

## **239, 241-243 & 247-255 Dundas Street East - Alterations to Heritage Properties Designated under Part V of the Ontario Heritage Act**

**Date:** June 13, 2024

**To:** City Council

**From:** Interim Chief Planner and Executive Director, City Planning

**Wards:** Ward 13 - Toronto-Centre

### **SUMMARY**

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This report recommends that City Council approve the alterations proposed for the three heritage buildings at 239 Dundas Street East, 241-243 Dundas Street East, and 247-255 Dundas Street East (designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District) in connection with the development of the subject properties.

The development application proposes a 52-storey tower (plus mechanical penthouse) on the site that incorporates retained portions of the heritage buildings as part of the base building, as well as the introduction of a new base building along Pembroke Street. The retained facades of the corner building 247-255 Dundas Street East are proposed to be relocated within the site, closer to the intersection of Dundas Street East and Pembroke Street. All the retained heritage facades are proposed to be fully restored.

The proposed alterations conserve the onsite and adjacent heritage buildings. The proposal is consistent with the Heritage Conservation Districts' policy framework. Heritage Planning staff are of the opinion that the heritage impacts of the development proposal are appropriately mitigated through the overall conservation strategy.

A Heritage Impact Assessment describing proposed conservation and mitigation measures designed to reduce the impact of the proposal was prepared by GBCA Architects, dated December 7, 2023. On May 22 and 27, 2024, the applicant's heritage consultant prepared addendums to the HIA to provide additional information and rationale regarding the conservation of the subject properties.

## RECOMMENDATIONS

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The Interim Chief Planner and Executive Director, City Planning recommends that:

1. City Council consent to the application to alter the designated heritage properties at 239, 241-243 and 247-255 Dundas Street East, with conditions, under Part V, Section 42 of the Ontario Heritage Act, to allow for the construction of a 52-storey (plus mechanical penthouse) mixed-use building, with such alterations to the designated properties being substantially in accordance with the plans and drawings dated December 8, 2023, revised May 28, 2024, prepared by Turner Fleischer Architects Inc., and on file with the Senior Manager, Heritage Planning, and the Heritage Impact Assessment prepared by GBCA Architects, dated December 7, 2023, with addendums dated May 22, 2024, and May 27, 2024, and on file with the Senior Manager, Heritage Planning, all subject to and in accordance with the Conservation Plan satisfactory to the Senior Manager, Heritage Planning.
2. City Council direct that its consent to the application to alter the designated properties at 239, 241-243 and 247-255 Dundas Street East, under Part V, Section 42 of the Ontario Heritage Act, is also subject to the following conditions:
  - a. The related Official Plan Amendment and Zoning By-law Amendment requiring the proposed alterations have been enacted by the City Council and have come into full force and effect.
  - b. Prior to the introduction of the Official Plan and Zoning By-law Amendment bills to City Council, the owner shall provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 239, 241-243 and 247-255 Dundas Street East prepared by GBCA Architects, dated December 7, 2023, with addendums dated May 22, and 27, 2024, to the satisfaction of the Senior Manager, Heritage Planning.
  - c. Prior to the introduction of the Official Plan Amendment and Zoning By-law Amendment bills to City Council, the owner shall enter into a Heritage Easement Agreement with the City for the properties at 239, 241-243 and 247-255 Dundas Street East substantially in accordance with the plans and drawings dated December 8, 2023, revised May 28, 2024, prepared by Turner Fleischer Architects Inc. and on file with the Senior Manager, Heritage Planning, and the Heritage Impact Assessment prepared by GBCA Architects, dated December 7, 2023, with addendums dated May 22 and 27, 2024, subject to and in accordance with the Conservation Plan required in Recommendation 2.b. to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor.

d. That prior to the issuance of any permit for all or any part of the properties at 239, 241-243 and 247-255 Dundas Street East, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building, as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

1. Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

3. Submit a Signage Plan for the subject properties to the satisfaction of the Senior Manager, Heritage Planning.

4. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2.b. including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning.

5. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan and Interpretation Plan.

e. That prior to the release of the Letter of Credit required in Recommendation 2.d. 5 the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

3. City Council authorize the City Solicitor and City staff to take all necessary actions to implement City Council's decision.

## FINANCIAL IMPACT

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City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

## DECISION HISTORY

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On October 2, 3 and 4, 2012, City Council directed staff to initiate the Garden District Heritage Conservation District study as a result of the application of prioritization criteria.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

On July 17, 2014, the Toronto Preservation Board endorsed the Garden District Heritage Conservation District Study to proceed to district designation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB33.21>

On March 31, 2015, City Council adopted OPA 82 to bring forward the Downtown East Planning Study. Although the OPA was originally intended to follow the completion of the Garden District Heritage Conservation District Plan (HCD Plan), development pressure led to the OPA being brought forward first. The OPA policies were drafted to align with the emerging HCD Plan policy.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE4.8>

On April 2, 2015, seven appeals were filed to the Local Planning Appeals Tribunal (now the OLT) against the adoption of OPA 82 by the City of Toronto.

On January 31, 2017, City Council designated through By-law 232-2017 the area that is now the Garden District Heritage Conservation District and adopted by by-law the Garden District Heritage Conservation District Plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE21.12>

Several parties appealed City Council approval of By-law 232-2017 designating the Garden District Heritage Conservation District. The former Local Planning Appeal Tribunal (now the OLT), directed on May 23, 2018, that the remaining appeals of the site specific policies of Official Plan Amendment (OPA) 82 and the HCD Plan appeals would be 'heard together.'

<https://www.omb.gov.on.ca/e-decisions/pl150374-May-23-2018.pdf>

On October 18, 2021, the Ontario Land Tribunal (OLT) issued an order allowing in part the appeal against By-law 232-2017 and bringing the Garden District Heritage Conservation District Plan into force. The official order follows an oral decision approving the Garden District Heritage Conservation District Plan on June 22, 2021.

<https://www.omb.gov.on.ca/e-decisions/MM170028-OCT-18-2021.pdf>

On June 29, 2022, Toronto and East York Community Council adopted a preliminary report regarding the Official Plan Amendment, Zoning By-law Amendment, and Rental Housing Demolition applications located at 239-255 Dundas Street East.  
<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.97>

## **BACKGROUND**

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### **Area Context**

The subject site is located within the Garden District Heritage Conservation District in Toronto's downtown east neighbourhood on Dundas Street East. Originally a residential street, Dundas Street East currently contains many houses that have been adaptively re-used for commercial use, along with some purpose-built commercial buildings. The broader surrounding area is primarily a residential neighbourhood with houses from the late 19th and early 20th centuries. Allan Gardens is located one block to the north of the site and Moss Park is located one block to the south.

### **Heritage Properties**

The subject site is located at the southwest corner of the intersection of Dundas Street East and Pembroke Street and contains the following three heritage buildings on four separate property parcels:

- 239 Dundas Street East - a three-and-a-half storey Second Empire brick building with a mansard roof that dates to the 1870s and forms the end of a row of three buildings (1870s-1890s);
- 241-243 Dundas Street East - a three-storey Vernacular brick building that dates to 1926;
- 247-255 Dundas Street East - a three-storey semi-detached Second Empire brick building with a mansard roof that dates to 1872-1873, with a later addition dating to 1920.

The three heritage properties noted above are designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District and are identified as contributing properties.

### **Adjacent Heritage Properties**

#### **252-260 Dundas Street East**

The properties at 252 Dundas Street East, 254 Dundas Street East, 256 Dundas Street East, and 260 Dundas Street East are located north of the development site on the south side of Dundas Street East. 252-260 Dundas Street East contains two-to-three storey house-form bay and gable buildings converted for ground floor commercial use. The buildings date from 1880 to 1890 and are designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District. All are identified as contributing.

## **257 Dundas Street East**

The property at 257 Dundas Street East is located east of the development site at the southeast corner of the intersection of Dundas Street East and Pembroke Street. The property contains a Gothic Revival house-form building dating to pre-1880. The property is designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District and is identified as non-contributing.

## **48-50 Pembroke Street**

The properties at 48-50 Pembroke Street are located south of the development site on the west side of Pembroke Street. The properties contain a two-storey semi-detached Second Empire brick building with a mansard roof dating to 1881. The properties are designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District and are identified as contributing.

The properties at 48-50 Pembroke Street are owned by the applicant and the building is not proposed to be altered.

## **Development Proposal**

The development application proposes a 52-storey plus mechanical penthouse, mixed-use tower with commercial at grade, amenities and rental replacement units on the second and third levels, with residential above. The proposal involves façade retention for the three heritage buildings within the site, fronting along Dundas Street East. The front façade of the three-and-a-half storey brick building at 239 Dundas Street East will be retained in-situ, the west return wall of the three-storey brick building at 241-243 Dundas Street East will be retained in-situ and the front façade and east return wall will be panelized, and the front façade, west return wall, and a portion of the east wall of the corner building at 247-255 Dundas Street East will be retained and relocated closer to the intersection. The heritage façades are proposed to be retained and will be fully restored.

