

Alterations to Designated Heritage Property at 187 King Street East, Demolition and Reconstruction of Designated Heritage Property at 65 George Street, and Authority to Enter into a Heritage Easement Agreement

Date: August 19, 2021

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 13 – Toronto Centre

REASON FOR CONFIDENTIAL INFORMATION

This report concerns litigation or potential litigation that affects the City of Toronto.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek further instruction in relation to a revised development application for a site that contains two heritage resources at 187 King Street East and 65 George Street and a related ongoing development appeal at the Ontario Land Tribunal ("OLT"). An OLT Case Management Conference has been scheduled for November 3, 2021.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the instructions in Confidential Attachment 1 if adopted by City Council, with the balance of the Confidential Attachment 1 to remain confidential as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The property at 187 King Street East was designated under Part IV, Section 29 of the Ontario Heritage Act on April 17, 1979 by City of Toronto by-law 335-79.

<https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1979-0335.pdf>

At its July 28, 2020 meeting, City Council stated its intention to designate the property at 65 George Street under Part IV, Section 29 of the Ontario Heritage Act. It was determined that the property meets Ontario Regulation 9/06, which sets out the criteria prescribed for municipal designation under Part IV, due to its design/physical, historical/associative and contextual value. No appeals to the intent to designate were received and the property was subsequently designated through by-law 1039-2020.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE16.15>

St. Lawrence Neighbourhood Heritage Conservation District Plan

The St. Lawrence Neighbourhood Heritage Conservation District was designated by Council in December 2015. The overall objective of the St. Lawrence Neighbourhood Heritage Conservation District Plan (HCD Plan) is to protect and conserve the heritage value of the St. Lawrence neighbourhood while guiding investment and growth. The HCD Plan was appealed to Local Planning Appeal Tribunal, with a hearing held in November 2019. On July 27, 2020, the Tribunal issued its Decision, directing the City to amend the HCD Plan by revising its boundaries, deleting certain sections respecting Character Sub-Areas and prescribed built form standards; and clarifying other text references, among other matters. It is anticipated that a revised HCD Plan will be submitted to the Tribunal in 2021.

Related Development Application

An application was filed with the City in 2017 for a zoning by-law amendment for the site to permit a 17-storey mixed-use residential condominium building which retained the four-storey building on the Part IV designated property at 187 King Street East, known as the Little York Hotel, and contemplated the demolition of the two-storey building on the then-listed heritage property at 65 George Street. The building at 187 King Street East was proposed to be retained and remain in use for retail/commercial with the rear (south) wall modified to provide a connection to the new building. Approximately 4.5 metres of new construction was set atop the rear (south) portion of the building at 187 King Street East.

City Council refused the application, and that decision was subsequently appealed to the Local Planning Appeal Tribunal, now continued as the OLT:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.12>

The owner and the City have continued discussions on the development application as the OLT process is ongoing.

COMMENTS

Heritage Properties

The site contains the building known as the Little York Hotel at 187 King Street East and is designated under Part IV of the Ontario Heritage Act by By-law No. 335-79 on April 17, 1979. The building was constructed in 1879 and is a well preserved example of the Second Empire Style featuring a mansard roof with pedimented dormer windows, carved keystones in arched windows and a fine pair of entrances on King Street. The property is also subject to a Heritage Easement Agreement with the City that is registered on title. The St. Lawrence Neighbourhood Heritage Conservation District Plan identifies this property as contributing to the heritage character of the District.

The site also includes the property at 65 George Street which was listed on the City's Heritage Register on June 25 & 28, 1985 and designated under Part IV of the Ontario Heritage Act by By-law No. 1039-2020 on November 26, 2020. This property contains a two-storey structure that incorporates the one-storey elevation of the Little York Stables and Coach House fronting George Street. Attributes of the property include the original one storey west elevation, brick cladding with stone sills, brick string courses, dentil courses and cast-stone keystones in the elliptical and round-arched openings of the carriage way and windows.

Adjacencies

The site is adjacent to the following heritage properties:

- 200 King Street East: Christie, Brown & Co. commercial building; designated under Part IV of the Ontario Heritage Act.
- 172 King Street East; Sovereign Bank, 1907; designated under Part IV of the Ontario Heritage Act.
- 185 King Street East; Thomas Thompson Building; listed on the City of Toronto Heritage Register.

Original Proposal

The original 2017 proposal requested a Zoning By-law Amendment to re-develop the site with a 17-storey mixed-use residential condominium building which retained the four-storey building on the Part IV designated property at 187 King Street East, known

as the Little York Hotel, and contemplated the demolition of the two-storey building on the then-listed heritage property at 65 George Street. The building at 187 King Street East was proposed to be retained and remain in use for retail/commercial with the rear (south) wall modified to provide a connection to the new building. Approximately 4.5 metres of new construction was set atop the rear (south) portion of the building at 187 King Street East.

Revised Proposal

On August 18, 2021 the owner submitted a revised submission or "with prejudice" offer (contained in Appendix "B" to this Report), along with revised Architectural Plans and Drawings prepared by Core Architects Inc. dated August 9, 2021 for 187 King Street East and 65 George Street, Toronto. The Architectural Plans and Drawings are attached as Appendix "C" to this Report. Photographs and further information from Heritage Planning Staff are contained in Appendix "A" to this Report.

The revised proposal retains the original one-storey street-facing portion of the façade of the building at 65 George Street by documenting, dismantling, salvaging and reconstructing it. New development will be set atop the reconstructed George Street elevation with an approximate 2 metre step back at the second storey. The disassembly of structures and properties on the Heritage Register for the purpose of reassembly at a later date is considered to be demolition, as defined in the City's Official Plan. The applicant submitted a complete application to demolish a building or structure under Section 34(1)2 the Ontario Heritage Act on August 11, 2021.

The building at 187 King Street East will be retained with the new development stepped back approximately 17 metres from the front (King Street East) elevation. Modifications to the rear (south) wall will be made where it connects to the new development.

Policy Framework

Planning Act

The Planning Act and the associated Provincial Policy Statement guide development in the Province. The Act states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest."

Provincial Policy Statement

The Provincial Policy Statement (PPS) directs through Policy 2.6.1 that significant built heritage resources shall be conserved. Properties designated under the Ontario Heritage Act are considered to be significant.

Policy 2.6.3 states that "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan (2020) directs through Policy 4.2.7.1 the conservation of cultural heritage resources, particularly in strategic growth areas such as the Downtown Urban Growth Centre.

Official Plan

Section 3.1.5 of the City of Toronto's Official Plan provides the policy framework for heritage conservation in the City and includes 53 heritage policies. Many of these policies are directly relevant to the proposed development.

The Standards and Guidelines for the Conservation of Historic Places in Canada

The Standards and Guidelines The Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City of Toronto.

This report is about ongoing litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by the Preservation Board **in camera**.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Appendix A – Heritage Planning's Photographs and Information
Appendix B – Revised Plans Covering Letter
Appendix C – Revised Architectural Plans and Drawings
Confidential Attachment 1 – Confidential Report from City Solicitor