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September 5, 2017

Our File No. 117467

BY EMAIL

Toronto and East York Community Council
 City Clerk's Office
 2nd Floor, West Tower
 100 Queen Street West
 Toronto, ON M5H 2N2

Attention: Ellen Devlin, Committee Administrator

Dear Community Council Members:

**Re: TEYCC Agenda Item TE26.14
 Objection to the Designation of the King-Spadina Heritage Conservation
 District under Part V of the Ontario Heritage Act
 212 and 214 King Street West**

Aird & Berlis LLP acts for 214 King Holdings Limited, the owner of 214 King Street West, and Dundal 212 King (GP) Inc., the owner of 212 King Street West (the "subject properties"). The subject properties are identified as "contributing" in Schedule C of the King-Spadina Heritage Conservation District (the "HCD") draft plan (the "Plan") and both properties are currently designated under Part IV of the *Ontario Heritage Act*.

In addition to the concerns expressed in the general letter dated today and filed on behalf of our larger group of clients, 214 King Holdings Limited and Dundal 212 King (GP) Inc. have particular concerns about the lack of information contained in the draft Plan's statements of contribution relating to the subject properties. The draft Plan provides no details about the heritage value of the properties other than that they provide "design" and "contextual" value. Such information provides no basis to use the Plan as a tool for evaluating the appropriateness of future additions or alterations to the properties. This challenge is compounded by the overly broad "heritage attributes" of the HCD as a whole that are set out in section 4.3 of the draft Plan, such as the purported "heritage attribute" that buildings classified as part of the Commercial Building Typology range from 2 to 12 storeys.

Our clients object to the overly restrictive policies of the draft HCD Plan, which they are concerned will prevent appropriate change within the district through a diversity of built form. As drafted, the draft Plan's overly restrictive policies and guidelines appear to contradict the intent of the guidelines. For example, policies such as policy 6.11.8, which requires additions to contributing properties to be designed to maintain the primary horizontal and vertical articulation of the primary structure, mandate an imitative approach to design and appear to contradict Objective 12 which encourages "high quality architecture that is of its time." In another case, Objective 16 seeks to support the adaptive reuse of contributing properties, yet the policies and guidelines for alterations place heavy obligations and financial pressure on the owners of these properties, such as requiring the retention of attributes as detailed as window hardware.

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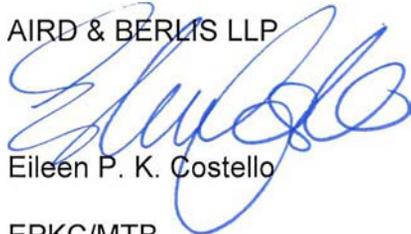
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Finally, our clients note that the King-Spadina area is currently designated as *Regeneration Areas* in the City's Official Plan. This designation has provided for a broad mix of uses, including residential uses, and has always been intended to receive a large portion of future urban growth. The policies in the in-force Secondary Plan encourage the adaptive reuse of buildings in the area. As drafted, the draft King-Spadina HCD Plan fails to provide an appropriate framework in which the cultural heritage of King-Spadina can be recognized and conserved while the area also fulfils its current and planned role in a growing and diverse City.

Based on the foregoing, on behalf of our clients, we ask that Community Council not accept the staff recommendation to adopt the draft HCD Plan. Instead, we ask that Community Council direct staff to undertake meaningful consultation with property owners in the area and report back on the consultations and any resulting changes at the first TEYCC meeting of 2018.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/MTB

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