



**STAFF REPORT
ACTION REQUIRED**

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 – 489 King Street West

Date:	June 20, 2014
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Director, Urban Design, City Planning Division
Wards:	Ward 20, Trinity- Spadina
Reference Number:	P:\2014\Cluster B\PLN\TEYCC\TE14086

SUMMARY

This report recommends that City Council endorse the conservation strategy generally described in this report for the heritage property located at 489 King Street West (the Hart Building) in conjunction with an application to amend the Zoning By-law for the construction of a twelve storey mixed-use building at 489-499 King Street West, provided the Hart Building is retained, conserved, designated and subject to a Heritage Easement Agreement.

Should City Council endorse this strategy, staff recommend that Council state its intention to designate 489 King Street West under Section 29 of the Ontario Heritage Act, require the owner to enter into and register a Heritage Easement Agreement with the City and authorize staff to take the necessary steps to enter into such Heritage Easement Agreement to ensure the long-term protection of 489 King Street West.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the alterations to the property at 489 King Street West, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a twelve storey building on and adjacent to the heritage property

in accordance with the plans and drawings prepared by Sweeny & Co. Architects Inc. dated June 13, 2014 and the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc. dated June 20, 2014, both on file with the Manager, Heritage Preservation Services and subject to the following conditions:

- a. Prior to the introduction of the bills for such Zoning By-law Amendment by City Council the owner shall:
 - i. Enter into a Heritage Easement Agreement for the property at 489 King Street West substantially in accordance with the plans and drawings prepared by Sweeny & Co. Architects Inc. dated June 13, 2014 and the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc. dated June 20, 2014, and subject to and in accordance with the herein required Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services, including registration of such agreement to the satisfaction of the City Solicitor.
 - ii. Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for the property at 489 King Street West prepared by ERA Architects dated June 20, 2014 to the satisfaction of the Manager, Heritage Preservation Services.
- b. Prior to the issuance of Final Site Plan Approval, the owner shall:
 - i. Complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. Provide Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.
- c. Prior to the issuance of Final Site Plan Approval the related Zoning By-law amendments giving rise to the proposed alterations shall be in 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 in consultation with the Manager, Heritage Preservation Services.
- d. Prior to the issuance of a Heritage Permit, the owner shall:
 - i. Provide full building permit drawings, including notes and specifications for the protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and heritage

- consultant to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. Provide a Letter of Credit, indexed annually, in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the Conservation Plan.
 - e. Prior to the release of the Letter of Credit, the owner shall:
 - i. Provide a letter of substantial completion prepared and signed by the heritage consultant confirming that the conservation work has been completed in accordance with the Conservation Plan and has maintained an appropriate standard of conservation, to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.
2. City Council state its intention to designate the property at 489 King Street West (the Hart Building) under Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Significance: 489 King Street West (Reasons for Designation) attached as Attachment No. 9 to the report dated June 20, 2014 from the Director, Urban Design, City Planning Division.
 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 grant authority for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property at 489 King Street West.
 7. City Council authorize the City Solicitor to introduce the necessary bills in Council authorizing the entering into of the Heritage Easement Agreement.

Financial Impact

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

DECISION HISTORY

At its meeting of February 19, 2014 City Council approved the inclusion of the property at 489 King Street West on the Inventory of Heritage Properties.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE29.5>

A preliminary report on the planning application was adopted with amendment by the Toronto and East York Community Council at its meeting of September 10, 2013 recommending that City Planning staff hold a community consultation meeting. The preliminary report for this application can be found at:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60743.pdf>

BACKGROUND

Heritage Resource

The property at 489 King Street West, known as the Hart Building, was constructed in 1918 and is valued as one of a series of warehouse buildings on King Street West completed as early as 1872. The Statement of Significance (Attachment No. 9) describes the cultural heritage value of the property and the reasons for designation.

