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Sent via E-mail
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File No. 0245036.0004

Mayor Tory and Members of City Council
City of Toronto
New City Hall
100 Queen Street West
12th Floor, West Tower
Toronto, Ontario, M5H 2N2

Attention: Ms. Marilyn Toft, City Clerk-
Secretariat

Dear Mayor Tory and Members of Council:

Re: Name of Client: Devjo Holdings Limited
Address: 10, 10R, 12A & 14 Eastern Avenue, 2 & 4 Gilead Place, 449 King
Street East, 101 Trinity Street and 19 Pemberton Street
Comments on Draft King-Parliament and Zoning By-law Amendments
Council Meeting- May 5, 2021 - Item TE24.11

We are the solicitors for Devjo Holdings Limited, the owner of lands municipally known as 10, 10R, 12A & 14 Eastern Avenue, 2 & 4 Gilead Place, 449 King Street East, 101 Trinity Street and 19 Pemberton Street located within the boundaries of the proposed King-Parliament Secondary Plan (the “**Secondary Plan**”) and more specifically, in the Corktown Policy Area.

We are writing on behalf of our client to provide its comments and concerns with respect to the King-Parliament Secondary Plan and accompanying Zoning By-law Amendment and to ask that it not be adopted in its current form.

Our client’s concerns with the proposed instruments including the following:

1. Building Height

Policy 3.1.3 describes the Corktown Policy Area as a mixed use neighbourhood of predominantly lower-scale building types. Policy 9.1 requires that development in the Corktown Policy Area be primarily through infill and adaptive reuse of buildings that complement the existing character of the area. The Secondary Plan fails to acknowledge that this area is planned for growth and a number of mid and high-rise buildings have been approved in the Corktown Policy area. Furthermore, the King-Parliament Zoning By-law Amendment also proposes new heights that are too restrictive permitting only a maximum height of 30 metres or 8 storeys in the Corktown Policy Area. These proposed modifications are generally inconsistent with

the principles of the Growth Plan for the Greater Golden Horseshoe 2019 and the Provincial Policy Statement 2020. The policies and proposed zoning should be revised to accommodate mid- and high-rise buildings on suitable sites.

2. Heritage Conservation District Plans

Policy 3.5.5 incorporates by reference, non-statutory documents including Heritage Conservation District Plans. The prioritization of heritage considerations over other considerations may not always be proper. It is our client's view, that any reference to Heritage District Plans should be removed from this policy.

3. Setbacks

Policies 9.3 to 9.5 require that development be setback from the front property line and a reduced minimum setback is only permitted where the heritage character of street-oriented buildings exist. These policies are too restrictive.

Furthermore, the King-Parliament Zoning By-law Amendment imposes an additional setback if a lot with a building is identified as a heritage site or if a lot is abutting a building identified as a heritage site. This approach may not be necessary in every circumstance especially for smaller sites.

4. Architectural details

Policy 9.6 is overly prescriptive and restrictive with respect to architectural details and it may inhibit appropriate architectural approaches that constitute good urban design.

5. Transition

Policy 9.7 requires that development with frontage on the north side of Eastern Avenue be designed and massed to provide built form transition to adjacent Mixed Use Areas 4. This policy should be revised to require suitable transition to adjacent properties based on the specific site context.

Request

Further to the submissions set out above, we ask that Council defer final consideration of the draft Secondary Plan and instruct staff to address the concerns raised in this letter and other correspondence from other landowners within the Secondary Plan area. We would be pleased to discuss our client's concerns with the City staff. Our client believes that a modified Secondary Plan that addresses its concerns is possible and is what Council should adopt.

Please accept this letter as a written submission from our client with respect to the Secondary Plan required by Subsection 17(24)1 and as a written submission from our client with respect to the draft Zoning By-law required by Subsection 34(19)2 of the *Planning Act* R.S.O. 1990 c.P.13, as amended.



Please provide us with notice of all matters concerning the Secondary Plan and Zoning By-law and notice of any decision to adopt or enact either the Secondary Plan or the Zoning By-law in accordance with subsections 34(18) and 17(23) of the *Planning Act* so our client may exercise its appeal rights as required.

Thank you for your consideration.

Yours very truly,

MILLER THOMSON LLP

Per:

Tara Piurko
Partner

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