

September 5, 2017

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

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

***Attention Ms. Ellen Devlin, Secretariat***

Dear Chair and Members of Community Council:

**Re: Proposed Designation of the King-Spadina Heritage Conservation District  
and Adoption of the King-Spadina Heritage Conservation District Plan  
Toronto and East York Community Council Meeting, September 6, 2017  
Item TE26.14  
154-158, 166 Pearl Street and 15 Duncan Street ("the Properties")**

We are counsel to CGIV Properties Inc. ("CGIV"), and Soprano Developments Inc., ("Soprano") both are affiliated companies of the Conservatory Group. CGIV has a beneficial ownership interest in 154-158 Pearl Street and Soprano is the owner of 15 Duncan and 166 Pearl Street.

The Properties are directly adjacent to each other and are located within the boundary of the proposed King-Spadina Heritage Conservation District (the "HCD"). The proposed HCD Plan (the "Plan") has identified the Properties as "contributing properties".

On November 11, 2016 and June 21, 2017, we wrote on behalf of our clients to express our concern with the Plan. On behalf of our clients, we also requested notice of all meetings and reports with respect to the Plan. Copies of our earlier correspondence are attached for ease of reference.

It has come to our attention that the proposed designation of the King-Spadina HCD and adoption of the Plan will be considered by Community Council at its meeting on September 6, 2017.

Despite our requests, we did not receive notice that this matter was being considered. As such, we request that Community Council defer consideration of this matter in order to circulate proper public notice.

Should Community Council proceed to consider this matter, it's our view that our clients' concerns that were identified in earlier correspondence remain unaddressed. As a result, our clients continue to object to the designation of the proposed HCD and adoption of the proposed Plan.

As previously requested, please notify the undersigned of any and all meetings and reports with respect to the Plan.

Yours truly,  
**DAVIES HOWE LLP**



John M. Alati

JMA:MK  
encl.:

copy: Chris Borgal, *Goldsmith Borgal & Company Ltd. Architects*  
Michael Goldberg, *Goldberg Group*  
Janice Robinson, *Goldberg Group*  
Clients

June 21, 2017

**By E-Mail Only to [tansonc@toronto.ca](mailto:tansonc@toronto.ca)**

Tamara Anson-Cartwright  
Heritage Preservation Services, Program Manager  
Toronto City Hall  
100 Queen Street West, 17th Floor, East Tower  
Toronto, ON  
M5H 2N2

Dear Ms. Anson-Cartwright:

**Re: Proposed Designation of the King-Spadina Heritage Conservation District  
and Adoption of the King-Spadina Heritage Conservation District Plan  
154-158, 166 Pearl Street and 15 Duncan Street ("the Properties")**

We are counsel to CGIV Properties Inc. ("CGIV"), and Soprano Developments Inc., ("Soprano") both are affiliated companies of the Conservatory Group. CGIV has a beneficial ownership interest in 154-158 Pearl Street and Soprano is the owner of 15 Duncan and 166 Pearl Street.

The Properties are directly adjacent to each other and are located within the boundary of the proposed King-Spadina Heritage Conservation District (the "HCD"). The proposed HCD Plan (the "Plan") has identified the Properties as "contributing properties".

On November 11, 2016 we wrote on behalf of our clients to express our concerns with the draft Plan. A copy of our earlier correspondence is attached for ease of reference.

Our clients and its consultants have had an opportunity to review the Plan and staff's June 14, 2017 report. Based on this review, several of our clients' concerns that were identified in our earlier correspondence have not been addressed. As a result, our clients object to the designation of the proposed HCD and adoption of the proposed Plan.

Please continue to notify the undersigned of any and all meetings and reports with respect to the Plan.

Yours truly,  
**DAVIES HOWE LLP**



John M. Alati

JMA:mk  
encl.:

copy: Chris Borgal, *Goldsmith Borgal & Company Ltd. Architects*  
Michael Goldberg, *Goldberg Group*  
Janice Robinson, *Goldberg Group*  
Clients



Davies  
Howe  
Partners  
LLP

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

Please refer to: **John M. Alati**  
e-mail: [johna@davieshowe.com](mailto:johna@davieshowe.com)  
direct line: 416.263.4509  
File No. 703110

November 11, 2016

**By E-Mail Only to [tansonc@toronto.ca](mailto:tansonc@toronto.ca)**

Tamara Anson-Cartwright  
Heritage Preservation Services, Program Manager  
Toronto City Hall  
100 Queen Street West, 17<sup>th</sup> Floor, East Tower  
Toronto, ON.  
M5H 2N2

Dear Ms. Anson-Cartwright:

**Re: Comments Regarding the Draft King-Spadina Heritage  
Conservation District Plan (the "Plan")  
154-158, 166 Pearl Street and 15 Duncan Street (the  
"Properties")**

We are counsel to CGIV Properties Inc. ("CGIV"), and Soprano Developments Inc., ("Soprano") both are affiliated companies of the Conservatory Group. CGIV has a beneficial ownership interest in 154-158 Pearl Street and Soprano is the owner of 15 Duncan and 166 Pearl Street. The Properties are directly adjacent to each other and are located within the King-Spadina Heritage Conservation District (the "HCD"). The City of Toronto (the "City") has recently released the Plan for public input and comment. The Plan has identified the Properties as ones that "contribute" to the Simcoe/Peter/Richmond West/Adelaide West character sub-area (the "Sub-Area").

