

September 13, 2019

BY EMAIL

Councillor Gord Perks, Chair and Members

Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Attention: Ellen Devlin (teycc@toronto.ca)

Dear Councillor Gord Perks and Members of TEYCC Community Council:

Re: Item: TE8.12 – September 16, 2019
City-Initiated Zoning By-law Amendment – McCleary, Media City, Turning
Basin - Port Lands

Aird & Berlis LLP represents Toronto Waterfront Studios Development Inc., the development arm of Pinewood Toronto Studios, the long-term leasee of the property municipally known as 101 and 225 Commissioners Street and 1-17 Basin Street, in the City of Toronto (the "Site"). My client's 34-acre site is referred to as Media City in the City's Port Lands Planning Framework.

We, along with our clients and its planning consultants, have had an opportunity to review the staff report with respect to the City-Initiated Zoning By-law Amendment in the Port Lands dated August 19, 2019 and the proposed draft Zoning By-law Amendment for the Port Lands Districts – McLeary District, Turning Basin District and Media City (the "Draft ZBA").

On behalf of our clients, please accept this correspondence as formal objection to the Draft ZBA as drafted on both procedural and substantive grounds. For reasons that follow, we request that the Draft ZBA be amended so that it excludes Media City. In the alternative, and rather than pursue a protracted appeal process before the Local Planning Appeal Tribunal, we request that this matter be referred back to City staff to allow a meaningful opportunity to assess and comment on the impacts of the Draft ZBA, and to allow staff to remedy the substantive defects which exist.

Our clients' concerns with the Draft ZBA, include, but are not limited to, the following:

Our clients have been actively involved in the ongoing appeal of the Central Waterfront Secondary Plan related to the Port Lands. As part of this proceeding, our clients have raised a number of land use planning issues related to the proposed range of uses permitted in the Media City District. In fact, the first phase of this proceeding (scheduled to commence in September, 2020) will address issues of Land Use and Street Network. In light of the ongoing comprehensive Secondary Plan planning process and related appeals, we submit that it would be inappropriate and premature to be considering the appropriateness of land uses in a zoning context in advance of completing the Secondary Plan appeal proceeding.

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We acknowledge that the Site is subject to an Interim Control By-law which expires on October 2, 2019. The Interim Control By-law served to prohibit a number of undesirable industrial uses that, in the City's opinion, are not compatible with the City's vision for waterfront revitalization. Staff have taken the position that upon expiration of this Interim Control By-law, such "undesirable" uses will once again be permitted unless a new zoning amendment is enacted by City Council. We can confirm that any such noxious uses would not support our clients' vision for the film and television complex and would therefore not be pursued. Furthermore, such uses are not permitted pursuant to the agreement entered into with the City of Toronto, which governs the terms of the long-term lease of the Site. Accordingly, there is no threat to such uses being incorporated on the Site and therefore it is unnecessary for the Draft ZBA to apply to the Site.

City staff had not consulted with or sought input from our clients in a meaningful manner prior to finalizing the Draft ZBA and therefore, we submit, the Draft ZBA has not been the subject of a fair process. On August 27, 2019, the City Clerk's notice of this public meeting was received. Our clients first learned of staff's intention to bring forward the Draft ZBA for approval just a few short days earlier. Prior to this conversation with staff, our clients had no awareness of this Draft ZBA. Had our clients been meaningfully consulted well in advance of drafting the Draft ZBA, we believe the issues being raised herein may have been addressed to our clients' satisfaction.

We also formally request that the undersigned be provided with notice of any meetings of Council, Community Council or any Community Consultation Meetings where reports related to the subject zoning by-law amendment are to be considered. Finally, we request that the undersigned be notified of any decision of City Council respecting this matter.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Tomasella
SJT

C. Pinewood Toronto Board of Directors
Nanci MacLean
Geoff Grant
Sarah Farrell
Jasmine Frolick
Elsa Fancello