

# Demolition of a Heritage Building and Repeal of By-law No. 500-2015 for 327 (333) King Street West and Authority to Amend the Heritage Easement Agreement for 321- 327 (333) King Street West

Date: April 8, 2019

To: Toronto Preservation Board  
Toronto and East York Community Council

From: Senior Manager, Heritage Preservation Services, Urban Design, City Planning

Wards: Ward 10 - Spadina-Fort York

## SUMMARY

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This report recommends that City Council approve the demolition of the designated heritage building on the property at 327 (333) King Street West in connection with a revised Local Planning Advisory Tribunal settlement proposal on a zoning by-law amendment appeal for the properties at 321-327 (333) King Street West; repeal the designation by-law on the property at 327 (333) King Street West and give authority to amend the Heritage Easement Agreement on the properties at 321-327 (333) King Street West. New information on the condition of the building at 327 (333) King Street West supports its demolition and the construction of a replacement building on the property.

## RECOMMENDATIONS

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The Senior Manager, Heritage Preservation Services, Urban Design, City Planning recommends that:

1. City Council approve the demolition of the designated heritage building at 327 (333) King Street West in accordance with Section 34 of the Ontario Heritage Act, as part of a revised conservation strategy for the site which includes 321-325 King Street West and arising from an amendment to a City Council-approved Ontario Municipal Board settlement (Case No. PL110554), with such alterations substantially in accordance with plans and drawings dated November 27, 2018, prepared by IBI Group Architects and the Heritage Impact Assessment dated January 11, 2019 prepared by Philip Goldsmith Architect, both 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 additional conditions:

a. That prior to issuance of a Local Planning Appeals Tribunal Order in connection with the Zoning By-law Amendment appeal, the owner shall:

1. 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 321-327 (333) King Street West, prepared by Philip Goldsmith Architect dated January 11, 2019, to the satisfaction of the Senior Manager, Heritage Preservation Services;
2. Register an amending Heritage Easement Agreement which removes reference to the property at 327 (333) King Street West, updates the current Schedule B photographs and Reasons for Identification and references the plans and drawings dated November 27, 2018, prepared by IBI Group Architects and the Heritage Impact Assessment dated January 11, 2019 prepared by Philip Goldsmith Architect, and the Conservation Plan required in 1.a.1 of this report, all on file with the Senior Manager, Heritage Preservation Services;
3. Enter into and register on the properties at 321-325 King Street West 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 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;
4. Provide for the withdrawal of the appeal of the King Spadina Heritage Conservation District plan which was approved by Council for intent to designate under Part V of the Ontario Heritage Act.

b. Prior to Final Site Plan approval in connection with the Zoning By-law Amendment appeal for the properties at 321-327 (333) King Street West, the owner shall:

1. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.a.2 to the satisfaction of the Senior Manager, Heritage Preservation Services.
2. Provide an Interpretation Plan for the properties at 321-325 King Street West and a Commemoration Plan for 327 (333) King Street West to the

satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plans 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 Plans to the satisfaction of the Senior Manager, Heritage Preservation Services.

4. 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 321-327 (333) King Street West, including a heritage permit, a building permit or a demolition 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 321-327 (333) King Street West, such amendments to have been enacted by City Council in connection with an LPAT Order and to have come into effect in a form and with content acceptable to City Council as determined by the Director, Urban Design, 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.

d. That prior to the release of the Letter of Credit required in Recommendation 1.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, Lighting 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 Repeal By-law No. 500-2015 under Section 32 of the Ontario Heritage Act.

3. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement registered on the properties at 321-327 (333) King Street West as Instrument No. AT3637619 on July 18, 2014.

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

## **FINANCIAL IMPACT**

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There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

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On May 26, 2010 an application to amend the Zoning By-law was filed to allow for the construction of a 39-storey mixed use building on the site. The façades of the reconstructed listed (at the time) heritage buildings at 323-325 King Street West were proposed to be dismantled, reconstructed and integrated into the podium. The listed (at the time) heritage building at 327 (333) King Street West was proposed to be demolished with the façade integrated into the podium. The non-listed building on the site, situated between the two heritage buildings, would be demolished and replaced with new construction.

