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Delivered by email:
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Toronto and East York Community Council
Toronto City Hall
100 Queen Street West
Toronto, ON, M5H 2N2

To whom this may concern,

**Re: Draft Cabbagetown Southwest Heritage Conservation District (HCD) Plan:
Comments on behalf of 401 Dundas Street East**

We are the land use planning consultants, writing on behalf of the owners (Plaza Partners – Pleasant Dundas Fund (Dundas) Acquisition LP) of the property municipally known as 401 Dundas Street East (the “subject site”). The subject site is surrounded by public streets on all sides with frontage on Dundas Street East, Berkley Street, Coatsworth Street and Milan Street.

At the July 20, 2023 City Council meeting, Council considered a Final Report and approved the owner’s Zoning By-law Amendment (ZBA) application, to permit the redevelopment of the site for a 10-storey mixed-use building. Further to this approval, we are writing now to provide comments to the Toronto Preservation Board regarding the Draft Cabbagetown Southwest Heritage Conservation District (CSHCD) Plan, as it relates to the subject site and its ongoing redevelopment. We request that our comments on the Draft CSHCD Plan be considered and adopted.

The subject site has an area of approximately 1,274.71 square metres (0.31 acres) and is currently occupied by a 2-storey, 20th century, *non-contributing* commercial building. The existing property includes an auto service use, other commercial retail and service uses, a surface parking area spanning the Dundas Street frontage between Berkley Street and Milan Street, and a large and high column supported advertising sign in the front parking area next to the Dundas Street East frontage. All of this is proposed to be demolished to enable the ZBA approved mixed use building.

The approved building consists of a 10-storey (33.95 m excluding MPH) mixed-use building, currently proposed with 101 residential units, and a minimum of 290 sq m of non-residential GFA facing the Dundas Street frontage.

The subject site is located within the *Downtown and Central Waterfront Area*, (Map 2 of the City of Toronto Official Plan 'City OP') and is designated *Mixed Use Areas* on Land Use Map 18 of the City OP, as are adjacent lands to the north, west, and east that front onto Dundas Street East.

The approved ZBA application was submitted on December 23, 2020, and as mentioned, was approved by City Council on July 20, 2023. With direction from Toronto City Council, the City of Toronto Planning Division initiated the Cabbagetown Southwest Heritage Conservation District (CSHCD) Study in spring of 2018. The Toronto Preservation Board endorsed the resulting Study report in 2019 which outlined the District's heritage value. Resulting from this Study is the Draft CSHCD Plan, dated November 10, 2023, which our comments relate to.

The Draft CSHCD Plan identifies *Character Sub-areas*, categorizes the existing Building Typologies, and identifies all properties in the area as being either *contributing* or *non-contributing* to the heritage value. The subject site is a *non-contributing* property, given that it does not "...add to the overall cultural heritage values, character, and integrity of the district" (chapter 7, page 169).

It is important to recognize in the HCD, the transition of the July 20, 2023 Council ZBA approval. While Appendix F (Transition) does this, it is also important that this section of the HCD, recognize and enable, the ongoing implementation of the ZBA approval, through to building permit issuance. This includes the potential circumstance where some element(s) of the Council approved plan may require revisions or minor changes before final building permits are issued. This customarily occurs through *Planning Act* means such as Section 41 (Site Plan Approval (SPA)), and/or Section 45 (Minor Variance). This customary means of implementation should be recognized in the Transition provisions of the HCD plan as an important, timely, and public interest means of implementing these "Listed Approvals".

To this end, we respectfully request that the first paragraph of Appendix F (Transition), be modified as follows:

This Plan does not apply to those approvals identified in Appendix "F" (the "Listed Approvals"). For clarity such Listed Approvals are inclusive of instruments, **or applications**, that have been approved in principle, **or subsequently approved**, either by a decision of Council, **the Committee of Adjustment, the Toronto Local Appeal Tribunal**, or the Ontario Land Tribunal, or successor, and of any pending or subsequent site plan applications which implement such approvals.

In our opinion, the above modification to the Transition provisions of the HCD would enable the customary implementation of Listed Approvals, and importantly, could function to avoid the undue delay or frustration of the timely implementation and provision of housing on such List Approvals.

While the approved ZBA qualifies the subject site as a Listed Approval, as defined in Appendix F (Transition), out of an abundance of caution we would request that 401 Dundas Street East be included in the Table of Addresses and Application numbers which is to be prepared and inserted into Appendix F.

We'd be happy to meet with City staff to discuss this before it is forwarded to City Council for approval.

Please notify us of any further report or decision regarding this matter.

Yours very truly,

GOLDBERG GROUP

A handwritten signature in blue ink, appearing to read 'M. Goldberg', is written over a faint rectangular stamp.

Michael S. Goldberg, MCIP, RPP
Principal

cc. O. Richichi – Plaza Partners – Pleasant Dundas Fund (Dundas)