

October 9, 2019

Rosemary MacKenzie  
Secretariat – Etobicoke York Community Council  
399 The West Mall, Toronto, ON  
M9C 2Y2

Dear Ms. MacKenzie:

**RE: SHERWAY AREA SECODNARY PLAN  
FINAL COMMENT LETTER SUBMISSION  
QUEEN'S WALK INC. (2217 THE QUEENSWAY)  
MHBC FILE: 0650AO**

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On behalf of our client, Queen's Walk Inc., we have reviewed the most recent Sherway Area Secondary Plan ("Secondary Plan") that is being recommended for Council adoption at the upcoming October 10, 2019 Etobicoke Community Council meeting. Queen's Walk Inc. owns the lands located at 2217 The Queensway, which is located at the southwest corner of The Queensway and The West Mall, in between two Hydro One corridors.

The subject lands are zoned for commercial uses, and subject to an active Site Plan Approval (SPA) application (City File No. 15 199047 WET 05 SA) to implement a development consisting of two commercial buildings that will be split by a future public road connecting The Queensway and the West Mall

While we appreciate the initiative that the City has undertaken to establish a vision for this area, we want to ensure that Queen's Walk Inc.'s short and long term interests are being taken into consideration and reflected in the final Secondary Plan policies and associated maps/schedules.

Based on our review, please accept the following comments with respect to the Secondary Plan:

**General Comment**

Further to our previous three (3) comment letters submitted to the City on November 25, 2015, March 16, 2017 and June 27, 2019 respectively, please recall that when the City of Toronto Official Plan was approved, the subject lands were not yet zoned to permit commercial uses, and it was anticipated that these lands would remain vacant given their location between two hydro corridors. As such, the extent of the "Avenue Overlay" of the Official Plan terminates at The West Mall and does not extend to cover the subject lands.

In addition, the Secondary Plan proposes to designate the subject lands as “Mixed Use Areas ‘C’ – Retail”, which accurately reflects the commercial zoning that now applies to the developable portion of the subject lands.

Based on the above, we continue to request that City staff extend the “Avenue Overlay” further west along The Queensway through the Sherway Area Secondary Plan, in order to include the 2217 The Queensway site. We feel this is an appropriate request given the intended future commercial intensification that will occur on this site, and extending the “Avenue Overlay” to capture this site will provide for an appropriate continuation of The Queensway as an intensification corridor accordingly in this area of the City. Correspondingly, parking rates typically associated with the “Avenues Overlay” (i.e. Parking Policy Area 4 (PA4)) should thereby apply to the subject lands moving forward as well.

#### **Section 4 (Parks, Open Spaces and the Public Realm)**

1. Policy 4.9 states: *“In addition to any parkland dedications, within each of the Precincts described in Section 10 of this Plan, a minimum of 10 per cent of the gross site area will be open space, which may include Privately Owned Publicly-Accessible Spaces and outdoor amenity areas at grade level, but excluding streets and driveways.”*

This policy needs to be revised in accordance with the recent changes to the *Planning Act*.

#### **Section 5 (Land Use)**

1. Policy 5.12 states: *“Mixed Use Areas ‘C’ - Retail are lands with an existing or emerging concentration of retail uses, where expansion or intensification of retail, service and commercial uses will continue over time.”*

We kindly request clarification as to whether or not “office” uses would be permitted in the Mixed Use Areas ‘C’ designation, especially in consideration that the subject lands have as-of-right permissions for “medical office” uses (as per the June 21, 2018 minor variance approval for the subject lands). In addition and from a practical standpoint, permission for medical office uses on the subject lands makes sense given the location of the Trillium Health Partners Queensway Hospital immediately south of the subject lands, as this would allow for medical office uses in support of the hospital on the subject lands (e.g. physiotherapy and rehab facilities, etc.).

