

Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, Alterations to a Heritage Property, and Authority to Enter into a Heritage Easement Agreement - 109 and 125 George Street - Supplementary Report

Date: October 1, 2021

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Toronto Centre, Ward 13

SUMMARY

The purpose of this report is to provide minor revisions to the recommendations contained in the original report to bring them in line with the changes made to the Ontario Heritage Act through Bill 108. The revised recommendations replace the recommendations in the original report. The revisions to the recommendations do not alter the conclusions of the original report that the properties are of cultural heritage value, the alterations proposed will conserve the cultural heritage value of the properties and the long-term conservation of the properties should be secured through Heritage Easement Agreements. The proposed development continues to be consistent with the policy framework.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council state its intention to designate the property at 109 George Street (with entrance address at 117) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 109 George Street (Reasons for Designation) attached as Attachment 4 to the report (May 25, 2021) from the Senior Manager, Heritage Planning.
2. City Council state its intention to designate the property at 125 George Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 125 George Street (Reasons for Designation) attached as Attachment 5 to the report (May 25, 2021) from the Senior Manager, Heritage Planning.

3. If there are no objections to the designations, City Council authorize the City Solicitor to introduce the Bill in City Council designating the property under Part IV, Section 29 of the Ontario Heritage Act.

4. City Council approve the alterations to the heritage properties at 109 and 125 George Street, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a 39-storey, 126 metre tall (not including mechanical penthouse), mixed-use building incorporating the heritage buildings on the lands known municipally in the year 2021 as 109-117, 119 and 125 George Street, and 231 Richmond Street East with such alterations substantially in accordance with plans and drawings dated April 23, 2021, prepared by Sweeny & Co Architects Inc., and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc., dated February 28, 2020 and revised April 26, 2021, and on file with the Senior Manager, Heritage Planning, all subject to and in accordance with the Conservation Plans for the subject properties, satisfactory to the Senior Manager, Heritage Planning and subject to the following additional conditions:

a. That the related site specific Official Plan Amendment and 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 Senior Manager, Heritage Planning.

b. That prior to the introduction of the bills for such Official Plan Amendment and Zoning By-law Amendment by City Council, the respective owners shall:

1. Enter into a Heritage Easement Agreement with the City for the properties at 109 and 125 George Street in accordance with the plans and drawings dated April 23, 2021, prepared by Sweeny & Co Architects Inc., and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared ERA Architects Inc., dated February 28, 2020 and revised April 26, 2021, and in accordance with a Conservation Plan required in Recommendation 4.b.2 to the satisfaction of the Senior Manager, Heritage Planning including registration on title of such agreement to the satisfaction of the City Solicitor.

2. Provide detailed Conservation Plans, prepared by a qualified heritage consultant that are consistent with the conservation strategy set out in the Heritage Impact Assessment for 109 and 125 George Street prepared by ERA Architects Inc., dated February 28, 2020 and revised April 26, 2021, to the satisfaction of the Senior Manager, Heritage Planning.

3. Enter into and register on title to the properties at 109 and 125 George 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, and the Senior Manager, Heritage Planning with such facilities, services and matters to be set forth in the related site specific Official Plan Amendment and Zoning By-law

Amendment giving rise to the proposed alterations and securing such matters generally as set forth in these Recommendations.

c. That prior to Site Plan approval for the proposed Official Plan Amendment and Zoning By-law Amendment by City Council for the properties located at 109 and 125 George Street, the respective owners shall:

1. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 4.b.2 to the satisfaction of the Senior Manager, Heritage Planning.
2. Have obtained final approval for the necessary Official Plan Amendment and Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect.
3. Provide a Heritage Lighting Plan that describes how the exterior of the subject heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
4. Provide a detailed Landscape Plan for the subject property, satisfactory to the Senior Manager, Heritage Planning.
5. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
6. Submit a Signage Plan for the subject property to the satisfaction of the Senior Manager, Heritage Planning.

d. That prior to the issuance of any permit for all or any part of the properties at 109 and 125 George Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building, as are acceptable to the Senior Manager, Heritage Planning, the respective owners shall:

1. Have obtained final approval for the necessary Official Plan Amendment and Zoning By-law Amendment, such Amendments to have come into full force and effect.
2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 4.b.2 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 Planning.

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 Planning to secure all work included in the approved Conservation Plan, Lighting Plan and Interpretation Plan.

4. Provide full documentation of the existing heritage property, 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 Planning.

e. That prior to the release of the Letter of Credit required in Recommendation 4.d.3, the respective owners shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

5. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the respective owners of 109 and 125 George Street in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

6. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for each of the properties at 109 and 125 George Street.

FINANCIAL IMPACT

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

DECISION HISTORY

On September 9, 2021, Toronto and East York Community Council forwarded a report titled "Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, Alterations to a Heritage Property, and Authority to Enter into a Heritage Easement Agreement - 109 and 125 George Street" to City Council without recommendations.

(Item TE27.9). The item can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.TE27.4>

COMMENTS

This Supplementary Report should be read together with the Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, Alterations to a Heritage Property, and Authority to enter into a Heritage Easement Agreement - 109 and 125 George Street report dated May 25, 2021 from the Senior Manager, Heritage Planning, Urban Design, City Planning.

The revised recommendations are to replace the recommendations in the original report and align with the changes to the Ontario Heritage Act made through Bill 108. The revisions reflect the changes to the appeals process for properties that are designated under Part IV, Section 29 of the Ontario Heritage Act and the elimination of the Conservation Review Board. The changes to the Act came into effect on July 1, 2021, following the date of the original report.

The revisions to the recommendations are minor and do not alter the conclusions of the original report. The original report concludes that the properties at 109 and 125 George Street are of cultural heritage value, the proposed alterations will conserve the cultural heritage value of the properties, and the long-term conservation of the properties should be secured through Heritage Easement Agreements. The proposed development continues to be consistent with the policy framework, including the Provincial Policy Statement (2020), the Growth Plan 2020 and the City of Toronto Official Plan.

CONTACT

Mary L. MacDonald, MA, CAHP
Senior Manager, Heritage Planning
Urban Design, City Planning
Tel: 416-338-1079 Fax: 416-392-1973
E-mail: Mary.MacDonald@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning