



STAFF REPORT ACTION REQUIRED

Alterations to a Designated Heritage Property, Amendment of an Existing Heritage Easement Agreement – 197 Yonge Street (Canadian Bank of Commerce)

Date:	January 28, 2013
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Director, Urban Design, City Planning Division
Wards:	Ward 27, Toronto Centre – Rosedale
Reference Number:	P:\2013\Cluster B\PLN\HPS\TEYCC\February 26 2013\teHPS08

SUMMARY

This report recommends, in the event City Council determines to enact official plan and zoning by-law amendments to permit the proposed development Applications No. 12 133580 STE 27 OZ, that subject to conditions set forth in this report, City Council approve alterations to the property located at 197 Yonge Street (Canadian Bank of Commerce) and authorize the amendment of the existing Heritage Easement Agreement registered on the title of this property to reflect these alterations. The applicant is proposing to construct a 60-storey mixed-use tower (Massey Tower) that will incorporate the Yonge Street elevation and front portion of the historic bank building to serve primarily as the entrance and lobby space for the new condominium tower.

RECOMMENDATIONS

The City Planning Division recommends that:

1. In the event City Council determines to enact official plan and zoning by-law amendments to permit the proposed development Applications No. 12 133580 STE 27 OZ, that City Council approve the proposed alterations to the designated heritage property at 197 Yonge Street (including 197, 197R and 201 Yonge Street and part of 160 and 170 Victoria Street), to allow for the construction of a 60-storey residential condominium building with retail at grade substantially in accordance with the plans and drawings prepared by Hariri Pontarini Architects

Inc. dated November 8, 2012, and the HIA Assessment (HIA) prepared by ERA Architects Inc. dated March 1, 2012, final revisions dated December 19, 2012, subject to the following conditions:

- a. That such site specific Official Plan Amendment and Zoning By-law Amendment giving rise to the proposed alterations have been enacted by the City Council and have come into full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner;
- b. That prior to the earlier of the introduction of the bills for such Official Plan Amendment and Zoning By-law Amendment by City Council or receiving approval from the Ontario Municipal Board for such Official Plan and Zoning By-law Amendments, the owner shall have:
 - i. completed the conveyance at its expense, at no cost and in accordance with the Section 37 Agreement required herein, of lands comprising a portion of the site, substantially as shown on Attachment 9 to this report dated January 28, 2013, to the owner of Massey Hall being The Corporation of Massey Hall and Roy Thomson Hall, a not-for-profit charitable organization, such conveyance lands to be consolidated with the Massey Hall lands located at 15 Shuter Street / 178 Victoria Street and as required in such Zoning By-law Amendment, including the freehold conveyance of a portion of the site together with appropriate easements over portions of the site for access, together with rights to construct in a timely fashion and in accordance with a Construction Phasing Plan, and thereafter to maintain, all to the satisfaction of the City Solicitor, the Chief Planner and the Manager, Heritage Preservation Services, in consultation with Massey Hall;

Such conveyance to be for the purpose of enabling Massey Hall to implement a maximum six storey addition to the existing designated building on the Massey Hall lands, such addition to be constructed to the rear of the existing Massey Hall auditorium plus a two level basement and two level mechanical penthouse connected to the existing auditorium/concert hall for the purpose of Massey Hall providing a larger, modern and needed space for performers, multiple elevators, new back-of-house space, new at grade loading facilities, new patron facilities including washrooms and lounge areas, administrative office space and performance space;

Such easement(s) to provide access to such addition over the site, on a permanent basis and during construction and completion of such addition;

- ii. Completed and registered a Section 37 Agreement to the satisfaction of the City Solicitor, the Chief Planner and the Manager, Heritage Preservation Services, including amongst other matters, a requirement that the owner enter into and register against title to the site and the Massey Hall lands, a Three Party Agreement between the City, the owner and The Corporation of Massey Hall and Roy Thomson Hall, to secure such conveyance and easement(s) to Massey Hall, to ensure the limited purposes of such conveyance and easement(s), the timing of such conveyance and easement(s) and related matters, to secure the Construction Phasing Plan, to address the timing of any demolition related to Albert Hall and requiring a Heritage Easement Agreement be entered into by the owner of Massey Hall with the City prior to any alterations to Massey Hall as contemplated herein being permitted and before any demolition related to Albert Hall may occur, all to the satisfaction of the City Solicitor, the Chief Planner and the Manager, Heritage Preservation Services (the "Three Party Agreement");
 - iii. Completed and registered against the site and the Massey Hall lands, such Three Party Agreement to the satisfaction of the City Solicitor, the Chief Planner and the Manager, Heritage Preservation Services in consultation with Massey Hall; and
 - iv. Obtained any consents to sever required by the Planning Act for the conveyance and easement(s) required in Recommendation 1b) i., any such consents to be conditional upon the coming into full force and effect of such Official Plan and Zoning By-law Amendments;
- c. That prior to the issuance of any Final Site Plan approval for all or any portion of the site, the owner shall:
- i. Provide a detailed Conservation Plan substantially in accordance with the conservation work described in the HIA referenced above, including all recommended interventions to address maintenance of the building, as distinguished from conservation work more directly associated with the adaptive reuse of the structure, and estimated costs for each with a schedule for implementation to be prepared by a

- qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services;
- ii. Provide a Letter of Credit in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure the conservation work required immediately to satisfy the maintenance provisions in the HEA for the property, with the balance of the Letter of Credit for all remaining conservation work to be provided prior to the issuance of any heritage permit for the site;
 - iii. Submit an Interpretation Plan that interprets the cultural heritage values of the heritage property with particular emphasis on the conserved features of the original bank building to the satisfaction of the Manager, Heritage Preservation Services; and
 - iv. Submit a Lighting Plan that describes how the Yonge Street elevation of the heritage property will be sensitively illuminated at night to enhance the building's heritage character to the satisfaction of the Manager, Heritage Preservation Services;
- d. That prior to the issuance of any heritage permit for the site, the owner shall:
- i. Submit final building permit plans and drawings for the alterations and new construction, to the satisfaction of the Manager, Heritage Preservation Services;
 - ii. Amend the existing Heritage Easement Agreement for the heritage property at 197 Yonge Street in accordance with the above referenced plans and drawings to the satisfaction of the Manager, Heritage Preservation Services; and
- e. That prior to the release of such Letter of Credit, the owner shall:
- i. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services; and
 - ii. Provide a certificate of completion prepared by a qualified heritage consultant confirming that the conservation work has been completed in accordance with the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.