City Planning staff did not support the proposal, primarily due to insufficient facing distances and the impact of the development on both the heritage properties and the historic context of the King-Spadina area. On June 2, 2011, the City Clerk's office received notification that the applicant filed an application to the Ontario Municipal Board citing City Council's failure to make a decision on the application within the prescribed timelines of the Planning Act.

On February 7, 2012 City Council adopted recommendations in a report from the Director, Community Planning, Toronto and East York District, authorizing staff to oppose the applicant's OMB appeal and directed staff to continue to work with the applicant on a revision to the plans based on City Planning staff's comments, with the objective of reaching a settlement on an acceptable form of development.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE12.10>

On July 11, 12, and 12, 2012 City Council adopted recommendations in a report from the Director, Community Planning, Toronto and East York District authorizing staff to

prepare and present minutes of settlement, to be presented to the OMB jointly with the applicant.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE17.16>

On October 23, 2012 the Toronto Preservation Board adopted the report recommending approval of the alterations to the properties at 321-327 (333) King Street West.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PB17.8>

On November 27, 2012 City Council approved the alterations to the heritage properties at 321-327 (333) King Street West and granted authority to enter into Heritage Easement Agreements.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE20.24>

On July 18, 2014 a Heritage Easement Agreement was registered on the properties at 321-327 (333) King Street West as Instrument No. AT3637619.

The properties at 321-325 and 327 (333) King Street West were designated under Part IV of the Ontario Heritage Act by By-law Nos. 498-2015, 499-2015 and 500-2015, respectively.

<https://www.toronto.ca/legdocs/bylaws/2015/law0498.pdf>

<https://www.toronto.ca/legdocs/bylaws/2015/law0499.pdf>

<https://www.toronto.ca/legdocs/bylaws/2015/law0500.pdf>

On October 2, 2017, City Council adopted Item TE26.14, and in accordance with Section 41 of the Ontario Heritage Act, designated by by-law the King-Spadina Heritage Conservation District (HCD) and King-Spadina Heritage Conservation District Plan under Part V of the Ontario Heritage Act. The boundaries of the HCD include the subject properties.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

## **BACKGROUND**

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### **Heritage Properties**

The properties at 321-325 King Street West form part of a series of four units known as Hughes Terrace, originally designed by John Tully, one of Toronto's earliest architects.

Located on the south side of King Street West in the block west of John Street, the two eastern units of Hughes Terrace at Nos. 319 (not part of this report) and 321 were constructed in 1856. The two western units at Nos. 323 and 325 contain the reconstructed portions of Hughes Terrace which were demolished for public safety reasons and rebuilt in 1986 to complement the surviving buildings.

The buildings on the properties at 319-321 King Street West are rare surviving examples of buildings designed by John Tully and are historically linked to the King-Spadina neighbourhood as it has evolved from its origins as an institutional and residential enclave to a commercial and industrial sector in the late 19th century.

The reconstructed units at 323-325 King Street West have value as their scale, setback and mid-19th century appearance are visually linked to the King-Spadina neighbourhood and they support the surviving portions of Hughes Terrace.

The property at 327(333) King Street West contains a non-heritage building and the designated Gardner Boyd Buildings. The Gardner Boyd Buildings (1885) were constructed as a pair of three-storey commercial buildings. Following a fire, the buildings were reduced to two stories and are now combined under a single street address. The Gardner Boyd Buildings have design significance as representative examples of late 19th century buildings and support the character and continuous scale and rhythm of the grouping of mid-19th century properties on the south side of King Street West, west of John Street.

### **Approved Development Proposal**

On November 27, 28, and 29, 2012 City Council adopted, without amendment, the staff report dated October 5, 2012 entitled, "Alterations to Heritage Properties - 321-327 (333) King Street West".

