



June 22, 2021

By E-mail: clerk@toronto.ca

Mayor and Members of City Council
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

sleisk@cassels.com

Tel: +1 416 869 5411

Fax: +1 416 640 3218

File: 55729-1

Attention: Your Worship and Members of City Council

Dear Sirs/Mesdames:

**Re: Settlement Offer – Without Prejudice
LPAT Appeal No. 31 of OPA 231 (PL140860)
TLAB Appeal (21 122447 S45 06 TLAB)
2 Champagne Drive and 1107 Finch Avenue West, Toronto**

We are counsel to Champagne Centre Ltd. (formerly 2224484 Ontario Inc.) (“**CCL**”), the registered owner of the property municipally known in the City of Toronto as 2 Champagne Drive and 1107 Finch Avenue West (the “**Property**”). CCL is presently a party to the appeals of the City of Toronto’s Official Plan Amendment No. 231 (“**OPA 231**”).

CCL has engaged in discussions with the City of Toronto regarding these appeals and the future use and expansion of the Property since 2014 and as recently as June 2021. We are hereby writing to offer a settlement of CCL’s appeal on the following basis.

Background

The Property is currently occupied by the Champagne Centre, a large multidisciplinary medical mall that provides a wide range of health and wellness services delivered by private, public and non-profit providers, in addition to sports, education, employment support, office and ancillary services.

The Property is designated *General Employment Areas*, under the City of Toronto Official Plan and *Industrial-Commercial Zone* (MC) under Former City of North York Zoning By-law No. 7625 (“**Zoning By-law No. 7625**”).

Zoning By-law No. 7625 currently permits a wide range of uses outlined in Attachment “A” to this letter on the Property, including overnight accommodation in the form of a Hotel.

CCL purchased the Property in 2010 with the intent to make substantial investment to intensify its use for employment purposes, namely the development of a large integrated medical complex. Since this time, the Champagne Centre has become a major medical hub that provides critical healthcare services to the community. The permitted uses under Zoning By-law 7625 on the Property have authorized otherwise sensitive uses to occupy the Property for years, without complaint from adjacent neighbours.

In addition to the array of medical offices and service providers, North York General Hospital has recently signed a 20-year lease at the Champagne Centre to accommodate a number of its medical and community health services that previously operated out of the Branson Ambulatory Care Centres. CCL seeks to expand the Champagne Centre with the development of a medical facility that includes overnight accommodation to patients while receiving treatment (the “**Medical Care Clinic**”). This is envisaged in response to both the request of North York General Hospital, and in response for the pressing need for overnight accommodations in connection with medical treatment, particularly for vulnerable patients who are limited in their ability to travel and require frequent medical visits.

The urgent need for a comprehensive Medical Care Clinic is demonstrated by the significant demand on medical facilities that has been seen in recent years and that has been further exacerbated by the ongoing COVID-19 pandemic.

The Champagne Centre has and will continue to be a significant generator of employment opportunities, which will be increased by the proposed overnight stays. The overnight accommodation is proposed to be tied directly to the medical uses permitted on the Property and only while a patient is receiving medical treatment. As such, the proposed use does not result in a potential employment area conversion.

Settlement Offer

CCL is hereby offering a settlement of its appeal of OPA 231 on the following basis:

1. While the current permitted “as of right” uses include the following list of uses, including certain uses that would generally be deemed to be sensitive uses, CCL is offering to remove the following permitted uses under Zoning By-law No. 7625:
 - (a) artist studio;
 - (b) car rental agency;
 - (c) car washing establishment;
 - (d) cinema;
 - (e) contractor’s establishment;
 - (f) custom workshop;
 - (g) gasoline station;
 - (h) golf course;
 - (i) hotel;

- (j) motor vehicle body repair shop;
 - (k) motor vehicle dealership;
 - (l) pinball and video games arcade;
 - (m) place of worship;
 - (n) public library;
 - (o) service shop;
 - (p) service station;
 - (q) theatre; and
 - (r) transportation terminal;
2. The redesignation of 2 Champagne Drive as *General Employment Areas* with a site-specific exception to permit the following uses in addition to those permitted under the *General Employment Areas* land use designation, to recognize both the existing and proposed uses of the Property:
- (a) Professional Medical Office;
 - (b) Clinic;
 - (c) Pharmacy; and
 - (d) Buildings, structure, and uses accessory to the foregoing;
3. The inclusion of a site-specific exception to permit overnight accommodation in association with a Professional Medical Office and Clinic on the same lot. While this request will permit overnight stays in a limited capacity while a patient is receiving treatment, such permission is more restrictive than the hotel use currently permitted as of right.
4. The registration of a restrictive covenant in favour of the City of Toronto on title to secure that CCL will not seek a conversion of any portion of the Medical Care Clinic to a residential use that is not associated with the Medical Care Clinic;
5. Our client committing to secure, in a site plan agreement, the air and noise mitigation measures for the Medical Care Clinic as recommended by the Air Quality and Noise Land Use Compatibility Study (May 7, 2019) prepared by Novus Environmental (now SLR Consulting), to address compatibility with neighbouring land uses:
- (a) the installation of central air conditioning;
 - (b) the installation of inoperable and sealed windows for all noise-sensitive spaces, such as patient bedrooms;
 - (c) upgrading windows of the north façade suites to a minimum Sound Transmission Class rating of STC 32; and
 - (d) the design of the heating ventilation and air conditioning system shall include space to add carbon filters in the future;

This offer is being made in the spirit of cooperation, and in order to permit the Champagne Centre to continue providing its existing and enhanced services as a medical facility in conjunction with North York General Hospital. Given the unique characteristics of the use and the proposed restrictions, acceptance of this offer will not create a precedent or otherwise negatively impact the employment area.