The proposed conservation strategy has been significantly improved through the application review process. Originally, only the front façade of the corner building at 247-255 Dundas Street East was proposed to be retained. The relationship between the tower and the low-scale heritage buildings has also been improved through an increase in the tower stepback, a reduction in the visual impact of the cantilever and the removal of several support columns above the heritage building at 247-255 Dundas Street East. The height of the new portion of the base building along Pembroke Street was reduced to make it compatible with the height of the heritage buildings.

## **Heritage Planning Framework**

### **Provincial Policy Statement and Planning Act**

The Planning Act and the associated Provincial Policy Statement guide development in the province. The Act states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest."

The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include building strong communities; wise use and management of resources; and protecting public health and safety. The Planning Act requires that City Council's decisions affecting land use planning matters "be consistent with" the Provincial Policy Statement.

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

Policy 2.6.3 of the PPS directs that "planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

## **Growth Plan**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan. Policy 4.2.7.1 of the Growth Plan states that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

## **City of Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan. The Plan provides the policy framework for heritage conservation in the City. Relevant policies include the following:

3.1.6.3 Heritage properties of cultural heritage value or interest, including Heritage Conservation Districts and archaeological sites that are publicly known will be protected by being designated under the Ontario Heritage Act and/or included on the Heritage Register.

3.1.6.4 Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council.

3.1.6.5 Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.

3.1.6.6 The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

3.1.6.26 New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

3.1.6.27 Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of façades alone is discouraged.

29. Heritage buildings and/or structures located on properties on the Heritage Register should be conserved on their original location. However, where it is supported by the cultural heritage values and attributes of a property on the Heritage Register a heritage building may be relocated within its property or development site where:

- a) the heritage building or structure is not attached to or adjoining another building or structure;
- b) the location, orientation, situation or view of the heritage building is not identified in the Official Plan or as a cultural heritage value or attribute of the property, and/or the proposed relocation will not negatively affect the cultural heritage values or attributes of the property;
- c) the portion of the heritage building or structure that contains the identified cultural heritage values and attributes is being conserved in its entirety and will not be demolished, disassembled and/or reconstructed;
- d) the relocation on site does not conflict with any applicable Heritage Conservation District plans;
- e) a Heritage Property Conservation Plan is submitted that demonstrates that the removal and relocation of the building or structure within its existing property will not pose any physical risk to the heritage building and/or structure, its cultural heritage values and attributes, to the satisfaction of the City; and
- f) these and any other related conditions are secured in a Heritage Easement Agreement prior to removal and relocation on site.

## **Parks Canada Standards and Guidelines for Conservation of Historic Places in Canada**

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning,

stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) and the Standards for Rehabilitation (10-12) apply to this project.

<http://www.historicplaces.ca/en/pages/standards-normes.aspx>

## **Garden District Heritage Conservation District**

This application has been reviewed for consistency with the policies of the Garden District Heritage Conservation District Plan. One of the purposes of the Plan is to, "provide policies, guidelines and procedures for managing change in the District and achieving the stated objectives" (1.3). The subject site is located within the Dundas Street East character sub-area, which runs through the heart of the District. Section 6 of the Plan contains policies and guidelines for contributing properties that have guided the review of the subject proposal.

## **COMMENTS**

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### **Conservation Strategy**

The development application proposes to incorporate the three heritage buildings within the subject site, fronting along Dundas Street East, into the base building of the new development. The retained heritage facades will be fully restored, as confirmed by the final Heritage Impact Assessment prepared by GBCA Architects, dated December 7, 2023, with addendums dated May 22, 2024 and May 27, 2024. The details of the restorations will be set out in a Conservation Plan to be completed to the satisfaction of the Senior Manager, Heritage Planning. New windows based on historic documentation are proposed for all three heritage facades.

### **239 Dundas Street East**

The primary (north) elevation of the three-and-a-half storey brick building at 239 Dundas Street East will be retained in-situ, including all portions of the mansard roof visible from Dundas Street East. As the property is located within a continuous row, no side elevations are visible. Staff will work with the applicant at the Site Plan stage to seek opportunities to allow for the functional/operable use of the doors (with front entrance steps) and windows on the primary elevation of 239 Dundas Street East so that the relationship between the interior and exterior is maintained.

### **241-243 Dundas Street East**

The applicant is proposing the panelization of the primary (north) elevation and east return walls for the three-storey brick building at 241-243 Dundas Street East; however, the conservation strategy has been revised to retain approximately 5 metres of the west return wall in-situ. The panelization of the primary and east return wall amounts to the demolition of significant portions of the heritage building but it is considered acceptable in this instance to allow for complex construction activities along Dundas Street East, including the relocation of 247-255 Dundas Street East. The primary façade and east return wall will be cut into panels, removed from the site, stored during construction and

then reassembled in their original location. Retaining the entire visible return wall of 241-243 Dundas Street East will allow for a portion of the building to be conserved in its original location.

A historically appropriate storefront will be provided for the building at 241-243 Dundas Street East, which originally had a ground-floor commercial use. Staff will work with the applicant at the Site Plan stage to seek opportunities to include partial demising walls within this space to demarcate the original building widths. The details of the storefront strategy will be refined at the Conservation Plan stage following investigations to confirm if any remaining hidden original fabric exists. The storefront and the parapet of 241-243 Dundas Street East will be designed based on historic documentation and physical evidence, if found, or, if sufficient evidence is not found, to be compatible with the heritage character of the properties. Additionally, the concealed pilasters are proposed to be reconstructed.

### **247-255 Dundas Street East**

Given the irregular orientation and setback of the semi-detached brick building at 247-255 Dundas Street East, the applicant is proposing to relocate the existing heritage building on the development site approximately 4 metres to the north and 1.5 metres to the east, closer to the intersection of Dundas Street East and Pembroke Street. The original primary (north) elevation, approximately 9.58 metres of the east elevation and approximately 4 metres of the west return wall of the heritage building will be retained and moved. The floors and roof of the structure are proposed to be removed.

The proposed relocation of the retained front, west, and east façades of the heritage building at 247-255 Dundas Street East is a modest adjustment from its existing location and conserves the relationship of the structure's built form to the public realm, and staff consider the impact of the proposed relocation of the façades to be acceptable. The applicant has confirmed that the proposed strategy will involve moving the walls as one structure, conserving the portions of the heritage building that contain cultural heritage value, and will not result in panelization or demolition. A Structural Preservation Approach prepared by Jablonsky, Ast and Partners, dated May 27, 2024, describes the feasibility of the proposed system to relocate the heritage building. The metal cresting and slate shingles will be restored. The proposed relocation would impact the original front yard setback; however, this setback is currently infilled with a non-original front addition and the general orientation of the building and its relationship to the intersection will be maintained. The non-original one-storey front addition will be removed, and the front façade beneath will be restored to its original appearance and configuration based on historic documentation.

While the elevations are currently painted white, there is evidence of mortar patches as well as previous sandblasting. Sandblasting can be a destructive practice, impairing both the aesthetic and structural integrity of the brick fabric. Staff will work with the applicant at the Conservation Plan stage regarding the restoration of unpainted masonry, based on historic documentation. Staff will also explore the opportunity for soft landscaping at the Pembroke Street corner.

## **Tower and New Base Building**

Above the retained heritage façades at 241-243 Dundas Street East and 247-255 Dundas Street East, the tower has varied stepbacks that, according to the HIA, range from 3.88 metres to 4.95 metres at the narrowest points to a three-storey glazed reveal. The "sawtooth" design of the new tower means that stepbacks of greater than 5 metres is achieved over most of the retained heritage buildings and there is no tower addition above the western-most retained heritage façade at 239 Dundas Street East. The reveal above the eastern-most retained heritage façades helps to visually separate the streetwall from the massing of the tower above. Above the three-storey reveal, the tower projects out toward the property line by 2 metres. Like the floors below this cantilever varies because of the "sawtooth" form of the tower.

The reveal and tower are both primarily glazed with vertical articulation. The reveal will allow the three-dimensional form of the heritage buildings to still be apparent and for them to retain visual prominence from the public realm. While a cantilever is not an ideal massing solution, staff are of the opinion that the depth of the step backs and the height of the reveal are sufficient to conserve the scale, form and massing of the heritage facades when viewed from the public realm. In addition, the reveal has been designed to create a quiet backdrop to the heritage facades and does not compete with it architecturally. The materiality and articulation of the tower above the street wall have been simplified through the application review process and are compatible with, visually subordinate to and distinguishable from the onsite and adjacent heritage properties.

The existing surface parking lot to the south of the corner heritage building at 247-255 Dundas Street East along Pembroke Street will be replaced with a new streetwall that contains the main lobby entrance and access to the loading bay and visitor parking. The new portion of the base building comprises two, 3-storey volumes, one glazed and one with stone cladding and punched window openings. The new base building volumes are compatible with the materiality, height and width of the corner heritage building and are clearly contemporary and subordinate to its historic architecture. The height of the base building was reduced through the application review process to achieve this compatible relationship.

Two rental replacement units are proposed for the first floor of the corner building at 247-255 Dundas Street East, and at the second floor, a new floorplate will be provided to accommodate one rental replacement unit. On the third floor, three rental replacement units are proposed within the three heritage buildings. To maintain the relationship between the interior and the fenestration pattern on the exterior, staff will work with the applicant at the site plan stage to seek opportunities to include full demising walls in their approximate original locations as well as a partial demising wall between 239 Dundas Street East and 241-243 Dundas Street East. The rental replacement units have been approved by City staff.

