



**STAFF REPORT  
ACTION REQUIRED**

**Alterations to Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter Into Heritage Easement Agreements – 836-850 Yonge Street & 1-9 Yorkville Avenue**

<b>Date:</b>	March 9, 2015
<b>To:</b>	Toronto Preservation Board Toronto East York Community Council
<b>From:</b>	Director, Urban Design, City Planning Division
<b>Wards:</b>	Ward 27 - Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2015\Cluster B\PLN\TEYCC\TE15043

**SUMMARY**

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This report recommends that City Council endorse the conservation strategy generally described in this report for the heritage properties located at 836-850 Yonge Street and 1-9 Yorkville Avenue in connection with the proposed redevelopment referred to as 1 Yorkville. The proposal is to construct a 58-storey residential tower and includes the retention of 836-848A Yonge Street in situ to a depth of approximately 10 metres, along with full retention of the 4 storey and two storey building at the corner of 850 Yonge Street and 1 Yorkville Avenue. The remaining portions at the rear of the buildings on Yonge Street and the 1 storey additions along Yorkville Avenue will be removed.

The report also recommends that City Council state its intention to designate the properties included in 836-850 Yonge Street and 1-9 Yorkville under Part IV, Section 29 of the Ontario Heritage Act.

Should Council endorse this strategy and the associated zoning by-law amendment, staff recommend that a Heritage Easement Agreement be entered into for all of the designated properties to ensure the long-term protection of this commercial block.

## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council approve the alterations to the heritage properties at 836-850 Yonge Street and 1-9 Yorkville Avenue in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a 58-storey residential tower including a 3-storey commercial office/retail/residential base provided that the properties at 836-850 Yonge Street and 1-9 Yorkville Avenue are designated and subject to a Heritage Easement Agreement with the City, with such alterations to the properties to be substantially in accordance with the Heritage Impact Assessment and preliminary conservation drawings, prepared by ERA Architects, revised and dated February 9, 2015, and the drawings prepared by r. Varacalli Architect Inc., dated December 16, 2014 and February 5, 2015 contained within the HIA and on file with the Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan satisfactory to the Manager, Heritage Preservation Services and subject to the following additional conditions, to be secured within a heritage easement agreement:
  - a. That the 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 in consultation with the Manager, Heritage Preservation Services.
  - b. That prior to the introduction of the bills for the Zoning By-law Amendment by City Council, the owner shall:
    - i. Enter into a Heritage Easement Agreement with the City for the properties at 836-850 Yonge Street and 1-9 Yorkville Avenue in accordance with the Heritage Impact Assessment and preliminary conservation drawings, prepared by ERA Architects, revised and dated February 9, 2015, and the drawings prepared by r. Varacalli Architect Inc., dated December 16, 2014 and February 5, 2015 contained within the Heritage Impact Assessment and on file with the Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor.
    - ii. Enter into one or more agreements with the City pursuant to Section 37 of the Planning Act on the properties at 836-850 Yonge Street and 1-9 Yorkville Avenue, to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Manager, Heritage Preservation Services with such facilities, services and

matters to be set forth in the site specific Zoning By-law Amendment giving rise to the proposed alterations.

- iii. 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 properties located at 836-850 Yonge Street and 1-9 Yorkville Avenue prepared by ERA Architects, revised and dated February 9, 2015, to the satisfaction of the Manager, Heritage Preservation Services.
- c. That prior to Site Plan Approval for the properties at 836-850 Yonge Street and 1-9 Yorkville Avenue 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 required in Recommendation 1.b.iii. in the report (March 9, 2015) from the Director, Urban Design, City Planning Division, to the satisfaction of the Manager, Heritage Preservation Services.
- d. That prior to the issuance of any permit for the property at 836-850 Yonge Street and 1-9 Yorkville Avenue, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage building the owner shall:
- i. Obtain final approval for the necessary zoning by-law amendment required for the alterations to the properties at 836-850 Yonge Street and 1-9 Yorkville Avenue, such amendments to have been enacted by City Council and to have come into full force and effect in a form and with content acceptable to City Council as determined by the Chief Planner, and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.
  - ii. Have obtained Final Site Plan approval for such property, issued by the Chief Planner and Executive Director, City Planning.
  - iii. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.b.iii. in the report (March 9, 2015) from the Director, Urban Design, City Planning Division, including a description of materials and finishes to

be prepared by the project architect, and qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services.

