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May 1, 2018

Delivered by Email (teycc@toronto.ca)

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

Attention:

Ellen Devlin, Committee Administrator

Dear Ms. Devlin:

Re:

Letter of Objection - TEYCC Agenda Item TE32.20

18-32 Eastern Avenue, 1 Gilead Place and 2 Sackville Street - Official

Plan and Zoning By-law Amendment Applications

Request for Direction Report (Ward 28) City File No. 16 216777 STE 28 OZ

Toronto and East York Community Council meeting on May 2, 2018

We are the solicitors for York Condominium Corp. 389 ("YCC 389"), Catherine Bray and Alan Potts. YCC 389 is the condominium corporation for the property municipally known as 465 King Street East in the City of Toronto ("465 King"). Ms. Bray and Mr. Potts are owners of Unit 20 at 465 King, the southernmost unit in the building. 465 King is located immediately north of the proposed development at 18-32 Eastern Avenue, 1 Gilead Place and 2 Sackville Street (the "Subject Property").

On behalf of our clients, we object to the development of the Subject Property as proposed by Alterra-Finer Corktown Ltd. ("Alterra"). The purpose of this letter is to describe the impacts of the proposed development on not only 465 King but the Corktown neighbourhood.

Impacts of Proposed Development on Corktown Neighbourhood

465 King is one of many low-rise buildings in the Corktown neighbourhood. This area is distinctive for its small scale development, row-style housing and historic heritage buildings (such as the Enoch Turner Schoolhouse, Little Trinity Church and historical two and three-storey buildings on King Street and smaller streets). Many of the smaller streets in this neighbourhood, including Trinity Street and Sackville Street, have restricted one-way access. It is an area suitable for gradual change that respects the unique character of Corktown. These values are enshrined in the City's own planning documents, including the King-Parliament Secondary Plan.

1) Corktown Should Remain Stable as Regeneration Areas are Designated for Growth

The King-Parliament Secondary Plan represents the City's long-term planning vision for this area. It has been in place since 2006. It sets prescriptive policy directions for areas that are not suitable for growth and areas where growth is to be directed:

- The Subject Property is designated *Mixed Use Area* 'A' (Corktown). This is an area that is not suitable for growth. It is generally bounded by Eastern Avenue to the south, Power Street to the west, St. Lawrence Street to the east and Queen Street East to the north.
- The Corktown area is also identified as an "Area of Special Identity." There are specific urban design policies that apply to new development in Corktown to ensure that it respects the historical and urban design significance of the area. These design policies do not permit tall buildings.
- The Secondary Plan describes the Corktown neighbourhood to have a "small scale, fine grained and unique physical form." It is intended to be protected as "a stable area where only gradual change, primarily through infill redevelopment which maintains the existing physical character of the area will be permitted."
- In contrast, areas designated *Regeneration Areas* in the Secondary Plan are areas that are "targeted for significant growth." The lands south of Eastern Avenue are designated *Regeneration Area* 'B'. The lands west of Power Street are also generally designated *Regeneration Area* 'A'. Both of these areas would better suit the proposed development.

Attachment 1 includes the Land Use Plan from the Secondary Plan. Attachment 2 includes an extract from the King-Parliament Urban Design Guidelines. Attachment 3 includes policies from the Secondary Plan that underscore the distinction between *Mixed Use Area* 'A' and *Regeneration Areas* 'A' and 'B'.

2) Introducing New Tall Buildings Is Not Appropriate in Corktown

Alterra proposes to introduce a completely different type of built form to Corktown. At a height of 45.6 metres (including the mechanical penthouse), this proposal even offends the City's Mid-Rise Building Guidelines and is almost twice the height of the 20 metre right-of-way on Eastern Avenue. The Mid-Rise Building Guidelines are intended to assess proposals located along designated Avenues, which are areas in the City's Official Plan where growth is to be directed. In contrast, Eastern Avenue has no special status in the City's Official Plan. This is consistent with the fact that Corktown is not meant for significant growth or development.

The City's planning report admits that "by definition this is a tall building proposal" and that the Tall Building Guidelines apply to the Subject Property. Alterra's planning consultant did not consider the Tall Building Guidelines in its planning report. There is no opinion or analysis from the proponent as to whether the proposal complies with the Tall Building Guidelines.