Recommendations in the report include approval to dismantle and reconstruct the previously reconstructed heritage buildings at 323-325 King Street West and to alter 321 and 327 (333) King Street West, with conditions required to be met prior to issuance of an Ontario Municipal Board Order. The majority of the required conditions have been met with the exception of the submission of a satisfactory Conservation Plan, which will be discussed, below. The subject properties have been designated under Part IV of the Ontario Heritage Act and are all subject to registered Heritage Easement Agreements. The Ontario Municipal Board (LPAT) has not yet issued an Order.

The City Council-approved settlement proposal consists of the construction of a 47-storey mixed-use building at 321-327 (333) King Street West with the retention in situ of the primary façades of both the original portion of Hughes Terrace (321 King Street West) and the Gardner Boyd Buildings (327-333 King Street West) during construction. The existing reconstructed portion of Hughes Terrace (323-325 King Street West) is approved to be dismantled and reconstructed again to more closely match the original remaining units at 319-321 King Street West.

The City Council-approved strategy for the Gardner Boyd Buildings at 327 (333) King Street West is to retain the second storey in situ, reconstruct the missing third storey of the building which was lost in a fire in the mid-20th century and construct a new ground-level storefront.

### **Revised Settlement Proposal**

The revised settlement proposal represents a reduction in required parking and increases in bicycle parking and overall gross floor area, without any increase in height or a change in massing. The major change to the approved settlement proposal involves the demolition of the designated Gardner Boyd Buildings at 327 (333) King Street West and the construction of a new three-storey building in its place. The

applicant has submitted a complete Application to Demolish a Designated Building or Structure under Part IV of the Ontario Heritage Act.

## **Policy Framework**

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 (PPS) issued under the authority of Section 3 of the Planning Act 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 states 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."

The Growth Plan for the Greater Golden Horseshoe, 2017 (the "Growth Plan") provides a strategic framework for managing growth in the Greater Golden Horseshoe region. Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region.

The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the Planning Act, to conform, or not conflict, as the case may be, with 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.”

The City of Toronto's Official Plan provides the policy framework for heritage conservation in the City. The following Official Plan policies apply to the revised conservation strategy:

3.1.5.4: "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 adopted by Council."

3.1.5.5: "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."

3.1.5.6: "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."

3.1.5.27: "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 faces alone is discouraged."

### **King-Spadina Secondary Plan**

The proposed development is subject to the King-Spadina Secondary Plan found in Chapter 6.16 of the Official Plan. The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form and the public realm. The policies of Section 4, Heritage, provide the following direction for new development:

"New buildings should achieve a compatible relationship with heritage buildings in their context through consideration of such matters as, but not limited to, building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression."

### **The Standards and Guidelines**

The Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City of Toronto.

## **COMMENTS**

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The Gardner Boyd Buildings at 327 (333) King Street West were constructed as a pair of three-storey semi-detached units. The ground floor façade is contemporary with no exposed historic foundation and all of the second storey window openings have been enlarged. The third storey was lost in a fire in the mid-20th century.



The previously approved conservation strategy for the Gardner Boyd Buildings, set out in the Heritage Impact Assessment (HIA), prepared by Philip Goldsmith Architect dated February 9, 2012, introduces a contemporary ground floor façade, supports the second storey facade in situ and reconstructs the third storey façade as close to the original design as possible using new materials.

The current revised settlement proposal does not result in any changes to the City Council-approved development proposal in terms of tower height, massing, step backs or base building design, with the exception of the approach for the property at 327 (333) King Street West.

The strategy for the Gardner Boyd Buildings has been revised in response to a determination that the masonry and joints on the remaining second storey façade, the only remaining element of the original three-storey building, are sufficiently eroded as a result of past sandblasting so as to prevent it from being supported during construction or being reconstructed with original materials.

Both the applicant and staff carefully considered a reconstruction scheme for the second storey. The previously-approved strategy to retain the original second storey façade in situ, reconstruct the third storey façade with new materials and construct a new ground floor storefront was an acceptable rehabilitation and restoration strategy grounded in the Parks Canada Standards and Guidelines for Historic Places in Canada.

With the retention of the second storey façade not currently possible given its condition, a plan to reconstruct the entire facade with new materials is not being proposed as it is not considered a conservation strategy according to Standard 14 of the Standards and Guidelines which indicates that the reconstruction of an entire historic place is not considered conservation.

