

March 26, 2015

To: Toronto and East York Community Council

From: Toronto Preservation Board

Subject: 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 and 1-9 Yorkville Avenue

Recommendations:

The Toronto Preservation Board recommends to the Toronto and East York Community Council 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.

iii. Ensure that the design be altered to allow the legibility of the position of the rear wall of the heritage building.

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.

Background:

The Toronto Preservation Board on March 24, 2015, considered a report (March 9, 2015) from the Director, Urban Design, City Planning Division, regarding 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 and 1-9 Yorkville Avenue.

The following persons addressed the Toronto Preservation Board:

Edwin Rowse, ERA Architects Inc.
R. Varacalli, R. Varacalli Architect
John Caliendo, Co-President, ABC Residents' Association

For City Clerk

J.Gerrard

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PB3.9>