2. City Council authorize the City Solicitor to amend the Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 197 Yonge Street, using substantially the form of easement agreement prepared by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning Division and the Manager, Heritage Preservation Services.
3. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement for 197 Yonge Street.
4. City Council authorize the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the Massey Hall lands, The Corporation of Massey Hall and Roy Thomson Hall, known municipally as 15 Shuter Street / 178 Victoria Street.
5. City Council authorize the City Solicitor to introduce any necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the Massey Hall lands.

Financial Impact

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

DECISION HISTORY

The property at 197 Yonge Street was designated under Part IV of the Ontario Heritage Act in 1990 (Designation By-law No. 131-90). In 1999 a Heritage Easement Agreement (HEA) was entered into by the City and the owner of the property at that time. The Heritage Easement Agreement is registered on the title of a property and provides for the long term maintenance and protection of its heritage value. Any physical alterations to the property not specifically provided for in the HEA must be approved by City Council. Council's decision in this regard is final.

At its meeting on May 15, 2012, Toronto and East York Community Council considered a preliminary planning report dated April 12, 2012 from the Director of Community Planning, Toronto and East York District, for the subject Official Plan and Zoning Amendment application (197, 197R, 199 and 201 Yonge Street) and adopted the recommendations of staff without amendment.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE16.29>

BACKGROUND

Development Proposal

Mod Developments Inc. has submitted an application for an Official Plan and Zoning By-law Amendment to permit the re-development of lands including the designated heritage property at 197, 197R, and 201 Yonge Street and part of 160 and 170 Victoria Street, (herein after referred to as "197 Yonge Street") (Attachment No. 1). A separate staff

report on the related community planning issues from the Director of Community Planning will be before the Toronto and East York Community Council and Toronto City Council for consideration in conjunction with this report.

The subject site is situated in the middle of a block known as the Theatre Block bounded by Queen, Yonge, Shuter and Victoria Streets. The applicant is proposing a 60-storey mixed-use building with a nine-storey base stepped back from and rising behind the retained portion of the heritage building (Attachment No. 2, 3). The nine-storey base building will contain lobby space, above grade parking and amenity uses. The primary four-storey west elevation facing Yonge Street and the front eleven metres of the historic bank building will be conserved and incorporated into the new development as entrance / lobby space for the new condominium. The rear two-storey wing of the heritage building housing the original banking hall will be demolished. The mosaic tile floor of the banking hall will be salvaged and reinstated within the new development.

North of 197 Yonge Street on what is currently private open space (formerly City parkland), the nine-storey base building will be further stepped down to provide a two-storey retail glass pavilion fronting onto Yonge Street that will occupy the vacant space presently between 205 and 197 Yonge Street.

Vehicular access for parking and servicing will be provided via a driveway adjacent to the rear (south side) of Massey Hall that will be linked to the existing St. Enoch's Square north-south public laneway. A rear portion of the subject property substantially as shown on Attachment 9 and comprising an area of approximately 450 square metres is proposed to be conveyed to Massey Hall, a not-for-profit charitable organization, as a gift of land. This conveyance will be discussed further in this report in considering the overall impact of the proposed development on heritage properties both on and adjacent to the development site.

Policy Framework

Planning Act and Provincial Policy Statement

The Provincial Policy Statement (PPS) 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. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The *Planning Act* and associated *Provincial Policy Statement* guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the *Planning Act*. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 directs that "Significant built heritage resources and cultural heritage landscapes shall be conserved. Properties included on the City's Inventory of Heritage Properties are considered to be significant in this context.

In the PPS 2005, "conserved" is defined as "the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment."

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The provisions of the Growth Plan are to be read in conjunction with the PPS.

The Growth Plan for the Greater Golden Horseshoe references in Part 4 "irreplaceable cultural heritage sites...that are essential for the long-term economic prosperity, quality of life....These valuable assets must be wisely protected and managed as part of planning for future growth...A balanced approach to the wise use and management of all resources... will be implemented."

Section 4.2.4 of the Growth Plan reads:

"Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:

...e) Cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as *built-up* areas are intensified".

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Policy 3.1.5.2 of the Official Plan states that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved." "Development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes." Development adjacent to properties on the City's *Inventory of Heritage Properties*, will respect the scale, character and form of the heritage buildings and landscapes.

Standards and Guidelines for the Conservation of Historic Places in Canada

The Parks Canada document, *Standards and Guidelines for the Conservation of Historic Places in Canada*, is the document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. The relevant Standards include the following:

- Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*
- Conserve heritage value by adopting an approach calling for minimal intervention
- Find a use for an historic place that requires minimal or no change to its character-defining elements
- Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
- Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes
- Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference
- Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place
- Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future

197 Yonge Street

The property at 197 Yonge Street is designated on architectural grounds (Designation By-law 131-90). In 1905 the architects Darling and Pearson were commissioned to design this branch of the Canadian Bank of Commerce. Designed in the Classical style inspired by Beau-Arts styling, the building design relates in appearance and context to the Bank of Toronto Building at 205 Yonge Street. The focus of the design is on the four-storey Yonge Street stone clad façade comprised of a monumental three-storey recessed entrance portico framed by two fluted Ionic columns and incised end piers, and surmounted by an entablature, pediment and stepped parapet with paired end corbels (Attachment No. 4). The north wall of the building is also included in the Reasons for Designation.