- iv. Provide a Lighting Plan that describes how the designated properties will be sensitively illuminated to enhance their heritage character, to the satisfaction of the Manager, Heritage Preservation Services.
  - v. Provide a Signage Plan for the commercial storefronts, including options for a variety of potential retail configurations to the satisfaction of the Manager, Heritage Preservation Services.
  - vi. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan.
- e. That prior to the release of the Letter of Credit the owner shall:
- i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work have been completed in accordance with the approved Conservation Plan, and that an appropriate standard of conservation has been maintained 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 properties at 836-850 Yonge Street and 1-9 Yorkville Avenue under Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statements of Significance: 836-850 Yonge Street and 1-9 Yorkville Avenue (Reasons for Designation) attached as Attachments Nos. 4-7 to the report (March 9, 2015) from the Director, Urban Design, City Planning Division.
3. If there are no objections to the designations 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 properties 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 designations to the Conservation Review Board.

5. If the designations are 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 authorize the City Solicitor to enter into a heritage easement agreement under Section 37 of the Ontario Heritage Act with the owner of 836-850 Yonge and 1-9 Yorkville Avenue in a form and content satisfactory to the Chief Planner and City Solicitor.
7. City Council authorize the City solicitor to introduce the necessary bill in Council authorizing the entering into of a heritage easement agreement for the properties at 836-850 Yonge and 1-9 Yorkville Avenue.

### **Financial Impact**

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

### **DECISION HISTORY**

The properties located at 836-850 Yonge Street and 1-9 Yorkville Avenue were listed on the City of Toronto Inventory of Heritage Properties in March 1974.

### **ISSUE BACKGROUND**

The proposed 58-Storey development at 836-850 Yonge Street and 1-9 Yorkville Avenue is located on the west side of Yonge Street and includes the designation and rehabilitation of municipal addresses 836, 838-844, 846, 848 and 848A (850) Yonge Street and 1-9 Yorkville Avenue.

### **Policy Framework**

#### **Planning Act and Provincial Policy Statement 2014**

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. 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 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." The policy also states that "Development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

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, Heritage Preservation Services (HPS) has also considered the proposal within the context of these amended policies.

## **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.

## **Proposal**

A new 58-storey (180.6 metres plus elevator overrun) mixed-use building is proposed with retail on the ground and second floors and residential above. The proposal calls for the alteration of the existing heritage buildings at 836-850 Yonge Street and 1-9A Yorkville Avenue. The proposal also calls for the demolition and replacement of 7 residential rental units which will be located on the third floor fronting onto Yonge Street within the new development.

The base of the proposed 58-storey tower varies on all frontages. Along the Yonge Street frontage, the heritage buildings will serve as the tower's base and the ground floor will consist of retail uses. Along the Yorkville Avenue frontage a portion of the base will consist of the 4 and 2-storey heritage building at the 850 Yonge Street and 1 Yorkville Avenue and a canopy that will extend from the height of the second storey at 1 Yorkville Avenue along the face of the building. The ground floor along Yorkville Avenue will consist of retail uses.

Along the western frontage the tower is setback 12.5 metres from the centreline of the lane with no base. The setback provides for a widened public/private lane, a landscaped

edge, and a pedestrian walkway. A 1.5-metre colonnade is provided under the west face of the tower for additional pedestrian space. The residential lobby and site servicing will be located along the west face of the ground floor.

The proposed tower is set back: 10 metres from Yonge Street (the east property line); 3 metres from Yorkville Avenue (the north property line); 12.5 metres from 834 Yonge Street (the south property line); and between 12.5 metres from the centreline of the public lane to the west.

The proposed tower floor plate is 758 square metres with inset balconies and a geometrical metal screen around the exterior of the building. The density of the proposed development is 18 times the area of the lot plus the 0.74 time the area of the lot in the retained and preserved heritage structures.

The existing sidewalk width along Yonge Street is to remain unchanged. The heritage buildings along Yonge Street are set at the property line with a sidewalk width of 3.2 metres from curb to property line. The Yorkville Avenue sidewalk is currently 3 metres wide adjacent to the heritage buildings. However, for the portion where the buildings are proposed to be demolished, the sidewalk will be widened to approximately 6 metres.

The applicant has proposed a zoning by-law amendment to support the development as proposed and the merits of that proposal are discussed in detail in a separate staff report from the Director, Community Planning.

## **Conservation Strategy**

The overall conservation goals of the proposed development include the rehabilitation of portions of the existing buildings at 836-850 Yonge Street and 1 Yorkville Avenue. The Standards and Guidelines for the Conservation of Historic Places in Canada defines rehabilitation as:

The action or process of making possible a continuing or compatible contemporary use of a historic place, or an individual component, while protecting its heritage value.

