

October 28, 2019

City of Toronto Council

c/o Marilyn Toft
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Members of Council:

**RE: EY9.1 - SHERWAY AREA SECONDARY PLAN
FIMA DEVELOPMENT INC.
200 SHERWAY DRIVE, ETOBICOKE**

We are the planning consultants for FIMA Development Inc. ("FIMA") regarding their site located at 200 Sherway Drive. The subject site is approximately 0.2 ha (0.51 acres) and is bounded by The West Mall on its eastern property limits, and Sherway Drive on its northern and western property limits. The subject site is currently occupied by a Tim Hortons.

Based on our review of the Sherway Area Secondary Plan proposed for Council adoption, it is our opinion that the subject site should be designated "Mixed Use Areas A – Residential", similar to the lands directly across the street on the south side of CF Sherway Gardens (on the east side of The West Mall).

Please also be advised that we have recently made another submission on the Secondary Plan relative to our client's lands municipally addressed as 1750, 1790, 1800, 1830 and 1900 The Queensway and 290, 300, 310 and 320 North Queen Street. A majority of these comments also apply to 200 Sherway Drive, and will be discussed in greater detail below.

Overall, it is our position that adoption of the Secondary Plan in its current form is premature at this time, and as such we request that Council defer the adoption of the Secondary Plan until our specific comments and concerns as described below are resolved.

Specific Comments / Concerns:

Our comments at this time are as follows:

1. As previously noted, the Secondary Plan designates the subject site as “Institutional Areas”. However, when examining the attributes of the subject site, it is clear that this is a standalone development parcel with three street frontages (The West Mall to the east, and Sherway Drive to the north and west). As such, the subject site is physically separate from the Trillium Health Partners hospital to the north and the medical office uses to the west, given that the adjacent public streets provide for clear physical breaks between the sites in this area. This would enable the subject site to more easily redevelop as a standalone parcel than if it were located directly adjacent to neighbouring properties, in consideration of factors such as building setbacks and site access.

In addition, as per Secondary Plan Policy 9.21, the City intends to protect for a future subway extension to a new West Mall Station. On this basis, the entire Sherway Area Secondary Plan should be treated as an MTSA under the Growth Plan accordingly, and as such it is suggested that the proposed densities being contemplated for the Sherway Area Secondary Plan reflect location within a MTSA, if in fact this is a long-term future intention that is being protected. Designating the subject site for “Mixed Use” purposes helps to achieve the Growth Plan objectives in association with future development that is focused within MTSA’s.

Therefore, it is our opinion that the subject site be considered for a “Mixed Use Areas A – Residential” designation in order to provide more flexible future redevelopment permissions and options for the subject site, and in consideration of the physical disconnection from the “Institutional” lands to the north and west. Furthermore, retaining the “Institutional Areas” designation for the subject site severely limits the future redevelopment potential for the subject lands in light of the above and in comparison to “Mixed Use” permissions and options.

2. The events leading up to the proposal by staff to carry out a secondary plan originated with the existing approved OP that required a further transportation study should retail commercial development exceed 250,000 sq m. There was not a similar trigger for review associated with residential development.

To this extent, it is our position that the Secondary Plan appears to be a reduction in existing permitted development throughout the Secondary Plan Area. Specifically the reduction in residential development permissions is substantial versus those allowed in the existing policies.

3. The Secondary Plan rejects the existing approved policy framework in the SASPs for the Sherway Area and requires and inserts a new prescriptive policy framework which is neither appropriate nor desirable.

