

Sherman Brown

BARRISTERS & SOLICITORS

December 1, 2020

Our File No.: 00-1777

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

Attention: Ms. Ellen Devlin, Committee Administrator

Dear Chair and Members of Community Council:

Re: REQUEST TO DEFER consideration of the report recommending that City Council state its intention to designate under Part IV, Section 29 of the Ontario Heritage Act, the property at 55 LAKE SHORE BOULEVARD EAST (including entrance addresses at 33, 43, and 53 Freeland Street and 2 Cooper Street) (the “Site”) in the City of Toronto

Toronto and East York Community Council Item No.: TE 21.14

We are the solicitors for Menkes 55 Lakeshore Inc., the owner of the properties municipally known as 53, 55 and 95 Lake Shore Boulevard East, 15, 33, and 43 Freeland Street, and 2 and 15 Cooper Street (the “Development Site”) in the City of Toronto. The Site is located on the northwestern portion of the Development Site and is also referred to as Block 4 of the subdivision. Block 4 is currently occupied by the former Liquor Control Board of Ontario (LCBO) headquarters, comprising a 4-storey office building (the “Office”) adjoining a 3-storey warehouse building (the “Warehouse”).

Since the submission of our client’s initial Official Plan Amendment and Zoning By-law Amendment applications (with an accompanying application for Draft Plan of Subdivision) on May 13, 2016, our client has participated in two sessions of the Waterfront Design Review Panel (the “Waterfront DRP”) for this Site, once for the entirety of the Development Site on November 23, 2016, and most recently for the Site on May 27, 2020. In addition, our client has had numerous meetings with City Staff, including most recently with Heritage Preservation Staff on August 11, 2020, to discuss the preservation measures related to the façade of the former Warehouse, which façade will form part of the south podium on Block 4. The south podium is intended to animate the public realm with at-grade retail along the new Cooper Street Mews, and to provide crucial public benefits within, including a daycare and school.

As a result of the detailed review provided by the Waterfront DRP in May, our client was asked to consider further revisions and redesigns of the proposal which will impact the specific preservation measures to be considered, which is in and of itself, reason enough to defer

consideration of the proposed designation. The Waterfront DRP noted the importance of providing wider sidewalk widths to expand the public realm, and asked our client to re-examine the interventions into the Warehouse façade, in order to maximize the daylight penetration into the daycare and school spaces within. Our client has undertaken revisions to their proposal in order to address the comments raised. In the six months since the Waterfront DRP, our client submitted revised concept drawings and subsequently received comments from Heritage Planning Staff on October 23, 2020, asking for further information regarding the proposed interventions to the Warehouse façade. Despite our client and their consulting team being known to City Staff, and despite the numerous meetings which have taken place over the past five years, City Staff are now rushing to move ahead with the designation of the Office and the Warehouse, before arriving at a resolution with our client as to the permitted alterations.

Our client and its consulting team, from the outset, have demonstrated a willingness to respond to the direction of City Staff and the Waterfront Design Review Panel, as evidenced by the numerous meetings and revisions that they have undertaken. To proceed with a rushed designation when our client has been cooperatively working with City Staff over the past five years, is neither fair nor productive. The design of the south podium is a crucial part of the “city-building” nature of this proposal. In order to ensure this important portion of the development is carefully and sensitively designed to respect the heritage character of the Office and the Warehouse, to improve the public realm, and to support the important intended uses within, further discussion is required with the City Staff.

In light of the foregoing, we would respectfully request that the Toronto and East York Community Council defer consideration of the above-noted report to allow these matters to be more fully reviewed with our client’s consultants and City Staff. In our respectful submission, it is clear that a “pause” for consideration of the specific preservation measures would be warranted in these circumstances given the positive dialogue that has taken place to date.

Should you have any questions, please do not hesitate to contact the writer, or Naomi Mares, a lawyer in our office.

Yours very truly,



Adam J. Brown
Encl.

Cc: Councillor Joe Cressy
Mr. Gregg Lintern (Chief Planner)
Ms. Lynda Macdonald (Community Planning)
Ms. Carly Bowman (Community Planning)

Mr. Joseph Muller (Heritage Preservation Services)
Mr. Jude Tersigni (Menkes 55 Lakeshore Inc.)