The preliminary conservation strategy contained within the applicant's September 18, 2013 HIA was revised to respond to comments from Heritage Preservation Services and Community Planning, including the development of a strategy to retain the Yonge Street properties in situ, to limit excavation beneath the buildings, to retain the corner building in full and to create a restoration plan for all of the commercial storefronts and facades. The Yonge Street buildings will be retained to a depth of approximately ten metres and the structures beyond this line will be removed. Where possible, bricks will be salvaged for repairs and conservation work on the development site. In the event that salvaging a sufficient number of bricks is not feasible due to deterioration or stability concerns, an appropriate replacement brick will be used. In addition, the revised conservation strategy

itemizes specific conservation work to be completed on the Yonge Street and Yorkville Avenue elevations.

Party walls and facades on Yonge Street will be stabilized and protected during demolition of the existing structure beyond ten metres and construction of the new building. The four storey north facade of 850 Yonge Street and two storey facade at 1 Yorkville Avenue will also be stabilized and protected. The west return wall of 1 Yorkville Avenue will be rebuilt. The existing floors within the Yonge Street buildings will be removed and replaced at similar elevations with non-combustible materials. Party walls will be braced during this process to ensure structural stability. Floor levels may be altered slightly to be consistent with adjoining buildings. This alteration is an Ontario Building Code requirement for fire safety purposes.

Existing roofs will be removed and replaced with new non-combustible materials to comply with Ontario Building Code requirements. Where existing, parapets will be protected and braced during roof replacement and construction, and the missing parapet cornice at 844 Yonge Street will be reinstated. The decorative pediment at 850 Yonge Street will be carefully removed and stored during construction. Following completion of construction, the parapet will be reinstated. The window openings on the second floor of 836 Yonge Street will be restored to reflect a more historically appropriate configuration. All other windows on the Yonge Street façade will be removed and sympathetic replacement windows will be installed within existing openings.

Painted brick facades will be stripped and cleaned where possible, and metal and wood details will be painted using traditional colour palettes. Metal details on the second and third levels of 850 Yonge Street will be reinstated based on archival photographs. In addition, a list of exterior conservation work is proposed including, but not limited to, repair and repointing brick walls and parapets; reconstruction of the sheet metal and wood main cornice, brackets, frieze and parapet coping; repair of the existing wood storefront pilasters, cornices and sign boards; and the reconstruction of the west wall at 1 Yorkville Avenue with salvaged brick if possible, to match the existing building.

The corner building at 850 Yonge Street/1 Yorkville Avenue is being retained on both street frontages and in its demising wall with 848A Yonge Street. All existing floor levels will be retained and repaired above grade. The west wall will be rebuilt to match the construction of the existing with new window and door openings in the spirit of the existing adjacent to suit new retail use. The building will read as a distinct and intact building. Its connection to 848A Yonge Street will depend on leasing arrangements. Openings in the party wall may be permitted to accommodate retail tenants, and will be subject to the heritage permit request process.

In response to comments received from Heritage Preservation Services, the preliminary storefront strategy contained in the September 18, 2013 HIA has also been further developed. Reconstruction is proposed for the ground floor storefronts on Yonge Street, because they have been so radically altered. The storefront surrounds to 838- 840 Yonge



Street will be reconstructed to match the surviving original surrounds at 842-844 Yonge Street as they are part of the same original development. A wider pilaster surround with deeper, more developed profiles at 844 Yonge Street will be retained and conserved. In the absence of evidence, the storefronts are proposed with consistent glazing heights, set by site evidence as can be ascertained at this stage of development of the proposal, and with proportions of a Victorian character, to avoid conjecture.

As stated above, existing profiles will be used as the starting point for heritage reconstruction. The storefront glazing and doors, of which there is no site or documented evidence, are proposed as contemporary pre-painted metal frames and doors, but following a traditional pattern of Victorian commercial storefronts.

The party walls between the existing Yonge Street buildings will be retained for approximately 10 metres. Interior alterations including new openings in party walls may be permitted, on an individual basis, as new tenant requests are presented to the City.

