

RUSSELL D. CHEESEMAN

- Barrister & Solicitor -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

February 22, 2021

VIA COURIER AND E-MAIL

Mr. John D. Elvidge
Interim City Clerk
City Clerk's Office
Toronto and East York Community Council
City Hall, 2nd Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Members of Community Council:

Re: Request to Amend the Zoning By-law, Application 18 453602 STE 19 OZ – 938-950 King Street West and 97-99 Strachan Avenue
Applicant: 2584668 Ontario Inc.

We are solicitors for King West Co., the owner of lands known municipally as 922 to 934 King Street West and 44 to 50 Stafford Street, in the City of Toronto. These properties are located on the north side of King Street West, west of Stafford Street, and make up approximately half of the street frontage on the north side of King Street West between Stafford Street and Strachan Avenue. The other half of the street frontage between Stafford Street and Strachan Avenue is taken up by the properties that are the subject of the above referenced application to amend the Zoning By-law, your file number 453602 STE 19 OZ.



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277 Lakeshore Road East, Suite 211
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Brookfield Place, 161 Bay Street, Suite 2700
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Our client's land use planning consultants, SGL Planning & Design Inc. ("SGL"), submitted comments on a previous iteration of the proposal that is the subject of the within applications by way of letter to Megan Rolph, Planner at the City of Toronto, dated October 9, 2020.

That letter provides our client's comments on a proposal that was put before the City at a Community Meeting that was held virtually on October 14, 2020.

Our client's planning consultants had previously attended a community meeting held on March 18, 2019, where a different set of architectural plans were presented for consideration.

On November 14th, 2019, our Client and its advisors attended a preliminary meeting with City Planners and staff from Heritage Preservation Services to discuss the proposed redevelopment of the block of land that they own to the east of the laneway (922-934 King St W and 44-50 Stafford Street) and its relation to the Palace Arms development. At that meeting, City Planning staff assured our Client that whatever entitlements might be granted to the Palace Arms in terms of setback from the laneway would also be applicable to future redevelopment of the block to the East of the laneway.

In the year since this meeting took place, our Client has refined the plans for their development, taking the feedback from City staff at that meeting into account, and it is our Client's intent to have another meeting with planning staff in the near future to discuss these plans further. We realize that neither staff nor Council has had an opportunity to review these plans and assess their impact on the development under consideration, however we do have concerns that certain aspects of the proposed Palace Arms development will negatively impact the future development of our Client's lands. While our Client's review of the revised proposal is not yet complete, we do wish to go on record with the concerns we have to date, to be considered at the Public Meeting on February 24, 2021.

Our Client has owned these properties for over 32 years and intends to remain as owner for the long term. It is not interested solely in the maximum possible rentable floor area it can achieve. It is interested in appropriate, sustainable development following a triple-P bottom line [People, Planet, Prosperity] approach.

East side setback (laneway)

We are concerned that the proposal does not provide for adequate separation distance to our client's property on the east side of the laneway. As the design for 922-934 King St develops, it has become obvious that there is a significant flaw in the proposed plans for the Palace Arms development – the lack of appropriate setbacks along the east façade adjacent to the public laneway that separates our Client's block from the Palace Arms. The proposed building is situated immediately adjacent to the eastern property line abutting the public laneway.

a) Ground Level to 5th Storey.

The applicant's current plan for the first 5 storeys in the laneway calls for a 0-metre setback from the lot line. These 5 storeys will extend up 17.4 m high (52.2 feet high) against a 6m wide lane.

The proposed residential units will have east facing windows abutting the east property line up to the 5th floor.

If a similar construction was reciprocated by our client on the east side of the lane, the two buildings when constructed, would each have an 18 m high wall with each having only 18 feet (6 metres) of laneway between them. That setback creates an unacceptable living condition where primary windows face onto the lane.

In our view, the proposed 5-storey wall should be setback a minimum of 2.5 m from the lot line which would create a combined 11 metre wall to wall separation.

b) 6th Storey to 15th Storey

The applicant's current plan also proposes a 2.5 m setback for floors 6 to 15. This set back falls far short of the guidelines for tall buildings. The proposed development, which is a tall building of 15 storeys, should be bound to a minimum setback of 9.5 metres (25 m. - 6m.)/2) from the lot line, not 2.5 metres from the lot line.

If a similar construction was reciprocated by our client on the east side of the laneway from the 6th storey to the 15th storey, it would allow the buildings to be only 11 metres apart from each other (33 feet); again, creating an inappropriate condition.

Since the proposed development is 15 storeys in height, it should be considered a tall building, and as such should have a setback of 9.5 metres from the lot line. It appears that the Palace Arms applicant is developing a high rise building under midrise setback guidelines above the 5th storey.

To summarize (a) and (b), if both developments with similar current approvals were built, it would create a veritable canyon condition in this laneway [See Drawings]. 20 feet (6 metres) apart for the first 5 storeys and 36 feet (11 metres) apart for the next 10 storeys.

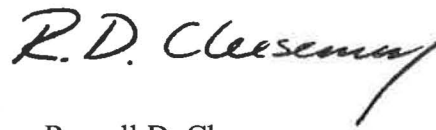
We are concerned that precaution and forethought is required in dealing with these two developments side by side. It is crucial that our City planners ensure that each of these developments, side by side, are afforded with equitable entitlements in the planning and approval process as it relates to built form and their side yard setback relationship.

As City staff has not yet had time to review the impact of the proposed application on our client's proposed development and the relationship of the two buildings to the

laneway and the living condition for affordable housing units planned for the East side of the Palace Arms, we urge you to defer a decision on this application until such time as staff can properly review and report back on appropriate setbacks along the East façade taking into account the future development plans for the east side of the lane, the impact on the character of this well used pedestrian route, and the precedent that such a setback relationship may set for the neighbourhood.

We trust that the foregoing is clear, but if you have any questions or require any clarification, please do not hesitate to contact the undersigned directly by telephone.

Yours very truly,

A handwritten signature in black ink, reading "R. D. Cheeseman". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Russell D. Cheeseman

cc. Ms. Megan Rolph, Community Planning (via email)
Mr. Ken Chestney (via email)
Mr. David Riley (via email)