In addition, the HEA (1999) for this property includes specific reference to several interior heritage features. These include wood doors, wainscoting and panelling, cornice

mouldings, door and window surrounds, decorative plaster ceilings, a panelled wood screen with arched portico framed by columns and architrave trim, marble tesserae mosaic floor tile, staircases, fireplaces and banking vaults.

Heritage Context

The development site is adjacent to four designated heritage properties that figure prominently within this block and define the context for the proposed development. These four heritage properties include:

1. 205 Yonge Street (Bank of Toronto), built in 1904 according to the designs of E.J. Lennox this is a “conspicuously monumental building that pairs with the Bank of Commerce Building at 197 Yonge Street to the south, raising the architectural tone of (Yonge) Street to a level appropriate with its significance in Toronto”. (Designation By-law 505-75)
2. 193 Yonge Street (Heintzman Building), built in 1903 by the prominent Toronto architect Henry Simpson this eight-storey building was constructed as a department store and became the head office of the famous Canadian piano company Heintzman and Co. in 1910. (Designation By-law 260-85)
3. 189 Yonge Street (Elgin Winter Garden Theatre), built in 1913 and designed by Thomas Lamb, the property was purchased by the Ontario Heritage Trust in 1981 and underwent a major restoration in 1987. The service area of the theatre is currently adjacent to the rear of the development site. (Designation By-law 12-79) (National Historic Site)
4. 178 Victoria Street (Massey Hall), constructed in 1892 according to the designs of G.M. Miller, “the Moorish-styled interior is an especially fine example of the style and of the decorative work of an important Toronto architect” and is a fine example of a late nineteenth century concert hall. Following construction, Massey Hall quickly became famous as a venue for large scale events and continues today in its longstanding tradition as a major cultural institution in the City. (Designation By-law 501-75) (National Historic Site)

COMMENTS

Conservation Strategy

Heritage Preservation Services staff has reviewed the Heritage Impact Assessment (HIA) submitted in support of the planning application prepared by ERA Architects Inc. dated March 1, 2012 with final revisions dated December 19, 2012. The heritage comments provided in this section of the report stem from a review of the HIA, the drawings provided by the applicant, and on-site meetings with the heritage consultant to assess specific aspects of the conservation strategy.

Condition Assessment

The building at 197 Yonge Street has been unoccupied since 1987. In November 2011 ERA Architects Inc. carried out an investigation of the existing condition of the exterior envelope and the interior basement, ground and upper floors. In general, the exterior of the building was found to be in sound condition with extensive water staining, discolouration and soiling appearing on the primary west elevation. Interior spaces exhibited overall signs of deterioration from moisture and water damage.

The majority of the interior features identified as having cultural heritage value exist on the ground floor level within the entrance vestibule, stair hall, lobby, bank manager's office and banking hall. A wood panelled entranceway on the ground floor leads to a large, double-height banking hall with the manager's office to the south or right of the entrance vestibule and lobby space. The banking hall has undergone extensive renovations over the years leaving only the mosaic tile floor and some wood elements as original design features. Further investigation has revealed the circular tile floor in the banking hall is largely intact. Prolonged moisture damage inside the building has left the majority of plasterwork in a general state of disrepair ranging from light blistering to structural failure. The majority of wood features described in the HEA remain in situ and are capable of being preserved.

In 2012 the ground floor was refurbished to function as a sales office for the proposed Massey Tower condominium. The majority of the features identified in the HEA can be seen within the sales office with the exception of those located on upper floors. Some immediate conservation work was undertaken to address aesthetic issues prior to its opening.

Proposed Exterior Alterations

The primary west elevation of the heritage property will be preserved intact and in situ to a depth of eleven metres. The stone will be cleaned and selectively repointed; copper flashing will be replaced, the portico will be cleaned and refurbished (soffit repaired); windows will be refurbished and repainted; and doors and windows will be reglazed where glass is broken or missing.

In order to provide universal access to the front (primary entrance) of the Massey Tower, a stone facing will be applied to the top of the stone treads of the three sets of stairs and to the landing of the portico to eliminate the step up into the building that currently exists, raising the portico floor to the ground floor level of the building.

Barrier-free access to the portico landing will be provided via a lift installed within an existing bank vault structure in the northwest corner of the building. A new opening will be created on the exterior wall of the north elevation to provide access to the lift. The north elevation will be re clad in sandstone to match the west elevation (Attachment No. 5).

The rear two-storey wing of the structure housing the original banking hall will be demolished. As this portion of the building steps down from the four-storey Yonge Street

elevation it is not visible from the street except from the north side of the building across the adjacent vacant open space. This space is proposed to be filled with a retail two storey pavilion.

Proposed Interior Alterations

Inside the original banking hall, the only surviving features are the mosaic tile floor and wood elements. The applicant has devoted considerable effort to investigating the condition and extent of the original floor. The circular mosaic tile in the banking hall will be carefully cut and panelized, stored and reinstalled in the entrance /elevator lobby space of the new tower (Attachment No. 6). Wood elements from the banking hall including a wood screen (arched portico, columns and architrave trim) from the original east facing wall of the banking hall will also be reinstalled (Attachment No. 8).

Retention of the front half (eleven metres) of the building will allow for the retention in situ of all of the remaining ground floor heritage features identified in the HEA. Some existing doors will be removed and stored to allow for better circulation through the ground floor space. All of the original wood trim will be repaired and refinished. The plaster mouldings and vaulted ceilings will be refurbished. Tile flooring within the manager's office, the north-south cross-aisle and in the vestibule will be retained in situ (Attachment No. 7). An ornate staircase in the northwest corner of the ground floor, with marble treads, a wood banister and decorative ironwork railings will be refurbished.

In the upper floors a wood staircase, banking vaults, and two fireplace mantels are identified as heritage features in the HEA. The wood staircase will be retained from the second to third floor but will be demolished from the third to the fourth floor. A portion of the third floor will function as a mezzanine with the balance of the third floor removed to create a double height space at the second floor level. This space may be adaptively reused as a restaurant. An existing fourth floor fireplace will be retained in situ. Elements of a third floor fireplace will be salvaged and reconstructed on the second floor. All banking vaults and existing vault doors will be retained in situ.

