

June 7, 2021

By E-Mail Only to *Carola.Perez-Book@toronto.ca*

City Planning Division, Zoning By-law Section
100 Queen Street West, 19E
Toronto, ON
M5H 2N2

Attention: Ms. Carola Perez-Book, Senior Planner

Dear Madame:

**Re: Zoning Conformity for Official Plan Employment Areas Study (the “Study”)
Sensitive Uses in Employment Zones
Comments from 2495861 Ontario Inc.
Property: 55 Scarsdale Road and sites along Scarsdale Road corridor.**

We are counsel to 2495861 Ontario Inc., the owner of 55 Scarsdale Avenue, Toronto (the “**Property**”). The Property is generally located in a commercial corridor southeast of the intersection of York Mills Road and Leslie Street and directly abuts a stable residential neighbourhood that is designated Neighbourhoods within the City’s Official Plan. Currently, the Property is occupied by a building housing our client’s tenant, WillowWood School (“**WillowWood**”), since 1996.

We are writing to provide our client’s comments on the Study, which is intended to implement Official Plan Amendment 231 (“**OPA 231**”) and would remove zoning permissions for sensitive and other non-permitted uses in employment zones in the City of Toronto (the “**City**”).

We attended a public consultation session on November 4, 2020 in relation to the Study (the “**Consultation Session**”), which was helpful in providing our client with a better understanding of the Study and City staff’s position.

In response, we respectfully request a further discussion with City Staff to discuss the implementation of the Study and potential deleterious impacts. Of course, we recognize such a meeting would be “virtual” given the circumstances surrounding COVID-19.

Background on WillowWood

WillowWood is an alternative school that accommodates children with learning differences in grades one through twelve and, since its inception, has been a leader in understanding broad and narrow learning challenges. WillowWood's student-centered program emphasizes individualized teaching, small class sizes, and personalised education in a warm and caring environment that enables its students to thrive.

WillowWood has helped thousands of students, who might not have otherwise reached their potential, to become significant contributors to the world around them. WillowWood alumni have succeeded in becoming engineers, lawyers, doctors, artists, computer programmers, nurses, and tradesman.

Since its acquisition, and in conjunction with WillowWood, our client has invested, and reinvested, significant capital into improvements to the school's building and facilities, subject to approved building permits issued by the City, to accommodate its students and the school's success. In addition, WillowWood currently employs 39 individuals full-time and 4 individuals on a part time basis, as well as providing for numerous employment opportunities contracted out to third parties. Employment is provided in a variety of roles including administration, teachers, cafeteria staff, and custodial staff.

Additionally, WillowWood often interacts with several nearby sensitive-use businesses to compliment its program such as BrickLabs, a STEM based after-school program, Shendy's Swim School, and Elite Training Centre, a basketball camp and training facility.

Applicable Planning Framework

The use of the Property has been that of a school since it was acquired by our client in 1996, a use which retains legal non-conforming status. A City Staff report dated October 30, 1998 and a zoning review dated July 2001 both confirm the Property's legal non-conforming status as a school.

Under the former City of North York Zoning By-law 7625, the Property was previously zoned M-2. In 2001, our client was issued a building permit to renovate the WillowWood School to construct a gymnasium and undertake alterations to the interior of the building. As a result of the passage of City of Toronto Zoning By-law 569-2013 ("**By-law 569-2013**"), WillowWood's use was rendered legal non-conforming by operation of section 34(9) of the *Planning Act*.

The Property is currently zoned 'E' (Employment Industrial) under 569-2013 and designated General Employment Area under the City's Official Plan (the "**OP**"). A map of the zoning designations under By-law 569-2013 for the Property and surrounding sites along the Scarsdale Road corridor (the "**Scarsdale Corridor**") is attached to this correspondence.

Area Context

Despite being zoned 'E' and designated General Employment Area, the Property and a multitude of surrounding sites along the Scarsdale Corridor contain uses of varying degrees of sensitivity that have been ongoing for decades and, we understand, enjoy legal non-conforming status.

In fact, there are 22 buildings within the Scarsdale Corridor as follows:

- 10 office buildings;
- 6 schools;
- 2 places of worship;
- 2 multi-unit sales and service buildings;
- 1 self-storage facility; and
- 1 animal hospital.

In fact, the only industrial or manufacturing use existing within the Scarsdale Corridor is, potentially, the Bell Telecommunications facility at 115 Scarsdale Road.

Furthermore, every single property along the west side of Scarsdale Road abuts a single-detached residential home or a City parkette bearing a "Neighbourhoods Designation".

The Study

In the Consultation Session, City staff explained that the Study was simply implementing OP policies that serve to support and protect the two new employment lands designations resulting from OPA 231: "General Employment Area" and "Core Employment Area".

The OP's *general* direction is to avoid permitting sensitive uses in Employment Areas due, primarily, to the potential for compatibility issues between industrial employment uses and sensitive uses.

