

September 17, 2021

By E-Mail: phc@toronto.ca

Our File No.: 154611

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

Attention: Nancy Martins

Dear Ms. Martins:

**Re: PH26.2 - Zoning Conformity for Official Plan Employment Areas - Phase 1 Final Report and Phase 2 Update
OTT Financial Group - 1123 Leslie Street**

Please be advised that Aird & Berlis LLP represents OTT Financial Group Corporation with respect to 1123 Leslie Street (“**Subject Site**”). We are writing with submissions regarding Item PH26.6 to be dealt with by the Planning and Housing Committee on September 21st.

We request this Committee to consider maintaining ‘Club’ uses as a permitted use on the subject site by exempting it from the proposed enactment of the bylaw.

In the alternative, we ask that the proposed transition provisions be revised to relieve this site from the application of the bylaw, on the basis that a site plan application has been filed prior to the enactment of the bylaw; we are of the opinion that the provision of the proposed transition regulation that requires the site plan application to be declared “complete” is not only unfair, but overreaching at law.

Finally, we request that our client’s participation in the process leading to any potential bylaw be noted, and that we be given notice of all future reports and meetings on this matter, as well as Notice of enactment of the bylaw.

1. Timing of Notification and Transition Regulations

Our clients only became aware of the City’s intent to remove permitted land uses from the Former North York Zoning By-law No. 7625 (“**By-law 7625**”), the sole bylaw applicable to the subject site, in July 2021. Upon review of the deferral of this Committee’s decision until September 21st and the proposed transition regulations contained in the June 10, 2021 Staff report, our clients accelerated their long standing plans for a new ‘Club’ use on the subject site, in an effort to meet the transition regulations.

In August 2021, a Preliminary Project Review (“**PPR**”) was filed to confirm compliance with the applicable zoning provisions on the subject site followed by a Pre-Application Consultation

("PAC") Meeting request for Site Plan Control. The Site Plan "PAC" meeting was held on September 14th, 2021 and an application for site plan approval is anticipated imminently and certainly before Council consideration of this matter. However, due to the limited time between becoming aware of the City's intent to remove Club uses, the September 21st Planning and Housing Committee meeting, and the scheduled Council consideration of this matter, it is likely not possible to fulfill that portion of the proposed transition regulations requiring a submitted Site Plan Application be deemed complete by the City.

As we know this Committee is fully aware, there are a series of steps required in advance of a Site Plan application submission. Upon learning of the proposed bylaw enactment, our client has been able to file a PPR application, make a PAC Meeting Request, schedule and attend the PAC meeting, as well as prepare the required studies and plans. However, it is impossible to know how long after filing a Site Plan Application staff will take to review for Site Plan Application for completeness and to deem it complete. It is possible that applications from those who were in fact aware of the June 21 report still will not be deemed complete prior to the anticipated enactment of the zoning by-law amendment by Council.

Yet, it is apparent that the intent of the Transition provisions was to provide fairness to sites that began a planning approval process before the proposed zoning by-law amendments are adopted by Council, recognizing that Site Plan applications are typically dependent on as-of-right zoning permissions. In this instance, our client's early understanding that club uses were a permitted use, led to a lengthy and considered process of study and design. To confirm this, a PPR was submitted in August 2021, which we are advised will be responded to with final comments on September 27. Our client anticipates these comments will include confirmation that the proposed development conforms with the definition of 'Club' use as defined in the Former North York Zoning By-law 7625.

In light of this history, it is our request that 1123 Leslie Street not be stripped of the presently permitted Club uses on the subject site and that it be exempted from the bylaw. In the alternative, we request that transition regulations for 1123 Leslie Street be amended to recognize a filed Site Plan Application without the necessity of having the application deemed complete prior to Council's enactment of the zoning by-law amendments.

2. Land Use Compatibility

Also, in support of our position that the subject site should be exempted from the bylaw entirely, without reliance on transition provisions, there is general concern with the removal of Club uses from the subject site from a land use planning perspective. The subject site abuts a vacant lot to its immediate south (1121 Leslie) which in turn is abutted to the south by a series of properties designated *Mixed Use Areas* and which contain residential uses in tall building forms.

Additionally, as a result of the previous OPA 231 process, the neighbouring property at 1121 Leslie Street was included within Site and Area Specific Policy 410 ("**SASP 410**"), "*which limits uses on those lands to those that are compatible with residential and sensitive non-residential uses that are permitted on the lands located to the south*". SASP 410 would limit the range of permitted uses that could be considered compatible with existing residential and sensitive non-residential uses on lands to the south and would have a "domino" effect on the list of compatible land uses at 1123 Leslie Street.

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In this regard, the list of uses permitted by the MC zone applicable to the subject site would not only be further reduced as a result of SASP 410 and potential future development of 1121 Leslie Street, but even further reduced through the removal of several land uses proposed in the Staff Report dated June 10, 2021, which includes removal the following uses that are currently permitted on the subject site under Zoning By-law 7625: adult education school;", "banquet hall;", "cinema;", "**club**";", "college;", "commercial gallery;", "commercial recreation;", "community centre;", "day nursery;", "fitness centre;", "funeral establishment;", "golf course;", "hotel;", "motor vehicle dealership;", "museum;", "pinball and video games arcade;", "place of worship;", "public library;", "secondary school;", and "theatre;".

'Club' uses are a compatible land use with both residential and sensitive non-residential uses and would be an appropriate fit with regard to the existing residential and sensitive non-residential land uses along the east side of Leslie Street and potential future development of 1121 Leslie Street. Further, the 'Club' use would contribute to the creation of new jobs on the subject site, in addition to the existing and continued future function of office uses by OTT, whose head office is located on these lands.

Finally, Club uses would constitute a desirable and community based adaptive reuse of portions of the non office buildings left vacant when the previous office and manufacturing facility ceased operation.

For all the above noted reasons, it is our submission that OTT has operated in good faith, engaged the appropriate City Staff and application processes, and should be permitted to continue with their Site Plan application to develop a 'Club' Use on the subject site.

Yours truly,

Aird & Berlis LLP



N. Jane Pepino, CM, QC, LLD, LLM
NJP

cc. Client