Toronto Preservation Board

Meeting No. 22  
Meeting Date Thursday, April 20, 2017  
Start Time 9:30 AM  
Location Committee Room 2, City Hall  
Contact Lourdes Bettencourt, Committee Secretary  
Phone 416-392-7033  
E-mail teycc@toronto.ca  
Chair Jennifer Rieger

PB22.3  
ACTION Amended Ward:27

Alterations to Designated Heritage Properties, Intention to Designate, Amendment of Designating By-law and Authority to Enter into Heritage Easement Agreements - 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street

Board Decision

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 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street in accordance with Section 33 of the Ontario Heritage Act, to allow for the redevelopment of the site bounded generally by Yonge Street, St. Mary Street, St. Nicholas Street and Charles Street West, with such alterations substantially in accordance with plans and drawings dated February 8, 2017 with revisions to drawings A.6 and A.16 dated February 27, 2017, prepared by Architects Alliance, date-stamped received by Heritage Preservation Services February 27, 2017 and on file with the Senior Manager, Heritage Preservation Services; and the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc. dated February 27, 2017, date-stamped received by Heritage Preservation Services February 28, 2017, and on file with the Senior Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Preservation Services and subject to the following additional conditions:

   a. That prior to issuance of an Ontario Municipal Board Order (Case No. PL150634) in connection with the Zoning By-law Amendment appeal for the properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street:

      1. By-law No. 362-2006 for 81 St. Nicholas Street shall be amended under Section 30.1 of the Ontario Heritage Act to include 85 St. Nicholas Street, and the property at 718 Yonge Street shall be designated under Part IV, Section 29 of the Ontario Heritage Act;

      2. The owner shall enter into Heritage Easement Agreements with the City for the properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street in accordance with plans and drawings dated February 8, 2017 with revisions to drawings A.6 and A.16 dated February 27, 2017, prepared by Architects Alliance,
date-stamped received by Heritage Preservation Services February 27, 2017 and on file with the Senior Manager, Heritage Preservation Services, and in accordance with the Conservation Plan required in Recommendation 1.a.3 in the report dated March 21, 2017 from the Chief Planner and Executive Director, City Planning Division to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;

3. The owner shall provide a detailed Conservation Plan prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street prepared by ERA Architects Inc. dated February 27, 2017, to the satisfaction of the Senior Manager, Heritage Preservation Services;

4. The owner shall enter into and register on the properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street one or more agreements with the City pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning Division, and the Senior Manager, Heritage Preservation Services with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations.

b. That prior to Final Site Plan approval in connection with the Zoning By-law Amendment appeal for the properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street, the owner shall:

1. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 1.a.3 in the report dated March 21, 2017 from the Chief Planner and Executive Director, City Planning Division to the satisfaction of the Senior Manager, Heritage Preservation Services;

2. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject properties, such Amendment to have been enacted by City Council and to have come into full force and effect;

3. Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;

4. Provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;

5. Provide a detailed Landscape Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services

6. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services.

c. That prior to the issuance of any permit for all or any part of the properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street, including a heritage permit or a building permit but excluding permits for repairs, maintenance and usual and minor works acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:
1. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject properties, such Amendment to have been enacted by City Council and to have come into full force and effect;

2. Provide building permit drawings for the specific phase of work for which the permit is being sought, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.3 in the report dated March 21, 2017 from the Chief Planner and Executive Director, City Planning Division, including a description of materials and finishes to be prepared by the project architect and qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;

3. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan and the Interpretation Plan;

d. That prior to the release of the Letter of Credit required in Recommendation 1.c.2 in the report dated March 21, 2017 from the Chief Planner and Executive Director, City Planning Division, the owner shall:

   1. Have obtained final site plan approval for the subject properties, issued by the Chief Planner and Executive Director, City Planning Division;
   
   2. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the Conservation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services;
   
   3. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

2. City Council amend City of Toronto By-law 362-2006, designating the property at 81 St. Nicholas Street under Part IV of the Ontario Heritage Act, to update and revise the Reasons for Designation and the legal description to include the property at 85 St. Nicholas Street in accordance with the Statement of Significance: 81 and 85 St. Nicholas Street (Amended Reasons for Designation) attached as Attachment 11 to the report dated March 21, 2017 from the Chief Planner and Executive Director, City Planning Division.

3. City Council state its intention to designate the property at 718 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Significance: 718 Yonge Street (Reasons for Designation) attached as Attachment 12 to the report dated March 21, 2017 from the Chief Planner and Executive Director, City Planning Division.

4. If there are no objections to the amendment of the by-law and the designation in accordance with the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the necessary bill in Council.

5. If there are objections to the amendment of the by-law and the designation in accordance with the Ontario Heritage Act, City Council direct the City Clerk to refer the amendment of the by-law and the designation to the Conservation Review Board.
6. If the amendment of the by-law and the designation 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.

7. City Council authorize the entering into of Heritage Easement Agreements under Section 37 of the Ontario Heritage Act with the owner of the properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street in a form and with content satisfactory to the Chief Planner and Executive Director and City Solicitor.

8. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of Heritage Easement Agreements for the properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street.

Decision Advice and Other Information
The Toronto Preservation Board directed the report (March 21, 2017) from the Chief Planner and Executive Director, City Planning, respecting Alterations to Designated Heritage Properties, Intention to Designate, Amendment to Designating By-law and Authority to Enter into Heritage Easement Agreements - 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street, be forwarded to City Council for its meeting on April 26, 27 and 28, 2017, to be considered.

Origin
(March 21, 2017) Report from the Chief Planner and Executive Director, City Planning Division

Summary
This report recommends that City Council approve the proposed alterations to the heritage properties at 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street; amend By-law No. 362-2006 for 81 St. Nicholas Street to include 85 St. Nicholas Street under Section 30.1 of the Ontario Heritage Act; state its intention to designate 718 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act; and give authority to enter into Heritage Easement Agreements for these properties. The applicant proposes to conserve the four heritage properties and integrate them into a new mixed use development.

Background Information
(March 21, 2017) Report and Attachments 1 - 14 from the Chief Planner and Executive Director, City Planning Division - Chief Planner and Executive Director, City Planning Division - Alterations to Designated Heritage Properties, Intention to Designate, Amendment of Designating By-law and Authority to Enter into Heritage Easement Agreements - 10 St. Mary Street, 81 and 85 St. Nicholas Street and 718 Yonge Street
(http://www.toronto.ca/legdocs/mmis/2017/pb/bgrd/backgroundfile-102682.pdf)

Communications
(April 19, 2017) Letter from Philip Evans, ERA Architects Inc. (PB.Supp.PB22.3.1)

Speakers
Philip Evans, ERA Architects Inc.