2. Policy 5.15 states: *“Retail uses are permitted to a maximum floor space index of 0.5 times the gross site area.”*

Per our June 27, 2019 comment letter submission, we previously advised that as a result of the active SPA application for the subject lands, land conveyances to the City of Toronto for a future public road bisecting the subject lands, as well as to the TRCA (i.e. valleylands to the west of the subject lands) have significantly reduced the net site area of the subject lands.

In addition, we also previously advised that on June 21, 2018 the subject lands received a minor variance approval to increase the total maximum permitted GFA on this site from 4,645 m<sup>2</sup> to 5,860m<sup>2</sup>. As such, a GFA cap (not an FSI cap) applies to the subject lands (which became final and binding on July 12, 2018), and on this basis, the proposed FSI of 0.5 as per Policy 5.15 will not be consistent with the approved zoning permissions relative to GFA for these lands.

Based on the above and the previous comment letter submission, we continue to request that that the City considers a higher FSI for the subject lands moving forward, in order to provide for flexibility regarding maximum permitted GFA on these future commercial lands. As such, we therefore request that the FSI be increased to recognize the existing land use permissions as well as potential

intensification of these lands in the future (i.e. to at least 0.8 FSI, similar to what is being provided to Sherway Gardens).

### **Section 7 (Built Form)**

1. Policy 7.6 states: *“Development will be required to be set back from street-facing property lines to ensure a generous public realm at grade; to provide an appropriate building scale relative to the street; to support pedestrian, cycling and retail activity; and to respond to distance requirements from transportation and utility corridors, as applicable. Required minimum setbacks for development along all new and existing streets are indicated on Map 43-6.”*

Map 43-6 continues to identify minimum 5m setbacks on the north and south property limits of the subject lands. However, and as previously advised in our June 27, 2019 comment letter submission, this does not align with the approved setbacks of site-specific Zoning By-law 409-2013(OMB) for the subject lands, and should be revised to do so.

More specifically, the south property limit permits a 0m setback. The final policies and schedules of the Sherway Area Secondary Plan should not be in conflict with the approved Zoning By-law for the subject lands.

### **Section 9 (Mobility – Transit)**

1. Policy 9.21 states: *“New development will continue to protect for the viability of a future subway extension to a new West Mall Station in the vicinity of The Queensway/The West Mall intersection, including below-grade alignments, pedestrian entrances, passenger pick-up and drop-off facilities, emergency access tunnels and surface transit connections, as may be required by the City and the relevant transit authorities.”*

Based on this policy, and given the intended protection of a future subway extension to a new West Mall Station (should this then be treated as an MTSA under the Growth Plan), 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.

This comment should also be taken into consideration relative to the comment above regarding Policy 5.15 and the proposed maximum FSI of 0.5 for the subject lands (which should increase in light of this area being located within an MTSA).

### **Section 10 (Precincts – Trillium Precinct)**

1. Policy 10.26 states: *“The revised precinct plan required by Policy 10.25 will be processed as part of an Official Plan Amendment, or by an alternative procedure acceptable to the City.”*

Per our previous comment letter submission of June 27, 2019, we continue to request that the subject site be removed from this policy requirement, given that it serves to restrict redevelopment and intensification opportunities on this site until such time that a precinct plan is to occur. This would cause unnecessary delays for any type of redevelopment on a smaller scale site within the overall Trillium Precinct.

Based on the above, and considering that several of our previous comments provided in our June 27, 2019 submission letter have not sufficiently been addressed in the proposed Secondary Plan, we would kindly request that Council consider deferral of the Sherway Area Secondary Plan in order to resolve the outstanding issues identified in this submission.

If you have any further questions please do not hesitate to contact the undersigned.

Thank you.

Yours truly,  
**MHBC**

A stylized, handwritten signature in black ink, appearing to be 'D. McKay'.

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

A handwritten signature in black ink, appearing to be 'Andrew Palumbo'.

Andrew Palumbo, MCIP, RPP  
Associate

cc.: *Melanie Melnyk, City of Toronto*  
*Barry Godfrey, Queen's Walk Inc.*