King-Spadina Heritage Conservation District Study

The property at 489 King Street West is located within the King-Spadina Heritage Conservation District (HCD) study area. The King-Spadina area, bounded generally by Richmond Street West (between Simcoe Street and Spadina Avenue) and Adelaide Street West (between Spadina and Bathurst) to the north, Simcoe Street to the east, Wellington Street West and King Street West to the south, and Bathurst Street to the west, was selected by City Council in October 2012 as one of five Heritage Conservation District study areas to be initiated in 2013. As a result of the study which has recently been completed, the consultant team has confirmed that the King-Spadina area qualifies for designation under Part V of the Ontario Heritage Act. Staff have recommended to the Toronto Preservation Board (TPB) that the study proceed to the plan phase and the TPB endorsed the recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB31.2>

Development Proposal

The property at 489 King Street West is situated on the south side of King Street West between Spadina Avenue and Portland Street. The development site includes the non-heritage properties at 495 King Street West, situated directly behind the Hart Building, and 499 King Street West, situated adjacent to the west. Both of these buildings are proposed to be removed.

The applicant proposes to construct a twelve-storey mixed-use building on the site that will include a 5-9 storey base building fronting onto King Street West adjacent to the Hart Building, which transitions to a 6-9 storey element stepped back at approximately 5

meters from the front property line, and a 12 storey tower with mechanical penthouse situated 10 meters back from the property line spanning both 489 and 499 King Street West.

Policy Framework

Planning Act and Provincial Policy Statement

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and the 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 significant 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 2014, *conserved* is defined 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."

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."

At its meeting of April 3, and 4, 2013, Toronto City Council adopted amendments to the Official Plan heritage policies. By-law 468-2013 enacting these policies has been appealed to the Ontario Municipal Board. While the amendments are not yet in force, HPS has also considered the proposal within the context of these amended policies.

King-Spadina Secondary Plan 2006

The subject property is located within the King-Spadina Secondary Plan area. A primary objective of this plan is to use the historic fabric of the area to assess new development. The particular scale, massing and street relationships of the existing heritage buildings along King Street form the basis for all new development in the King-Spadina Secondary Plan area. Moreover, applicable plan area guidelines articulate that new development should maintain and reinforce the existing building heights of the area in conjunction

with the relationships of buildings to one another along the street and the design of buildings at the street level.

The Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008 Toronto City Council adopted the Standards and Guidelines for the Conservation of Historic Places in Canada as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

COMMENTS

Proposed Conservation Strategy

The applicant proposes to partially retain the heritage building at 489 King Street West and incorporate it as part of the new base building. New construction at the front (north) end of the site would be limited to the property adjacent to the heritage building. The taller, rear portion of the new building, which spans both 489 and 499 King Street West, would be stepped back 10 meters from the front property line.

The north (front) and east elevations would be retained in situ, accomplished by constructing a temporary shoring structure to hold the walls in place during construction. The northernmost bay of the west elevation is proposed to be disassembled, stored off site and reconstructed at a later stage of construction.

The heritage building would receive any necessary masonry and/or other material restoration as part of the redevelopment of the site.

A new opening at the ground floor level near the rear of the east (alley) elevation would be introduced as an underground parking entrance.

Assessment of Heritage Impacts

HPS has considered the proposal in the context of the Provincial Policy Statement 2014, the existing City of Toronto Official Plan Policies, the King-Spadina Secondary Plan, Council adopted amendments to the Official Plan Policies and the Standards and Guidelines for the Conservation of Historic Places in Canada.

While all four elevations of the heritage building have been identified as heritage attributes, the applicant is proposing to retain two full elevations (north and east) and partial retention of the west elevation. The rear (south) elevation is not visible from the public street and staff believe that its loss will be mitigated by the retention of the full length of the east elevation and the stepping in of the tower which will continue to provide a sense of the original building's long narrow rectangular shaped plan when viewed from the street and down the alley. The building's location on the lot and the narrow alleyway to the east have also been identified as heritage attributes that will be retained by securing the north and east elevations in place.

