

# AIRD & BERLIS LLP

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February 20, 2013

File No. 103872

**BY EMAIL**

Planning and Growth Management Committee  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, ON M5H 2N2

Chair and Members of Planning and Growth Management Committee

**Re: Proposed Heritage Policies (Official Plan Amendment No. 199)  
Official Plan Review: Official Plan Amendment to adopt new Heritage and  
Public Realm Policies  
321-333 King Street West**

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We act on behalf of 321 King Street West Limited, the owner of 321-333 King Street West in the City of Toronto.

In January 2013, a rezoning application relating to 323-333 King Street West (City File NO. 10 182677 STE 20 OZ) was before the Ontario Municipal Board (OMB File No. PL110554) as a result of a settlement reached between our client and the City. The application variously contemplates the retention in situ and/or the removal and reconstruction of the heritage facades located at 323-327 King Street West.

At that hearing, the Board was advised that the matter was subject to a comprehensive settlement agreement between the City and our client. As part of that settlement, a number of conditions must be satisfied, including the City initiated rezoning of 321 King Street West. Also included in that settlement are a number of conditions related to the heritage attributes of these properties, including the registration of heritage easement agreements on these lands. In accordance with the settlement, and the City initiated rezoning of 321 King Street West will only occur following the release of the Board's disposition in respect of 323-333 King Street West.

The above-noted application was processed and considered in the context of the existing Official Plan policies and it was anticipated that the associated City initiated rezoning of 321 King Street West would also be considered under the same policy regime. Accordingly, we ask that the consolidated property (321-333 King Street West) be grand

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parented or exempted from the proposed heritage and public realm policies for the reasons stated above.

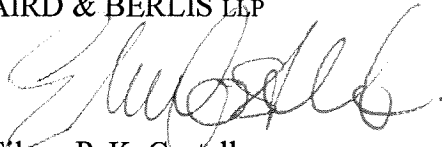
We also note that a number of the proposed policies in proposed OPA 199 go far beyond either the ambit of the Provincial Policy Statement ("PPS") or the *Ontario Heritage Act*. We also observe that the proposed definition of "adjacent" includes references to undefined elements (ie., "green space") which make its implementation in any given circumstance uncertain. We respectfully request that the definition be reconsidered and further scoped to ensure both continuity and consistency in the implementation of heritage policies in the City.

Kindly provide the undersigned with written notice of any further meeting(s) wherein the above-noted item will be considered, as well as, notice of any decision respecting OPA 199.

Should you have any question, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello  
EPC/SM

cc: 321 King Street West Limited  
P. Goldsmith

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