



November 4, 2021

City of Toronto Council
5100 Yonge Street
Toronto, Ontario
M2N 5V7

Attn: Mayor John Tory

Dear Mr. Tory,

RE: Zoning Conformity for Official Plan Employment Areas (Official Plan Amendment No. 231)
CTN Finch Inc.
1285, 1295, 1315, and 1325 Finch Avenue West, and 30 Tangiers Road

Evans Planning Inc. has been engaged by CTN Finch Inc. (the 'Owner') in order to assist with the redevelopment of its lands at 1285, 1295, 1315, and 1325 Finch Avenue West, and 30 Tangiers Road (cumulatively the 'subject property'). The lands are legally described as 'Part of Lot 20, Concession 3, West of Yonge Street'.

The subject property is located on the south side of Finch Avenue West, approximately 45 metres east of the intersection with Keele Street, and currently supports a number of structures including a 5-storey commercial office building, several 1-storey commercial buildings, a 1-storey union hall, and a surface parking lot. Access to the parking facility is provided from Tangiers Road, with several secondary accesses provided from Finch Avenue West. The existing 5-storey building contains no fewer than 50 tenants, representing a wide variety of uses, including restaurants, medical clinics, business and professional offices, personal service shops, retail uses, and several businesses focused on tutoring and education.

The Owner has submitted applications to amend the City of Toronto Zoning By-law, and for Draft Plan of Subdivision approval to permit a multi-phase redevelopment of the subject property including a new public road, public parkland, a commercial/office building and multiple mixed-use buildings consisting of residential and non-residential uses.

We have reviewed the proposed amendments to the Former City of North York By-law 7625 and City of Toronto Comprehensive Zoning By-law 569-2013, and wish to provide the following comments on behalf of our Client:

1. The majority of our Client's lands are located within the *Mixed Use Area* land use designation, with a small area of *Core Employment* (Appendix 1). Notwithstanding this, the lands within the *Mixed Use Area* are not presently governed by the provisions of Comprehensive Zoning By-law 569-2013, and are instead identified as being within the *Industrial-Commercial (MC)* Zone, subject to a Holding

(H) provision of By-law 7625. The remainder of the lands are identified within the *Industrial Two (M2)* Zone (refer to appendix 2). Only a small portion of the lands are within the area presently governed by By-law 569-2013 (corresponding with the portion of the lands within the M2 Zone of By-law 7625), and are identified within the *Employment Industrial (E)* Zone (refer to appendix 3). The proposed amendments to the MC, M2, and E Zones would thus appear to apply to these lands, and would remove or alter the permissions for many uses, including but not limited to:

From within the E Zone	
<ul style="list-style-type: none"> • Recreation Use 	<ul style="list-style-type: none"> • Performing Arts Studio Use
From within the M2 Zone	
<ul style="list-style-type: none"> • College • Commercial School (would be permitted subject to conditions) • Adult Education School • University Uses • Hotel • Club 	<ul style="list-style-type: none"> • Community Centre • Public Library • Commercial Gallery • Museum • Commercial Recreation • Fitness Centre
From Within the MC Zone	
<ul style="list-style-type: none"> • Day Nursery • College • Commercial School (would be permitted subject to conditions) • Adult Education School • Hotel • Cinema • Theatre 	<ul style="list-style-type: none"> • Club • Community Centre • Public Library • Commercial Gallery • Museum • Commercial Recreation • Fitness Centre

This may result in several of the existing tenants being rendered as lawful non-conforming uses. As the majority subject lands are not located within an *Employment Area* land use designation, we do not believe the proposed Amendments should be applicable. It is our Client's desire to preserve the ability of these existing uses to continue to operate without risk of requiring relief from the By-law, or to permit such uses in the future.

2. The Keele Finch Plus Secondary Plan (KFPSP) was endorsed by Council in December 2020, and includes both the subject property, as well as additional lands in proximity to the intersection of Keele Street and Finch Avenue West which will be impacted by the proposed amendments to the various Zoning By-laws. The objective of the KFPS, as well as a guiding principle, is to leverage the investments made in higher-order transit infrastructure to enable intensification, development and city-building opportunities to create a high-density, mixed-use community.

The KFPSP seeks to ensure a broad mix of land uses in appropriate locations, and fostering a diverse economy with a wide variety of employment uses, as well as ensuring that the necessities for daily living are provided in tandem with growth.

Within the KFPSP, our Client's lands are located within the Keele Finch Node, which is to develop as the primary centre for shopping, arts, dining, and entertainment for residents, visitors, and workers within the area. It is noted that a portion of our Client's lands abutting Tangiers Road are contemplated to be within the *Mixed Use Areas 'B'* land use designation of the KFPSP, which permits office, retail and service uses, non-sensitive institutional uses, media uses, and cultural and entertainment uses.

