

Toronto

September 20, 2021

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Montréal

Calgary

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

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Dear Members of Committee:

RE: PH 26.2 - Zoning Conformity for Official Plan Employment Areas –

We act on behalf of Humboldt Commercial Limited and Century Standard Development Corporation, the owners of 1120 Finch Avenue West (the “Subject Property”), which is located on the north side of Finch, west of Alness Street. The Subject Property contains a commercial plaza, consisting of 4 multi-tenanted buildings as well as an 8 storey office building. There are a range of uses on the Subject Property, all of which are permitted in the existing Industrial Commercial (MC) zone.

On behalf of our clients, we write to express their opposition to the proposed restriction of uses on the Subject Property as part of the zoning conformity exercise, and to strongly encourage the City to defer a decision on these significant changes and continue to engage with stakeholders to ensure an appropriate implementation of OPA 231 and avoid unnecessary and costly appeals.

The proposed changes places limitation on uses that are currently permitted and as a result places a limitation on existing tenants who might wish to expand in the future. They also restrict the ability of businesses to locate in a well established commercial plaza with access to transit, and limit the ability of important community services to locate and expand on the Subject Property and similarly zoned properties.

The proposed zoning also does not take into consideration the challenges faced by both landlords and tenants caused by the economic impacts of COVID-19. Commercial landlords face continued challenges arising from lost rent and tenants who have not been able to survive the effects of the pandemic. Further limiting the breadth of permitted uses based on a restrictive interpretation of official plan policies will place a further undue burden on businesses. This is not a hypothetical concern, as some of the tenants at the Subject Property have gone out of business, not renewed their leases or have reduced the amount of space they occupy. For those that remain, they may be limited in their ability to expand if the uses are restricted as proposed.

While our client is concerned about any restriction of uses, of particular concern to our client are a number of specific uses, each of which is addressed below.

Banquet Halls and entertainment uses

The Subject Property currently has a number of tenants that operate banquet halls and dance clubs. To our knowledge, there have never been any compatibility issues raised by these uses with any surrounding land uses. Policy 4.6.3 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 entertainment uses. They provide the same or similar services, and are not considered to be sensitive land uses. There has not been a complaint by any surrounding tenant over the many years of these uses. Furthermore, these uses actually work well to complement the existing office building, as the office building uses the parking during the daytime and these uses mostly use parking spaces during the evening and night times.

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 analogous to a catering facility and a restaurant. There therefore does not appear to be an issue of conformity between the OP and the zoning by-law, and no need to restrict these uses.

Education 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. Our clients currently have tenants (Community Living Toronto and the Griffin Centre) both of which provide education services to adolescents and adults who have learning challenges. A limitation on the ability to expand these uses without the additional burden of obtaining variances, or to attract other similar uses is inappropriate. These are important community services which have operated without any land use compatibility issues and there is no land use or other reason to restrict their uses.

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. These long standing uses should continue to be permitted on the Subject Property.

Fitness Centres

Fitness centres are expressly permitted in General Employment Areas in policy 4.6.4. To remove a use that is expressly permitted in the Official Plan as part of an official plan conformity exercise is inconsistent and inappropriate. The proposal to prohibit a permitted use now, with the intention to add site specific permissions at a later date prejudices owners

and will cause uncertainty. It could lead to the result where a fitness centre (currently a permitted use in the Official Plan and existing zoning) might wish to locate on the Subject Property, but decide not to because of the uncertainty caused by what amounts to an interim prohibition on a use that is permitted. Such an approach will almost inevitably lead to what are unnecessary appeals by landowners seeking to ensure that a use permitted in the Official Plan continues to be permitted in the zoning by-law. The removal of this permission, given that it is expressly permitted by the General Employment Areas designation, effectively accomplishes the complete opposite of conformity exercise: it removes an expressly permitted use.

We look forward to the opportunity to further engage with the City over these important issues. The ongoing recovery of businesses from the pandemic requires support from the City. Restricting and limiting uses on well established commercial and office properties is not supportive of a rapid recovery.

Please provide us with notice of any meeting at which this matter is being considered, and of any decision made, pursuant to ss. 34 (18) of the *Planning Act*.

Yours very truly,

A handwritten signature in black ink, appearing to read "Chris Barnett", written over a horizontal line.

Chris Barnett
Partner

CB:s