Assessment of Heritage Impact

Staff has considered the conservation strategy for the heritage property at 197 Yonge Street against the Standards and Guidelines for the Conservation of Historic Places in Canada, adopted by City Council and conclude the preservation and rehabilitation proposed for the designated structure at 197 Yonge Street is a thoughtful and sympathetic approach to this long unoccupied building. Staff spent considerable time with the applicant in discussions on two significant aspects of the conservation strategy: the reinstatement of the banking hall mosaic tile floor; and the provision of universal access to the primary entrance of the heritage building. In both cases, staff is satisfied the solutions presented in this report represent acceptable conservation strategies for alterations that are required for the proposed adaptive reuse of the building.

The mosaic tile will be reinstated in the lobby replicating the dimension, shape and pattern of the floor as it originally existed. The lobby will be among the most publicly accessible spaces in the building and will be located where the banking hall once was.

The lift will be installed on the north elevation of the heritage building and will not significantly impact this elevation, is reversible and provides a visible, safe and convenient point of access into the building for those with physical disabilities. The proposed conservation strategy to the front steps also serves to protect the stone treads which are showing considerable wear and deterioration.

At the request of staff, the applicant has provided a detailed specification for the repair of all wood elements to ensure the wood will resemble as closely as possible its original colour and grain.

From a broader contextual perspective the project also promises to provide the adjacent Massey Hall with the opportunity to construct much needed back of house and servicing facilities on the south side of the existing concert hall. This will be made possible by the commitment the applicant has made as part of this proposed development to convey to Massey Hall the lands directly south of the Massey Hall property adjacent to Albert Hall (Attachment No. 9), including related access easements over the application site. This land will provide Massey Hall with the space necessary for the construction of a modern back of house facility, together with space for a larger, modern space for performers, multiple elevators, new at grade loading facilities, new patron facilities including washrooms and lounge areas, administrative office space and performance space. As a result, over the past year, Massey Hall has advanced their fundraising and planning for construction of a major new addition to resolve issues that threaten the continuing viability of Massey Hall as a concert venue. Massey Hall is administered by the charitable not-for-profit organization (The Corporation of Massey Hall and Roy Thomson Hall). Representatives from Massey Hall have met with the applicant and staff to discuss the importance of the land conveyance to achieving the necessary improvements to the building.

Staff strongly believe the land conveyance to Massey Hall is a significant part of the contribution this project makes to the public interest in the heritage context of this block and to the special significance of Massey Hall to the City, both as a legendary performance space, and as a National Historic Site. It is anticipated staff will be reporting on the Massey Hall alterations in the next cycle of scheduled Committee / Council meetings. However, it is recommended as part of this report that Council authorize staff to enter into a HEA with Massey Hall for the designated property at 15 Shuter Street (178 Victoria Street) to be executed in advance of any alterations to the Massey Hall property including any demolition of the Albert Hall portion of the property. In the event City Council determines to enact official plan and zoning by-law amendments to permit the proposed development at 197 Yonge Street, staff recommend as a condition of this approval that the owner enter into a Three Party Agreement between the City, the owner and The Corporation of Massey Hall and Roy Thomson Hall to secure the land conveyance and easements(s) to Massey Hall, to ensure the timing and limited purposes of such conveyance, and to establish a Construction Phasing Plan to address among other things, the timing of demolition of Albert Hall. The details of this agreement will be discussed in the staff report on the Massey Hall alterations.

Acknowledging the contribution this application makes to heritage resources in this block of Yonge Street, it also raises significant planning issues. As proposed, the base building portion of the proposed tower provides less setback from Yonge Street (7 metres) than is now recommended (20 metres) in the Downtown Tall Buildings Vision and Performance Standards Design Guidelines (Performance Standard #15), for those portions of Yonge Street that contain heritage resources. This setback requirement is intended to mitigate the impact of tower height on the scale of heritage properties as viewed from the street. This application was submitted prior to Council adoption of the Downtown Tall Buildings Guidelines in July 2012.

Following thorough consideration of the proposal, and in light of the overall benefits to the on-site heritage resource at 197 Yonge Street, to Massey Hall, and to the heritage context of Yonge Street in general, HPS staff is prepared to accept the height and setback of the proposed Massey Tower. Staff is satisfied that the nine-storey base building is of a scale and architectural expression to sufficiently mitigate the impact of the tower height and setback on Yonge Street. The two-storey glass pavilion connects the two historic bank buildings and consolidates Yonge Street with an equally understated architectural expression that further steps the tower down to the historic scale of Yonge Street (Attachment No. 10, 11).

The application is also significantly deficient in its separation distance from the heritage property directly south of it at 193 Yonge Street (Heintzman Building). Community Planning is concerned the lack of setbacks proposed by the application impacts the as-of-right development potential of other sites on the block by exporting facing distance constraints to adjacent properties and compromising adjacent property rights. Approval of the inadequate setbacks could set a precedent whereby development rights of adjacent landowners are compromised. From the perspective of heritage impact, this lack of separation distance or setback is difficult to assess. Any additional development that might be considered at 193 Yonge Street would have to be evaluated for its impact on the heritage value of both the property and its adjacent heritage context. However, as with the subject application, if future development provides an opportunity to conserve heritage resource(s) that might not otherwise be achievable, and this can be done in a way that is compatible with the heritage resource(s), then it is important this opportunity remains available.

Given the significance of these issues, in the event City Council determines to allow the proposed alteration, HPS staff consider it imperative that the benefits to heritage conservation that are achievable through this development are secured as part of the planning approvals process and that any alteration approval by Council be contingent upon several conditions. For this reason, staff has specifically recommended that approval of the alterations to the designated heritage property at 197 Yonge Street under

the provisions of the Ontario Heritage Act be provided on the condition that the site receive approval from either City Council or the OMB for the official plan amendment and re-zoning of the property in a manner satisfactory to City Council, and that the land conveyance to Massey Hall is secured in advance of the rezoning of the development lands.

