



## Toronto Preservation Board

PB6.6	ACTION	Adopted		Ward: 11
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### **Alterations to Heritage Properties at 8 Elm Street and 348-350 Yonge Street, Intention to Designate 348-350 Yonge Street under the Ontario Heritage Act - Part IV Section 29, Authority to Amend 8 Elm Street Heritage Easement Agreement and Enter into Heritage Easement Agreement at 348-350 Yonge Street**

#### **Board Decision**

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

Should City Council decide to accept the settlement offer for the Zoning By-law Amendments dated April 8, 2019, and should the Zoning By-law Amendment come into full force and effect, it is recommended that City Council take the following actions to secure the following matters:

1. City Council include the property at 348-350 Yonge Street on the City of Toronto's Heritage Register.
2. City Council state its intention to designate the property at 348-350 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 348-350 Yonge Street (Reasons for Designation) attached as Attachment 5 to the report (May 1, 2019) from the Senior Manager, Heritage Preservation Services.
3. If there are no objections to the designations in accordance with 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 the Ontario Heritage Act, City Council direct the City Clerk to refer the designation to the Conservation Review Board.
5. If the designations are 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 approve the settlement offer which comprises the alterations to the designated heritage properties at 8 Elm Street and 348-350 Yonge Street, in accordance with Section 33 of the Ontario Heritage Act, for the construction of a new 67-storey mixed-use office residential development with at-grade retail uses at 8 Elm Street and 348-356 Yonge Street in conjunction with an appeal to the Local Planning Appeals Tribunal ("LPAT") and in accordance with the settlement offer from the Applicant comprised of the plans and drawings prepared by IBI Group Architects, submitted with the Heritage Impact Assessment prepared by GBCA Architects (April 23, 2019) 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 Local Planning Appeals Tribunal Order in connection with the Zoning By-law Amendment appeal for the properties at 8 Elm Street and 348-356 Yonge Street, the owner shall:

1. Amend the existing Heritage Easement Agreement, registered on the title for the heritage property at 8 Elm Street, Instrument No. CT720206 (May 24, 1985) substantially in accordance with plans and drawings prepared by IBI Group Architects, submitted with the Heritage Impact Assessment prepared by GBCA Architects (April 23, 2019) subject to and in accordance with the approved Conservation Plan required in Recommendation 6.a.3. below, all to the satisfaction of the Senior Manager, Heritage Preservation Services.
2. Enter into a Heritage Easement Agreement with the City for the property at 348-350 Yonge Street substantially in accordance with plans and drawings prepared by IBI Group Architects, submitted with the Heritage Impact Assessment prepared by GBCA Architects (April 23, 2019) subject to and in accordance with the approved Conservation Plan required in Recommendation 6.a.3. below, all to the satisfaction of the Senior Manager, Heritage Preservation Services including execution of such agreement to the satisfaction of the City Solicitor.
3. 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 8 Elm Street and 348-350 Yonge Street, prepared by GBCA Architects (April 23, 2019) to the satisfaction of the Senior Manager, Heritage Preservation Services.
4. Enter into and register on the properties at 348-356 Yonge Street one or more agreements with the City pursuant to Section 37 of the Planning Act, all to the satisfaction of the City Solicitor 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 final project specifications, including drawings, for the dismantling and reconstruction of the property at 352-354 Yonge Street, 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, approved specifications for 352-354 Yonge Street 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 properties at 8 Elm Street and 348-356 Yonge Street, the owner shall:

1. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 6.a.3. above to the satisfaction of the Senior Manager, Heritage Preservation Services.
2. Provide final project specifications, including drawings, for the dismantling and reconstruction of the property at 352 - 354 Yonge Street, satisfactory to the Senior Manager, Heritage Preservation Services, prior to demolition permit being issued for the development site.

