



Reply Attention of Mary Flynn-Guglietti
Direct Line 416.865.7256
Internet Address Mary.flynn@mcmillan.ca
Our File No. 212523
Date October 15, 2021

DELIVERED VIA EMAIL (phc@toronto.ca)

Planning and Housing Committee
10th Floor, West Tower
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins

Dear Chair Bailao & Members of the Planning and Housing Committee:

**Re: Letter of Concern
 Planning & Housing Committee Meeting of Monday, October 18, 2021
 Item No. PH27.2
 Zoning Conformity for Official Plan Employment Areas
 Address: 1177, 1179, 1181 and 1183 Finch Avenue West
 Our Client: Amexon Real Estate Investment Syndicate Inc.**

We act on behalf Amexon Real Estate Investment Syndicate Inc., the owner of lands municipally known as 1177, 1179, 1181 and 1183 Finch Avenue West, which lands are located on the south side of Finch Avenue between Dufferin Street and Keele Street, in the City of Toronto

On behalf of our clients, we write to express their strong opposition to the proposed restriction and/or removal of currently permitted uses on the aforementioned lands as part of the City's ongoing Zoning By-law Conformity Exercise, and to encourage the Planning & Housing Committee to defer a decision on these significant zoning changes until further engagement with affected stakeholders, including our client, has occurred to ensure an appropriate implementation of: appropriate employment land use policy; Official Plan Amendment 231; and the impending results of Phase 2 of the City's Zoning By-law Conformity exercise all in effort to avoid unnecessary and costly appeals.

The proposed amendment either removes or place limitations on land uses that are currently permitted and as a result places a limitation on potential employment generating tenants and/or existing tenants who might wish to expand in the future.

The proposed Zoning By-law amendment does not take into consideration the challenges faced by both landlords and tenants caused by the economic impacts of the global Covid-19 pandemic. Commercial landlords have faced significant challenges arising from lost rent and tenants who have not been able to survive the economic outfall of the pandemic. We submit that limiting the range of permitted uses based on a restrictive interpretation of Official Plan policies will place an undue burden on businesses and landowners. For those uses and/or tenants that remain, they may be limited in their ability to expand if the uses are restricted as proposed.

While our client is concerned about the elimination and/or vast restriction of currently permitted uses in general, a number of specific uses are of particular concern, as follows:

Banquet Hall

A Banquet Hall is currently a permitted use on the lands. Policy 4.6.3 of the Official Plan expressly permits uses that "...include restaurants and all types of retail and service uses". There is no distinction from a land use planning perspective between restaurants and banquet halls and other entertainment uses. These uses provide the same or similar services, and are not considered to be sensitive land uses. This particular use would appropriately complement the existing office building from an operational and land use perspective. We also note that catering facilities as well as small-scale restaurants are permitted uses in Core Employment Areas, and the General Employment Areas designation permits all of the uses permitted in Core Employment Areas. In addition, the General Employment Areas permits restaurants regardless of scale/size. A banquet hall is similar to a catering facility and a restaurant.

Education Uses, Day Nurseries and Community Facilities

Industrial trade schools are permitted in both Core and General Employment Areas. From a land use perspective there is no difference between such schools and other adult education facilities and commercial schools. Similarly, given the permission for industrial trade schools in Core and General Employment Area, there is no reason to limit colleges or other adult education facilities within the General Employment designation.

The subject site also features an existing Day Nursery which is complementary to the other existing and permitted employment land use permissions on the aforementioned lands. Such land use synergies are imperative to the overall objective of reducing the number of vehicle trips generally throughout the City and to provide complete communities; including those within the City's Employment Areas.

Fitness Centres

Fitness centres are permitted in the General Employment Areas land use designation of the Official Plan as expressly identified in Official Plan Policy 4.6.4. To remove a use that is expressly permitted in the Official Plan as part of an Official Plan conformity review is inconsistent with the intent and nature of the exercise and inappropriate. The proposal to prohibit a permitted use, with the intention to potentially add site specific permissions in certain unknown circumstances at a later date (Phase 2 of the Conformity Exercise) prejudices owners and will cause uncertainty. The removal of Fitness Centre permission within the applicable Zoning of the property will remove a land use that is expressly permitted by the General Employment Areas designation of the Official Plan; which contradicts and is inconsistent with the express purpose of the Conformity Exercise.

We look forward to the opportunity to further discuss our client's significant concerns with City staff. Please provide us with notice of any future meetings at which this matter is to be considered, and of any decisions made by City Council, pursuant to ss. 34 (18) of the *Planning Act*.

Yours truly,



Mary Flynn-Guglietti

Cc: Joe Azouri, Amexon Properties Inc.
Richard Domes, Gagnon Walker Domes Ltd.