CONTACT

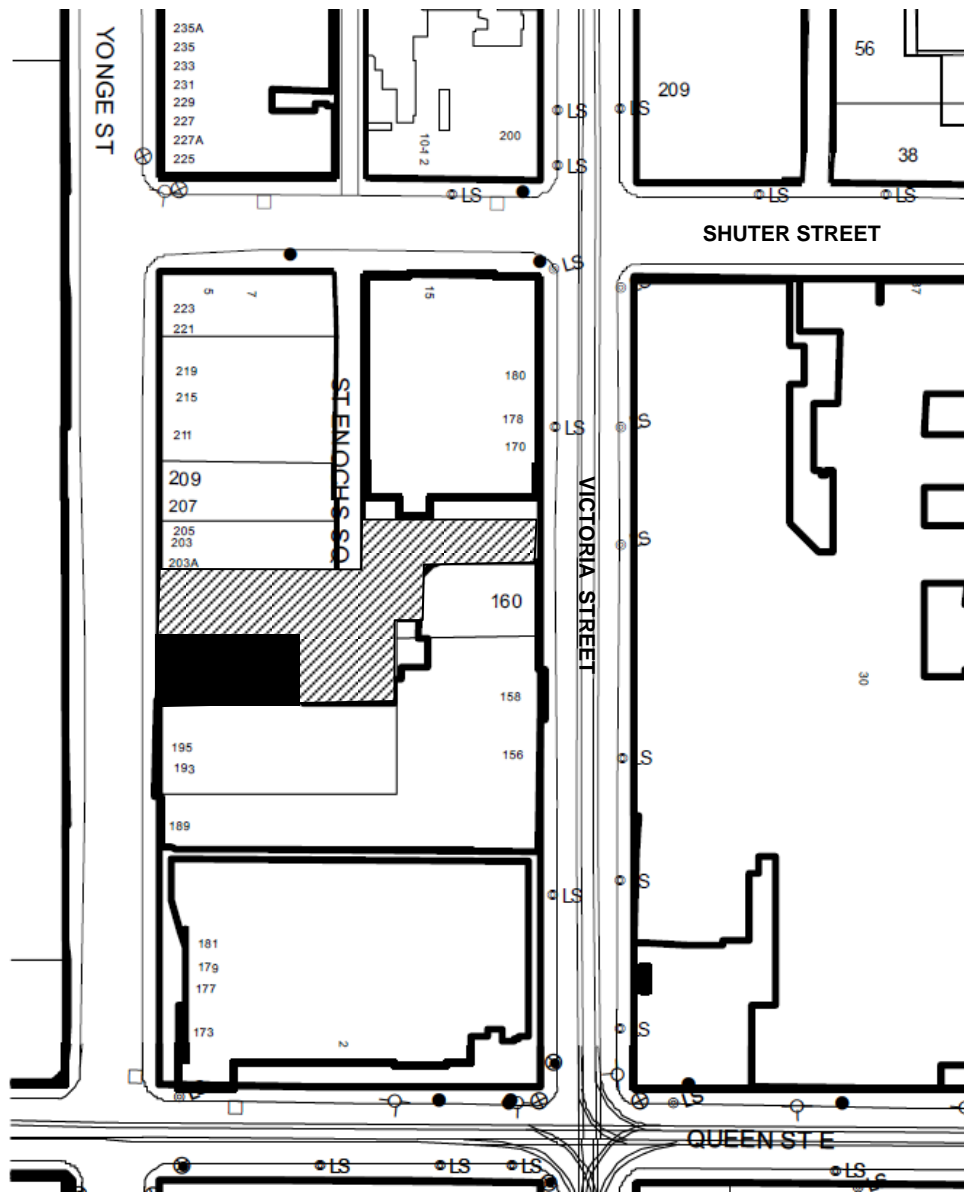
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SIGNATURE