On behalf of our client, we respectfully request Council's support and acceptance of this offer to settle.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read 'SL', is positioned above the printed name and title of the signatory.

Signe Leisk
Partner

SL/JE/cm

cc. Lew Pliamm and Alaa Tannous, Champagne Centre Ltd.
Andrew Biggart, Ritchie Ketcheson Hart & Biggart LLP
Kelly Matsumoto, Legal Services, City of Toronto

Attachment "A"
Excerpt of Zoning By-law 7625

33-1

INDUSTRIAL-COMMERCIAL ZONE (MC)

SECTION 33 INDUSTRIAL-COMMERCIAL ZONE (MC) (By-law 33091)

33(1) Prohibition

- (a) No person shall use, or cause or permit the use of land, building or structure, or cause or permit a building or structure to be erected in an MC Zone except in accordance with the following provisions:

33(2) (a) Permitted Uses

adult education school;
artist studio;
banquet hall;
car rental agency;
car washing establishment;
cinema;
club;
college;
commercial gallery;
commercial recreation;
commercial school;
communications and broadcasting;
community centre;
contractor's establishment;
custom workshop;
day nursery;
financial institution;
fitness centre;
funeral establishment;
gasoline station;
golf course;
health science research laboratory;
hotel;
industrial sales and service;
information processing;
laundry;
manufacturing;
motor vehicle body repair shop;
motor vehicle dealership;
museum;
office uses;
park;
parking lot;
personal service shop;
pinball and video games arcade;

Note: Uses subject to a specific size limitation are <u>underlined</u> .
--

December 31, 1998

place of worship;
public library;
public self storage warehouse;
research laboratory;
restaurant, with or without an outdoor patio;
retail store;
secondary school;
service shop;
service station;
showroom;
theatre;
transportation terminal;
warehouse; and
veterinary clinic.

(b) Use Qualifications

(i) Limits on Accessory Uses

- (A) An accessory caretaker's residence is permitted for a caretaker, watchman or similar person employed on the premises.
- (B) An accessory residence for the head of the congregation is permitted with a place of worship.
- (C) No more than 2 accessory pinball and video games are permitted with a listed permitted use.
- (D) The required parking for the first 100 square metres of gross floor area for an accessory retail use shall be calculated at the rate cited in Section 6(A) for the use to which it is accessory, then at the rate of 1 space per 28 square metres for the gross floor area exceeding 100 square metres.

(ii) Car Wash

- (A) On a lot that abuts an R or RM2 zone, or is across a non-arterial street from an R or RM2 zone, a car wash is prohibited.
- (B) On a lot abutting an RM zone other than RM2, a car wash is permitted if an opaque acoustic fence is erected along the lot line or lines that abut the RM zones.

- (f) The height of an accessory structure that is within 20.0 metres of a lot line that abuts an R or RM zone shall be measured from the average elevation around the outside of the accessory structure, to the top of the structure.

33(9)

*reserved for future use***OTHER REGULATIONS**

33(10)

Outside Display and Sales

- (a) Outside sales and outside display of items for sale are not permitted in the MC zone except as an accessory use to a motor vehicle dealership or a car rental agency, or on a temporary basis if
- (i) the temporary outside sales and display is in conjunction with a use that occupies space in the building or buildings on the lot,
 - (ii) the temporary outside sales and display is located immediately adjacent to the building or portion of the building that the use is located in, and
 - (iii) the temporary outside sales and display occupies no more than 280 square metres of area.
- (b) Where motor vehicles are displayed outdoors in conjunction with a motor vehicle dealership or a car rental agency, the outside display of vehicles is permitted, but
- (i) the area used for display of motor vehicles shall not be counted as required parking to meet the requirements of Section 6A of this By-law, and shall be separated from a parking area containing required parking; and
 - (ii) despite clause 33(6)(b)(i) the area used for display of motor vehicles may be located in the minimum front yard setback if a landscaped strip of 3.0 metres in width is provided that runs along the front lot line, excluding any driveways.

33(11)

Storage**(a) Outside Keeping of Goods and Storage**

- (i) Accessory outside storage of any equipment, material, product or goods is permitted in a yard other than the front yard if

INDUSTRIAL-COMMERCIAL ZONE (MC)

- (A) the yard does not abut an R or RM zone,
 - (B) the equipment, material, product or goods are kept within a fenced compound, and the height of the fence must be equal to or higher than the height of the goods stored within the compound, but no higher than 3.7 metres high,
 - (C) the compound where the goods are kept is set back a distance equal to the minimum yard setback that applies to the yard or yards in which the goods are kept, and
 - (D) the outside storage does not exceed 30% of the area of the yard in which the storage is located.
- (ii) Outside operations, and main uses that are not carried out entirely within a building are prohibited.

(b) Storage Tanks

For any lot that abuts an R or RM zone, or is across a non-arterial street from an R or RM zone,

- (i) a tank for the storage of propane larger than 10,000 litres is prohibited, and
- (ii) storage tanks for any liquid or gaseous chemicals shall be limited to a maximum size of 10,000 litres.