After much discussion, the applicant and staff agreed that reconstructed second and third floor facades with new materials and a contemporary ground floor façade would result in an artificial heritage building with no integrity and, in this case, staff believe its demolition and replacement with a new building that supports the character of the King-Spadina neighbourhood is warranted.

"Integrity" in the City's Official Plan is defined as a measure of a heritage property's wholeness and intactness of the cultural heritage value and attributes. Since the building on the subject property currently contains very little of the original building elements, with the inability to successfully retain the second storey façade, none of the original building will be left to conserve.

To mitigate the loss of this heritage building, the proposed replacement building will reflect the scale, form, massing, materials, fenestration pattern and general proportions of the original three-storey building on the property. The new building will reinforce the heritage character along this part of King Street West, while maintaining distinguishability as a contemporary building, consistent with both the King-Spadina HCD Plan and the King-Spadina Secondary Plan.

## **CONCLUSION**

Staff supports the revised conservation strategy to demolish the Gardner Boyd Buildings at 327 (333) King Street West and replace them with a new, contemporary replacement building that maintains the design and contextual values of the original property and is compatible with the heritage character of the King-Spadina area. With the removal of the building, the by-law designating the property under the Ontario Heritage Act will be required to be repealed and the Heritage Easement Agreement which is registered on all the heritage properties on the site will be amended to remove reference to the property at 327 (333) King Street West.

## **CONTACT**

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## **SIGNATURE**

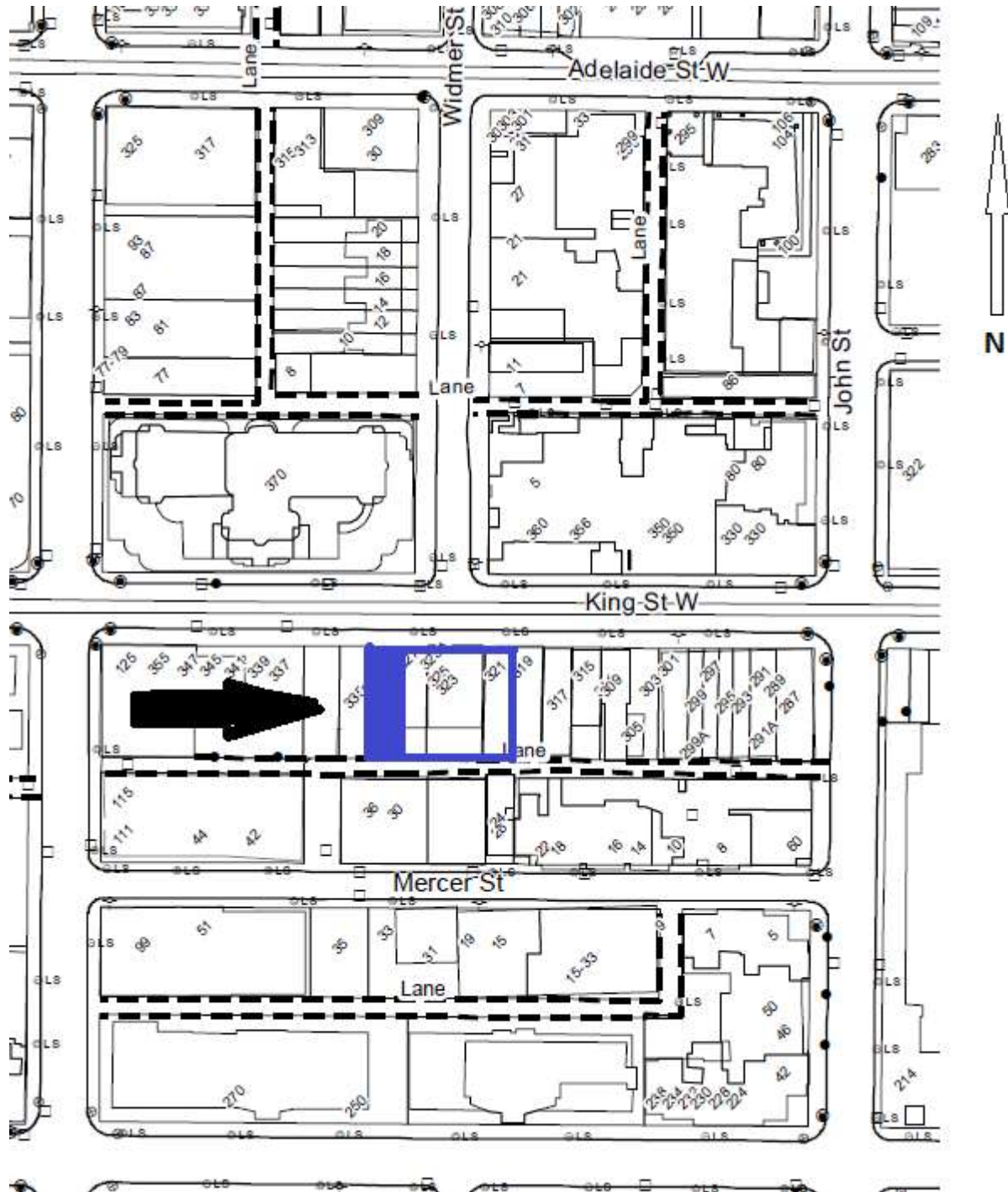
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Senior Manager, Heritage Preservation Services  
Urban Design, City Planning

