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January 16, 2017

VIA EMAIL

Ms. Ellen Devlin
Administrator
Toronto and East York Community Council
City of Toronto
100 Queen Street West, 2nd Floor
Toronto, ON M5H 2N2

**Re: Designation of the Garden District Heritage Conservation District under Part V of the Ontario Heritage Act
TEYCC Agenda Item: TE21.12**

We, Dundas MEP Developments Inc., are the beneficial owners of the property municipally known as 219 & 231 Dundas Street East (the "Site"). This property is within the Garden District Heritage Conservation District Study Area and within the Garden District Heritage Conservation District (the "HCD").

We are writing with respect to the Designation of the HCD which does not appear to have addressed the comments submitted to Heritage Preservation Staff on November 18, 2016. For the benefit of Community Council we are attaching the November 18, 2016 letter which outlines our concerns with the proposed HCD. On April 8, 2016, we made an application for Zoning by-law amendment on the Site for 29-storey tower mixed use building with retail at grade and residential above. We would request that the designation of the HCD be deferred until such time as additional consultation can take place as well as recognition of the above noted filed application.

Yours truly,
DUNDAS MEP DEVELOPMENTS INC.

Herthana Siva

FOR:

Per:
Jude Tersigni
Vice President, Planning and Development

cc: Chris Borgal
Adam Brown

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November 18, 2016

VIA EMAIL

Tamara Anson-Cartwright
Program Manager
Heritage Preservation Services
City Planning
City Hall, 17 East Tower
M5H 2N2

Dear Tamara Anson-Cartwright,

**Re: Preliminary Assessment of Garden District Heritage Conservation District
Draft Plan dated: October 2016**

We, Dundas MEP Developments Inc., are the beneficial owners of the property municipally known as 219 & 231 Dundas Street East. This property is within the Garden District Heritage Conservation District Study Area and the within the draft Garden District Heritage Conservation District (the "Draft HCD").

There are a number of issues of concern with respect to the current Plan. Some of these affect the whole district while others affect individual properties. Given that some of the issues appear to be quite onerous, the net impact of the proposed HCD could seriously limit development potential in the entire proposed District.

- 1) The following is a summary of the issues that we feel are of concern. The proposed Plan is a complex document, and other issues will be identified that may arise as the document is revised prior to being presented to the Toronto Preservation Board.
- 2) Time Frame: The Study and Plan have isolated the time frame of the District from the late 19th into the early 20th century period (1930's). While there is indeed a preponderance of buildings of this vintage, with a specific red-brick residential character, this isolation in time does not acknowledge the on-going development of this part of Toronto nor any development created after the mid-20th century which has occurred in some areas of the proposed District. Part of the heritage character of Toronto is its on-going historical development and this process is not captured in the document. Rather, it appears to desire turning back the clock and preserving a narrow band of a historical period. As will be seen in the foregoing, restrictions on development for properties both on and adjacent to heritage properties in the district are not clear that they could have a serious negative impact on any development potential at all – which is contrary to the historical evolution of this part of the City. The evolution of the area is not fully captured with descriptions of the area or the time frame in which it is positioned.
- 3) Area: The original RFP for the District incorporated most of the area which is to be defined as the District as a whole although some areas were added as a part of the process such as the southeast corner of Sherbourne and Gerrard, which was originally excluded. The District now includes 8 "Character Sub-Areas". In practice this is unwieldy and suggests that a blanket approach is being applied to a diverse area. The sub-area along Dundas Street does not

acknowledge vacant lots and, indeed, the consistency of some sub-areas suggests that individual designations may have more relevance than inclusion in an HCD. It suggests that the HCD plans should be split into separate plans to permit the adoption of Plans based on more consistent neighbourhoods and creation of better locally specific policies. In other words, it is our position that this HCD is too large and should be split into up to 8 individual areas which could have quite differing policies.