3. 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 properties 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.

c. That prior to the issuance of any permit for all or any part of the properties at 8 Elm Street and 348-356 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 Zoning By-law amendments required for the alterations to the properties at 8 Elm Street and 348-350 Yonge Street, such amendments to have been enacted by City Council in connection with a Local Planning Appeals Tribunal Order and to have come into effect in a form and with content acceptable to City Council as determined by the City Solicitor 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 6.a.3. 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, approved project specifications for 352-354 Yonge Street, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan.

4. Provide full documentation of the existing heritage properties at 8 Elm Street and 348-350 and 352-354 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.

d. That prior to the release of the Letter of Credit required in Recommendation 5.c.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, final project specifications plan for 352-354 Yonge Street, 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.

7. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement, registered on the title for the heritage property at 8 Elm Street, Instrument No. CT720206 (May 24, 1985) on file with the Senior Manager, Heritage Preservation Services.

8. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement.

9. City Council authorize the entering into of a Heritage Easement Agreement(s) under Section 37 of the Ontario Heritage Act with the owner of 348-356 Yonge Street for the property at 348-350 Yonge Street in a form and with content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

10. City Council authorizes the City Solicitor to introduce the necessary bill in Council authorizing the entering into Heritage Easement Agreement(s) for the property at 348-350 Yonge Street.

## **Origin**

(May 3, 2019) Report from the Senior Manager, Heritage Preservation Services, Urban Design, City Planning

## **Summary**

This report recommends that City Council approve the proposed alterations for the heritage properties at 8 Elm Street and 348 - 350 Yonge Street, in connection with the proposed redevelopment of the site and per the settlement offer submitted to the City on April 8, 2019, in conjunction with an appeal to the Local Planning Appeals Tribunal ("LPAT") of the application for Zoning By-law Amendment.

This report also recommends that City Council state its intention to designate 348 - 350 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act, include the property on the City's Heritage Register and give authority to enter into a Heritage Easement Agreement for the property and amend the existing Heritage Easement Agreement for the property at 8 Elm Street which is designated under Part IV of the Ontario Heritage Act.

The original application proposed an 80 storey mixed use building on a smaller site, being 8 Elm Street. That application was refused by City Council at the November 8, 2016 meeting and subsequently appealed to the Local Planning Appeals Tribunal. A revised 84-storey proposal was subsequently submitted to Local Planning Appeals Tribunal by the applicant.

Since that time, the applicant has worked with City staff to address various planning issues and has submitted a revised application following Local Planning Appeals Tribunal led mediation. The revised proposal is for a 67-storey mixed-use office residential development with at-grade retail uses at 8 Elm Street and 348-356 Yonge Street.

As part of the project scope, the existing properties at both 8 Elm Street and 348-350 Yonge Street will be conserved and incorporated into the redevelopment. Additionally, the unlisted property at 352-354 Yonge Street would be dismantled and reconstructed at the project site.

The new development will be stepped back 5 metres from the Elm Street frontage and 7.5 metres from the Yonge Street frontage at roof level.

The conservation strategy will not significantly impact the three dimensional form of the buildings as viewed from the public realm. Should the alterations to the subject property be approved, staff recommend that the property owner be required to amend the existing Heritage Easement Agreement at 8 Elm Street and to enter into a Heritage Easement Agreement for the property at 348-350 Yonge Street in order to ensure the long-term protection of the heritage properties.

### **Background Information**

(May 3, 2019) Report and Attachments 1-6 from the Senior Manager, Heritage Preservation Services, Urban Design, City Planning - Alterations to Heritage Properties at 8 Elm Street and 348-350 Yonge Street, Intention to Designate 348-350 Yonge Street under the Ontario Heritage Act - Part IV Section 29, Authority to Amend 8 Elm Street Heritage Easement Agreement and Enter into Heritage Easement Agreement at 348-350 Yonge Street  
(<http://www.toronto.ca/legdocs/mmis/2019/pb/bgrd/backgroundfile-133211.pdf>)

### **Speakers**

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Chris Borgal, President, GBCA Architects