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September 6, 2017
File No.: 136696.1001

By E-mail
teycc@toronto.ca

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

Attention: Ms. Ellen Devlin

Dear Sirs/Mesdames:

Re: TE26.14 - Designation of the King-Spadina Heritage Conservation District
under Part V of the Ontario Heritage Act
401-415 King Street West

We are counsel to 1107051 Ontario Ltd. and Cabo Three Investments Inc. (the "**Client**"), the owners of the properties municipally known in the City of Toronto as 401-415 King Street West (the "**Property**"). The Property is located within the proposed King-Spadina Heritage Conservation District.

Our Client has reviewed the draft King-Spadina Heritage Conservation District Plan, and in particular, the draft plan dated June 2017 (the "**Draft HCD Plan**"), which is included as Attachment 5 to the Report for Action from the Chief Planner and Executive Director, City Planning, dated June 14, 2017.

Our Client has several concerns regarding the Draft HCD Plan, including concerns that the policies and guidelines of the Draft HCD Plan impose overly prescriptive built form requirements for development. Such unduly restrictive requirements are inappropriate for a high-level policy document like the Draft HCD Plan, which does not contain a mechanism for amendment or appeal once the HCD Plan is in effect.

Our Client is also concerned that the Draft HCD Plan does not contain transition policies to deal with developments that have already secured zoning approvals, but for which demolition or building permits have yet to be issued. As a result, it is possible that even though an owner has already obtained zoning approvals for a proposed development, the City may, following the adoption of the Draft HCD Plan, refuse the issuance of a heritage permit for demolition or construction, notwithstanding the zoning approvals already secured for the development.

This concern is especially pertinent to our Client's Zoning By-law Amendment application, which was approved in principle by the Ontario Municipal Board by the Board's decision issued March 1, 2017 (OMB Case No. PL151158). The Board's approval was premised upon a Council-endorsed settlement of our Client's proposal for a mixed-use building on the Property. Our Client is concerned that the Draft HCD Plan will impose inappropriate restrictions on the development of the Property that are inconsistent with the settlement and the Board's approval. The Draft HCD Plan should not be used to undermine prior approvals that have been negotiated in good faith with the City and adjudicated before the Ontario Municipal Board. For this reason, to address the situation described above, we respectfully request that:

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(1) the Draft HCD Plan be revised to include sufficient transition provisions; (2) the Draft HCD Plan be revised to include sufficient provisions for site-specific policies and amendments to the Draft HCD Plan; or (3) that the Property be excluded from the Draft HCD Plan. We are happy to explore these possible solutions with City staff, and we strongly urge the Toronto and East York Community Council not to accept the staff recommendations to designate and adopt the Draft HCD Plan until meaningful consultation is undertaken by City staff to address these concerns.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the proposed designation of the King-Spadina Heritage Conservation District and the adoption of the Heritage Conservation District Plan will be considered, and any notice of Council's decision with respect thereto.

If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,

Calvin Lantz

CL/jsc
cc.   Clients