The overall design of the base building and tower will be further refined through the Site Plan Approval process, with careful attention paid to the material palette and streetwall design to ensure they are compatible with the onsite and adjacent heritage buildings and remain consistent with the Garden District Heritage Conservation District Plan.

The plans and drawings show proposed glazed wind screens/guardrails for the outdoor amenity space above the parapets of the heritage buildings. Their visibility from the public realm would negatively impact the heritage buildings scale, form, and massing. The wind screens and guardrails should be set back and/or reduced in height so that they are minimally visible from the public realm. The details of the proposed wind screens and guardrails will be set out in a Conservation Plan to be completed to the satisfaction of the Senior Manager, Heritage Planning.

The plans and drawings note "bird friendly mitigation" at the first 16 metres of the base building. Any bird-friendly treatment on the heritage buildings should be UV coated so that the windows are safe for birds but not visible to humans.

### **Adjacent Heritage Resources**

The proposal conserves the cultural heritage value of the adjacent heritage properties at 252-260 Dundas Street East, 257 Dundas Street East and 48-50 Pembroke Street.

The new base building along Pembroke Street is designed to be compatible with the onsite and adjacent heritage buildings. By maintaining a low-scale, pedestrian-oriented streetwall, the development completes the street and improves upon the existing parking lot condition.

Directly adjacent to the development site to the south at 48-50 Pembroke Street is a two-storey semi-detached brick building dating to the late 19th century. This property is owned by the applicant and is not proposed to be altered, nor is it subject to the development application. Views toward this property will be impacted by the new base building along Pembroke Street, as it projects beyond the front façade of this building; however, maintaining this heritage property with no alterations creates a buffer between the proposed development and the historic residential neighbourhood to the south.

### **Garden District Heritage Conservation District**

The proposal has been reviewed for consistency with the Garden District Heritage Conservation District Plan, particularly with the policies and guidelines for contributing properties contained in Section 6. The proposal is consistent with the District Plan; however, City Council approval is needed for alterations where there is a discrepancy between the proposed development and the District Plan.

District Plan Policy 6.5.2 only allows for the relocation of whole buildings, rather than façades. The Policy states, "The relocation of a building or structure within a contributing property, intact and excepting its sub-surface foundations, may be permitted if the relocation is a modest adjustment from its existing location and conserves the relationship of the structure's built form to the public realm." The proposed retention of the front and east façades and rear return will maintain the appearance of a three-dimensional building and the relocation is a modest adjustment from the building's existing location, satisfying the intent of this policy.

The proposed alterations to the heritage properties are consistent with the District Plan's policies and guidelines on alteration in Section 6.9, which require developments to be

compatible with the cultural heritage value of the District, to include compatible materials, to conserve the District's heritage attributes, and to not diminish or detract from the integrity of the District. The proposed development is consistent with these policies as it has been designed and revised to minimize the impact of the new construction on the onsite and adjacent heritage properties and the significant restoration work proposed helps to mitigate the impact of the development.

Section 6.10 of the District Plan contains policies and guidelines related to massing. The proposed massing is compatible with the scale, form and massing of the onsite heritage buildings as well as those of the adjacent heritage properties and the surrounding District. The District Plan requires development above a contributing property to have "a minimum setback of 5 metres from all streetwalls fronting onto a public right-of-way to maintain the legibility and prominence of the low-scale streetwall." The proposed development has varied setbacks that is in places less than 5 metres but the "sawtooth" design of the new tower means that most of it has a setback that is greater than 5 metres. Although even greater setbacks are preferred the proposal is considered to meet the intent of the District Plan policy.

The District Plan allows for cantilevers into the required tower setback. Policy 6.10.11 states, "In the Dundas Street East character sub-area, projecting balconies or cantilevered portions of additions to contributing properties may be permitted where it can be demonstrated that they do not negatively impact the cultural heritage value of this character sub-area and its overall streetscape, and do not detract from the visual prominence and legibility of the contributing property." The proposal complies with this policy and Staff are of the opinion that the overall proposal is in keeping with the Statement of Objectives in Section 3.1 of the HCD Plan.

### **Conservation Plan**

Should Council approve the proposed conservation strategy, prior to the issuance of the first permit for the development, the owner should be required to submit a Conservation Plan for the work described in the Heritage Impact Assessment prepared by a qualified heritage professional to the satisfaction of the Senior Manager, Heritage Planning. The Conservation Plan should detail all of the recommended interventions and conservation work including any recommended restoration work, a detailed plan describing how the heritage buildings will be protected during construction, a schedule of short and long-term maintenance requirements and estimated costs for all conservation work.

### **Heritage Interpretation Plan**

Should Council approve the proposed conservation strategy, prior to the introduction of the bills for the proposed Official Plan Amendment and Zoning By-law Amendment, the applicant should be required to submit a Heritage Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning.

### **Heritage Lighting Plan**

The lighting plan should provide details of how the heritage façades will be lit so that their unique heritage character is highlighted.

## **Signage Plan**

The recommended Signage Plan should provide details of the signage strategy for the heritage properties, including the appropriate type, scale, location and number of signs. The Signage Plan should be consistent with the signage policies and guidelines in the Garden District Heritage Conservation District Plan (Section 6.16).

## **CONCLUSION**

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Staff are supportive of the proposal to alter the three heritage properties at 239 Dundas Street East, 241-243 Dundas Street East and 247-255 Dundas Street East in connection with the development application for a 52-storey plus mechanical penthouse mixed-use tower. Staff are satisfied the proposal meets the intent of the Planning Act, the Provincial Policy Statement, the Growth Plan (2020) and the City of Toronto's Official Plan heritage policies in conjunction with the Standards and Guidelines for the Conservation of Historic Places in Canada. Although greater tower setbacks would be preferred the proposal is considered to meet the objectives of the Garden District Heritage Conservation District Plan.

Staff are supportive of the proposed alterations in the context of the full conservation and mitigation strategies proposed for the site and are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes and character of the onsite and adjacent heritage properties, the Dundas Street East Character Sub-Area and the overall Garden District Heritage Conservation District. The details of the restorations will be set out in a Conservation Plan to be completed to the satisfaction of the Senior Manager, Heritage Planning.

## **CONTACT**

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## **SIGNATURE**

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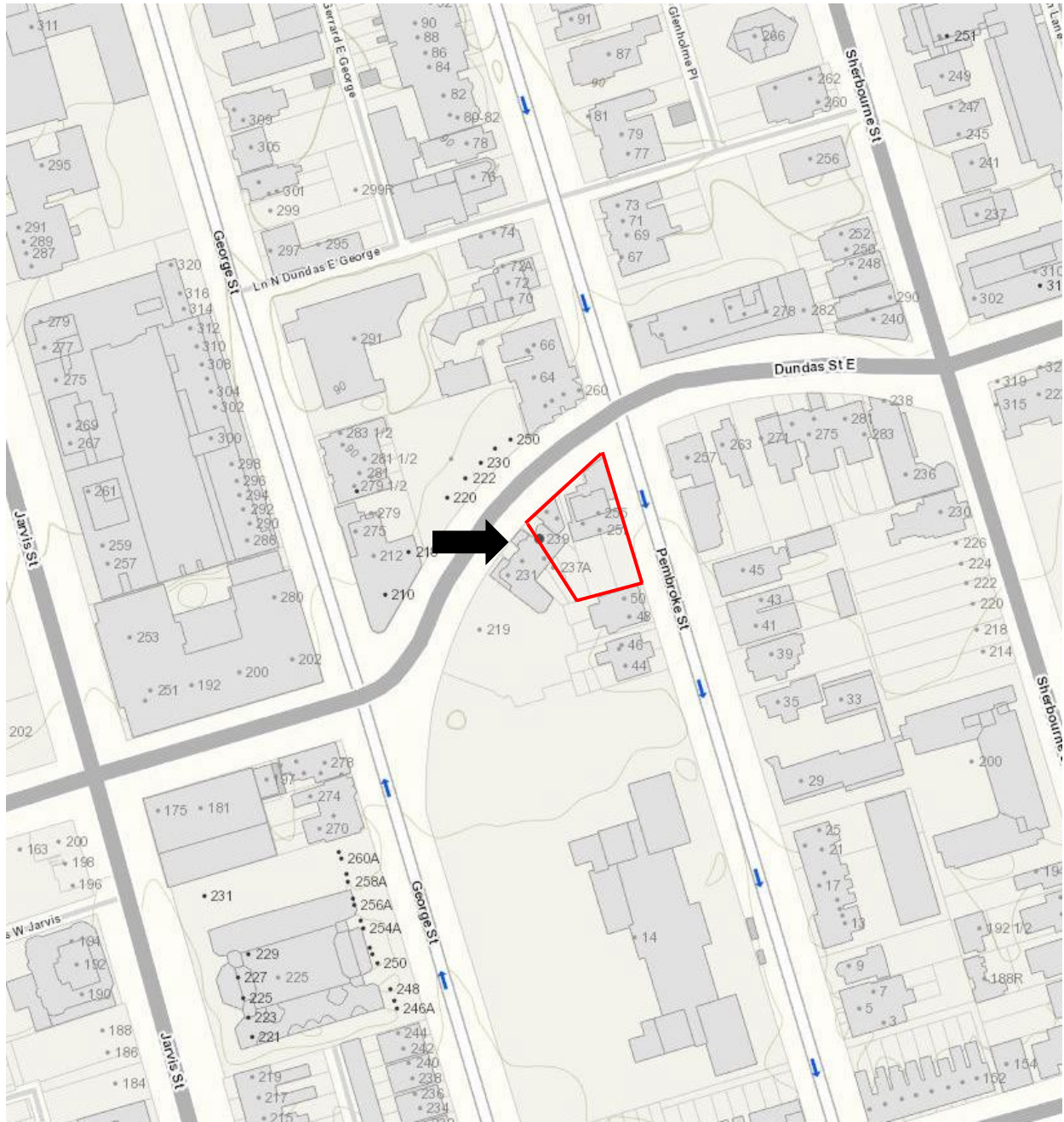
Kerri A. Voumvakis  
Interim Chief Planner and Executive Director  
City Planning