## **COMMENTS**

Although this project proposes to add a 58-storey tower to a sensitive heritage context, it incorporates strategies to mitigate the impact of the development on historic Yonge Street. Specifically, the project meets objectives that would preserve and reinforce the property's cultural, historic and contextual significance. Namely, the project would:

- Revitalize the commercial and historic character of the Yonge Street properties through the rehabilitation and restoration of buildings in accordance to Parks Canada Standards and Guidelines
- Conserve and enhance the existing contextual relationship of the site with the Yonge Street properties in general, and on the anchor corner property at the southwest corner of Yonge Street and Yorkville in particular
- Conserve the heritage attributes of the buildings while adapting them for future occupancies which will further activate the surrounding streets and provide for an improved pedestrian environment.

Based upon the submitted Heritage Impact Assessment, the current conservation strategy will retain and reinforce the heritage values that currently exist at the site and along the commercial main street. HPS will continue to work with the applicant to ensure that as much of the existing heritage fabric is retained as possible and we applaud the applicant's decision to not excavate the parking garage beneath the heritage buildings. In addition, HPS will ensure that the applicant retains the historic rhythm of the storefronts along Yonge Street in terms of materials, entry locations and fenestration as currently proposed, and the restoration and rehabilitation of Yonge Street façades shall adhere to the Parks Canada Standards and Guidelines.

In this light, careful consideration will also be given to such components as proposed window specifications and cladding treatment, signage and lighting schemes, etc. Additionally, HPS will strongly promote a conservation strategy in which reconfigured and consolidated commercial space within the Yonge Street commercial structures does not weaken perception of these buildings as small-scale individual structures from the public realm. Interior alterations will be reasonably considered once tenants have been secured for the retail properties. The interior of the properties will not be identified as heritage attributes within the reasons for designation.

In accordance with the Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada*, the project meets the following standards relating to rehabilitation and restoration:

- 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*.
- Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other *historic places* or other properties or by combining features of the same property that never coexisted.
- Find a use for a *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.
- Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place*, and identifiable upon close inspection. Document any intervention for future reference.
- Repair rather than replace *character-defining elements*. Where *character-defining elements* are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.

- Conserve the heritage value and *character-defining elements* when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with and distinguishable from the historic place.
- Create any new additions or related new construction so that the essential form and integrity of a *historic place* will not be impaired if the new work is removed in the future.
- Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

### **Heritage Evaluation:**

Staff have completed the attached Heritage Property Research and Evaluation Reports for the properties at 836-850 Yonge Street and 1-9 Yorkville Avenue (Attachments Nos. 8-11) and determined that they meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under all three categories of design, associative and contextual values. The properties have cultural heritage value for their designs as an intact group of three-storey commercial buildings dating from the mid- to late-19<sup>th</sup> century that retain original decorative detailing from the popular architectural styles of the period. The properties at 836, 838-844 and 850 Yonge are also valued for their associations with the former Village of Yorkville where they were built prior to 1884 when that community was annexed by the City of Toronto.

Contextually, the group of buildings at 836-850 Yonge Street and 1-9 Yorkville Avenue contribute to the character of Yonge Street, north of Bloor Street as it developed in the late 19<sup>th</sup> century from an independent village to a city neighbourhood along Toronto's "main street." The buildings are also historically, visually and physically related to their settings on Yonge Street where they are part of an intact group of contiguous late 19<sup>th</sup> century commercial edifices that extends along the entire block on the west side of the street from Cumberland Street to Yorkville Avenue and marks the east entry into the commercial heart of the former Village of Yorkville.

The Statements of Significance for the properties at 836-850 Yonge Street and 1-9 Yorkville Avenue (Attachments Nos. 4-7) comprise the Reasons for Designation, which are the Public Notices 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**

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## **SIGNATURE**

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Harold Madi  
Director Urban Design  
City Planning Division

## **ATTACHMENTS**

Attachment No. 1 – Location Map,  
Attachment No. 2 – Photographs  
Attachment No. 3 – Drawings  
Attachment No. 4 – Statement of Significance – 836 Yonge Street (Reasons for Designation)  
Attachment No. 5 – Statement of Significance - 838-844 Yonge Street (Reasons for Designation)  
Attachment No. 6 – Statement of Significance - 846-848A Yonge Street (Reasons for Designation)  
Attachment No. 7 – Statement of Significance - 850 Yonge Street and 1-9 Yorkville Avenue (Reasons for Designation)  
Attachment No. 8 – Heritage Property Research and Evaluation Report – 836 Yonge Street  
Attachment No. 9 – Heritage Property Research and Evaluation Report – 838-844 Yonge Street  
Attachment No. 10 – Heritage Property Research and Evaluation Report – 846-848A Yonge Street  
Attachment No. 11 – Heritage Property Research and Evaluation Report – 850 Yonge Street and 1-9 Yorkville Avenue