4. Our client's specific comments on the wording / policies in the Secondary Plan include but are not limited to the following:

- a. In light of the changes brought forward by Bill 108, we question the ability to achieve the parks and open space policies contained in Policy 4.4. Further thought and analysis is required by staff as to how the vision in the Secondary Plan will be achieved.
- b. While FIMA is not opposed to providing privately owned public space as part of their redevelopment plans, it is unclear how the City will implement the requests in Policy 4.11 given the changes brought forward by Bill 108 regarding changes to the Section 37 regime utilized by the City to secure these spaces.
- c. There appears to be an inherent conflict between Policy 5.2 which permits office uses and Policy 5.6 which does not reference offices as permitted within the density permission established for the Mixed Use Area A – Residential designation. Further clarification is required.
- d. We believe the densities set out in Policies 5.5 and 5.6 are insufficient and significantly lower than densities in other locations in Etobicoke which are inferior to the Sherway Area and / or do not have the planned transit extensions as is contemplated to the Sherway Area. Densities should therefore be increased substantially, and in consideration of the subject site being designated for mixed use purposes (not institutional uses).

Furthermore, the 0.2 FSI permission for non-residential space is insufficient to achieve the at-grade active streetscape desired by the policies of the plan, while accommodating the relocation of large scale retail uses into an urban format. Additional flexibility through increased density permissions to achieve the desired urban design condition is required.

- e. As noted above, the overall development capacity limits outlined in Policy 6.1, in our opinion is a substantial reduction in the current permissions afforded in SASP 19. While we understand that these capacity limits were derived due to transportation capacity concerns, we submit that the analysis for these studies was not properly conducted being based on an urban design scheme rather than an actual testing of the traffic capacity of the area as was the intent of the study trigger in SASP 19.
- f. Policy 8.1 to 8.6 – we are concerned with the requirements for community facilities to be provided for as part of development approvals especially given the modifications to community benefits, parkland and soft services through Bill 108.

It is unclear how the City will achieve these goals in this new regime. Further review and analysis is required such that these goals are achievable by the City.

- g. We are opposed to Policy 8.9.3 which increases the number of two or more bedroom unit requirement to 40%. This requirement does not reflect market realities and will result in increased housing costs.
- h. Policy 9.1 requires the extension of the street network through the Secondary Plan Area. This includes north-south street extensions over the Hydro Corridor. These are also referred to in Policy 10.7. How will the City be pursuing the extensions across the Hydro Corridor, especially where there is no requirement for such extension to support development proposals? Is the City prepared to include these extensions as a Section 37 benefit (under the existing and future Planning Act regimes), as was done for 2217 The Queensway? Or is the City prepared to include these extensions in their capital works budgets to ensure they occur?
- i. Policy 9.4 should be revised to provide flexibility for strata title conditions for new public roads allowing for below grade or above grade connections throughout the Secondary Plan to occur.
- j. Policy 9.17 calls for a new transit hub to be established while Policy 9.21 appears to require continued protection of the future subway extension. Given this protection, should this area not be designated as a Major Transit Station Area? If it is so designated, should the City not increase the densities and development capacity limits accordingly, and thus the request for a more flexible Mixed Use designation for the subject site in order to increase the redevelopment potential overall.
- k. Policy 11.16 setting out phasing requirements for the transportation network is unrealistic and does not fully acknowledge the limitations which existing leases and easement rights have on parcels in the Sherway Area. We therefore request that this language be revised to allow for further flexibility in the timing of this infrastructure (i.e. not all in the first phase of development).
- l. Interim development permissions, while provided for, are inadequate (only a 10% expansion permission) and should allow for greater flexibility to achieve the full build out of the area over time. The permissions for interim development should allow for an expansion of 25% of existing gross floor area as well as permission to introduce new buildings over time without the need to undertake the full infrastructure requirements as set out in Policy 11.16.

In conclusion, on behalf of our client we respectfully request the deferral of the adoption of the Sherway Area Secondary Plan until our concerns are addressed. At a minimum, our client's property should be redesignated to Mixed Use Areas A – Residential.

Thank you.

Yours Truly,

MHBC

A handwritten signature in black ink, appearing to read 'David A. McKay', written over a circular stamp or watermark.

David A. McKay, MSc, MLAI, MCIP, RPP
Vice President & Partner

cc: Clients
B. Horosko