

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.  
1750, 1790, 1800, 1830 AND 1900 THE QUEENSWAY AND  
290, 300, 310 AND 320 NORTH QUEEN STREET**

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We are the planning consultants for FIMA Development Inc. ("FIMA") regarding their lands located at the northwest corner of The Queensway and North Queen Street, encompassing all of the lands which front onto The Queensway from North Queen Street and The West Mall. The lands are municipally addressed as 1750, 1790, 1800, 1830 and 1900 The Queensway and 290, 300, 310 and 320 North Queen Street. The lands are a total of 9.43 ha of which 3.4 ha are located north of the hydro corridor and two parcels south of the hydro corridor consisting of 6.03 ha.

FIMA submitted applications for the redevelopment of their lands for a high density, high rise mixed use community. These applications have been ongoing since 2013 and due to inaction were appealed to the Local Planning Appeal Tribunal. Through this process FIMA and City staff have been in active discussions to resolve issues relative to the appeals. These discussions are ongoing and are not yet finalized. To this effect a settlement proposal from our client's solicitor, Barry Horosko, is to be decided upon by Council at the October 29-30 Council meeting.

Further, FIMA has been actively involved throughout the Sherway Study process, having attended numerous open houses and public meetings as well as having informal and formal discussions with City staff. We have presented our comments and concerns through these meetings.

**With the above in mind, it is our client's position that adoption of the Secondary Plan in its current form is premature at this time. We therefore request that Council defer the adoption of the Secondary Plan until our comments and concerns are resolved.**

**Specific Comments / Concerns:**

Our comments at this time are as follows:

1. The Secondary Plan does not acknowledge that the FIMA lands are subject to active LPAT appeals and mediation. This is unlike previous drafts which acknowledged this status. We feel that until the FIMA appeals are resolved, it would be prudent to remove the FIMA lands from the Secondary Plan (including maps and policies).
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.

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?
- k. Until the appeal of the FIMA applications is resolved, it is our opinion that the North Sherway Neighbourhood Precinct policies (Policies 10.5 to 10.9) are premature.
- l. 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).
- m. 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.

Thank you.

Yours Truly,

**MHBC**

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

cc: Clients  
B.Horosko  
P.Lowes