## **ATTACHMENTS**

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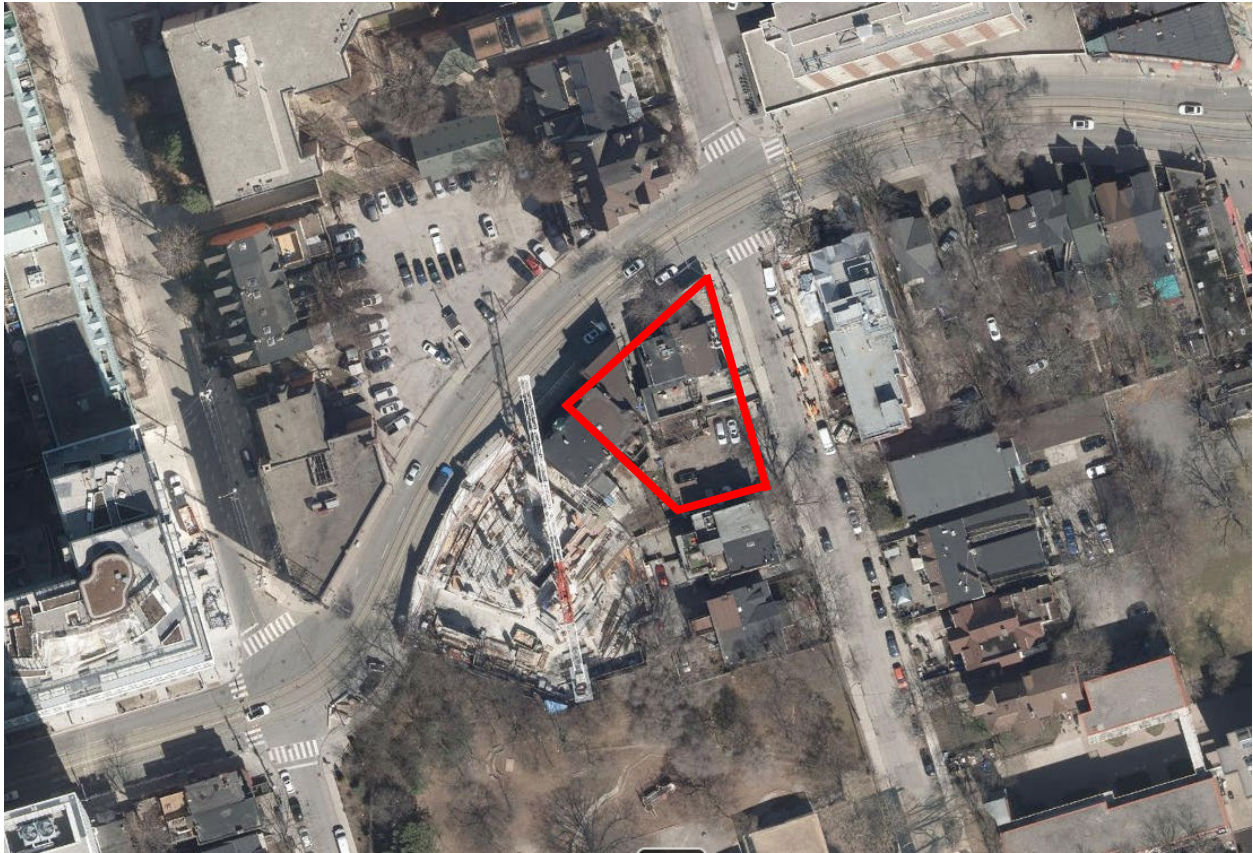
- Attachment 1 - Location Map
- Attachment 2 - Aerial Photograph
- Attachment 3 - Photographs
- Attachment 4 - Selected Drawings

239, 241-243 and 247-255 DUNDAS STREET EAST



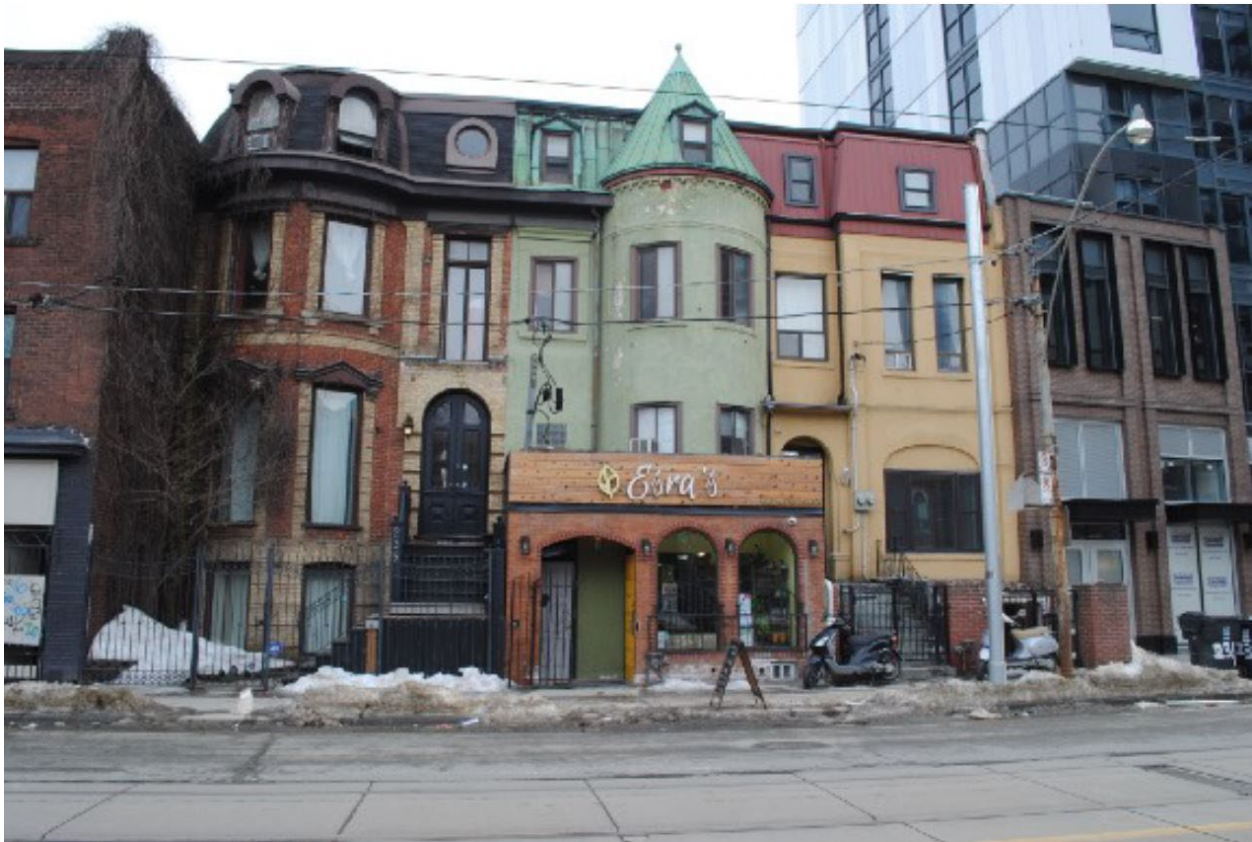
Location Map, showing the properties at 239, 241-243 & 247-255 Dundas Street East, indicated by the arrow. The property boundaries are approximate (iView, City of Toronto).

