Intention to Designate, 300 King Street West, and Authority to Enter into Heritage Easement Agreements, 260, 284 and 322 King Street West

SUMMARY

This report recommends that City Council state its intention to designate the property at 300 King Street West (Princess of Wales Theatre) under Part IV, Section 29 of the Ontario Heritage Act, and grant authority to enter into Heritage Easement Agreements for the properties at 260, 284 and 322 King Street West.

Approval of this report will the necessary Council authority for staff to negotiate legal mechanisms by which certain commitments can be made by the applicant, to the City, as part of the current Zoning By-law Amendment and Ontario Municipal Board hearing. It does not make recommendations with respect to the proposed conservation strategy.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council include the property at 300 King Street West (Princess of Wales Theatre) on the City of Toronto Inventory of Heritage Properties.

2. City Council state its intention to designate the property at 300 King Street West (Princess of Wales Theatre) under Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Significance: 300 King Street West (Reasons for Designation) attached as Attachment No. 3 to the report (July 3, 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 Heritage Easement Agreements under Section 37 of the Ontario Heritage Act with the owner of the properties at 260, 284 and 322 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 Agreements.

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

DECISION HISTORY
At its meeting of December 16, 2014, City Council adopted TE28.2 ("Request for Direction – 266-270 King Street West and 274-322 King Street West – Zoning By-law Application") with amendments and authorized the City Solicitor, together with the Chief Planning and Executive Director, City Planning and other appropriate staff to oppose the applicant's appeal respecting the Zoning By-law Amendment application at the Ontario Municipal Board.


Additional recommendations included the forwarding of the alternative development scheme described in the report (December 17, 2013 from the Chief Planner and Executive Director, City Planning and a copy of the report (November 8, 2013) from the Director, Community Planning, Toronto and East York District to a Working Group and mediation process defined by City Council.

At the same meeting, City Council adopted TE28.3 ("Demolition of Four Designated Heritage Properties – 266, 276, 284 and 322 King Street West") with amendments and directed that "City Council direct that the designated status remain in place until all appeals to the re-zoning application are exhausted" and "authorize the appropriate staff to enter into a formal agreement with the property owners to provide an undertaking to guarantee that no demolition permit will be applied for until all appeals on the application
have been exhausted”.

ISSUE BACKGROUND
The properties at 266-270 King Street West and 274-322 King Street West occupy the north side of King Street West directly west of the Royal Alexandra Theatre from the northeast corner of Duncan Street to the northeast corner of John Street. The proposal for a mixed use development initially included the demolition of the four designated heritage properties at 266, 276, 284 and 322 King Street West, as well as the Princess of Wales Theatre at 300 King Street West.

In establishing a work plan for the Working Group, City Council's directions included a review of, amongst other items, "the issues related to the heritage resources on the site." As the results of the discussions at the Working Group and between staff and the applicant, the owner has agreed to the designation of the property at 300 King Street West (Princess of Wales Theatre: exterior attributes) and to enter into Heritage Easement Agreements with the City of Toronto for the properties at 260 King Street West (Royal Alexandra Theatre), 284 King Street West (Anderson Building) and 322 King Street West (Eclipse Whitewear Building). The remaining two designated heritage properties comprising the Reid Building at 266 King Street West and the Gillett Building at 276 King Street West are proposed for demolition within the current re-zoning application.

This report does not consider the conservation strategy for the subject application or any related demolitions and alterations. All changes to the designated heritage properties still require the approval of City Council under Sections 33 and 34 of the Ontario Heritage Act. This report does provide Council authority for staff to negotiate the legal mechanisms by which certain commitments can be made by the applicant, to the City, as part of the current Zoning By-law Amendment and Ontario Municipal Board hearing.

It is anticipated that a staff report on the Conservation Strategy and Plan (with recommendations) will be brought forward to City Council during the Site Plan Control phase of the project.

COMMENTS
A location map (Attachment No. 1) and photographs (Attachment No. 2A-B) are attached. Staff have completed the attached Heritage Property Research and Evaluation Report (Attachment No. 4) and determined that the property at 300 King Street West (Princess of Wales Theatre) meets Ontario Regulation 9/06, the criteria prescribed for municipal designation. Located on the north side of King Street West between Duncan and John Streets, the Princess of Wales Theatre (1993) has design, associative and contextual values. As the last large-scale custom-built theatre constructed in the 20th century in Toronto, the Princess of Wales was designed to complement the adjoining commercial warehouses. The site is historically associated with the Mirvish family that commissioned and operated the theatre, as well as to the evolution of the King-Spadina neighbourhood. The Princess of Wales Theatre is a local landmark on King Street West where it is historically, visually, functionally and physically connected to its setting.
between two early 20th century commercial warehouses that are recognized heritage properties.

The Statement of Significance (Attachment No. 3) comprises 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 the Ontario Heritage Trust according to the provisions of the Ontario Heritage Act.

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

SIGNATURE

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Harold Madi
Director, Urban Design
City Planning Division

ATTACHMENTS
Attachment No. 1 – Location Map
Attachment Nos. 2A-B – Photographs
Attachment No. 3 – Statement of Significance, 300 King Street West (Reasons for Designation)
Attachment no. 4 – Heritage Property Research and Evaluation Report, 300 King Street West