

April 26, 2017

To: Toronto and East York Community Council

From: Toronto Preservation Board

Subject: **Alterations to Designated Heritage Properties at 284 King Street West (Anderson Building) and 322 King Street West (Eclipse Whitewear) and Authority to Amend Heritage Easement Agreements, Demolition of Heritage Properties at 266 and 276 King Street West**

Recommendations:

The Toronto Preservation Board recommends to the Toronto and East York Community Council that:

1. City Council approve the alterations to the heritage properties at 284 and 322 King Street West in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a mixed use development on the lands municipally known as 260-270 King Street West (East Phase Development) and 274-322 King Street West (West Phase Development), with such alterations substantially in accordance with plans and drawings dated March 22, 2016, prepared by Gehry International Inc., and on file with the Senior Manager, Heritage Preservation Services; and the Conservation Plan 260 - 322 King Street West, issued on March 15, 2016 and revised on February 24, 2017, prepared by ERA Architects Inc. and on file with the Senior Manager, Heritage Preservation Services, subject to the following additional conditions:

- a. That the related Site Specific Zoning By-Law Amendment giving rise to the proposed alterations shall be in full force and effect, in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Preservation Services;
- b. That prior to any Ontario Municipal Board Order issuing in connection with the appeal of the Zoning By-law Amendment Application (OMB Case No. PL130629):
 1. The owner shall enter into the associated s.37 Agreement and a Heritage Easement Agreement for each of 260 King Street West (Royal Alexandra Theatre), 322 King Street West (Eclipse Whitewear), and 284 King Street West (Anderson Building), and agrees in the S.37 Agreement to not oppose the designation of 300 King Street West (Princess of Wales Theatre) under Part IV of the Ontario Heritage Act;
 2. The final form of the Zoning By-law Amendment is acceptable to the City Solicitor and to the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Preservation Services.

c. That prior to final Site Plan approval for each phase of the proposed development at 260-270 King Street West (East Phase Development) and 274-322 King Street West (West Phase Development), the owner shall:

1. Provide final site plan drawings substantially in accordance with the Conservation Plan 260 - 322 King Street West, issued on March 15, 2016 and revised on February 24, 2017, prepared by ERA Architects Inc. to the satisfaction of the Senior Manager, Heritage Preservation Services;
2. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
3. Provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
4. Provide a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services;
5. Provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services;

d. That prior to the issuance of any permit for all or any part of the development at 260 - 270 King Street West (East Phase Development) and 274-322 King Street West (West Phase Development), including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings including interior works as are acceptable to the Senior Manager, Heritage Preservation Services:

1. The related Site Specific Zoning By-Law Amendment giving rise to the proposed alterations shall be in full force and effect, in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Preservation Services;
2. The existing Heritage Easement Agreements shall be amended for the properties at 284 King Street West and 322 King Street West in accordance with the plans and drawings dated March 22, 2016, prepared by Gehry International Inc., and on file with the Senior Manager, Heritage Preservation Services; and the Conservation Plans for 284 King Street West (Anderson Building) and for 322 King Street West (Eclipse Whitewear Building) issued on March 15, 2016 and revised on February 24, 2017, prepared by ERA Architects Inc. and on file with the Senior Manager, Heritage Preservation Services to the satisfaction of the Senior Manager, Heritage Preservation Services including the registration of such agreement to the satisfaction of the City Solicitor.
3. The owner shall provide building permit drawings for the specific work for which the permit is being sought, including notes and specifications for the conservation and protective measures keyed to the Conservation Plan 260 - 322 King Street West, issued on March 15, 2016 and revised on February 24, 2017, prepared by ERA Architects Inc., 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 Preservation Services;

4. The owner shall 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 Preservation Services to secure all work included in the approved Conservation Plan,

5. The owner shall provide full documentation of the existing heritage properties at 266 and 276 King Street West, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services.

e. Notwithstanding Recommendation 1.d above, the owner shall be permitted to obtain a building permit for exterior work at 322 King Street West pursuant to the Conservation Plan 260 - 322 King Street West, prior to obtaining permits related to the West Phase Development at 274 - 322 King Street West.

f. That prior to the release of the Letter of Credit required in Recommendation 1.d.4. in the report dated March 26, 2017 from the Chief Planner and Executive Director, City Planning, the owner shall:

1. Have obtained final Site Plan approval for the development issued by the Chief Planner and Executive Director, City Planning;

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

2. City Council approve the demolition of the heritage buildings on the properties at 266 and 276 King Street West in accordance with Section 34 of the Ontario Heritage Act, substantially in accordance with plans and drawings dated March 22, 2016, prepared by Gehry International Inc., and on file with the Senior Manager, Heritage Preservation Services; and the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc, dated May 5, 2014, and on file with the Senior Manager, Heritage Preservation Services.

3. City Council pass a by-law to repeal the Designation By-law No. 1148-2011 for the property at 266 King Street West upon the demolition of the heritage building and remove the property from the Heritage Register in accordance with Section 34.3 of the Ontario Heritage Act.

4. City Council pass a by-law to repeal Designation By-law No. 1149-2011 for the property at 276 King Street West upon the demolition of the heritage building and remove the property from the Heritage Register in accordance with Section 34.3 of the Ontario Heritage Act.

5. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreements, registered on the title for the heritage property at 260 King Street West, 284 King Street West and 322 King Street West and on file with the Senior Manager, Heritage Preservation Services.
6. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement.
7. City Council state its intention to amend Designating By-law No. 512-75 (as amended by By-law No. 1238-2012) to correct the legal description in accordance with Section 30.1(3) of the Ontario Heritage Act.
8. City Council provide notice of the proposed amendment to Designating By-law No. 512-75 (as amended by By-law No. 1238-2012) to the Owner of 260 King Street West in accordance with Sections 30.1(3) and 30.1(4) of the Ontario Heritage Act.
9. If there are no objections to the amendment in accordance with Section 30.1(6) of the Ontario Heritage Act, the City Solicitor be authorized to introduce the necessary Bill in Council to amend Designating By-law No. 512-75 (as amended by By-law No. 1238-2012).

Background:

The Toronto Preservation Board on April 20, 2017, considered a report (March 26, 2017) from the Chief Planner and Executive Director, City Planning regarding Alterations to Designated Heritage Properties at 284 King Street West (Anderson Building) and 322 King Street West (Eclipse Whitewear) and Authority to Amend Heritage Easement Agreements, Demolition of Heritage Properties at 266 and 276 King Street West.

Communications

(April 20, 2017) Letter from Dan Eylon, ERA Architects Inc. (PB.Supp.PB22.2.1)
(<http://www.toronto.ca/legdocs/mmis/2017/pb/comm/communicationfile-68863.pdf>)

Speakers

Michael McClelland, ERA Architects Inc.
Patrick Devine, Devine Park LLP

For City Clerk

L. Bettencourt

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PB22.2>