Given the immediate proximity of a stable residential neighbourhood directly adjacent to the Scarsdale Corridor, such industrial employment uses are unlikely to ever materialize due to restrictions imposed through the planning process and the requirements of the *Environmental Protection Act* and other relevant Guideline Documents issued by the Ministry of the Environment.

While it is highly unlikely that *any* industrialized employment uses will materialize along the Scarsdale Corridor, the area's existing and long-standing mix of sensitive uses and non-industrialized employment uses has resulted in an area context containing uses *proven to be compatible* and which have co-existed in harmony for several decades.

Our Client's Position

Despite its General Employment designation, the Scarsdale Corridor is home to many legal non-conforming uses that would be negatively affected should the Study result in a zoning by-law amendment that would further impact our client's tenant. As noted above, WillowWood has been in operation for approximately 41 years – *25 years at this location* – and currently houses 250 pupils. Of greater significance, it also employs 39 full-time workers in various roles. As a result, in many respects, the Property *actually serves as a material employer of stable, full-time and part-time jobs.*

Our client is concerned that removing any and all sensitive land uses – without exception – from the Scarsdale Corridor could create undesirable effects and jeopardize a long-standing business serving the needs of the local and broader community. It would also jeopardize the employment of WillowWood's staff and faculty – an effect that is the antithesis of OPA 231's objectives.

As noted above, it is unlikely that any employment uses could be introduced in the area due to the prevalence of the variety of sensitive uses in the area – including the stable residential neighbourhood. As industrial uses could not materialize in this area due to the above-mentioned factors, the elimination of legal uses that have proven compatible with the existing employment uses would be counter-productive and particularly damaging in light of the impacts of the pandemic.

Thus, given the long-standing condition 'on the ground' and the proven compatibility of the types of existing *legal* uses along and adjacent to the Scarsdale Corridor, we respectfully request City staff recognize this unique mix of uses and area context in the zoning by-law amendment that is expected to implement the Study's conclusions (the "Implementing By-law").

Given the existence of the stable residential uses and long-standing legal non-conforming uses, the Implementing By-law should restrict employment uses to only those that would be compatible with the existing stable residential neighbourhood to the direct west and the embedded legal non-conforming uses such as WillowWood. For the sake of clarity, permitted uses may include offices and other non-industrialized employment uses.

It should also recognize the existing, operating and long-standing *legal* uses within the area.

Official Plan Amendment and the City's Ongoing Municipal Comprehensive Review

City staff acknowledged that a potential solution would be to seek the conversion of the area from Employment Lands as part of the ongoing Municipal Comprehensive Review ("MCR") process or add a Site and Area Specific Policy ("SASP") to permit sensitive uses in the Scarsdale Corridor or, alternatively, to allow for the continuation of those sensitive uses that enjoy legal non-conforming statutory protection. While such suggestions may

provide a solution, it is our client's position that their issues can be directly remedied through the Implementing By-law by addressing *legal*, but non-compliant, uses and particularly those with a reasonable level of employment associated with those uses.

As a result, we are also copying Christina Heydorn of the Strategic Initiatives, Policy & Analysis section of the City's Planning Division on this letter and ask that it be raised with that group. We also request a (virtual) meeting with that team at City Planning to review the situation and to work through a process that protects the jobs of WillowWood's employees.

Thank you for your consideration of our client's comments. We would appreciate the opportunity for our client and its consultants to discuss these comments further with City staff.

Please provide us notice of any future meetings, reports and/or any decisions of Council or Committees thereof respecting this matter.

Yours truly,
DAVIES HOWE LLP



Aaron I. Platt

AIP:AIP
encl.:

copy: City Clerk
Christina Heydorn, *Strategic Initiatives, Policy & Analysis, City Planning Division*
Sean Galbraith, *Proliferate Consulting Group Inc.*
Client

55 Scarsdale Road, Toronto and Surrounding Corridor Zoning



Source: City of Toronto Zoning By-law 569-2013

From: [Zachary Fleisher](#)
To: [Planning and Housing](#)
Subject: Public Meeting - Zoning Conformity for Employment Areas
Date: June 21, 2021 1:23:51 PM
Attachments: [image437154.png](#)
[Comment Letter - WillowWood School \(01745699xCDE1C\).PDF](#)
[Notice of Public Meeting - Zoning Conformity for Employment Areas \(01748071-2xCDE1C\).PDF](#)

Good afternoon –

We are counsel to 2495861 Ontario Inc., the owner of 55 Scarsdale Road, which has been occupied by our client's tenant, WillowWood School, since 1996. We previously submitted the attached letter with respect to the above-noted study to Ms. Perez-Book, which we would like to forward for the Planning and Housing Committee's consideration at the June 28, 2021 Public Meeting.

I would also request to address the Committee directly on behalf of our client at the Public Meeting. Our clients are also wondering whether they would be able to answer questions, if any, after my deputation – would this be possible? Further, if I would like to share a map/presentation on screen, do I need to submit same to this email in advance?

Looking forward to hearing back and receiving instructions on connecting to the meeting.

Warm regards,

Zach

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