

February 19, 2013

To: Toronto and East York Community Council

From: Toronto Preservation Board

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

**Recommendations:**

**The Toronto Preservation Board recommends to the Toronto and East York Community Council 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 and Executive Director, City Planning.**
  - 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 Executive Director, City Planning 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 Executive Director, City Planning 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 Executive Director, City Planning and the Manager, Heritage Preservation Services in consultation with Massey Hall.**



- 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.**

Background:

The Toronto Preservation Board on February 14, 2013, considered the following:

1. Report (January 28, 2013) from the Director, Urban Design, City Planning Division, respecting Alterations to a Designated Heritage Property, Amendment of an Existing Heritage Easement Agreement – 197 Yonge Street (Canadian Bank of Commerce).
2. E-mail (February 4, 2013) from Roslyn Houser, Goodmans LLP (PB.Supp.PB20.8.1)
3. E-mail (December 13, 2012) from Roslyn Houser, Goodmans LLP (PB.Supp.PB20.8.2)

Michael McClelland, ERA Architects, addressed the Toronto Preservation Board.

For City Clerk

Janette Gerrard

Copy to: Interested Parties