Robert Freedman, Director
Urban Design
City Planning Division

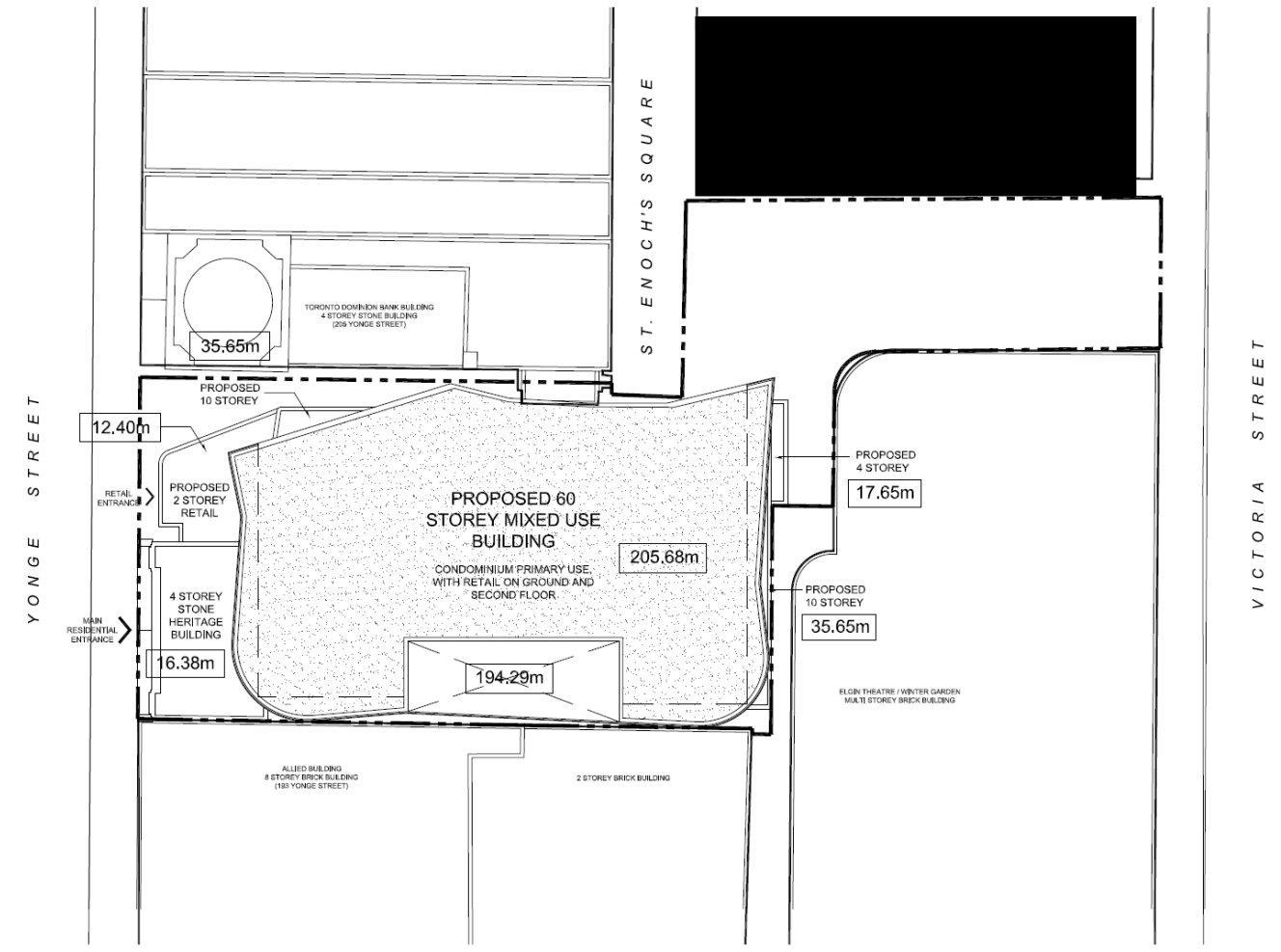
ATTACHMENTS

Attachment No. 1 – Location Plan: 197 Yonge Street
Attachment No. 2 – Site Plan: Massey Tower
Attachment No. 3 – Artist Rendering: Massey Tower
Attachment No. 4 – Photograph: 197 Yonge Street, West Elevation
Attachment No. 5 – Proposed Alterations: 197 Yonge Street, North Elevation
Attachment No. 6 – Proposed Alterations: 197 Yonge Street, Mosaic Tile, Ground Floor
Attachment No. 7 – Photographs: 197 Yonge Street, Mosaic Tile Floor
Attachment No. 8 – Proposed Alterations: 197 Yonge Street, Ground Floor Plan
Attachment No. 9 – Site Plan: Massey Tower, Land Conveyance to Massey Hall
Attachment No. 10 – 3D Views: Massey Tower
Attachment No. 11 – Proposed West Elevation: Massey Tower



The hatched and shaded area shows the limits of the designated property including 197, 197R and 201 Yonge Street, and part of 170 and 160 Victoria Street. The shaded area marks the outline of the Canadian Bank of Commerce building at 197 Yonge Street.

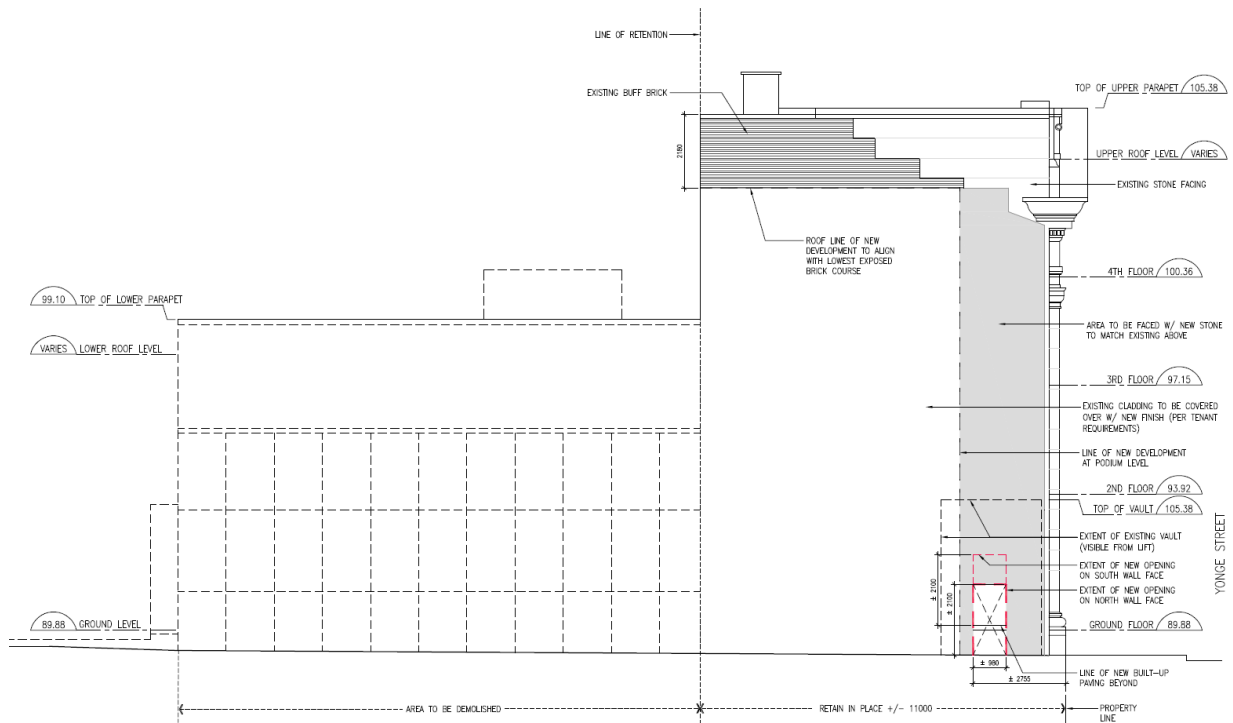
This location map is for information purposes only; the exact boundaries of the property are not shown.