**239, 241-243 and 247-255 DUNDAS STREET EAST**

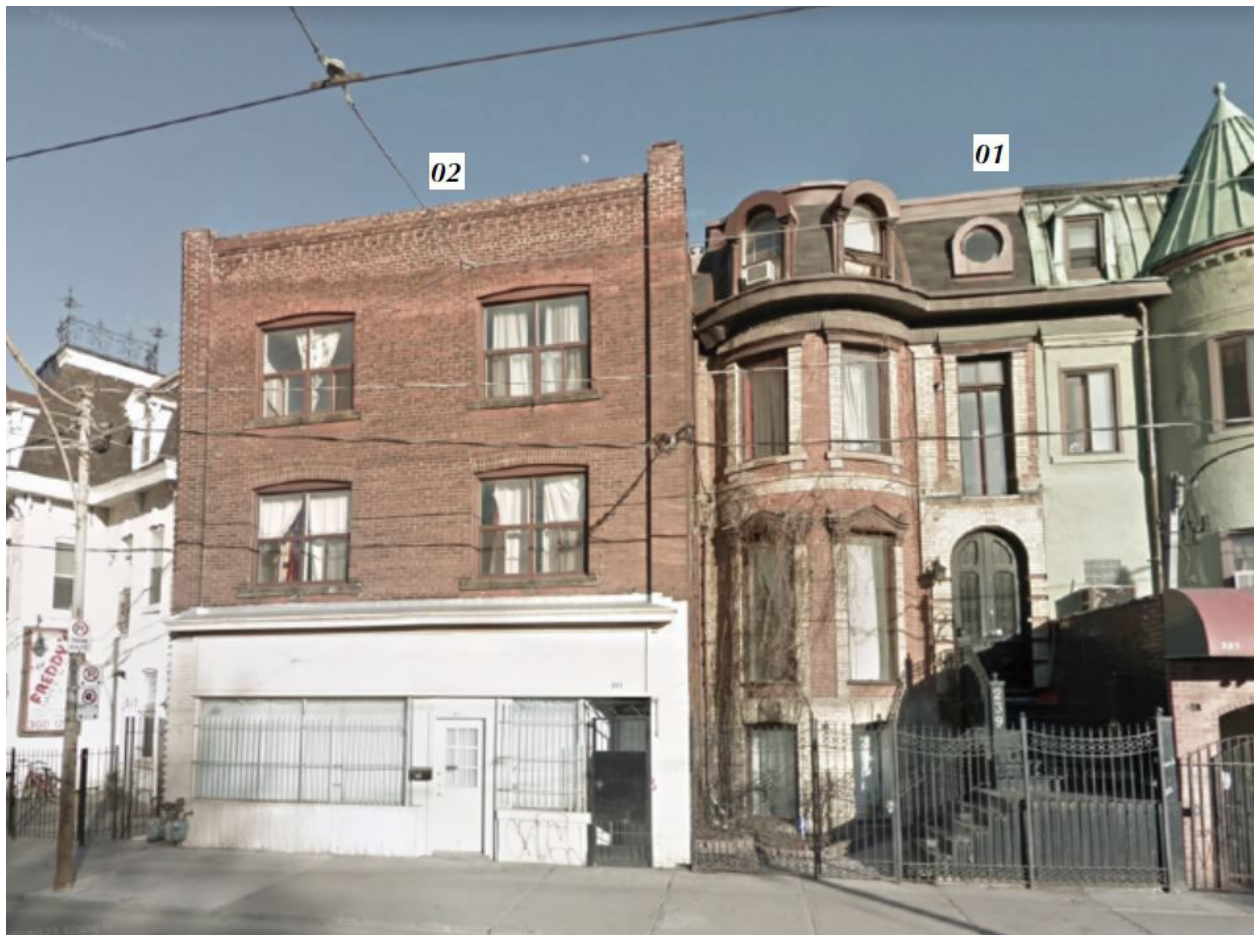


Aerial photograph showing the properties at 239, 241-243 & 247-255 Dundas Street East, indicated by the arrow. The property boundaries are approximate (iView, City of Toronto, 2020).

239, 241-243 and 247-255 DUNDAS STREET EAST



The properties at 235-239 Dundas Street East - 239 Dundas Street is shown on the left (GBCA Architects, 2022).

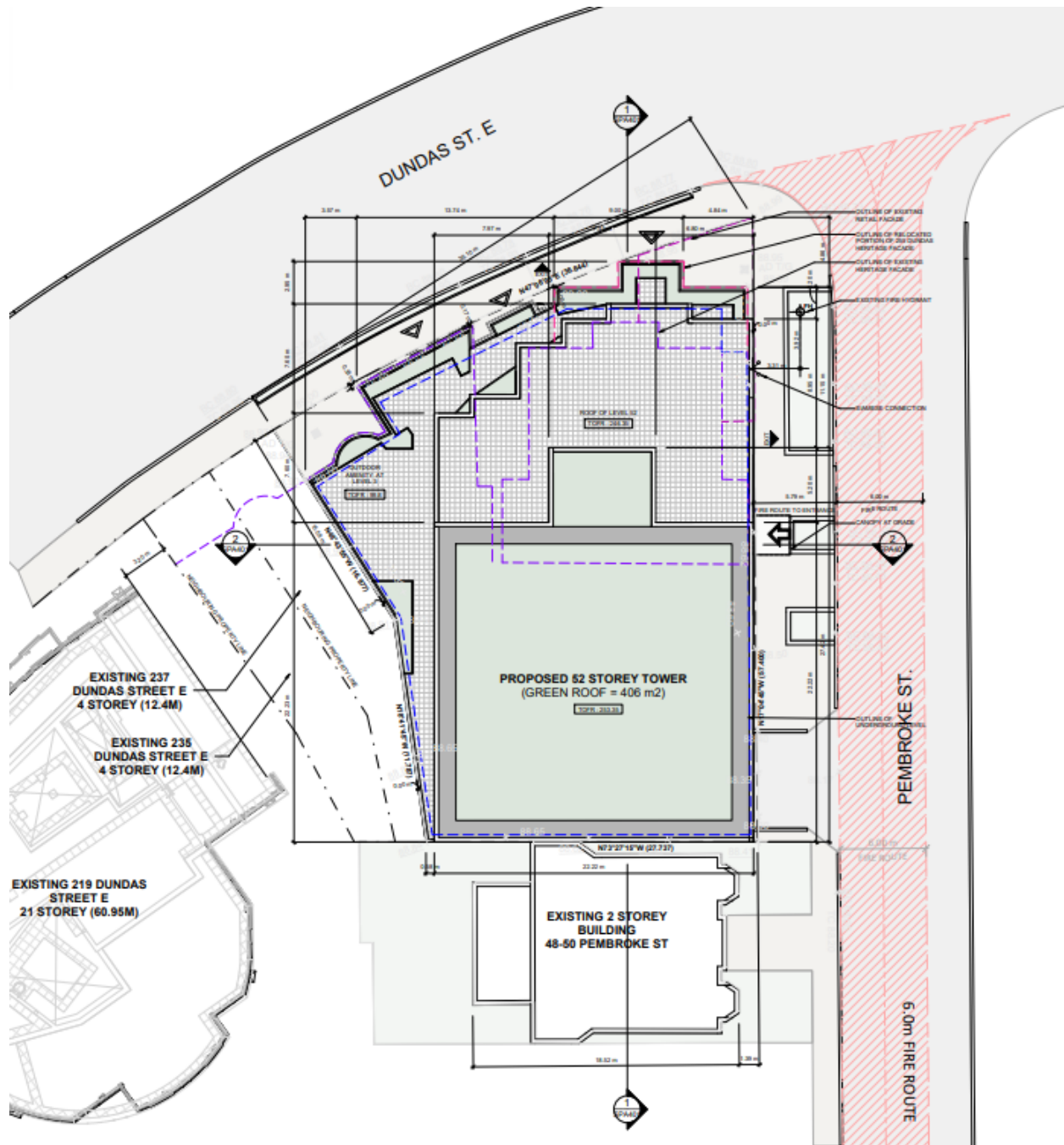


The property at 241-243 Dundas Street East, shown on the left, and the property at 239 Dundas Street East, shown on the right (GBCA Architects, 2022).