The fenestration and materials of the west elevation would be obscured by the new construction at 499 King Street West. This elevation displays a fenestration pattern that is

less regular and distinctive than that of the east elevation, possibly due to a building having been situated directly adjacent to it in the past. A new building constructed close to the west side of the heritage building would not be inconsistent with the past history of the site which may have informed the current fenestration patterns and blank walls of the heritage building. Further, the new building at 499 King Street West would be set back behind the Hart Building, thereby revealing one bay of the west elevation. The new tower, which would be set back ten metres from the front property line, would reduce the visual impact of the tower's scale and height and allow the Hart Building to be perceived as a three-dimensional structure.

The disassembly and reconstruction of the northernmost bay of the west elevation is necessary in order to allow excavation directly beneath that wall for underground parking. This portion of the wall is blank and devoid of any windows or details, and its careful dismantling and reassembly is acceptable in this particular situation where the alternative would be to suspend it while excavation is undertaken beneath.

Adjacent to the west of the development site is the designated heritage property at 511 King Street West, known as the American Watch Case Company. The scale and massing of the new base building is respectful of the height of the designated building and would maintain a significant separation distance and stepping back from it. Also adjacent to the site are the listed heritage properties and 422-424 Wellington Street West and the designated heritage property at 436 Wellington Street West. These properties are located south of the subject site and will not be directly impacted by the new development.

The initial phase of the King-Spadina HCD study resulted in the identification of the area's cultural heritage values which include such attributes as symmetrical composition, 3-6 storey heights and laneways. A development of the scale that is being proposed for the subject property would have a considerable impact on the heritage character of the area, however, in the absence of a Council-adopted HCD Plan staff are unable to apply such policies to this application.

Heritage Evaluation and Designation

Staff have completed the attached Heritage Property Research and Evaluation Report (Attachment No. 10) and determined that the property at 489 King Street West (Hart Building) meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three categories of design, historical association and context. Situated on the south side of King Street West between Spadina Avenue and Portland Street, the Hart Building (1918) is valued as one of a series of warehouse buildings on the street completed as early as 1872. The Hart Building's form, scale and the variation in its details make it a significant early 20th century architectural addition to this important historic collection of warehouses which yields information about the evolution and development of this community to which it remains historically and visually linked.

The Statement of Significance (Attachment No. 9) includes the Reasons for Designation, which is the Public Notice of Intention to Designate and will be advertised on the City of Toronto's web site in accordance with the City of Toronto Act provisions and served on

the property owners and on the Ontario Heritage Trust according to the provisions of the Ontario Heritage Act.

CONCLUSION

The proposed Zoning By-law Amendment application for 489 King Street West, as described in this report and, subject to the conditions set forth in the recommendations of this report, are consistent with the Provincial Policy Statement, the City of Toronto Official Plan Heritage Policies, the City of Toronto Official Plan revised Heritage Policies (By-law 468-2013), and the Standards and Guidelines for the Conservation of Historic Places in Canada. Designation under the Ontario Heritage Act and the registration of a Heritage Easement Agreement will allow the City to monitor this property and ensure its long term conservation.

CONTACT

Mary L. MacDonald, Acting Manager
Heritage Preservation Services
Tel: 416-338-1079; Fax: 416-392-1973
E-mail: mmacdon7@toronto.ca

SIGNATURE

Harold Madi
Director, Urban Design
City Planning Division

ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Existing Photographs
Attachment No. 3 – Rendering Views East & West
Attachment No. 4 – Proposed Site Plan
Attachment No. 5 – Proposed North Elevation
Attachment No. 6 – Proposed East & West Elevations
Attachment No. 7 – Proposed South Elevation
Attachment No. 8 – Proposed South/North Section
Attachment No. 9 – Statement of Significance
Attachment No. 10 – Heritage Property Research and Evaluation Report