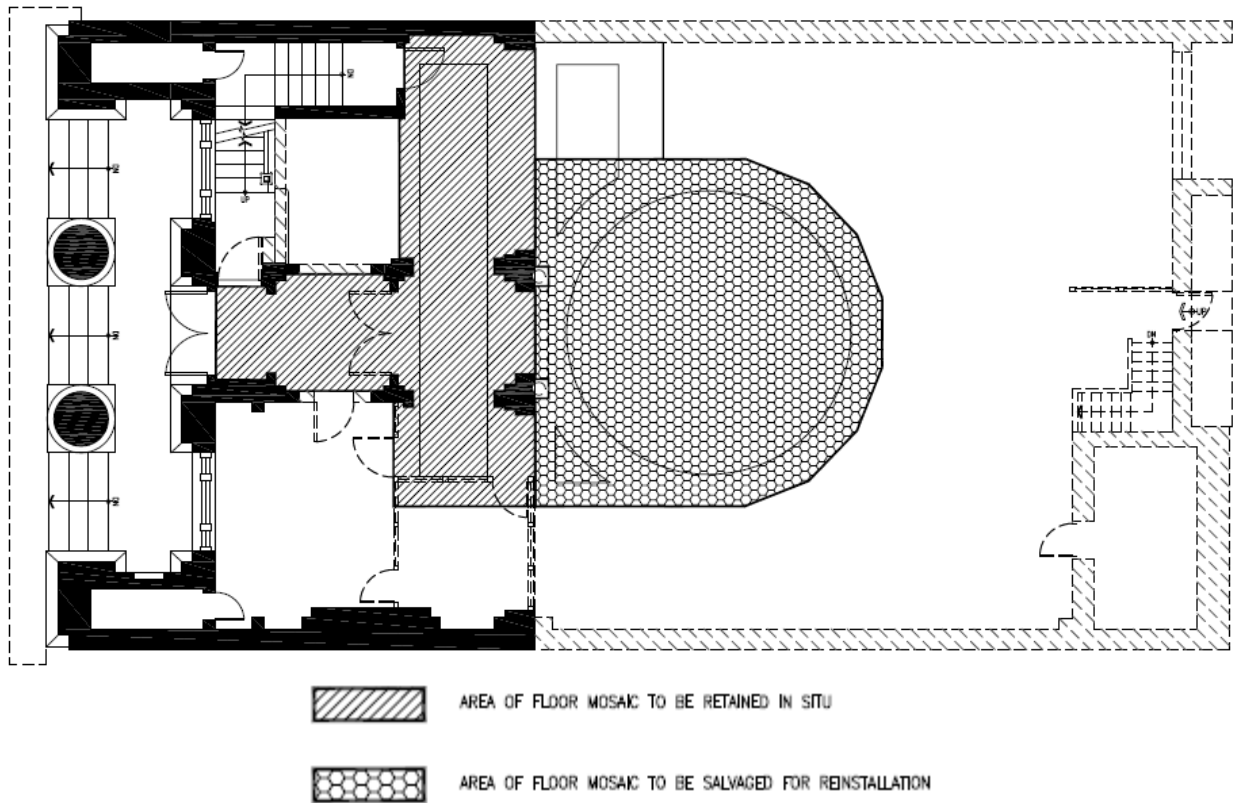




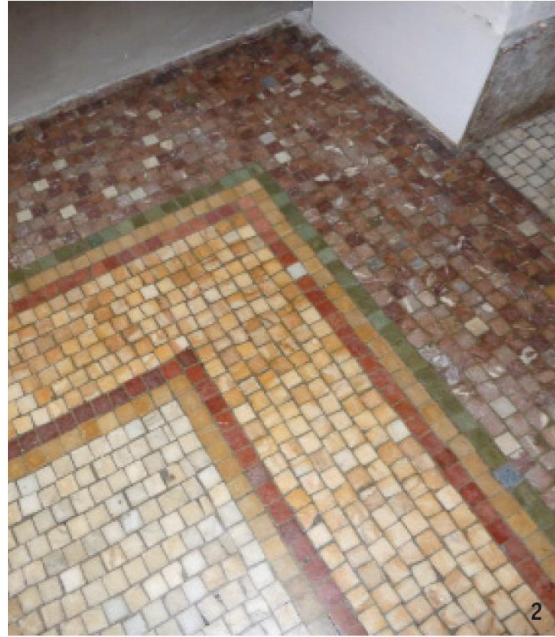
West Elevation



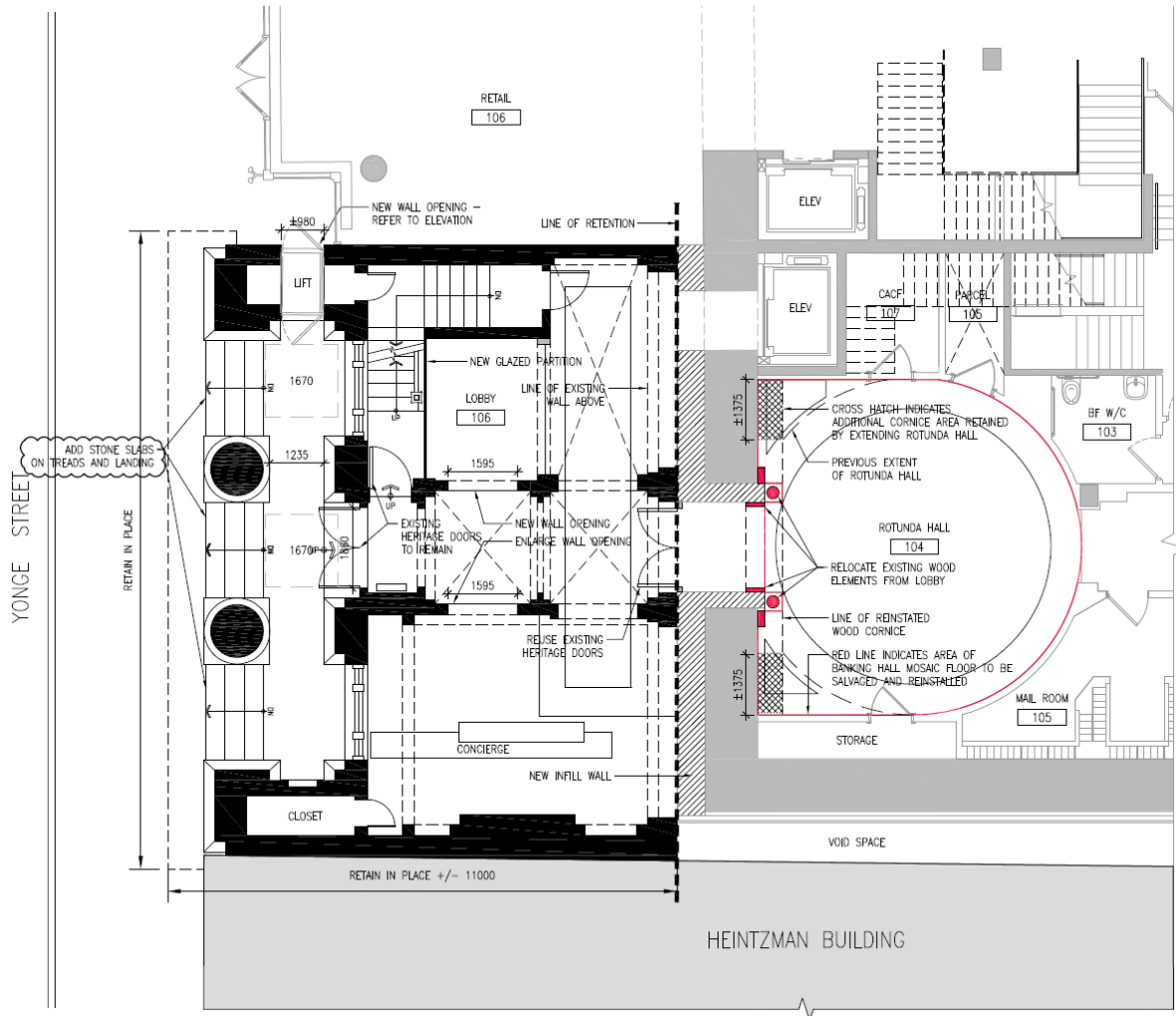