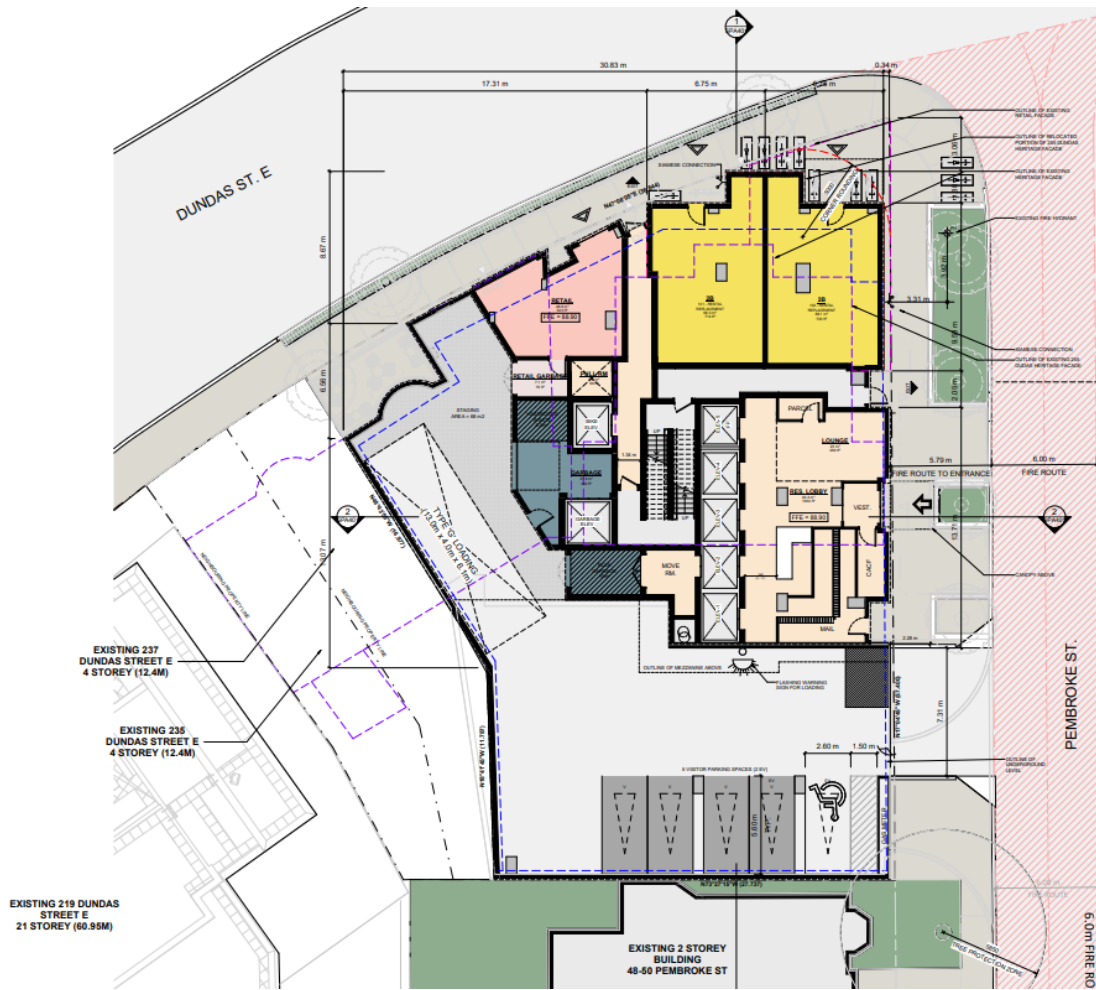


The property at 247-255 Dundas Street East (GBCA Architects, 2022).

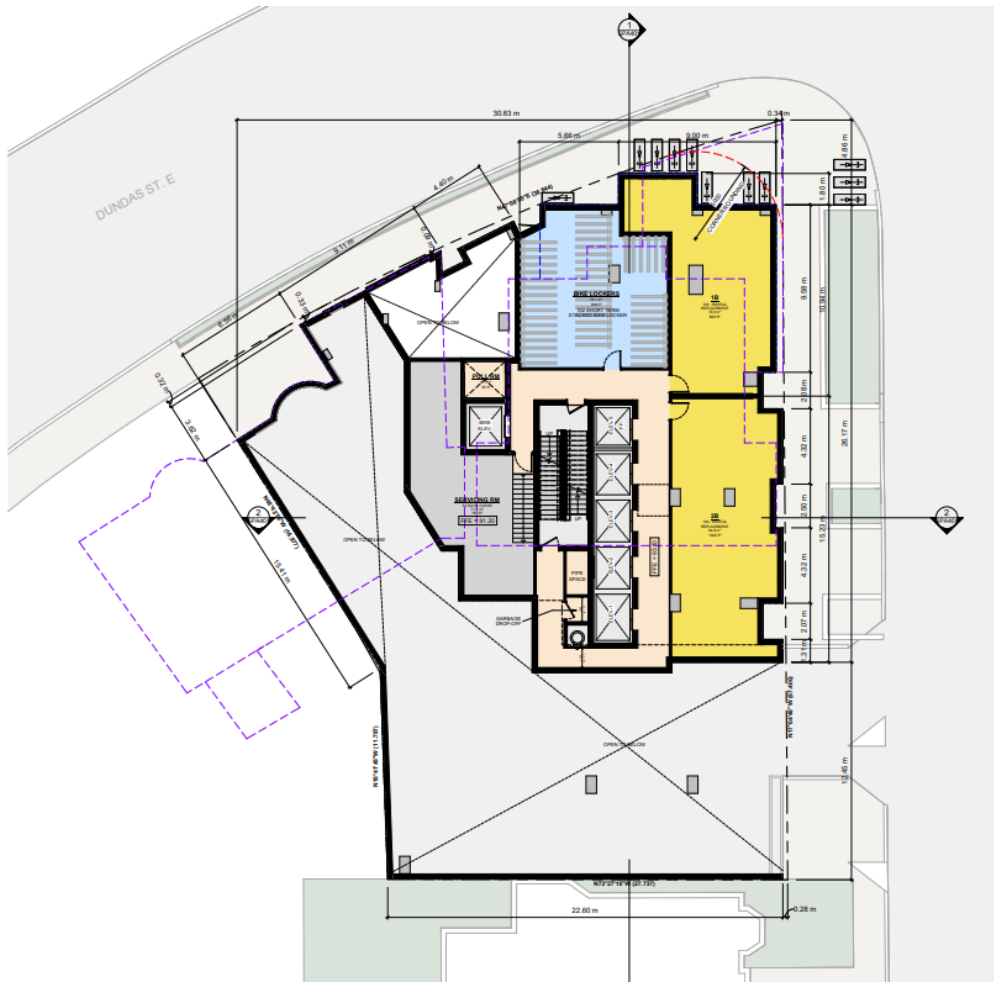
239, 241-243 and 247-255 DUNDAS STREET EAST



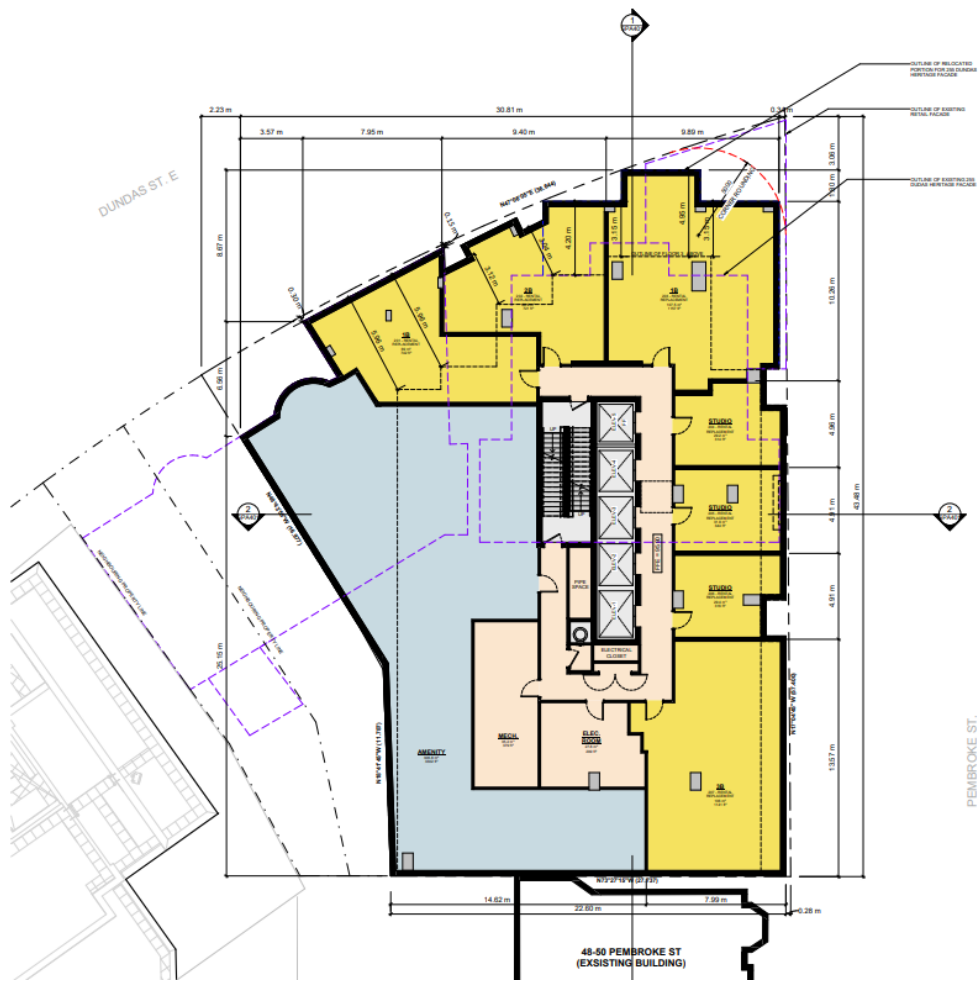
Proposed site plan for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