As noted in the City's staff report dated March 27, 2013 regarding updates to the Tall Building Guidelines, "the need to consider and respond to the existing context has also been strengthened throughout the Guidelines to reinforce that <u>simply meeting minimum guideline standards is not always enough to fit appropriately within a surrounding area</u>." The fact that the 45 degree angle plane is met is but a minimum standard and does not support a tall building.

There are numerous parcels in Corktown aside from the Subject Property that may be considered suitable development sites. If the City supports the proposed development at 12 storeys, it is likely that it will be setting the "ground floor" for future development in this neighbourhood. Introducing tall buildings to an area designated for small scale development and described as a stable neighbourhood would be contrary to the policies of the Secondary Plan.

3) Corktown is Already Underserved by Street Parking

Corktown residents, including those residing at 465 King, are already suffering from a significant deficit in street parking. Part of the reason for this deficit is the condominium at 90 Trinity Street that was approved in 2008 on the express understanding no parking permits would be issued to its residents or businesses. After 90 Trinity was occupied, the City issued parking permits. The Corktown neighbourhood experienced a significant parking shortage, both day and night, resulting from parking overflow from the condominium, which only provided 36 parking spaces for 61 units (0.59 parking spaces per residential unit). This was a mistake that the Corktown residents had to live with for almost a decade.

By comparison, Alterra proposes to introduce an additional 331 units with only 91 residential parking spaces (0.30 parking spaces per residential unit). This almost triples the total number of existing residential and commercial units in the surrounding area. Without sufficient parking, and without any restrictions for future residents to apply for street parking permits, the proposed development would only add further strain to an already underserviced area.

4) Concerns Raised by Residents Mirror Secondary Plan Development Criteria

The concerns raised by our clients and echoed by the residents are not new. They are the very same concerns expressed by the City in its Secondary Plan to ensure that any new residential development in the Corktown area arising from an industrial conversion will be compatible with the unique character of this area.

Section 9.2 of the Secondary Plan states that a change of use from industrial to residential or live/work uses is permitted provided that:

- a) in the case of the erection and use of a new building, the building does not exceed the height limit (in this case, 12 metres as permitted by Zoning By-law 438-86);
- b) in the case of new buildings, the design, massing and scale of the proposal is consistent with and reinforces the physical character of the area, including its heritage character; and
- c) the amount of parking and loading and their siting is satisfactory.

This is exactly the case put before Community Council. Alterra purchased an industrial-zoned large lot and proposes to convert it into a tall residential building. Over 120 concerned residents and business owners in the immediate area have signed a petition opposing the development. From the perspective of our clients and the community, issues of height, massing, scale and parking have not been adequately addressed in Alterra's proposal to protect the unique character of Corktown.

Impacts of Proposed Development on 465 King

As the property immediately north of the proposed development, 465 King is subject to numerous impacts arising from the development. These impacts include:

- 1. Light pollution from a new 12-storey tall building;
- 2. Shadow impacts that start as early as 9 am and result in a loss of 3 to 4 hours of sunlight a day. The neighbourhood park will have shadow all morning in the winter. It will also cast new shadows on Inglenook Community School yard between 2pm to 6pm;
- 3. Privacy concerns as there are large skylights, windows and decks on 465 King, some of which lead into private bathrooms, bedrooms and sunrooms;
- 4. Traffic impacts arising from more vehicles on restricted access streets that already suffer from a shortage of street parking; and
- 5. Noise from garbage trucks servicing the new development which have not been adequately assessed as to their impacts on 465 King.

The above impacts have not been adequately considered or addressed. There are no provisions in staff's recommendations that require the proponent to install privacy screens, use opaque fencing/railings, or otherwise limit outdoor amenity space uses at the north elevation to ensure that overlook will not be an issue to residents at 465 King. There are no restrictions on title to ensure that new residents will not be issued street parking permits, as was promised to our clients at multiple meetings with City staff. The traffic report has not been updated since 2016, yet there has been significant increase in population in the surrounding area (West Don Lands and Canary District) and the King Street Pilot project has changed traffic patterns. No noise study has been submitted by the applicant despite repeated concerns raised with respect to loading and garbage disposal operations and outdoor amenity areas.