North Elevation



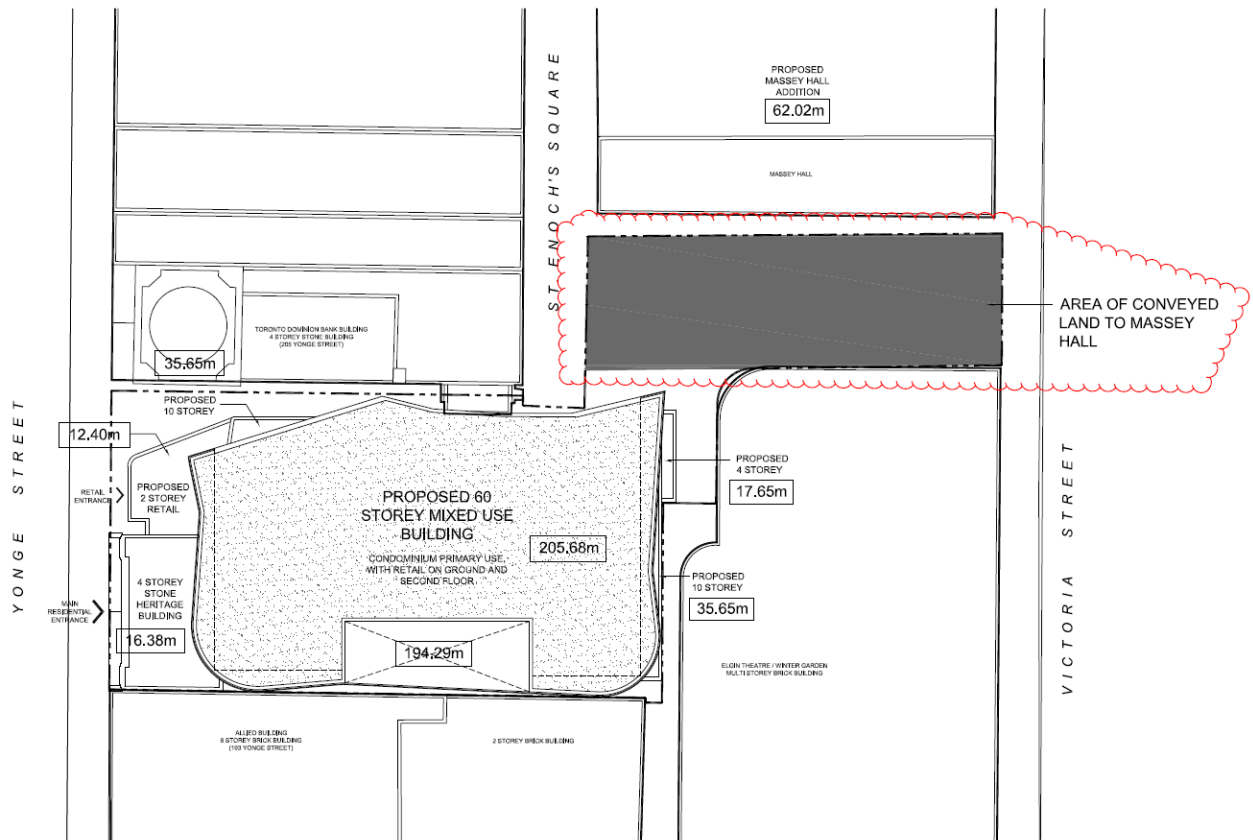
Mosaic Tile, Ground Floor



Mosaic Tile Floor



Ground Floor Plan



Land Conveyance to Massey Hall

