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July 18, 2022

Our File No. 153675

BY EMAIL

Mayor John Tory and Members of Council
c/o Marilyn Toft, Manager, Secretariat
Toronto City Hall
100 Queen Street West
Toronto ON, M5V 3C6

Dear Ms. Toft:

**Re: Notice of Objection
TE34.58 Designation of the Parkdale Main Street Heritage Conservation
District Plan (“HCD Plan”) under Part V of the Ontario Heritage Act
1354, 1358 and 1360 Queen Street West and 8-10, 12 and 14 Brock Street**

Aird & Berlis LLP represents Queen and Brock Holdings Inc. (“Queen & Brock”) with respect to the proposed redevelopment of the properties located at 1354-1360 Queen Street West and 8-14 Brock Street (collectively, the “Subject Property”). Additionally, our client’s parent company KingSett Capital Inc. (“KingSett”) upon whose behalf we also act, has other interests in property through the area which is proposed to be the subject of the HCD Plan.

On behalf of our client, we are filing this notice of objection to the HCD Plan on both a site specific basis on behalf of Queen & Brock as well as a plan wide objection on behalf of KingSett.

Our client, along with their heritage consultant ERA Architects Inc., have reviewed the HCD Plan to understand the general implications the policies will have on the future of development in the area. For the reasons outlined below, we respectfully submit that the policies may hamper or otherwise limit the integration of high-quality architecture along with heritage conservation.

Queen & Brock Site Specific Objection to Lack of Transition for Subject Site

The purpose of the site specific objection on behalf of Queen & Brock is to ensure that the recent resolution reached with the City in respect of the conservation of heritage attributes on the Subject Property is properly reflected in the HCD Plan.

On September 29, 2020, our client filed applications to amend the Official Plan and Bylaws 569-2013 and 438-86 to allow for the redevelopment of the Subject Property. On our client’s behalf, we appealed the applications on March 4, 2021, for Council’s failure to make a decision within the prescribed timelines. Those appeals are before the Ontario Land Tribunal (case nos. OLT-22-002167 and OLT-22-002170) and scheduled for a hearing beginning on April 3, 2023.

On May 25, 2021, Heritage Planning issued a report to the Toronto Preservation Board (“TPB”) and Toronto and East York Community Council recommending City Council state its intention to designate 1354, 1358 and 1360 Queen Street West under Part IV, section 29 of the *Ontario*

Heritage Act. On November 9, 2021, City Council adopted Bylaw 937-2021 to designate the Queen Street West properties. On behalf of our client, we appealed Bylaw 937-2021 to the OLT on December 14, 2021 (case no. OLT-22-002237).

Following discussions between our client, its project team, Heritage Planning and the City Solicitor, a **with prejudice settlement offer** was submitted on April 25, 2021, which included: 1) An updated Heritage Impact Assessment prepared by ERA Architects, dated April 22, 2022; and, 2) Revised Architectural Plans, prepared by Giannone Petricone Associates (GPA), dated April 19, 2022. The revised plans and HIA illustrate a modified approach to the heritage conservation strategy, including the retention and conservation of the principal elevations of the corner building at 1354 Queen Street West. This revised approach is described in a report from the City Solicitor dated May 27, 2022, to the TPB and City Council, wherein the conservation objectives of protecting the principle elevations of 1354-1360 Queen Street West in situ while accommodating intensification on the Subject Property were achieved. In terms of heritage conservation, the report notes that the most salient change is the proposed conservation of 1354 Queen Street West. City Council adopted the with prejudice settlement offer on June 15, 2022 and on behalf of our client and in reliance on the resolution reached with the City our client withdrew its appeal of Bylaw 937-2021.

Recognizing that our clients' Planning Act appeals remain before the OLT, the HCD Plan's transition policies provided under Schedule F, do not recognize the settlement pertaining to 1354, 1358 and 1360 Queen Street West. Therefore, our client has instructed us to object to the passing of the HCD Plan at this time to ensure that the settlement will be confirmed and recognized in the HCD Plan. We submit that this approach is in the best interest of our client and the City to ensure that the careful attention and collaborative approach shown towards the Queen Street West properties by both Heritage Planning and our client's consultants is protected moving forward.

Kingsett General Objection to HCD Plan Policies

As noted at the outset, KingSett has varied interests in the area proposed to be subject to the HCD Plan and remains concerned that the HCD Plan, as currently drafted, contains policies which will unduly restrict the otherwise broad objectives and, specifically, could be implemented in such a way to hinder design excellence.

By way of example:

1. There is an inconsistency between Objective 8 (contained in Section 4) and the policies. Objective 8 encourages "high-quality architecture in the design of *new development, additions* and *alterations* that is *compatible* with the District's *cultural heritage value*". Notwithstanding the worthiness of this Objection, if the operative policies in the HCD Plan are overly prescriptive, this will limit the ability to provide high-quality architecture.

This approach is exhibited by policies 6.11.7 and 7.6.6, which prescribe minimum setbacks for *non-contributing properties* above 16.5 metres. The heritage value of these setbacks have not been demonstrated and there are many properties within the proposed HCD Plan area which do not achieve these setbacks. Similar prescriptive standards have not been maintained on appeal of other Heritage Conservation District Plans. While our client agrees with Objective 8, we submit that it may not be achievable because the policies have set down strict standards.

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2. There is an inconsistency with the approach to new development in the HCD Plan and the direction provided in the Standards and Guidelines of the Conservation of Historic Places in Canada. The Standards suggest that new development, even within a heritage context, should be of “its own time and place” and be distinguishable from heritage resources when on the same property. In contrast, Objective 7 directs that *new developments* and *additions conserve* and *maintain* the *cultural heritage value* of the District, particularly with respect to the historic scale, form and massing of *contributing properties* and the *public realm*; and, Objective 12 speaks to ensuring the *compatibility* of materials between new and old including to type, colour, scale, finish and details. Should these objectives be interpreted without allowing for flexibility, they will not provide a balance of conservation and the compatible physical evolution of the HCD Plan area.

As indicated above, the policies and guidelines in the HCD Plan overly prescribe built-form standards and design elements that are not clearly part of the heritage attributes of the area; moreover, these policies and guidelines should allow for more flexibility to support creative and excellent design while conserving the heritage character of the HCD Plan area. For example, policies and guidelines should be drafted to ensure compatibly while allowing for each application to be assessed on its merits. This approach will allow for better outcomes.

In addition to ensuring that the site specific matter for Queen & Brock be properly address, KingSett objects to the HCD Plan as it is currently drafted in its entirety. On behalf of our clients, we respectfully requests that City Council defer its decision on the HCD Plan to allow our client to work with Heritage Planning staff on revisions to address the issues identified above.

Yours truly,

AIRD & BERLIS LLP



Eileen Costello

EPKC/AJE

Encl.

- c. Michael McClelland, ERA Architects
Peter Smith, Bousfields Inc.
Client

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