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September 13, 2021

Delivered by Email

ATTN: Nancy Martins, Committee Administrator
Planning and Housing Committee
City of Toronto
100 Queen Street West
Toronto ON M5H 2N2

Dear Members of Planning and Housing Committee

**Re: Zoning Conformity for Official Plan Employment Areas - Phase 1 Final Report and Phase 2 Update
Comments filed on behalf of New Queensway LP – 1025 The Queensway, Etobicoke**

We represent New Queensway LP, the owners of the above noted property located on the southwest corner of The Queensway and Islington Avenue (the “Subject Property”). The Subject Property is approximately 5.8 hectares in area and is currently occupied by a cinema and large surface parking lot.

This zoning conformity exercise aims to bring the City’s Zoning By-laws into conformity with the policies of Official Plan Amendment 231 (“OPA 231”). Phase 1 of the review involves the removal of sensitive land uses as permitted uses in all former general Zoning By-laws and the city-wide Zoning By-law for lands designated as Employment Areas in the Official Plan.

The purpose of this letter is to outline the concerns of New Queensway LP with respect to the proposed Zoning By-law Amendments (the “Proposed ZBA”) including to the Former City of Etobicoke Zoning Code as it applies to the Subject Property.

We note that New Queensway LP has an existing site specific appeal of OPA 231. As this site specific appeal has not yet been resolved, the policies of OPA 231 do not apply to the Subject Property.

The Proposed ZBA would have the effect of implementing Official Plan policies that do not actually apply to the Subject Property. As such, the proposed ZBA is not in conformity with the Official Plan as it purports to apply to sites that continue to maintain site-specific appeals of OPA 231.

To avoid non-conformity with the Official Plan, we request that the Planning and Housing Committee direct City Staff to exempt the Subject Property from the proposed ZBA.

We also note that, given the rapidly changing nature of The Queensway as a mixed-use corridor and more critically, the approved Riocan mixed-use development directly abutting the Subject Property to the north (1001 The Queensway); employment lands employment uses on the Subject Property are unlikely to be feasible due to compatibility issues. The reduction of as-of-right non-industrial uses, including a cinema, sterilizes the Subject Property from a commercial perspective as the remaining permitted uses would be limited to industrial employment lands employment uses. The Subject Property is unlikely to be redeveloped for employment lands employment due to compatibility issues with surrounding existing and approved residential developments.

Downzoning Permitted Uses - Legal Non-Conforming

The proposed ZBA also represents a downzoning that would remove a number of as-of-right permitted uses on the Subject Property. The Subject Property is designated as ‘General Employment Areas’ as per Map 15 – Land Use Plan of the City of Toronto Official Plan.

The Subject Property is zoned ‘I.C1’ (Class 1 Industrial Zone) under the Former City of Etobicoke Zoning Code (“Zoning Code”).

Section 304-31 of the Etobicoke Zoning Code sets out regulations and permitted uses that apply to all industrial zoned lands. The permitted uses in Section 304-31 are grouped into several categories, including Food services; Business; Manufacturing; Vehicle-related uses; Educational/research; Institutional; Storage; and Residential.

The Proposed ZBA removes the following uses from Section 304-31:

- Banquet hall;
- Entertainment facilities;
- Hotel;
- Restrooms;
- All residential uses.

The Proposed ZBA deletes the ‘Educational/research’ category, and replace it with the following:

“Educational/research:

- (1) Research laboratories which do not generate obnoxious emissions, but excluding virus research laboratories which deal with high community risk materials, as deemed by the Public Health and Protection Act; and
- (2) SCHOOLS (COMMERCIAL) and training centres provided that they are only used for:
 - (a) technical and trade skills development for the operation and use of manufacturing equipment and machinery; or

(b) driver education for commercial or construction vehicles such as trucks, tractor trailers, and fork lifts.”

Section 304-33 sets out uses in the ‘I.C1 – Class 1 Industrial Zone’ that are permitted in addition to the uses permitted in Section 304-31. The permitted uses in Section 304-33 are grouped into several categories including Business; Manufacturing; Medical; Institutional; Commercial/recreational facilities; Retail sales; Outside storage; and Residential.

The Proposed ZBA removes the following uses from Section 304-33:

- Trade and convention centres abutting an arterial road;
- Ancillary (to a ‘professional or administrative offices’ use) day-care facilities;
- Hospitals;
- Institutional uses;
- All residential uses.

Further to the removal of the permitted uses listed above, the breadth of uses encapsulated under the term ‘Commercial/recreational facilities’ is curtailed.

Currently the permitted uses under the ‘Commercial/recreational facilities’ category are as follows:

“cinemas; bowling alleys; curling rinks; bingo halls; arenas; horse racetracks and ancillary facilities; nightclubs; social clubs; fitness clubs; commercial sport and recreational facilities; studios for arts-related purposes; amusement arcades.”

The ‘Commercial/recreational facilities’ category is proposed to be deleted and replaced with:

“Commercial/Recreational Facilities: studios for arts-related purposes, provided that they do not include the instruction of art, music, languages and similar disciplines.”

‘Cinemas’ is currently a permitted use on the Subject Property under the Zoning Code. The current cinema use on the Subject Property would become legal non-conforming as per the Proposed ZBA.

In addition to creating a legal non-conforming use on the Subject Property, the Proposed ZBA would have the effect of implementing OPA 231 policies that do not apply to the Subject Property. The Proposed ZBA would downzone the Subject Property significantly by removing the number of as-of-right permissions and limiting the diversity of uses permitted.

We welcome the opportunity to discuss this matter further with City Staff in an effort to resolve our client's concerns.

Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

BORDEN LADNER GERVAIS LLP



Piper Morley
PM/AS

cc: Ori Belavin (New Queensway LP, Senior Director of Development)