

1 September 2017

Sent via E-mail

City of Toronto
Toronto and East York Community Council
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Councillors:

**Re: Applications for Amendment to Official Plan and Zoning By-law
Oben Flats Sherbourne Inc.
307 Sherbourne Street, Toronto
City Files 15 147462 STE 28 OZ and 17 144959 STE 28 OZ**

We are the solicitors for 2074051 Ontario Ltd., the owner of the property municipally known as 201 Gerrard Street East (the "Property"). The principals of the company are Mr. Bruce Fowler and Mr. Gordon Henderson.

We are writing to advise the Toronto and East York Community Council of our client's objection to the applications by Oben Flats Sherbourne GP Inc. ("Oben Flats") to amend the Official Plan and the Zoning By-law to permit the proposed development at 307 Sherbourne Street (the "Oben Development" and the "Oben Site"). The Property abuts the Oben Site to the east.

Our client has also retained Mr. Robert Glover, a planner and urban designer, to assist in evaluating the impact of the Oben Development on the Property.

Background

The Property is located on the south side of Gerrard Street East, just east of Sherbourne Street. The Property contains a late 19th century semi-detached building which is used as a recording studio on the first floor and residential uses on the second and third floors. The main entrance to the building is on the west side of the Property close to and facing the westerly property line it shares with the Oben Site (see attached photo). The main entrance has always been in this location.

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At the City's initiative, in July 2016 the Property and the adjacent property at 203 Gerrard Street East were included on the City's Heritage Register.

The proposed Oben Development is a 14 storey residential tower with 93 residential units. The east wall of the Oben Development is proposed to be set back a mere 1.2 metres from the lot line abutting the Property.

The Issues

The Oben Development all but ignores the interface between the Oben Site and the Property. See attached north elevation showing the relationship between the Oben Site and the Property. The Oben Development is much too close to the main entrance of our client's building. In addition, the Oben Development treats the interface between the two properties as a side wall condition, which it is not. It is important that any development on the Oben Site appropriately addresses its relationship to our client's building.

A brief summary of the key planning and design issues are set out below.

- The separation between the Oben Development and the Property is not sufficient, particularly when the wall of the Oben Development faces the main entrance at the side of the building on the Property. The commonly used minimum distance separation of 5.5 m between building side walls, in which one has windows, should be required. This standard appears in both the City's Mid-Rise Guidelines and the CR zoning category, which applies to both the Property and the Oben Site.
- New windows have been introduced on the east side of the podium in the revised Oben Development. These result in privacy issues and should be removed.
- No detail has been provided regarding the proposed treatment of the area on the east side of the podium in the Oben Development which faces the front door of the building on the Property. This area should be sensitively landscaped in recognition of the fact that it faces the main entrance to the building on the Property.
- Similarly, the materials used on the east wall of the podium of the Oben Development must be carefully designed in order to reduce the impact to the Property. This is particularly important given that it faces the main entrance to the building on the Property.

For the reasons set out above and in our previous correspondence, our client continues to object to the Oben Development.

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The Process

Despite our attempts, Oben Flats has ignored the attempts of our client and its consultant to discuss its issues regarding the interface between the properties.

As early as January 2016 both Mr. Fowler and Mr. Henderson attended the community meeting for the Oben Development. At that time they advised the City planning representatives in attendance and the representatives of Oben Flats of their concerns regarding the significant impact of the proposed Oben Development on the Property.

On 22 January 2016, immediately following the community meeting, Mr. Fowler invited the representative of Oben Flats and its architect to attend on site with him to discuss the Oben Development and its interface with the Property. Oben Flats did not respond to this invitation.

On 18 October 2016, our clients, Mr. Glover and the writer met with City staff to advise that the Oben Development does not adequately address the interface between the Property and the Oben Site. City Planning Staff suggested that we meet with Oben Flats directly. However, commencing in July 2016, our client's planner Mr. Glover has made numerous attempts to meet with the planner for Oben Flats to discuss its issues regarding the Oben Development. Mr. Glover has continued to make these overtures to Oben Flats, but they have been all but ignored and a meeting has never taken place.

In addition, on 3 May 2017 the writer contacted counsel for Oben Flats, Kim Kovar, and requested a meeting to discuss the development. Ms. Kovar advised that someone would contact Mr. Glover to discuss the issues. However, as noted above, despite our requests, no such discussion has taken place.

The refusal of Oben Flats to address or even discuss the issues of an adjacent property owner is patently unreasonable.

Request

We request that the Toronto and East York Community Council accept the recommendation of City



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Planning Staff not to approve the Oben applications and to ensure that our client's issues are appropriate addressed in the Oben Development.