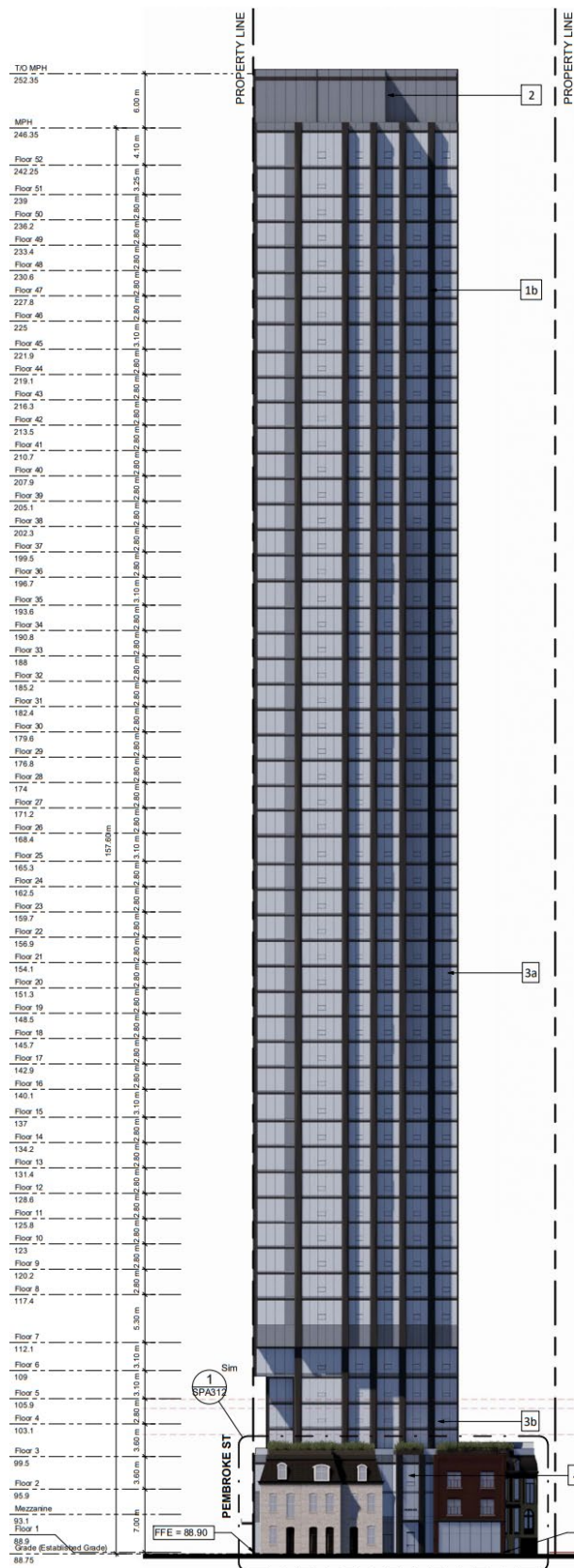
Proposed first floor plan for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., May 28, 2024).



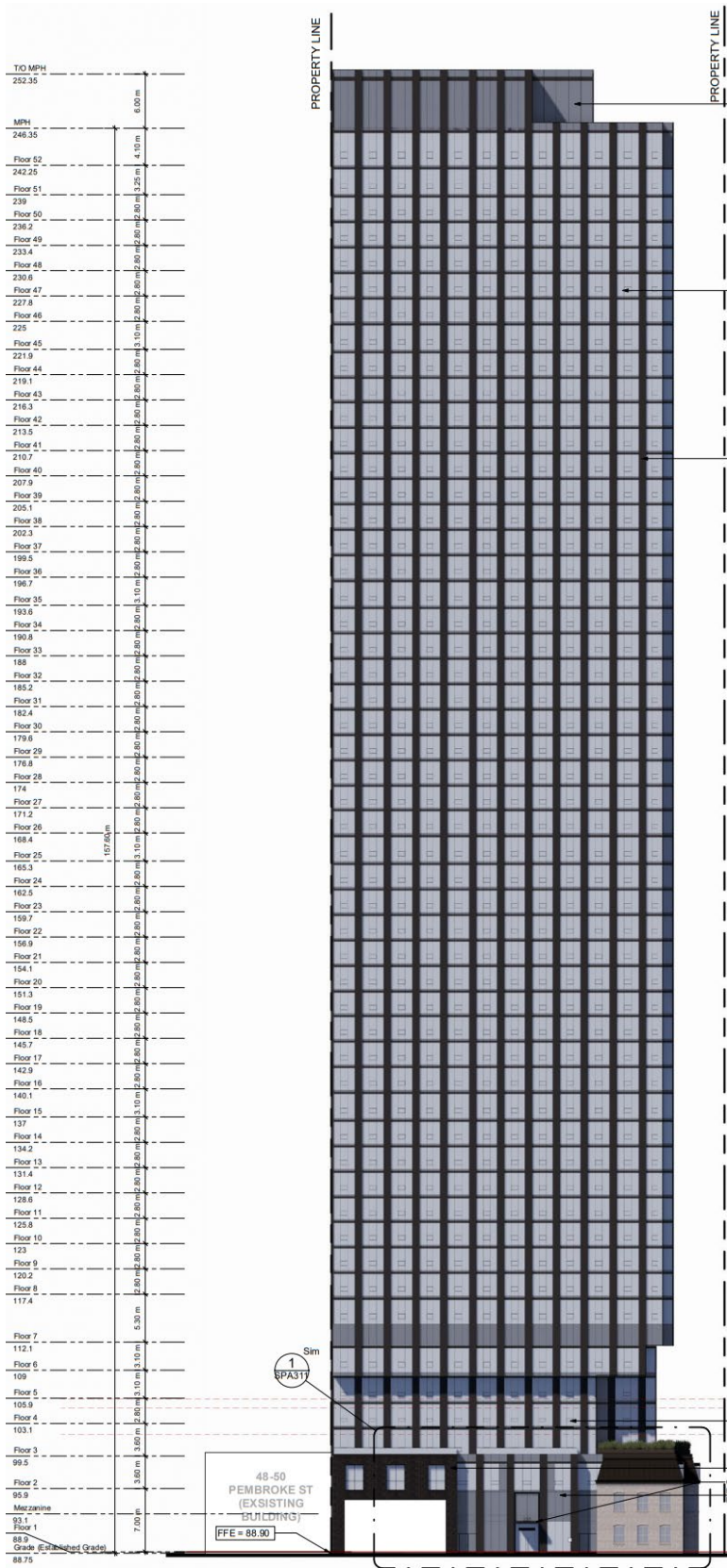
Proposed mezzanine floor plan for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., May 28, 2024).



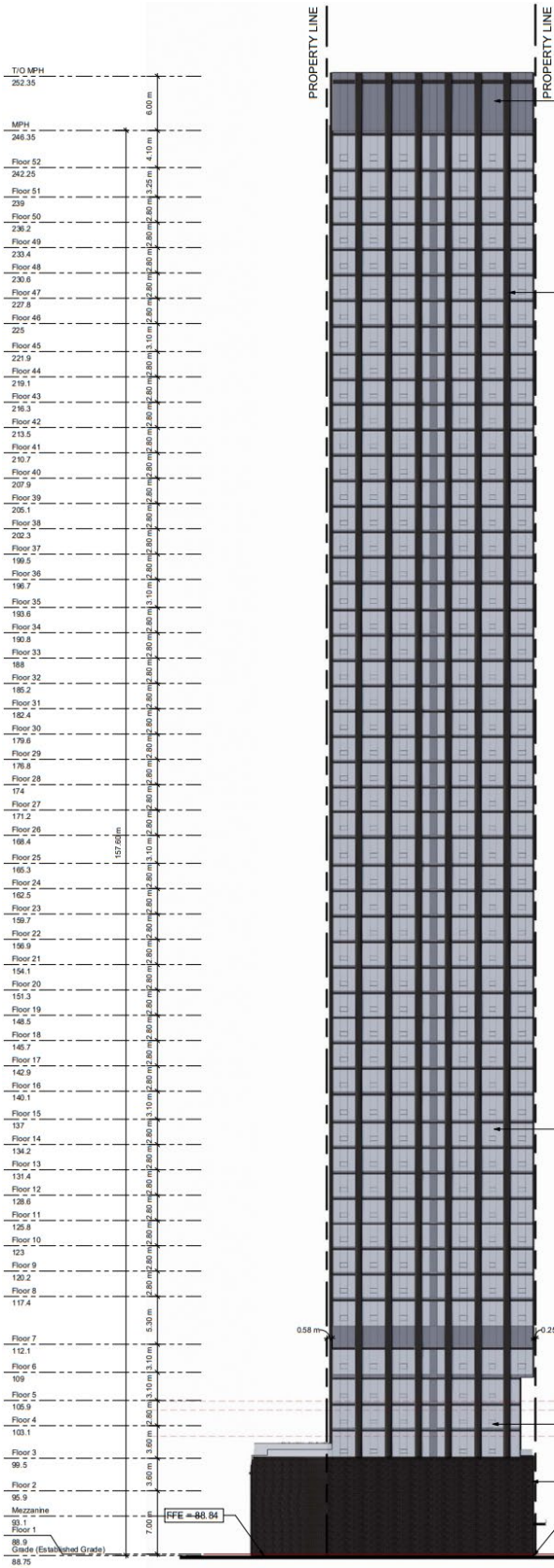
Proposed third floor plan for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., May 28, 2024).