- 4) Public involvement: The workshops that were held during the study phase were large in size which may have inhibited input received from individual property owners. A properly constituted HCD is one where the property owners are actively involved in developing a Plan that meets both the desires of the Province and the desires of the community. As such, it is encouraged that smaller group or individual landowner discussions be held.
- 5) The Provincial Policy Statement encourages a variety of outcomes including the preservation of heritage as well as intensification. It also requires all statutes to be examined in a balanced manner as does section 3 of the Toronto Official Plan. The manner in which the proposed Plan has been written appears to make intensification over much of the District difficult or nearly impossible – even on vacant or non- contributing properties due to adjacency issues -and thus appears to run counter to the overall policy framework.
- 6) Under the Statement of Objectives, page 23, several items are of concern as they both appear to be locking in the current status of the buildings in the district, while at the same time directing (“enhance”) property owners to make changes. This is both contradictory and can be unduly restrictive for future development.
- 7) The Character sub-areas require review and line-by-line refinement as they are both too broad and lacking in detail but are referenced in item 6.10 and 7.6 related to massing. No specific setback policies are noted and these may rely on other policies such as the Tall Buildings Guidelines.
- 8) Under Part 6. Policies and Guidelines for Contributing Properties, the following are concerns:
 - a. 6.3.1 Alterations to combined properties those with both contributing and non-contributing buildings shall “conserve” the portions of the property identified as contributing. The definition of “conserve” is not present in the report and could mean commemoration or preservation depending on how it is to be examined. The meaning of the word “conserve” does not appear to line up with the Provincial definition. This should be refined.
 - b. 6.3.3 The historic lot lines of the property shall be referenced in determining appropriate setbacks and stepbacks – this provision could prevent assembly of properties for intensification.
 - c. Demolition is unduly restrictive – disassembly and reassembly of heritage properties is rejected. Everything under this provision treats older properties as the same (contributing properties) in which case nothing has significance. A broader form of evaluation should be provided.
 - d. Under Code Compliance, 6.7.1., it is required that the cultural heritage value of the contributing properties must be conserved while meeting current codes. It is requested additional wording be added to the HCD to address site specific issues where the cultural heritage value and Code Compliance directly conflict with one another.
 - e. Under Restoration, 6.8, it states that building features from the period to which a building is being restored that have been removed or damaged “should” be reinstated. This is a very complex issue and many experts believe that changes over time should be incorporated rather than restoration to a specific period.

f. Under 6.9, it states that alterations shall be subordinate to the District's cultural heritage value. This statement alone could preclude any reasonable intensification or re-purposing of sites throughout the District.

g. Under 6.10, massing of new developments should preserve the contributing building's three-dimensional integrity. While this may be appropriate to individual properties of significance with Part IV designations, this provision has the likely effect of preventing any changes or additions at all to contributing properties rather than interior renovations. 6.10.2 requires additions to be complementary with the scale, height and massing of adjacent contributing properties and could pose significant impediments to development of the contributing property both on site and caused by adjacent sites (which can include across the street – which is reiterated in 6.10.5).

h. Under 6.11, Roofs, alterations are required to conserve the roof form. This, in conjunction with a prohibition on building over heritage properties, would preclude any vertical additions to a heritage property although additions to the rear of heritage properties are permitted, which again appears to be contrary to the Official Plan that foresees redevelopment even within Neighbourhoods.

i. Under 6.12, item 1 "restore" is expressed as a command which is unreasonable and is an excessive application of heritage standards; item 2 instructs owners to repair rather than replace but does not reference the fact that such work may be contrary to code and safety requirements; item 3 has the same potential for conflict.

9) Under Part 7. Policies and Guidelines for Non-Contributing Properties, the following are items of concern:

a. Owners are directed to "conserve" the heritage value of adjacent contributing properties. This provision is not entirely clear however it appears that this is intended to mean by form and massing of the proposed development, it is not stated and it is impossible to direct one owner to actively conserve features of someone else's property.

We welcome the opportunity to review the document in person and / or respond to any comments or questions you may have with the above noted issues.

Yours truly,
DUNDAS MEP DEVELOPMENTS INC.


Per:
Jude Tersigni
Vice President, Planning & Development

cc: Chris Borgal
Adam Brown