## **ATTACHMENTS**

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Attachment 1 - Location Map  
Attachment 2 - Photographs  
Attachment 3 - Proposal Renderings  
Attachment 4 - Proposal Drawings  
Attachment 5 - Statement of Significance





Existing north elevation: 327 (333) King Street West



Existing King Street frontage of development with subject property (blue arrow)



Existing King Street context looking east



Masonry detail showing sandblasted bricks and mortar deterioration



Proposal rendering of King Street (north) elevation showing replacement building

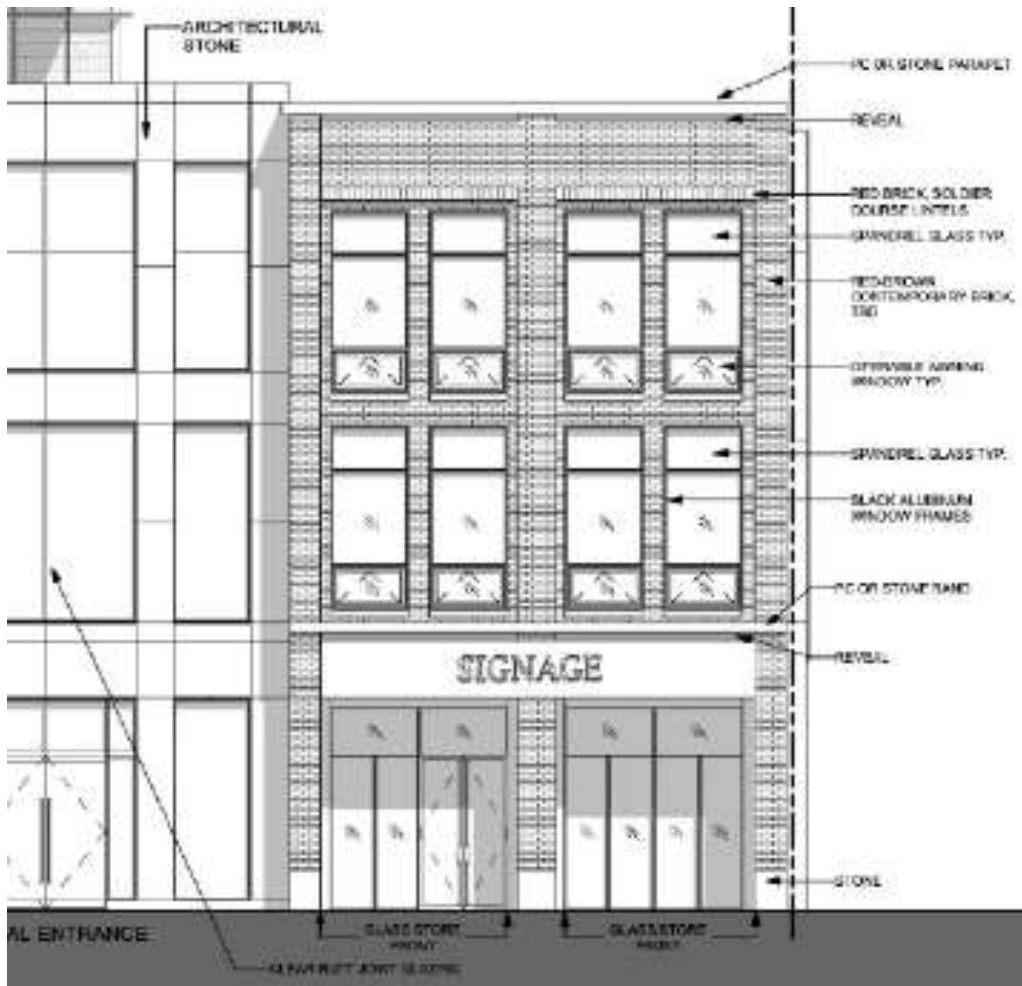


Proposal rendering of King Street (north) elevation at ground level showing replacement building





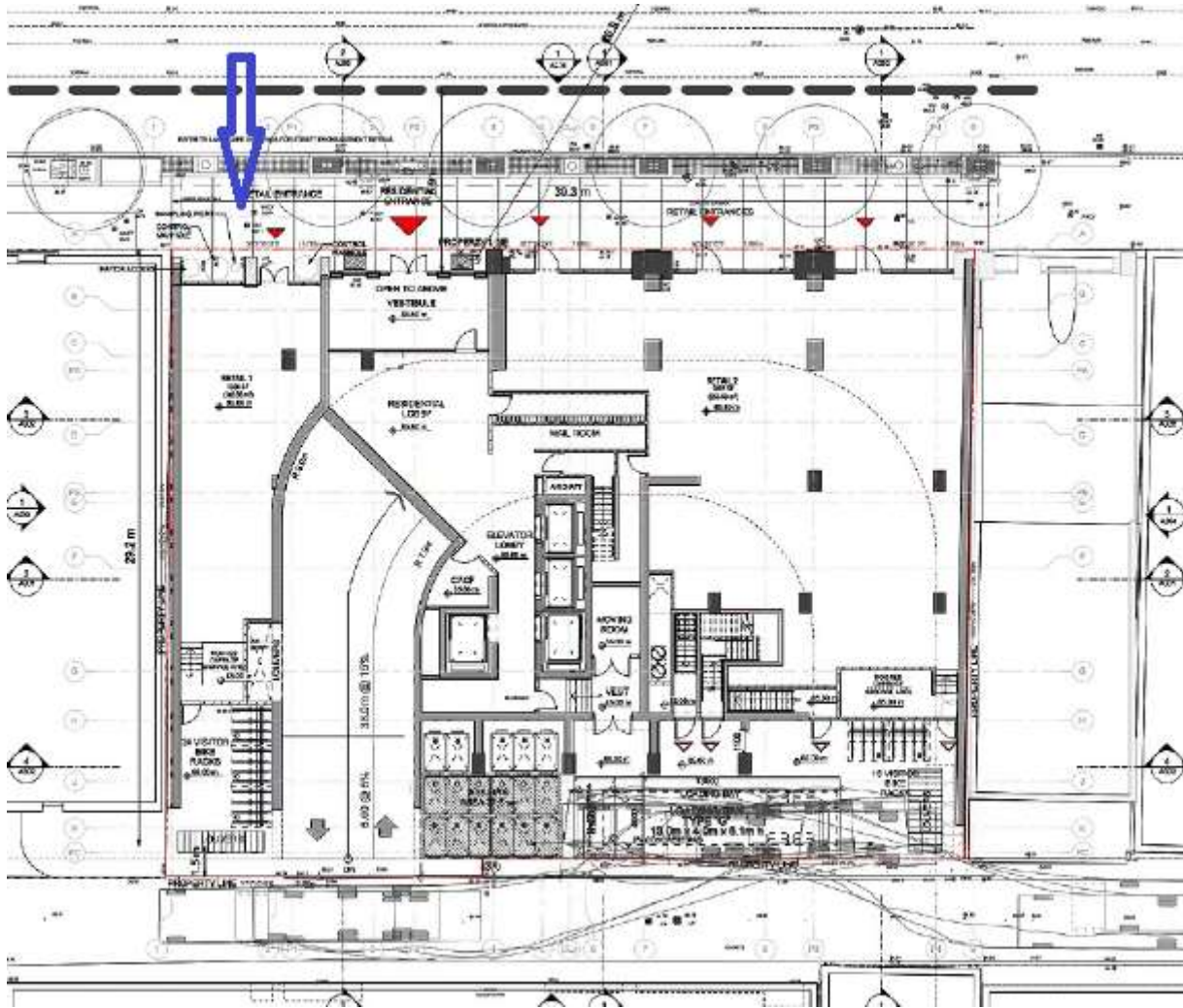
Previously approved conservation strategy for north elevation