Conclusions and Requested Action

Alterra purchased a property that was never meant to support development at the scale it is now proposing. It could have purchased a property in a Regeneration Area. It decided not to and instead took the risk of buying in an area that is designated for small scale and gradual development. It should not be permitted to introduce a new tall building in a stable neighbourhood, especially when the City has already decided in its Secondary Plan where growth is permitted and where it is not.

My clients remain committed to working with Alterra and the City to satisfactorily address their concerns with respect to the proposed development. However, it is our respectful opinion that staff's recommendations directly contradict the intent of the Secondary Plan for the reasons set out above. Allowing the proposed development to go forward would set a dangerous precedent for tall buildings that will erode the character of Corktown and undermine the very policies that the City is meant to uphold.

Accordingly, we request that the Toronto and East York Community Council <u>refuse</u> City Planning Staff's recommendations at this time and put forth a revised motion recommending that:

City Council authorize staff to attend at the Local Planning Appeal Tribunal in opposition of the revised proposal at 18-32 Eastern Avenue, 1 Gilead Place and 2 Sackville Street until such time as the outstanding issues including height, massing, privacy, shadow impacts, traffic, parking and noise are addressed to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the residents of Corktown including those of York Condominium Corp. 389.

In the alternative, should Community Council decide to support the application notwithstanding our submissions, we request that the following conditions be added under Recommendation 1:

- e) the owner agrees to placing a restrictive covenant on title to ensure that new street parking permits are not issued to new residents of the development;
- f) the owner agrees that for balconies, terraces and outdoor amenity areas facing north, a combination of privacy screens, opaque fencing/railings and/or restrictions on use of outdoor amenity areas will be required as a condition of development to ensure that privacy concerns for residents immediately north of the development are appropriately addressed; and
- g) the owner agrees to conducting a Noise Assessment Study to assess the impacts of the garbage truck operations on adjacent development and implement the recommendations of the Noise Assessment Study.

We will be in attendance at the Community Council meeting tomorrow to respond to any questions Council may have and reserve our rights to make additional comments as the process advances.

Yours very truly,

BORDEN LADNER GERVAIS LLP

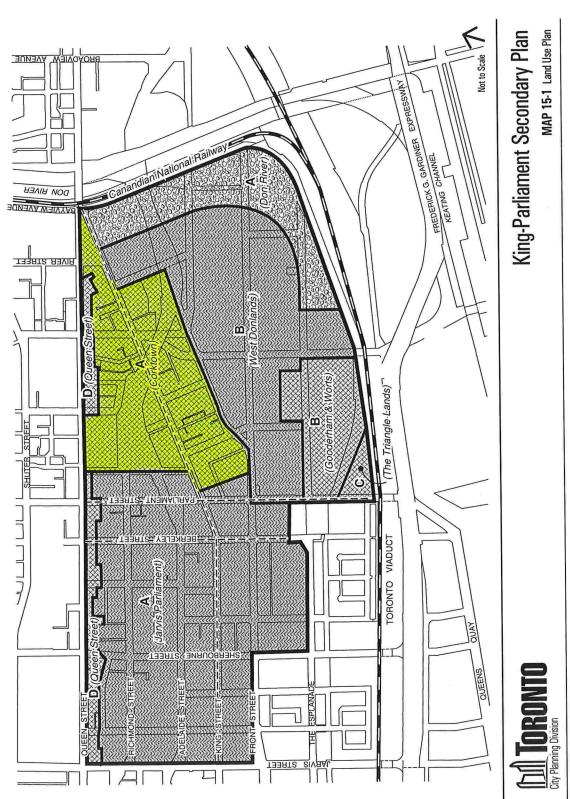
Isaac Tang

IT/cm

/Encl.

Cc:

Clients Councillor Lucy Troisi



MAP 15-1 Land Use Plan King-Parliament Secondary Plan

Secondary Plan Boundary

--- Special Streets

Mixed Use Areas

Regeneration Areas

স্থিতীত Parks and Open Space Areas

KING-PARLIAMENT

General Site Plan Issues

New development will respect the historical and urban design significance of the area.

New buildings will reinforce the scale and continuity of street wall enclosure along the street.

■ The Corktown Mixed Use Area

Corktown is situated south-east of Queen and Parliament Streets to the Don River, as shown on Map A.

Important Characteristics

Corktown was first occupied by working class Irish immigrants in the early 1800's. The neighbourhood contains some of the original buildings: Little Trinity Church (1843), Enoch Turner School House (1848) and certain cottages and row houses which were occupied by factory workers. Today, the building pattern is based on the traditional residential pattern and scale of the area.