Notwithstanding the forgoing, as outlined above the proposed amendments seek to eliminate permissions which would appear to be contrary to the vision of the KFPSP, which specifically seeks to permit non-sensitive institutional, media, cultural, and entertainment uses to create a vibrant mixed-use community at this key intersection.

We have previously provided submission to the City in response to the KFPSP outlining concerns with the KFPSP and the land use permissions within the proposed *Mixed Use Area B* designation. Accordingly, we feel that the proposed Amendments should be revised to better reflect the intent of the KFPSP as currently adopted, or deferred until such time as the KFPSP is brought into force and effect.

In reviewing the Supplementary Staff Report dated October 15, 2021, Staff provided the following commentary with respect to our concerns raised in comment 1 above:

"Another theme in the correspondence relates to sites that are zoned industrial, but not designated Employment Areas in the OP. As outlined in the first supplementary report dated September 1, 2021, the recommended zoning by-law amendments for the Phase 1 review do not provide exceptions for lands in this situation. These areas typically reflect former industrial lands that have transitioned to other uses over time, or that are found in areas undergoing change. The Official Plan recognizes that the intention for future uses is something other than Employment Area uses, but the zoning has not been changed to reflect that. Determining the appropriate zoning for these sites will require a more detailed review. It is anticipated that these sites will be addressed as part of Phase 2 of the Zoning Conformity for Official Plan Employment Areas, or through site or area-specific applications or processes."

We respectfully submit that this response is not sufficient to address our concerns. The existing uses located at our Client's lands should not be made Legal Non-Conforming when the intent of this exercise has been clearly stated, and is **not** intended to apply to lands outside of the *Employment Areas* designation. We request that Staff prepare a site-specific exception to the proposed Amendment to By-law 7625 to recognize the condition and maintain the existing permitted uses.



Should you require anything further, please do not hesitate to contact the undersigned.

