



Decision Letter

Toronto Preservation Board

Meeting No.	28	Contact	Lourdes Bettencourt, Committee Secretary
Meeting Date	Thursday, December 14, 2017	Phone	416-392-7033
Start Time	9:30 AM	E-mail	teycc@toronto.ca
Location	Committee Room 2, City Hall	Chair	Jennifer Rieger

PB28.4	ACTION	Amended		Ward:27
--------	--------	---------	--	---------

Alterations to a Designated Heritage Property, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 771 Yonge Street

Board Decision

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

1. City Council approve the alterations to the designated heritage property at 771 Yonge Street, in accordance with Section 33 of the Ontario Heritage Act, for the construction of a new tower and podium with alterations to the designated building at 771 Yonge Street in accordance with the settlement offer from the Applicant comprised of the plans and drawings prepared by Giannone Petricone Associates Inc. Architects, dated November 14, 2017, and the Heritage Impact Assessment prepared by Goldsmith Borgal and Company Ltd. Architects, dated November 15, 2017, all on file with the Senior Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Preservation Services and subject to the following conditions:

a. Prior to issuance of an Ontario Municipal Board Order in connection with the Zoning By-law Amendment appeal for the property at 771 Yonge Street, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 771 Yonge Street substantially in accordance with plans and drawings prepared by Giannone Petricone Associates Inc. Architects dated November 14, 2017, and the Heritage Impact Assessment prepared by Goldsmith Borgal and Company Ltd. Architects, dated November 15, 2017 or otherwise revised in accordance with a settlement offer or Board Order, subject to and in accordance with the approved Conservation Plan required in Recommendation 1.a.2, all to the satisfaction of the Senior Manager, Heritage Preservation Services including execution of such agreement to the satisfaction of the City Solicitor.

2. Provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 771 Yonge Street, prepared by Goldsmith Borgal and Company Ltd. Architects, dated November 15, 2017 or otherwise a conservation strategy revised in accordance with a settlement offer or Board Order, all to the

satisfaction of the Senior Manager, Heritage Preservation Services.

3. Enter into and register on the property at 771 Yonge Street Avenue one or more agreements with the City pursuant to Section 37 of the Planning Act, all to the satisfaction of the City Solicitor, the Acting Chief Planner and Executive Director, City Planning, and the Senior Manager, Heritage Preservation Services with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations, including amongst other matters, securing the preparation and thereafter the implementation of a Heritage Lighting Plan, a Signage Plan, an Interpretation Plan and requiring a letter of credit to secure all work included in the approved Conservation Plan and approved Interpretation Plan, including provision for upwards indexing, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

b. Prior to Final Site Plan approval in connection with the Zoning By-law Amendment appeal for the property at 771 Yonge Street, the owner shall:

1. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.a.2 in the report of December 1, 2017 from Acting the Chief Planner and Executive Director, City Planning 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 detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services.

5. Submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.

d. That prior to the issuance of any permit for all or any part of the property at 771 Yonge Street, 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 as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:

1. Obtain final approval for the necessary by-law amendments required for the alterations to the properties at 771 Yonge Street, such amendments to have been enacted by City Council in connection with a Ontario Municipal Board Order and to have come into effect in a form and with content acceptable to City Council as determined by the Acting Chief Planner, and the Executive Director, City Planning, in consultation with the Senior Manager, Heritage Preservation Services.

2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.2 above 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.

3. 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, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan.

4. Provide full documentation of the existing heritage property at 771 Yonge Street, 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. That prior to the release of the Letter of Credit required in Recommendation 1.d.3. above the owner shall:

1. 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 Plan, 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. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

2. City Council state its intention to designate the property at 771 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 771 Yonge Street (Reasons for Designation) attached as Attachment 7 to the report (November 21, 2017) from the Acting Chief Planner and Executive Director, City Planning.

3. If there are no objections to the designation in accordance with Section 29(6) of the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the bill in Council designating the property under Part IV, Section 29 of the Ontario Heritage Act.

4. If there are objections in accordance with Section 29(7) of the Ontario Heritage Act, City Council direct the City Clerk to refer the designation to the Conservation Review Board.

5. If the designation is referred to the Conservation Review Board, City Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision on the designation of the property.

6. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 771 Yonge Street for the property at 771 Yonge Street in a form and with content satisfactory to the City Solicitor and the Acting Chief Planner and Executive Director, City Planning.

7. City Council authorizes the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at 771 Yonge Street.

8. City Council request that the Applicant work with City Staff to improve the visual prominence of the south elevation of 771 Yonge Street and to maintain the continuity of the street frontage through the redesign of the connection between the existing heritage building

and the listed property at 765 Yonge Street, to the satisfaction of the Senior Manager, Heritage Preservation Services.

Origin

(December 1, 2017) Report from the Acting Chief Planner and Executive Director, City Planning Division

Summary

This report recommends that City Council approve the proposed alterations for the heritage property at 771 Yonge Street, in connection with the proposed redevelopment of the site and per the settlement offer submitted to the City by Sherman Brown on July 26, 2017, in conjunction with an appeal to the OMB of the application for Zoning By-law Amendment. This report also recommends that City Council state its intention to designate 771 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act and give authority to enter into a Heritage Easement Agreement for this property.

As part of the project scope, the existing property at 771 Yonge Street will be conserved and incorporated into the redevelopment. The tower will be stepped back 10 metres from the Yonge Street property line with a strategy that does not impact the building's three dimensional form through retention of existing wall fabric at all elevations, in-kind reconstruction of the non-heritage roof and restoration of the street facing facades. New retail uses are proposed within the heritage structure with a new floor slab proposed to be reconstructed between the first and second floor levels. Should the alterations to the subject property be approved, staff recommend that the property owner be required to enter into a Heritage Easement Agreement to ensure the long-term protection of the heritage property.

Background Information

(December 1, 2017) Report and Attachments 1 - 6 from the Acting Chief Planner and Executive Director, City Planning - Alterations to a Designated Heritage Property, Intention to Designate under Part IV, Section 29 of the Ontario Act and Authority to Enter into a Heritage Easement Agreement - 771 Yonge Street

<http://www.toronto.ca/legdocs/mmis/2017/pb/bgrd/backgroundfile-109763.pdf>

Communications

(December 13, 2017) Letter from Nicolas Barrette, GBCA Architects Ltd. (PB.Supp.PB28.4.1)

<http://www.toronto.ca/legdocs/mmis/2017/pb/comm/communicationfile-74575.pdf>

Speakers

Ralph Giannone, Giannone Petricone Associates Inc. Architects

Chris Borgal, GBCA Architects Ltd.