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July 15, 2020

BY EMAIL

Our File No. 154015

Toronto and East York Community Council
Toronto City Hall, 2nd Floor
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Attention: Ellen Devlin

Dear Chair Members of the Toronto and East York Community Council:

**Re: Item 2020.TE16.9, 1071 King Street West - Zoning By-law Amendment
Application - Request for Direction Report**

Aird & Berlis LLP acts on behalf of Hullmark (1071 King West) LP (“Hullmark”) in the above-noted matter.

Following the filing of the original rezoning application and appeal for this site, our client assumed carriage of this property in 2019 and immediately began working with City staff to seek an opportunity to achieve a resolution of the application which had been appealed to the OMB (now LPAT) by the prior owner. As noted in the above-referenced staff report, these conversations culminated in the submission of revised plans in February of this year with a modified version for the 14 storey mixed use building on the site, featuring a unique flat iron design.

Our client has undertaken, with the input and direction of City staff, important amendments to the original application including the introduction of rental apartment units, an improved layout to optimize ground floor uses, a reduction vehicle parking on the site as well as the provision of on-site public parkland including a new park and a future connection to the West Toronto Rail Path which will be extended along the south side of the site.

Our client believes that the proposed amendments, including the provision of 20% of the residential units being provided as 2 bedroom units, a minimum of 10% of residential units makes a meaningful contribution to a variety of housing options for this rapidly developing area. In addition, the careful redesign and reconsideration of the ground floor to allow for the provision of on-site parkland will provide for much needed respite at this very busy location, resulting in a key public benefit. Our client has also committed to undertaking the above base park improvement in return for credit to its parkland Development Charges in order to ensure the timely and comprehensive delivery of parkland on the site.

Our client is thankful for staff’s assistance and direction through this process and generally supports the recommendations in the June 18, 2020 staff report which is before you. Our client is seeking two amendments to the recommendations contained in that report.

Specifically, our client is seeking an extension of the time period to deliver the on-site parkland to a period of no earlier than the first occupancy or **30 months** following issuance of the first above grade permit, rather than the one year (12 months) which has been recommended by staff. There are a number of reasons for this request:

1. First, given the location of this property at the corner of Douro and King Streets, and the presence of the King Street streetcar with a stop immediately beside the site, construction staging off site is tremendously challenging. This is further complicated by the existence of the rail corridor immediately to the south and King-Liberty pedestrian bridge to the southeast connecting to Douro Street, currently under construction. Accordingly, our client requires the ability to stage on its site for as long as possible in order to minimize off-site impacts;
2. Second, the suggestion by staff that the conveyance occur within one year actually means that our client could only stage for approximately 6 to 8 months as it would have to clear the site, undertake an environmental assessment and any remediation prior to actually conveying. A 6 to 8 month staging for a 14 storey building is simply not reasonable;
3. Third, while we acknowledge that the parkland site could be used for staging post conveyance and subject to an occupancy permit this will still require a clearance and clean up as per #2 above and effectively would require our client to stage, remove the staging for clean-up and conveyance and then stage again. This would interrupt construction twice leading to inefficiencies in timeline and costs.
4. Fourth, even if our client conveyed after 12 months and did not use the area for staging (assuming the City was prepared to grant access to the ROW for staging) the parkland would not be accessible or useable until after the construction of the building in its entirety given the very tight nature of the site.

Finally, the extension being requested will also allow our client to undertake the above park improvements which it has committed to doing in a timely manner and will result in an earlier delivery of a complete park. We think that on balance this request is reasonable and fair in the circumstances and is consistent with extensions that have been granted by City staff for other applications involving on-site parkland dedication on sites which have constraints.

Our client is prepared to work with City staff to identify and implement ways to secure the conveyance of the on-site parkland, including provisions in a s.37 agreement and/or placing restrictions on title to ensure the parkland area cannot be conveyed to any party other than the City. As a consequence, there is no prejudice or risk to the City should it grant the extension being requested.

In addition to the parkland matter, our client is also requesting that recommendation 3biii be removed in its entirety. This recommendation, which requires the provision of rental housing on the site for a period of 25 years, was never canvassed with our client at any point in the many discussions held with City staff, both planning and legal. While it is the case that our client proposes this as a rental building, the idea of a tenure restriction (not permitted in the zoning by-law) is a significant encumbrance on title to the site. The implications of such a restriction has not been fully canvassed by our client and in our view it is inappropriate to include such a restriction without having had fully discussions. Accordingly, we request that this recommendation be removed.

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We recognize that we will have an opportunity to speak to this matter at the July 16th Community Council meeting. We have requested a deputation to ensure that this correspondence is provided to the Community Council members and to answer any questions that they may have.

Once again on behalf of our client we thank staff for their assistance and guidance in this matter and we thank the Community Council in advance for its consideration of the settlement proposal and our client's requested modification to recommendation 4b and the deletion in its entirety of recommendation 3biii, for the reasons set out above.

Yours truly,

AIRD & BERLIS LLP



Eileen P.K. Costello

c: Client

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