



December 2, 2015

by e-mail: clerk@toronto.ca

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Attention: Marilyn Toft

**Re: Notice of Objection - Designation of the St. Lawrence Neighbourhood Heritage Conservation District Under Part V of the Ontario Heritage Act
Items TE12.11 and PB9.2**

We are the solicitors for Emerald Valley Developments Inc, 1623037 Ontario Ltd and the Albany Club of Toronto who are the owners of 79, 83, 85 and 91 King Street East (the "**Subject Lands**") in the City of Toronto. The Subject Lands are located on the south side of King Street East, between Leader Lane and Church Street, which currently contain mixed-use buildings ranging from four to five storeys. The Subject Lands are located within the boundaries of the proposed St. Lawrence Neighbourhood Heritage Conservation District (the "**HCD**") and included within the proposed HCD Plan.

Our clients have submitted a zoning by-law amendment application for lands that include the Subject Lands, and which propose a mixed-use development consisting of a residential tower above a four storey mixed-use podium. The proposed development is respectful of shadowing concerns on St. James Cathedral and St. James Park, while tying in with the taller buildings to the west towards Yonge Street, including the King Edward Hotel. The westerly part of these lands are now contained in the pending zoning application by Carterra Private Equities Inc., referred to in the letter of Sherman Brown, proposing a 19 storey mixed use office building east of the King Edward Hotel.

Our clients are concerned that the proposed HCD Plan will interfere with the zoning by-law amendment application filed by them, and that the HCD Plan is entirely unnecessary, since the design of the proposed development, including reasonable amendments based on changes to lands proposed to be included in the proposed development, already ensures proper respect and treatment of the architectural heritage character of the existing mixed-use buildings. Moreover, our clients just last month negotiated comprehensive heritage designations with the City to ensure appropriate protections to the Subject Lands. The HCD plan for the Subject Lands is entirely unnecessary and runs counter to the recent settlement with the City.

Our clients are also concerned that the boundaries of the proposed HCD Plan are too broad and excessive. In particular, the proposed HCD should not apply to the Subject Lands, since any heritage conservation district is not appropriate west of Church Street at King Street. There may

be some heritage buildings in the area west of Church, but they do not create a distinct precinct with a heritage character.

The HCD Plan is also at odds with the City's original Tall Building Guidelines Study for King Street East, which recommended buildings of 25 to 44 storeys in height (77m to 137m) in the King Street block from Leader Lane to Church Street. While this was ultimately changed to remove the Subject Lands from the recommended height, this was done without any planning rationale and completely at odds with the City's own design experts.

Moreover, the HCD Plan policies themselves are overly restrictive and broad, due to the manner in which they unnecessarily regulate heritage conservation.

Our clients have been long time owners in the area and have been in discussions with developers with the expectation that development potential would be available along the King Street East corridor located in close proximity to the King Subway Station. The Albany Club, one of the owners of the Subject Lands, is committed to remaining in their current location but they require redevelopment of their premises in order to accommodate their growing membership. We note that that developers have been leery about constructing in this area due to the uncertainty of the proposed HCD.

As a result of the above and in light of the efforts and funds invested by our clients in pursuing a development proposal that would respect the heritage features of the area, we request that City Council defer the designation of the HCD and the adoption of the HCD Plan as it relates to the Subject Lands. Finally, we request that the writer be notified of any further matters regarding the designation of the HCD and the adoption of the HCD Plan.

If you have any questions or require additional information, please contact the writer.

Yours truly,
Cassels Brock & Blackwell LLP



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C: Andrew Borins, Emerald Valley Developments Inc.
Riccardo F. Bozzo, 1623037 Ontario Limited
Christian Diotte, Albany Club