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April 9, 2018

Delivered by Email

Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON L4B 3P4

Attention: Stephen M. A. Huycke, Town Clerk

Dear Mr. Huycke,

Re: Committee of the Whole Meeting – April 9, 2018
Report Number SRPRS.18.094
T-York 7 Holding Ltd. Request for Direction re Official Plan and Zoning
By-Law Amendment Applications
Town Files: D01-16004 and D02-16031
Our Client: 2232767 Ontario Inc.

We are the solicitors for 2232767 Ontario Inc.

Our client is the owner of lands and buildings located within the northeast quadrant of East Beaver Creek Road and Highway No. 7 East. Its buildings house three restaurants (Jack Astor's, Scaddabush, and Marlowe) that form part of the Beaver Creek Business Park campus (the "Subject Development"). Our client's lands do not front on a public road and instead benefit from a complex set of private agreements and cross agreements that provide for access and shared parking between separately owned parcels (the "Shared Rights Agreements"). Its Shared Rights Agreements which are registered on title, extend to the lands impacted by the development proposal (the "Subject Lands").

Our client is opposed to the application on the grounds that a stand-alone restaurant will result in significant traffic and parking issues and does not represent good planning for the Subject Development. Our client has also not consented to any amendment of the Shared Rights Agreements to permit the development to proceed.

Traffic and Parking Concerns

Our client is in agreement with the conclusion in Staff Report SRPRS.18.094 that there are significant transportation and parking concerns in the Subject Development and that the applications do not represent good planning. Our client is informed by its tenants and its direct observation that parking at the Subject Development is in short supply with the existing uses in place. The principle concern of numerous parties at the March 2017 council meeting and the

participation of other tenants at the Ontario Municipal Board Prehearing Conference in February 2018 further evidence the difficult parking situation. The addition of further customer demand will only exacerbate the traffic and parking issues in the Subject Development.

Building Expansion

In our letter of March 21, 2017 to Town Council (**Attachment “A”**), our client also expressed concern that the Subject Lands were designated for employment uses and that the approval of a standalone restaurant represented an employment land conversion. As noted in Staff Report SRPRS.18.094, the Town’s Official Plan states that the Subject Lands were to be “predominantly employment based in nature with office building uses that were to be supported by commercial uses, including restaurants”. Staff Report SRPRS.18.094 also notes that “the proposed additional stand-alone restaurant use as proposed by the subject applications is not permitted”. However, planning staff have taken into account the nature of the existing restaurant campus and noted that policy 3.4.1.39(b) of the Town’s Official Plan permits a building expansion of up to 15% of the gross floor area. Staff Report SRPRS.18.094 therefore concludes that the applicant’s proposal falls within the minor expansion contemplated by policy 3.4.1.39(b) because it only increases the existing gross floor area of the Subject Lands by 15.1%.

In our respectful view, Policy 3.4.1.39(b) was intended to consider expansions of the height and density of buildings dedicated to the existing use envisioned by the Town’s Official Plan. It was not intended to allow for the expansion of a use that is not permitted or only intended to be ancillary. Regardless of the previous approvals that permitted the development of the restaurant campus, the approval of yet another stand-alone restaurant will further degrade the intended use of the Subject Development as a high density Employment Corridor. If permitted, the other landowners in the Subject Development could also theoretically expand their existing standalone restaurant buildings by 15% of the gross floor area resulting in further degradation of the Subject Development for employment uses. Moreover, adding another stand-alone restaurant is not an appropriate interim use as it will only inhibit planning for the long-term redevelopment of the Subject Property in a manner that better accords with the vision of the Town’s Official Plan.

Conclusion

Our client is in agreement that the application does not represent good planning. However, our client takes the position that the application does not represent an appropriate addition/expansion as contemplated by Policy 3.4.1.39(b) and opposes T-York 7 Holding Ltd.’s application on those grounds as well.

Yours very truly,



Stephen F. Waqué and Andrew Baker
SFW:cm

cc. 2232767 Ontario Inc.

ATTACHMENT “A”

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March 21, 2017

Delivered by Email

Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON L4B 3P4

Attention: Stephen M. A. Huycke, Town Clerk

Dear Mr. Huycke,

Re: T-York 7 Holding Ltd.
Town Files: D01-16004 and D02-16031 (SRPRS.17.045)
Our Client: 2232767 Ontario Inc.

We are the solicitors for 2232767 Ontario Inc.

Our client is the owner of lands and buildings located within the northeast quadrant of East Beaver Creek Road and Highway No. 7 East. Its buildings house 3 restaurants that form part of the Beaver Creek Business Park campus. Our client's lands do not front on a public road and instead benefit from a complex set of private agreements and cross agreements that provide for access and shared parking between separately owned parcels (the "Shared Rights Agreements"). Its Shared Rights Agreements which are registered on title, extend to the lands impacted by the development proposal. However, our client has not been consulted by the applicant prior to making this application, nor has its consent been sought to amending any of the agreements on title to permit the development to proceed.

Our client is informed by its tenants and its direct observation that parking is in short supply with the existing uses in place. Aside from and in addition to its expressed concerns respecting its interests in the Shared Rights Agreements, our client takes the position that any consideration of the appropriateness of the development proposal cannot be analyzed or assessed in relationship to the lot area described in the Staff Report SRPRS.17.045. Rather, the assessment must be made with respect to the whole Business Park Campus that is affected by the Shared Rights Agreements concerning access and shared parking. For example, calculations with respect to parking capacity must be assessed in relationship to all the areas that are committed to sharing parking and not just to the land ownership of the applicant.

We agree that an Official Plan Amendment is required, but we challenge the appropriateness of considering that amendment as a standalone application. In our respectful view, the proposed development application should be considered as an employment land conversion. As such, this request should only be considered through a Municipal Comprehensive Review which is a requirement of the PPS, the Growth Plan and the Richmond Hill Official Plan. Because, as we

understand it, this application is not being brought within a Comprehensive Review process, it is premature and not in accordance with Provincial and Municipal Policy requirements. We understand that the Town of Richmond Hill will not be undertaking its next Municipal Comprehensive Review until 2022.

We ask you to put this letter before Council when it considers this report tomorrow and advise Council that our client opposes the proposed Official Plan and Zoning Bylaw Amendment applications.

Yours very truly,

Stephen F. Waqué
SFW:cm

cc. 2232767 Ontario Inc.