Our clients and its consultants have reviewed the draft Plan and object to its adoption in its current form. A properly constituted HCD is one that actively involves property owners and thus far, we do not believe that our clients were appropriately consulted. As such, we wish to provide the following comments with respect to the Plan's contents:

- The Plan unduly restricts the development potential of many properties within the HCD, including our clients', as a result of the proposed changes to the current by-law and policy requirements;
- The Statement of Cultural Heritage and Value does not acknowledge any development, redevelopment or modifications within the HCD that



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occurred after the mid-20<sup>th</sup> century. The Plan appears to isolate the preservation to a specific historical period and ignores ongoing development, which is contrary to the historical evolution of the HCD;

- The HCD is too large in scope and should be divided into 8 individual districts to ensure that a blanket approach is not being applied to a diverse area. As it stands, our clients' properties would be governed by policies which are not specific to, nor take into account, the unique characteristics of the Sub-Area within which they are located;
- The Plan appears to make intensification nearly impossible within the HCD, even on non-contributing properties, which is contrary to the Provincial Policy Statement;
- Various sections of the Plan suggest that floor plate sizes are an important attribute of the HCD. A broad application of these sections could restrict the size and nature of any proposed development within the HCD;
- Section 2.4 of the Plan requires a 3 metre setback for portions of a building exceeding a 20 metre street wall height and prohibits construction above a heritage building. These provisions unduly restrict creative design within the HCD;
- Objectives 3, 4, and 5 of Section 3.0 of the Plan not only strengthen the current status of properties within the HCD, but Objective 4 also directs property owners to "enhance" contributing properties, which is contradictory and unduly restrictive on future development;
- Section 4.3 lists the height of contributing properties as 2-12 storeys. While this is generally correct, heights also vary across sub-areas and this should not be used as a means of blanket control over the entire HCD. Section 4.3 also does not clearly differentiate between vistas and views;
- Policy 6.3.3 discourages intensification in that it requires historic lot lines to be referenced in determining appropriate setbacks and stepbacks;
- Policies contained in Section 6.4 are unduly restrictive in that they prohibit the disassembly and reassembly of heritage properties. Dependent on the



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situation, disassembly and reassembly of properties or portions of them may be an appropriate approach and response to responsible preservation;

- Policy 6.7.1 requires that upgrades to a contributing property must conserve the cultural heritage value and integrity of the property, while ensuring compliance with current codes and standards pertaining to health, safety, security, accessibility and sustainability. Compliance with this policy is impractical and in many cases, may be impossible;
- Policies contained in Section 6.8 require that when undertaking a restoration project on a contributing property, building features from the period to which a building is being restored that have been removed or damaged, should be re-instated. This policy does not acknowledge or account for the body of opinion which suggests that changes over time should be incorporated, rather than requiring that restoration be tied to a specific historic period. This is particularly problematic and of concern for our clients' properties as these properties were the subject of numerous modifications and renovations during their existence;
- Policy 6.10.2 is unduly onerous and burdensome as it requires additions to be complementary with the scale, height, massing and form of adjacent contributing properties. Policy 6.10.5 suggests that adjacent contributing properties can include those that are across the street. This is too broad and general a policy framework;
- Policies 6.10.7 through to 6.10.11 impose excessive setback requirements on properties facing streets, public and private lanes and elevate the importance of public lanes in some instances to a level which is too prominent given the nature and character of the lane;
- The policies and guidelines contained in section 6.11 related to roofs are unduly restrictive and cost prohibitive for those property owners who are desirous of simply maintaining the structural and functional integrity of a roof. This policy, in conjunction with a prohibition on building over heritage properties, would preclude any vertical additions to a heritage property.

For the reasons noted above, we object to the adoption of the Plan in its current form.



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Please notify the undersigned of any and all meetings, including open house, public, Council and committee meetings, reports and background reports with respect to the Plan.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

*per:* John M. Alati

JMA:mk

copy: Chris Borgal, *Goldsmith Borgal & Company Ltd. Architects*  
Michael Goldberg, *Goldberg Group*  
Janice Robinson, *Goldberg Group*  
Clients