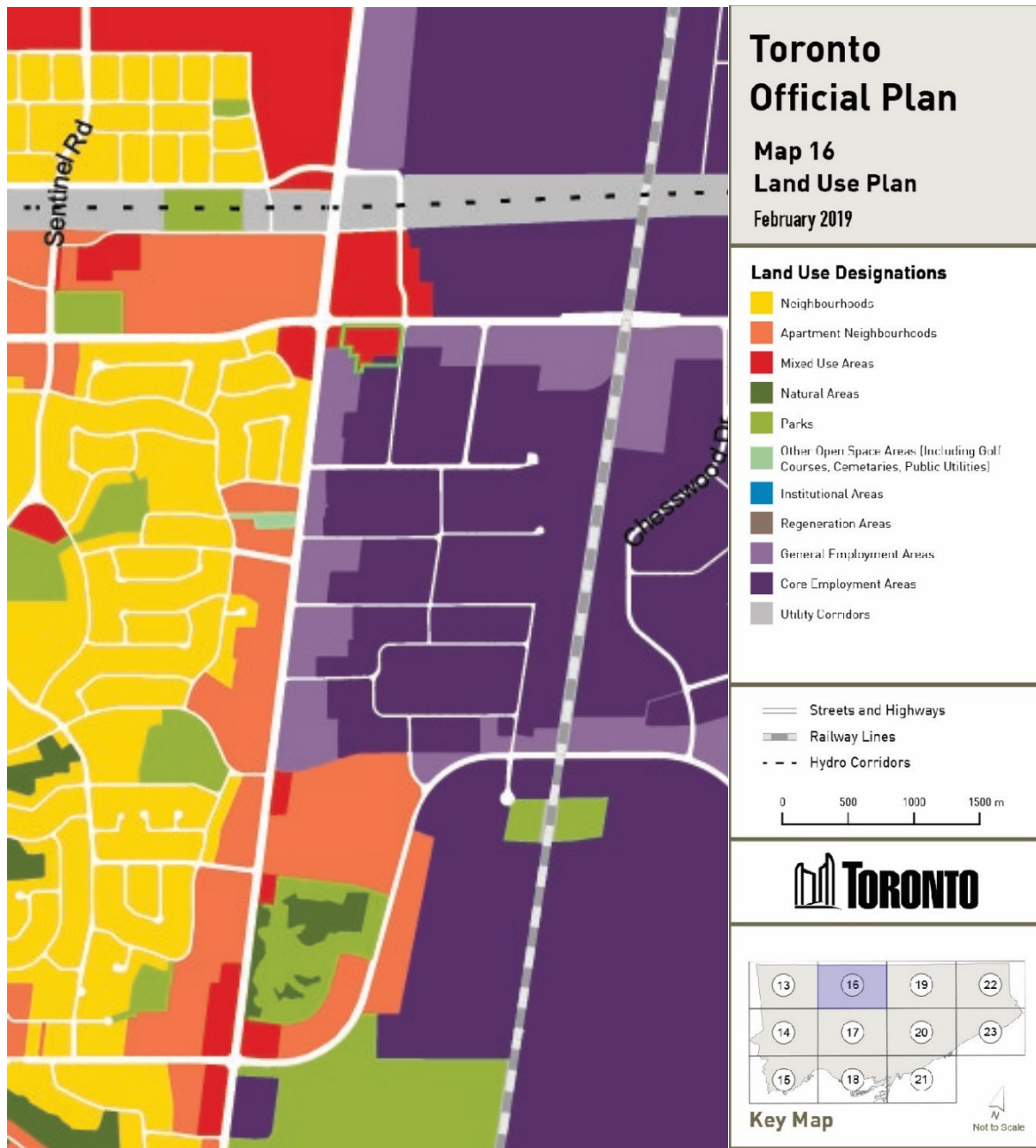
Yours truly,

A handwritten signature in blue ink, appearing to read 'Adam Layton', is written over a light blue horizontal line.

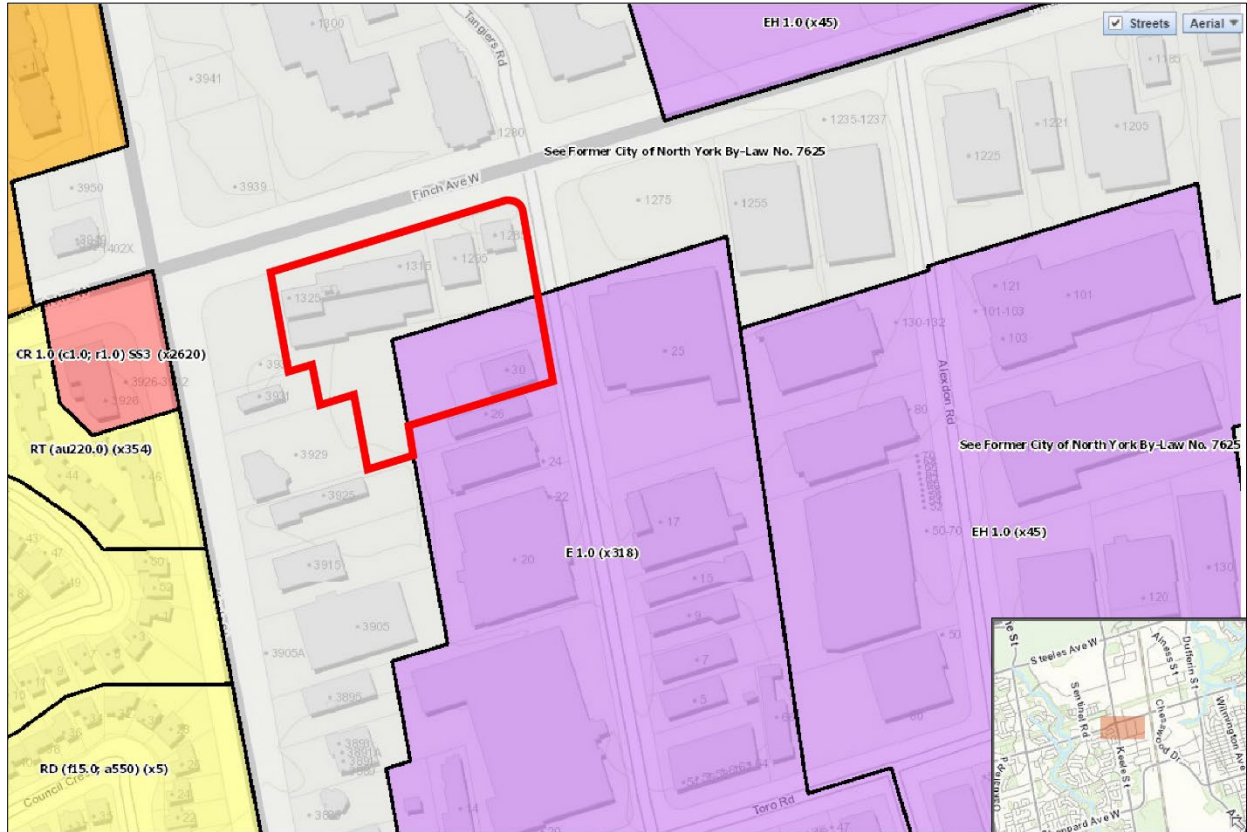
Adam Layton, RPP, MCIP

- cc. CTN Finch Inc.
City of Toronto Council
Councillor James Pasternak
Councillor Anthony Perruzza
Marilyn Toft, Council Coordinator
Piper Morley, Borden Ladner Gervais LLP
Michael Mizzi, Director – Zoning and Committee of Adjustment
Kyle Knoeck, Manager – Zoning and Committee of Adjustment
The Duke Heights BIA

Appendix 1 – Land Use Map (Map 16)



Appendix 3 – Zoning By-law 569-2013 Map



Approximate Location of Subject Property