
City Council

Motion without Notice

MM2.19	ACTION			Ward: 10
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Alterations to Designated Heritage Property, Intention to Designate 663 King Street West under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - by Councillor Joe Cressy, seconded by Councillor Michael Ford

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Joe Cressy, seconded by Councillor Michael Ford, recommends that:

1. City Council adopt the following recommendations in the report (January 28, 2019) from the Chief Planner and Executive Director, City Planning:

1. City Council approve settlement offer which comprises the alterations to the designated heritage property at 663 King Street West, in accordance with Section 33 of the Ontario Heritage Act, for the construction of a new tower and podium with alterations to the designated buildings 663 King Street West in conjunction with an appeal to the Local Planning Appeals Tribunal and subsequent mediation of the application for Zoning By-law Amendment, comprised of the plans and drawings prepared by Diamond Schmitt Architects, submitted with the Heritage Impact Assessment prepared by ERA Architects Inc., dated November 21, 2018, all 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 conditions:

a. Prior to issuance of an Local Planning Appeals Tribunal order in connection with the Zoning By-law Amendment appeal for the property at 663 King Street West, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 663 King Street West substantially in accordance with plans and drawings prepared by Diamond Schmitt Architects, submitted with the Heritage Impact Assessment prepared by ERA Architects Inc., dated November 21, 2018 or otherwise revised in accordance with a settlement offer or Local Planning Appeals Tribunal Order, subject to and in accordance with the approved Conservation Plan required in Recommendation 1.a.2, all to the satisfaction of

the Senior Manager, Heritage Preservation Services including execution of such agreement to the satisfaction of the City Solicitor.

2. Provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 663 King Street West, ERA Architects Inc., dated November 21, 2018 or otherwise a conservation strategy revised in accordance with a settlement offer or Local Planning Appeals Tribunal Order, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

3. Enter into and register on the property at 663 King Street West one or more agreements with the City pursuant to Section 37 of the Planning Act, all to the satisfaction of the City Solicitor, the Director, Urban Design, 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, including amongst other matters, securing the preparation and thereafter the implementation of a Heritage Lighting Plan, a Signage Plan, an Interpretation Plan and requiring a letter of credit to secure all work included in the approved Conservation Plan and approved Interpretation Plan, including provision for upwards indexing, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

4. Provide for the withdrawal of the appeal of the King Spadina Heritage Conservation District plan which was approved by Council for intent to designate under Part V of the Ontario Heritage Act.

b. Prior to Final Site Plan approval in connection with the Zoning By-law Amendment appeal for the properties at 663 King Street West, the owner shall:

1. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.a.2 in the report of December 20, 2018 from the Director, Urban Design, City Planning Division to the satisfaction of the Senior Manager, Heritage Preservation Services.

2. 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.

3. Provide a Heritage Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its 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.

4. Provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services.

5. Submit a Signage Plan for the proposed development 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 663 King Street West, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:

1. Obtain final approval for the necessary by-law amendments required for the alterations to the properties at 663 King Street West, such amendments to have been enacted by City Council in connection with a Local Planning Appeals Tribunal Order and to have come into effect in a form and with content acceptable to City Council as determined by the Director, Urban Design, City Planning Division, in consultation with the Senior Manager, Heritage Preservation Services.
2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.2 above including a description of materials and finishes, to be prepared by the project architect and a 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, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan.
4. Provide full documentation of the existing heritage properties at 663 King Street West and 60 Stewart Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services.

d. That prior to the release of the Letter of Credit required in Recommendation 1.d.3. above the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Lighting Plan, Landscape Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services.
2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

2. City Council state its intention to designate the property at 663 King Street West under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 663 King Street West (Reasons for Designation) attached as Attachment 4 to the report (January 21, 2019) from the Chief Planner and Executive Director, 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 authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 663 King Street West for the properties at 663 King Street West in a form and with content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning Division.
7. City Council authorizes the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at 663 King Street West.

Summary

An appeal regarding a Zoning By-law Amendment for the property at 663 King Street West is scheduled to be heard by Local Planning Appeal Tribunal in early February 2018.

On January 15, 2019, the Toronto and East York Community Council supported the recommendations contained in a report by the Director of Community Planning which sought approval for city staff to prepare and present a settlement with respect to the appeal based on details that were outlined in the staff report. Normally such proposals would be reviewed by the Toronto Preservation Board before being considered by Toronto and East York Community Council. In this case that was not possible as the first meeting Toronto Preservation Board was on January 21, 2019 which is after the Toronto and East York Community Council meeting.

The Ontario Heritage Act requires that the Toronto Preservation Board are consulted regarding proposals to designate properties, to alter designated properties and to enter into Heritage Easement Agreements. The only method of complying with this requirement and going to City Council before the Local Planning Appeal Tribunal hearing date was for the Toronto Preservation Board to consider the proposals for 663 King Street West at their first meeting of the year (which was after the Toronto and East York Community Council meeting) and for this report to then be sent straight to City Council to be considered alongside the associated report from the Director of Community Planning.

The Toronto Preservation Board considered a report (January 21, 2019) from the Senior Manager, Urban Design/Heritage, City Planning on January 21, 2019. They supported the

recommendations that Toronto City Council state its intention to designate property at 663 King Street West and include it in the City's Heritage Register. The Toronto Preservation Board also supported proposals to alter the designated property in connection with a Settlement submitted by the applicant and they supported seeking Council's authority to enter into a Heritage Easement Agreement.

This Motion is urgent as Council's support of the settlement strategy that is outlined in the accompanying reports is required before the Local Planning Appeal Tribunal hearing in early February 2019.

Background Information (City Council)

Member Motion MM2.19

(January 28, 2019) Report from the Chief Planner and Executive Director on Alterations to a Designated Heritage Property, Intention to Designate 663 King Street West under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-124227.pdf>)

(January 21, 2019) Transmittal from the Toronto Preservation Board on Alterations to Designated Heritage Property, Intention to Designate 663 King Street West under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement (MM2.19a)

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-124269.pdf>)