres of gross floor area;
- (b) if the gross floor area is 10,000 square metres or more but less than 20,000 square metres, at a minimum rate of 3.0 for each 100 square metres of gross floor area; and
- (c) if the gross floor area is 20,000 square metres or more, at a minimum rate of 6.0 for each 100 square metres of gross floor area

(ii) Clinic Medical, Day Care

- (a) At a minimum rate of 1.0 for each 100 square metres of gross floor area.

(iii) Eating Establishment

- (a) where the gross floor area is less than 200 square metres no parking space is required.
- (b) where the gross floor area is 200 square metres or more but less than 500 square metres, at a minimum rate of 3.0 for each 100 square metres of gross floor area.
- (c) where the gross floor area is 500 square metres or more, at a minimum rate of 5.0 for each 100 square metres of gross floor area.

(iv) Bank

- (a) At a minimum rate of 4.0 for each 100 square metres of gross floor area.

(v) Grocery Store

- (a) At a minimum rate of 2.5 for each 100 square metres of gross floor area.

(vi) Hotel

- (a) At a minimum rate of 1.0 for each guest room.

(vii) Manufacturing Uses

- (a) At a minimum rate of 1.0 for each 100 square metres of gross floor area.

(viii) Medical Office

- (a) At a minimum rate of 3.0 for each 100 square metres of gross floor area.
- (ix) Office (excluding medical office), Personal Service Shop
 - (a) At a minimum rate of 1.5 for each 100 square metres of gross floor area.
- (x) Warehouse
 - (a) At a minimum rate of 1.0 for each 100 square metres of gross floor area up to 2750 square metres; and
 - (b) Plus 0.5 for each 100 square metres of gross floor area in excess of 2750 square metres.
- b) Notwithstanding Section 320-19.B of the Etobicoke Zoning Code, a minimum of one parking space for every 100 parking spaces required, or part thereof, shall be provided on the Lands for use by the physically disabled;
- c) Driveways shall have a maximum width of 11 metres.
- d) A minimum of 150 bicycle parking spaces shall be provided on the **Lands**.
- e) Loading spaces shall be provided on the **Lands** as following:
 - (a) a minimum five loading spaces with dimensions of 11 metres in length by 3.5 metres in width and a vertical clearance of 4.0 metres;
 - (b) a minimum 10 loading spaces with dimensions of 17 metres in length by 3.5 metres in width and a vertical clearance of 4.0 metres;
 - (c) Loading spaces may be shared between buildings; and
 - (d) Driveway access to the Loading Spaces will be provided by a two- way driveway having a minimum width of 6 metres along its entire width.

~~9. A minimum of 33,800 square metres of warehouse and/or office space shall be provided on the **Lands**.~~

109. A minimum of 3,000 square metres of Privately Owned Publically Accessible Spaces (POPS) shall be provided on the **Lands**, fronting and/or gaining access from a public road, with the specific configuration and design of the POPS to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

110. Holding Provisions

For the purposes of this By-law, the following Holding (H) Symbol shall apply to the lands as shown on Schedule B attached hereto.

- a) The Holding (H) Symbol shall be lifted when the following conditions have been satisfied on terms satisfactory to the City of Toronto:
 - (i) The submission of an acceptable traffic impact study relating to the ultimately approved redesign of the Islington Avenue/Rexdale Boulevard signalized intersection, (i.e., a complete redesign of the existing intersection and realignment of Rexdale Boulevard to form a signalised T-intersection with Islington Avenue) as well as other required road improvements within the study area, as defined in the Traffic Impact Study prepared by BA Group and dated December 18, 2017;
 - (ii) The design and construction of the aforementioned redesign of the Islington Avenue/Rexdale Boulevard signalised intersection and any other required road improvements within the study area, including all civil works, required traffic control signal equipment and infrastructure, and the preparation of all engineering and signal design drawings regarding same;
 - (iii) Make satisfactory arrangements and enter into any appropriate agreements with the City of Toronto for the design and construction of the realignment of the Islington Avenue/Rexdale Boulevard signalized intersection and any other required road improvements within the study area, including all civil works, required traffic control signal equipment and infrastructure, the preparation of all engineering and signal design drawings regarding same, providing letters of credit and engineering fees to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (iv) Notwithstanding condition (iii) above, should it be determined at the sole discretion of the City that the realignment of the Islington Avenue and Rexdale Boulevard intersection is to be incorporated into the City's capital program, the Owner shall be required to provide a cash contribution in the form of a certified cheque to fully cover the cost the works.
 - (v) The successful closure and sale to the proponent of the City-owned lands located at the southwest corner of the future redesigned Islington Avenue/Rexdale Boulevard signalized intersection that are deemed to be surplus by the City as a result of the intersection redesign configuration discussed above and the completion of the real estate transaction to the satisfaction of the Director, Real Estate Services; and

(vi) The above conditions shall be successfully addressed to the satisfaction of the City of Toronto and at no cost to the municipality.

1211. Notwithstanding any severance, partition, or division of the lands, as shown on Schedule 'A', the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.

1312. Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway;
- b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational; and
- c) Providing space within the development for the installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68 1-10.

1413. Where the provisions of this By-law conflict with the Zoning Code, the provisions of this By-law shall take apply.

1514. Section 324, Site Specific, of the Etobicoke Zoning Code is amended to include reference to this By-law.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
~~~ - 2018 ~~~~, ~~~~~, 2018	<b>Lands municipally known as 2200 Islington Avenue</b>	<b>To amend the former Etobicoke Zoning Code to permit retail uses with site specific standards</b>

ENACTED AND PASSED on ~~~~~ ~~~~~, 2018.

Frances Nunziata, Ulli S. Watkiss

Speaker City Clerk

(Seal of the City)