

November 7, 2017

By E-Mail Only to *clerk@toronto.ca*

Mayor John Tory and Members of City Council
13th Floor, West Tower
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ms. Ulli S. Watkiss, Clerk

Dear Mayor Tory and Members of Council

**Re: City Council Meeting, Item TE27.1 – November 7, 2017
Letter of Concern
Consideration of Zoning Amendment Application (the “Application”) for
102-118 Peter Street and 350-354 Adelaide Street West (the “Site”)
City File No.: 16-183537 STE 20 OZ**

We are counsel to Ricki’s Construction and Painting Inc., the owner of 120 Peter Street (the “Property”). The Property is located immediately north of the Site, and, in fact, is the northerly half of a semi-detached building which is physically connected to 118 Peter St. 118 Peter St. forms part of the Site and is the southerly half of the semi-detached building. Our client has significant concerns respecting the impact the proposed development on the Site will have on its Property.

My client and a representative from my office first voiced concerns about the Application and the impact it would have on the Property at the Community Consultation Meeting held on November 1, 2016. Following the Community Consultation Meeting, my office communicated directly with City of Toronto (the “City”) planning staff in relation to the Application. Notwithstanding this engagement, neither my client, nor my office received notice of the Toronto and East York Community Council (the “TEYCC”) public meeting which was held on September 16, 2017. As a result, my client has not had an opportunity to engage with the applicant, the City, its neighbours or the community in a meaningful way.

The Application proposes a 47 storey mixed-use building at 146.8 metres in height, incorporating 118 Peter St. into its design. My client has significant questions and concerns with how the applicant proposes to integrate 118 Peter St. into the design of

the building in a safe and appropriate manner given the City's acknowledgement in its August 16, 2017 Staff Report that 118 Peter St. *"is in relatively poor condition due to deferred maintenance and alterations to the Property"*. We are not aware of the preparation or existence of any engineering reports that specifically address the poor condition of 118 Peter St. or whether the Application will further exacerbate this situation, which may have obvious and detrimental effects to the structural integrity of the Property.

Consideration and/or approval by City Council of the Application is premature until the appropriate engineering and/or structural investigations are completed to confirm that the Application will not have any detrimental effect on the Property. In addition, prior to City Council's consideration of the Application, a structural engineering analysis must be completed by the Applicant to establish a base-line understanding of 118 Peter St. and the Property in order to confirm existing conditions.

The Property is currently designated and identified in the City Official Plan (the "OP") as *Downtown and Central Waterfront and Regeneration Area*. The Property is also located within the King-Spadina Secondary Plan (the "KSSP"). These OP designations and inclusion in the KSSP encourage development of the Property with additional height and density to allow a broad range of uses. Additionally, zoning for the Property pursuant to City zoning By-laws 569-2013 and 438-86 permit a height of 30 metres and do not contain density limits.

As such, the Property benefits from significant as-of-right development potential that we fear may be severely inhibited and undermined by the Application. Appropriate consideration of the impact on the future development potential of the Property must also be considered before the Application proceeds any further.

Our review of the October 16, 2017 City staff report indicates that the TEYCC requested that

"...the Ward Councillor organize an immediate meeting with the applicant, park staff, and relevant neighbouring property owners to further explore and advance plans to create a centralized publicly accessible open space in the interior of the block..."

As neither my client, nor my office, received any request to attend such a meeting, we can only assume that this meeting was in fact held and that the Property, which is an immediate neighbour and is physically attached to the Site, was either not considered a "relevant neighbouring property" or the invitation to our client to participate went astray. We have not been made aware of any details in relation to this meeting, its outcome, the form the publicly accessible open space may take, and its potential impact on the Property.

The fact that the City has failed to consider the Property as a “relevant neighbour” in this context is even more confusing given the City’s previous invitation to attend the SPAR (Spadina/Peter/Adelaide/Richmond) Public Realm Block Plan Meeting, held on January 21, 2016. My client and a representative of this office accepted this invitation and attended. To this end, development of the Site in the manner that includes 118 Peter Street has the potential to leave the Property as an orphan property amongst the tall towers already built and proposed along Peter Street. This would run contrary to the SPAR Public Realm Block Plan that had been envisioned by the City.

It is premature for City Council to consider or approve the Application until such time as the public and our client and any other immediate neighbours who may have been overlooked have had an opportunity to engage in this parallel discussion regarding the publicly accessible open space.

We thank the City for the opportunity to provide this feedback on behalf of our client and ask that Council refer this matter back to staff for consideration of the above-noted comments.

Please provide us with notice of any actions taken by Council with respect to this matter. Do not hesitate to contact us if you have any questions or wish to discuss this matter further.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA:AM

copy: Client