Yours very truly,

Wood Bull LLP

A handwritten signature in blue ink that reads "Mary Bull". The signature is written in a cursive, flowing style.

Mary Bull

Certified Specialist (Municipal Law: Land Use Planning and Development)

- c. Derek Waltho, Planner, Downtown Section, Community Planning
Tom Davidson, Senior Advisor, Planning & Projects, Councillor's Office, Ward 28
Sharon Haniford, counsel, City of Toronto
clients
Robert Glover, Bousfields Inc.
Kim Kovar, counsel for Oben Flats

Attachments

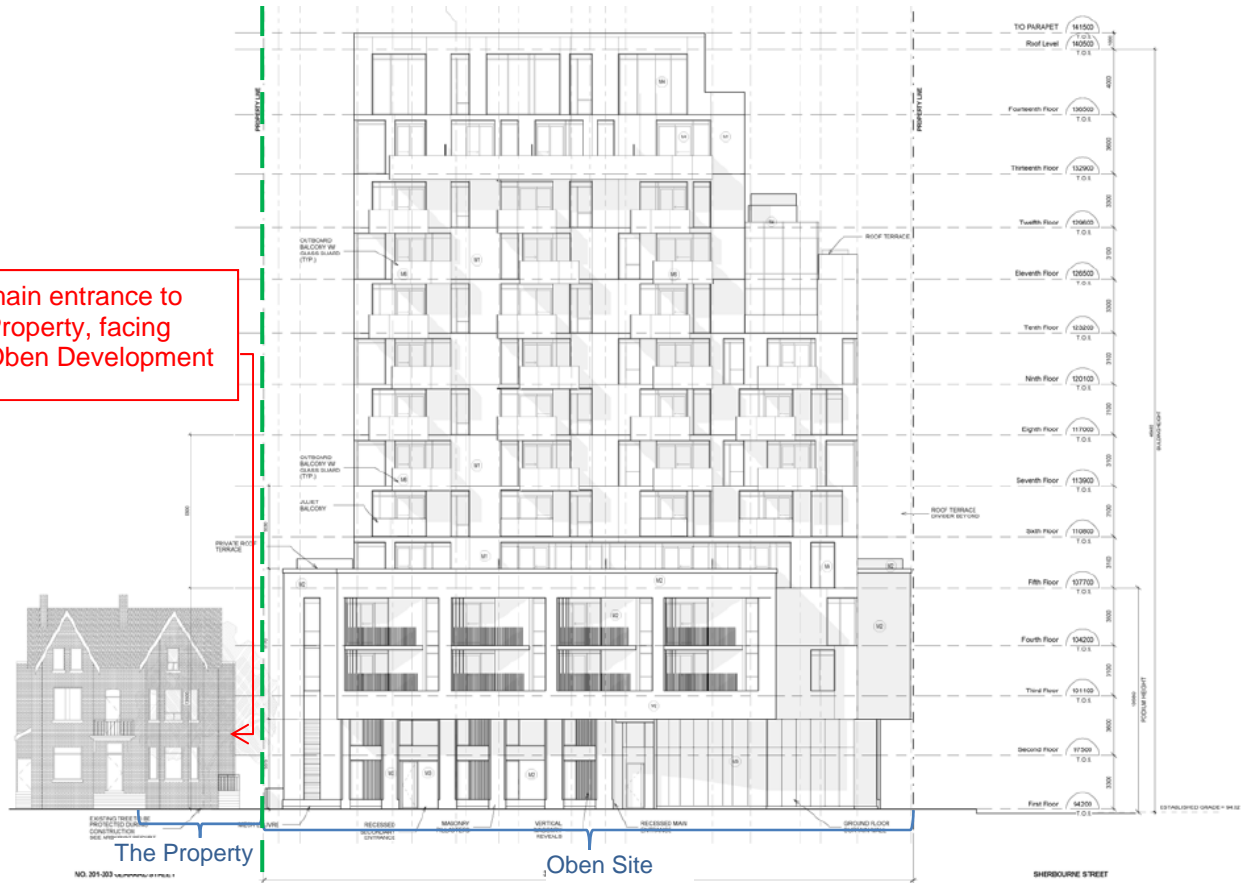
Photo showing main entrance of Property



Image capture: May 2016 © 2017 Google Canada

property line between
the Property and
Oben Site

main entrance to
Property, facing
Oben Development



North Elevation
Applicant's Submitted Drawing

Not to Scale
06/05/2017

307 Sherbourne Street

File # 15 147462 STE 28 0Z