The physical form of Corktown has changed through the years. East of Parliament Street, the street and block pattern is now irregular, created by the convergence of Queen and King Streets before bridging the Don Valley, and the alignment of King Street East to Kingston Road undertaken when the Old Town of York was established. The major alteration to the original street pattern has been to Adelaide and Richmond Streets which have been made continuous by new flyover ramps and bridges through Corktown to the Don Valley Parkway. The impact on Corktown's original street pattern has been that many of the local streets and blocks have been eliminated or broken into dead-ends.

General Site Plan Issue

New development will respect the historical and urban design significance of the area.

Height and Massing

New residential dwellings will be houseform in character with attention to peaks, roof lines and fenestration which is consistent with buildings in the neighbourhood.

Streetscape

New or infill developments will provide landscape plans containing a majority of soft rather than hard materials.

Special Streets

Parliament Street

Parliament Street is an historic north-south street that commences at the Harbour, adjacent to the mouth of the Don River and extends to the Rosedale ravine at Bloor Street East. It is named for the fact that, until burned for a second time during the War of 1812-14, the first legislative building of Upper Canada was located at the southwest corner of Front and Parliament Streets.

Important Characteristics

South of Queen Street to the rail corridor, Parliament Street is the seam between Corktown and the Gooderham and Worts Special Identity Area and the St. Lawrence Neighbourhood. The major urban design objectives along Parliament Street are the preservation, enhancement and reuse of the heritage industrial buildings; the creation of new buildings along the street edge consistent in general character and scale with the heritage industrial buildings; and the creation of a streetscape commensurate with the importance of Parliament Street, as shown on Map B. The general character and scale of these buildings is considered an appropriate urban design precedent for the redevelopment of the street.

Parliament Street contains the following Heritage

buildings:
Gooderham and 55 and 60 Mill Street

Worts Distillery

296 Front Street East

Consumers Gas Purifying House

Factory Building 334-344 King Street East

Berkeley Street

Berkeley Street is an historic street which extends north from the Esplanade to Queen Street East. It was originally the most easterly north-south street in the ten original blocks of the Old Town of York, as shown on Map A.

Important Characteristics

Between King Street and Queen Street East, Berkeley Street has a strong and generally continuous smallscale and low-rise residential fabric dating from the mid-19th century, including a historic fire hall and

Attachment 3: Comparison of Mixed Use Areas with Regeneration Areas

	Mixed Use Area 'A'	Regeneration Area 'A'	Regeneration Area 'B'
Name	Corktown	Jarvis-Parliament	West Don Lands
Major Objectives	The Corktown neighbourhood has a small scale, fine grained and unique physical form. It is a stable area where only gradual change, primarily through infill redevelopment which maintains the existing physical character of the area will be permitted. Section 2.8(b)	The portion of King-Parliament west of Power Street will be viewed as a Regeneration Area for a wide variety of land uses including commercial, retail, entertainment, compatible industrial development, live/work and residential land uses within both existing and new buildings	The West Don Lands Regeneration Area is an area which requires reintegration with the structure of the City in a manner that reinforces the urban form of the surrounding areas, for a wide range of uses including commercial, residential, institutional, entertainment and light industrial development. Section 2.8(c)
Applicable Policies	Mixed Use Area 'A' (Corktown) as shown on Map 15-1 is regarded as a unique, small scale, fine grained community consisting generally of small properties, including several heritage buildings. The area will be considered stable and gradual change is encouraged. New development will consist primarily of small scale infill development and building conversions that are sensitive to	Regeneration Area 'A' (Jarvis-Parliament) as shown on Map 15-1, will be regarded as an area targeted for significant growth, having a mix of compatible land uses including commercial, industrial, institutional, residential, live/work and entertainment uses within new buildings and existing ones, including the numerous historically and architecturally significant buildings in the area	Regeneration Area 'B' as shown on Map 15-1 consists of large tracts of vacant or underutilized former industrial lands which are generally isolated from other parts of the City. These lands will be redeveloped in a manner that reintegrates the area back into the physical structure of the City and builds upon the positive features of the area and adjacent areas, particularly the Gooderham & Worts Area and the recreational and open space potential of the Don River