

**AIRD BERLIS**

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Our File No.:126857

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Toronto and East York Community Council  
City Clerk's Office  
2nd floor, West Tower, City Hall  
100 Queen St. W.  
Toronto, ON M5H 2N2

**Attention: Ellen Devlin, Committee Administrator**

Dear Ms. Devlin:

**Re:       Agenda Item TE27.1  
          Objection to Zoning Amendment Application for 102-118 Peter Street and  
          350-354 Adelaide Street West**

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Aird & Berlis LLP represents 401 Richmond Ltd. ("401 Richmond"), the owner of 401 Richmond Street West in the City of Toronto. 401 Richmond Street West is located within the same City block (being that bound by Spadina Avenue, Peter Street, Adelaide Street West and Richmond Street West, known as the "SPAR Block") and shares a property line with the property that is the subject of the above-noted development application (the "Graywood Development").

On behalf of 401 Richmond, we are writing to object to staff's recommendation to approve the Graywood Development for the following reasons.

**The Graywood Development is too big and too tall**

401 Richmond objects to Graywood Development's proposed built form and is of the view that the proposed building is too tall, has an excessively large floor plate and generally represents an overdevelopment of the site.

In particular, the Graywood Development fails to conform with Policy 3.1.2.3 of the City's Official Plan, which provides *inter alia* that new development must be designed to fit harmoniously into its existing or planned context and limit its impact on neighbouring properties by appropriately transitioning in scale, providing adequate light and privacy, limiting shadow and must generally respect the existing and planned street proportion.

With a proposed floorplate of 890 square metres, the proposal far exceeds the 750 square metre floorplate size recommendation in the City's Tall Building Design Guidelines. Additionally, the Graywood Development's proposed 10 metre setback from our client's property line is below the 12.5 metre setback recommended in the City's Tall Building Design Guidelines and required in OPA 365. This floorplate and setback could only be acceptable in the circumstance where it was known these were to relate to open space and other buildings. As detailed further, this is not presently the case.

### **Approving the Graywood Development is premature**

For several years, 401 Richmond has been in discussions with other property owners on the SPAR Block and with the City of Toronto about the creation of a formal block plan for the SPAR Block. This Block Plan is intended to include, amongst other things, a central public park on lands currently owned by our client, and a coordinated and integrated plan for parking, loading and servicing for all landowners on the block. Redevelopment of the eastern portion of the block, as proposed in the form of the Graywood Development together with the proposed redevelopment of 122-128 Peter Street and 357 Richmond Street (which is currently before the Ontario Municipal Board), was viewed as an opportunity to plan the future of this block, and provides a unique opportunity to create a new public park in the centre of one of the areas of most intensive development in the City.

401 Richmond had offered to either donate the land proposed to be a park to the City or to create a POPS – either way, a generous donation for the betterment of the SPAR Block and the King-Spadina neighbourhood. 401 Richmond currently uses the land for the parking and loading required to service its tenants. Since the inception of this idea (the so called “SPARK”), 401 Richmond has been clear that the only condition to its donation or creation of a POPS would be the replacement of its current parking and loading services, without any cost to 401 Richmond.

While the City has referred to the proposed park in its policy documents in the abstract (for example, in the soon-to-be-released King-Spadina Secondary Plan), the concrete steps required to implement this vision remain to be taken.

It had been understood that the City’s consideration of any future development applications on part of the Block, for example, the Graywood Development, would be reviewed in the context of a plan for the block as a whole, which would include consideration of the parking, servicing and loading needs of the entire block and 401 Richmond in particular so as to most efficiently use limited service areas, so as to permit a public park to be built in the centre of the block.

Approving the Graywood Development before a comprehensive SPAR Block Plan has been realised is simply premature. The City should take the opportunity to consider the most efficient use of the block as a whole and to plan for the provision of a new public space – a scarce thing in the rapidly intensifying King-Spadina neighbourhood. The Graywood application does not explicitly provide for it and may actually limit or foreclose options for accomplishing this goal. We are aware that staff has called a design meeting for October 30<sup>th</sup> as the first step in creating a SPAR Block Plan. 401 Richmond will participate in this design meeting and expect that other landowners on the block will also wish to participate. Now that this meeting has been scheduled, the City should not foreclose available solutions for a coordinated Block Plan by approving the Graywood Development at this time.

**401 Richmond and the other landowners on the SPAR Block need the City to take the lead to develop a comprehensive plan for the SPAR Block that includes the Graywood Development and achieves the objectives of the existing Official Plan and burgeoning Secondary Plan.**

Accordingly, we ask that Toronto and East York Community Council refuse staff’s recommendation to approve the Graywood Development’s requested zoning by-law amendments. Instead, we ask that Toronto and East York Community Council vote to further defer this matter so that the City and all landowners on this block, including the owners of the

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proposed redevelopment sites, have an opportunity to develop a coordinated Block Plan and direct staff to expeditiously undertake same so that the goal of creating a new public space in the centre of the block may be realised.

Finally, we respectfully request that the undersigned be provided with notice of any further meetings of Council, Community Council or any Community Consultation Meetings where reports related to the SPAR Block or the Graywood Development are to be considered, and notice of adoption of any zoning by-law or Official Plan amendment arising therefrom.

We look forward to future, productive dialogue with City staff and hope for the opportunity to make the vision of a public park in this space a reality.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "N. Jane Pepino", written over the printed name below.

N. Jane Pepino, C.M., Q.C., LL.D.

NJP/MTB

c. Margie Zeidler, 401 Richmond Ltd.  
Joe Lobko, DTAH

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