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November 12, 2019

Delivered by Email

Ulli S. Watkiss, City Clerk
City of Toronto
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Ms. Watkiss

**Re: City-Initiated Priority Retail Streets Zoning By-law Amendment
Planning and Housing Committee Item PH10.1
507 King Street East, Toronto**

We represent Hullmark East Room (507 King East) LP (“Hullmark”) and assist them with planning matters related to their property holdings. Hullmark is the owner of the property municipally known as 507 King Street East and 10 Virgin Place (the “Subject Property”). The Subject Property is generally bound by Sackville Street to the west, Virgin Place to the south, Sumach Street and the Adelaide Street East ramp to the east and King Street East to the north.

The Subject Property is currently improved by an ‘L’ shaped 3.5 storey brick warehouse buildings converted to offices and a surface parking area. The building’s primary entrance is from King Street East, while vehicular access is provided via Virgin Place and via King Street East to the east of the building.

The Subject Property is within an area that would be subject to the City-Initiated Priority Retail Streets Zoning By-law Amendments (“Proposed By-law Amendments”)

On behalf of our client, we write to share our thoughts, questions and concerns with respect to the Proposed By-law Amendments.

The Proposed By-law Amendments are Premature

Hullmark has an interest in planning related matters as they may affect the Subject Property. Hullmark has been actively involved in the King-Parliament Secondary Plan review process, currently under way. The Staff Report related to this matter, dated October 28, 2019 states that applicable secondary plans were considered and that “in the opinion of City Planning Staff, the recommended Priority Retail and Streets zoning by-law amendments conforms to ... the relevant Secondary Plans...” Hullmark has a keen understanding of the planning framework applicable to this area and suggests that the Proposed By-law Amendments are premature given that Secondary Plans are actively being devised for areas that the Proposed By-law Amendments encompass.

Secondary Plan documents should be completed prior to Zoning By-law considerations being implemented.

The Proposed By-law Amendments have Inconsistencies

The applicability of zone categories under each Proposed By-law Amendment are inconsistent. Under Zoning By-law 569-2013 it is specifically noted that the regulations apply to lots in the District 'A' Priority Retail Streets in the CR, CRE, I or IH zone, whereas under Zoning By-law 438-86, exemptions 12(2)259 applies to any lot adjoining a street designated as a priority retail street, regardless of zone category.

More importantly there are inconsistencies with the permitted *street related retail and service uses* identified under Zoning By-law 438-86 and the list of uses specified under section 600.20.10(1)(A) of 569-2013; namely 'office' uses.

The Proposed By-law Amendments are Onerous

The following provisions are overly restrictive and do not allow for the required flexibility that comes with unique sites or extenuating development circumstances. The existing condition, facade and building layout, as well as its siting may not be conducive to, or allow for the requirements set out in the Proposed By-law Amendments. For these reasons Hullmark objects to the following regulations in both Proposed By-law Amendments:

- The 60% lot frontage use requirement.
- The 15.0 metre lot frontage use restriction.
- The main pedestrian entrance specifications.
- The 60% windows and doors requirement and the exemption to such provision only applying to listed or designated heritage sites.

The Proposed By-law Amendments are Unfair

The Subject Property is currently zoned 'I' Industrial under Zoning By-law 438-86 and is in a "hole" under Zoning By-law 569-2013 (therefore not applicable). Fundamentally the same zoning regulations/standards for a 'CR' Commercial Residential zoned property should not apply equally to an 'I' Industrial zoned property.

The Subject Property and its location are vastly different than other areas across the City, identified or, being identified as Priority Retail Streets. A one-size-fits all approach to retail type requirements on vast expanses of streets, across the City does not, and cannot appropriately assess the market demands for retail type frontages in all parts of the City. King Street East is very different than King Street West, yet both have the same *street related retail and service use* requirements under this proposal. The neighbourhood context and market needs ought to dictate what the retail demands are in any given instance. The regulations contained in the Proposed By-law Amendments are onerous and do not consider differing market demands, foot traffic, contextual situations such as encumbrances, adjacencies, or even grade differentials, and are therefore inappropriate to be applied in this blanket manner and could have negative impacts on a revitalizing area such as King East. We note that the Growth Plan for the Greater Golden Horseshoe 2019 calls for

employment intensification in urban growth centres. The Proposed By-law Amendments could have the effect of discourage employment uses.

Transition

Our client has an active Minor Variance Application before the City of Toronto's Committee of Adjustment. There are no transition provisions specified as part of these Proposed By-law Amendments. The subject minor variance application seeks to permit office uses, facilitate a rooftop addition, and recognize existing deficiencies in terms of parking and loading. A preliminary planning review was prepared by the City and forms the basis for the requested variance. Any changes to the Zoning By-law requirements should not apply to an active planning application as per the clergy principal and would result in inconsistencies / vagueness. Any further minor variance requirement or delay to Hullmarks current application would unduly prejudice Hullmark's planed enhancements to the Subject Property.

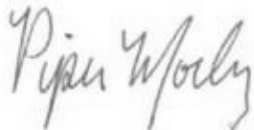
Conclusion

We respectfully submit this letter for your consideration in advance of the Planning and Housing Committee meeting on November 13, 2019 and request that this matter be referred back to City Staff for further consideration. We welcome a dialogue with the City regarding this matter.

Please ensure we are added to your circulation list regarding all items related to this matter going forward.

Yours very truly,

BORDEN LADNER GERVAIS LLP



Piper Morley / Adam Shipowick
PM:AS

cc: Building Department
Client

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