Current proposal - north elevation



Current proposal - full north elevation of development



Current proposal - ground floor plan

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City of Toronto By-law No. 500-2015

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**SCHEDULE "A"**  
**REASONS FOR DESIGNATION**  
**(STATEMENT OF SIGNIFICANCE)**

**Gardner Boyd Buildings**

The property at 327 King Street West (the westernmost portion of the property with an entrance address of 333 King Street West) is worthy of designation under Part IV, Section 29 of the *Ontario Heritage Act* for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria for municipal designation under the categories of design and contextual values.

Description

Located on the south side of King Street West in the block west of John Street, the Gardner Boyd Buildings (1885) were constructed as a pair of three-storey commercial buildings. Following a fire, the buildings were reduced to two stories and are now combined under a single street address. The property was listed on the City of Toronto Inventory of Heritage Properties in 2009.

Statement of Cultural Heritage Value

The Gardner Boyd Buildings at 327 (333) King Street West have design significance as representative examples of late 19th century buildings that display architectural features derived from the Italianate and Renaissance Revival designs popular for commercial edifices during this era. The buildings are distinguished by red brick cladding with decorative stonework and classical detailing. The Gardner Boyd Buildings were originally three stories in height before a fire in the mid 20th century. While the scale of the structures has been reduced with the removal of the third stories, by retaining their setback and late 19th century appearance, the Gardner Boyd Buildings complement their neighbours in the block between John Street and Blue Jays Way.

Contextually, the surviving two stories of the Gardner Boyd Buildings support the character and continuous scale and rhythm of the grouping of mid-19th century properties on the south side of King Street West, west of John Street.

The property at 327 (333) King Street West is historically linked to the King-Spadina neighbourhood as it evolved from its origins as an institutional and residential enclave to a commercial and industrial sector in the late 19th century. Following the relocation of the first Toronto General Hospital, the original Upper Canada College and the Provincial Legislature from the district, which had attracted upscale housing, in the late 1800s King Street West reverted to commercial uses, particularly multi-storey buildings with residential units above the storefronts. The block on the south side of King Street West, west of John Street, including the Gardner Boyd Buildings, is of special interest for its surviving collection of recognized heritage buildings in close proximity to the theatres in the City's Entertainment District.

Heritage Attributes

The heritage attributes are:

- The two-storey commercial building
- The scale, form and massing
- The materials, with red brick cladding and brick and stone detailing
- The principal (north) two-bay façades under flat rooflines with stone cornices (with the removal of the third storey and original flat roofline)
- The first-floor storefronts, which have been remodelled as part of the evolution of the buildings, where the main entrance is currently found in the right (west) bay
- The fenestration in the second storey, where the segmental-arched window openings with brick flat arches are organized by brick piers with stone capitals
- The decorative detailing, with pattern brickwork beneath the cornice line