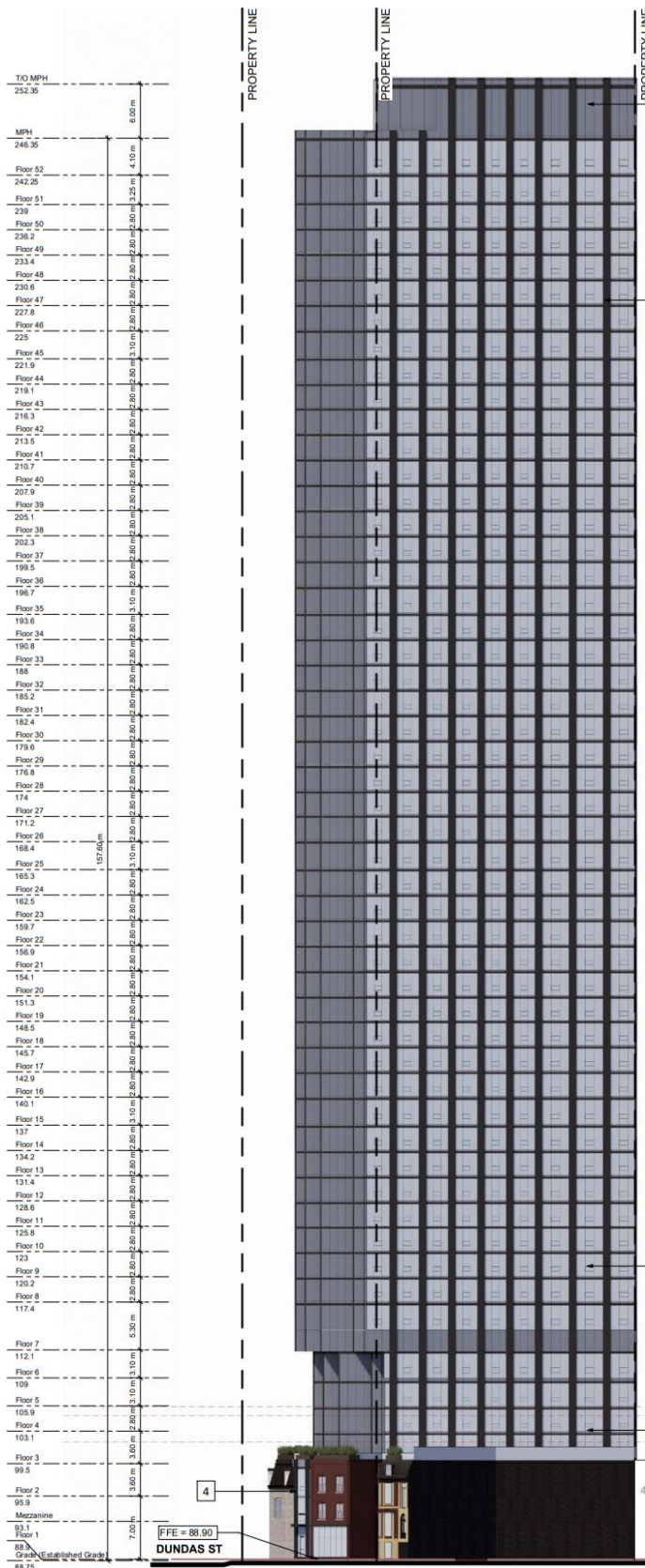
Proposed north elevation drawing for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



Proposed east elevation drawing for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



Proposed south elevation drawing for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



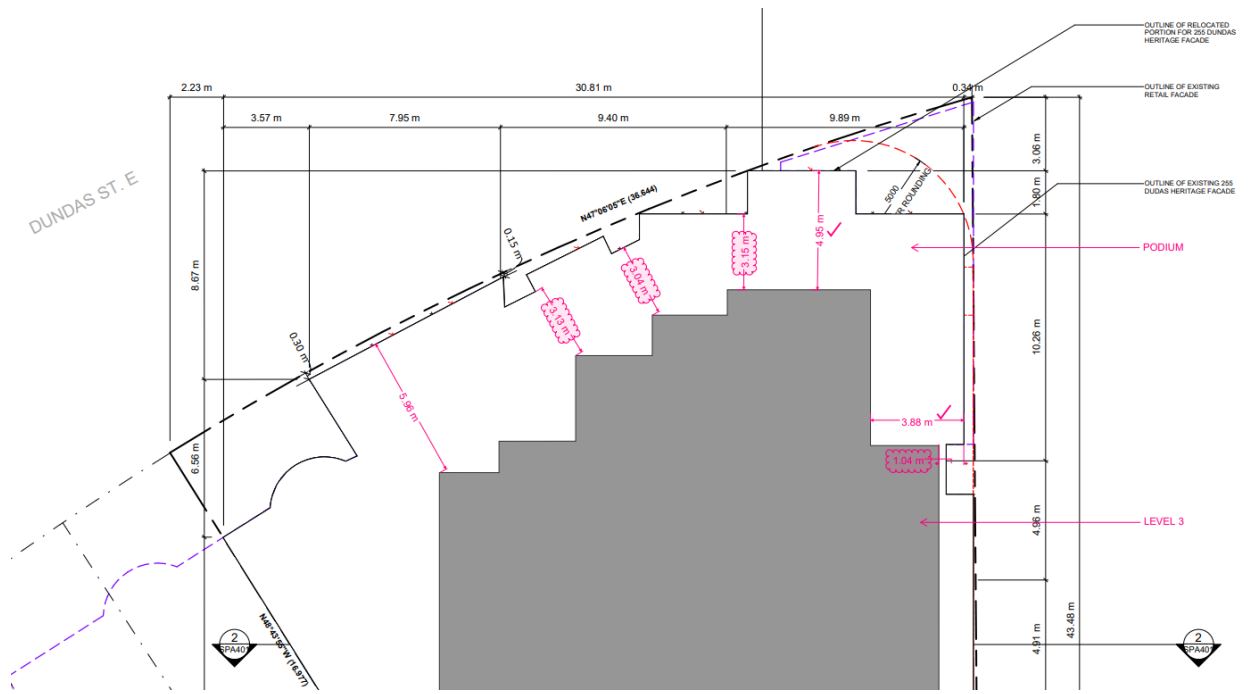
Proposed west elevation drawing for 239, 241-243 & 247-255 Dundas Street East included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



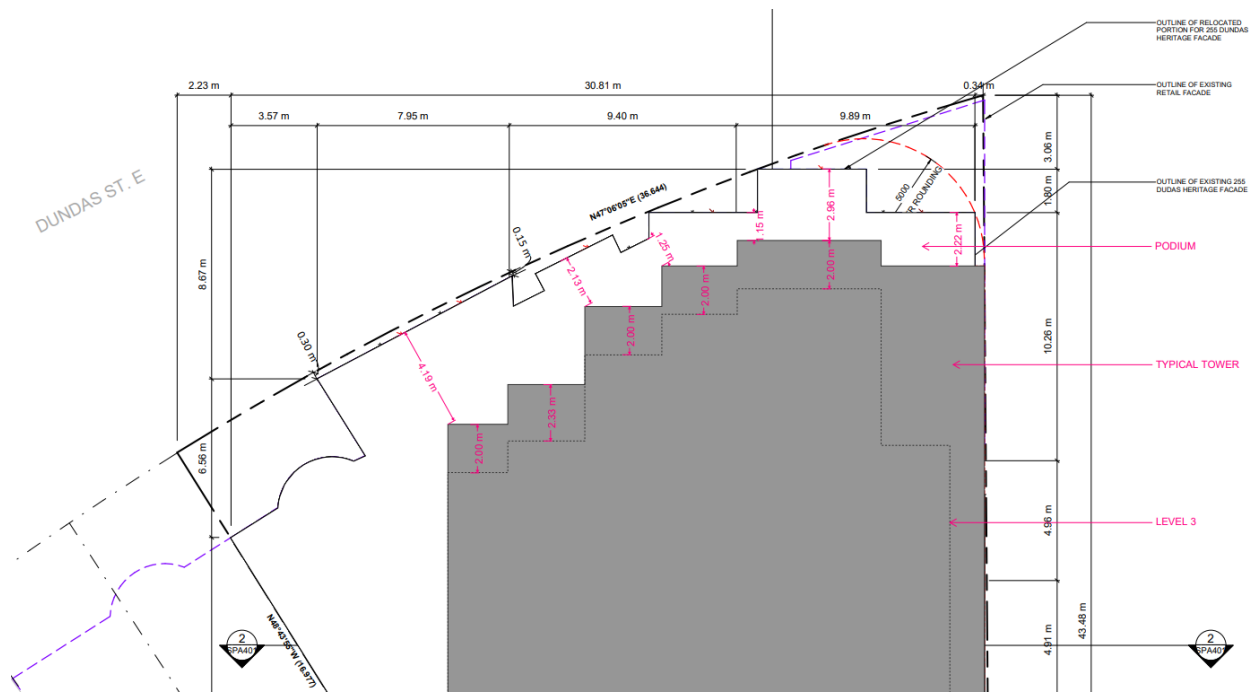
Rendering of the proposed base building at 239, 241-243 & 247-255 Dundas Street East, looking south from Dundas Street East, included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



Rendering of the proposed base building at 239, 241-243 & 247-255 Dundas Street East, looking east from Pembroke Street, included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



Drawing with annotated setbacks to the reveal included for illustration purposes (Turner Fleischer Architects Inc., June 3, 2024).



Drawing with annotated setbacks to the tower included for illustration purposes (Turner Fleischer Architects Inc., June 3, 2024).



Rendering of the proposed base building at 239, 241-243 & 247-255 Dundas Street East, looking south from Dundas Street East, included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).



Rendering of the proposed development at 239, 241-243 & 247-255 Dundas Street East, looking southwest from Dundas Street East and Sherbourne Street, included for illustration purposes (Turner Fleischer Architects Inc., December 8, 2023).