

Alterations to a Heritage Property and Authority to Amend a Heritage Easement Agreement - 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street

Date: August 3, 2022

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: Ward 13 - Toronto Centre

SUMMARY

This report recommends that City Council approve alterations proposed for the property at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street (designated under Part IV of the Ontario Heritage Act). The alterations proposed through the subject development application have already been approved under the Ontario Heritage Act and the Planning Act. Since that time, additional engineering considerations have led to a change to the approved conservation strategy. The proposed change is a departure from the approved alterations and is not currently reflected in the permitted alterations contained within the Heritage Easement Agreement. Therefore, Council approval is needed to revise the alteration approval and to amend the Heritage Easement Agreement. The proposed change is the panelization of two additional bays (10.9 metres wide) of the south building at 266 King Street East along the Ontario Street frontage. Overall, the alteration conserves the onsite and adjacent heritage properties and is consistent with the heritage policy framework.

RECOMMENDATIONS

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

1. City Council consent to the application to alter the designated property at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, with conditions, under Part IV, Section 33 of the Ontario Heritage Act for the reasons stated in the report (August 3, 2022) from the Chief Planner and Executive Director, City Planning and with such alterations substantially in accordance with the Conservation Plan dated June 28, 2022, prepared by GBCA Architects, on file with the Senior Manager, Heritage Planning, Urban Design, City Planning and subject to the following conditions:

a. That the owner:

1. Amend the Heritage Easement Agreement with the City for the property at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street in accordance with the Conservation Plan dated June 28, 2022, prepared by GBCA Architects and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, including registration of such agreement to the satisfaction of the City Solicitor.

2. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement, registered on the title for the heritage property at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, Instrument Number AT5735626, and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

3. City Council authorize the City Solicitor to introduce the necessary Bill in Council authorizing the amendment of the Heritage Easement Agreement for the property at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street.

FINANCIAL IMPACT

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

DECISION HISTORY

The property at 260 King Street East was designated under Part IV, Section 29 of the Ontario Heritage Act on October 3, 1988 by By-law 855-88.

At its meeting of December 9 and 10, 2015, City Council adopted with amendments Item TE12.11: "Designation of the St. Lawrence Neighbourhood Heritage Conservation District under Part V of the Ontario Heritage Act." and adopted by by-law the St.

Lawrence Heritage Conservation District. The St. Lawrence Heritage Conservation District Plan identifies the buildings at 260 King Street East by the entrance addresses of 254 King Street East (which includes the entrance address at 157 Princess Street), 256 and 266 King Street East, and 427 and 435 Adelaide Street East as contributing heritage properties. For a more detailed decision history, see the October 19, 2015 Report from the Director, Urban Design, City Planning Division, at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE12.11>

In October 2016, the applicant submitted a Zoning By-law amendment application proposing a mixed-use development at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, comprising two 32-storey residential towers connected by two multi-storey bridges, a base building with retail space on the ground floor and second floor and a new public parkette. At the time of the application the St. Lawrence HCD was not in full force and effect. The applicant submitted a revised proposal on January 17, 2017, which made minor revisions to the proposal, increasing the proposed GFA. At its meeting on January 31, 2017, City Council refused the application to amend the Zoning By-law because the proposal did not satisfy urban design and heritage preservation objectives, nor did it provide sufficient replacement of office space, contrary to policies in the Official Plan and Provincial Policy Statement. City Council authorized the City Solicitor and appropriate City staff to appear before the OLT (then OMB) in support of City Council's decision: <https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-99364.pdf>

At its meeting on April 26, 27 and 28, 2017, City Council stated its intention to amend City of Toronto By-law 855-88 to update and revise the reasons for designation under Part IV of the Ontario Heritage Act for 260 King Street East to include 254, 256, and 266 King Street East, 427 and 435 Adelaide Street East, and 157 Princess Street in accordance with the Statement of Significance in Attachment 4 to the staff report dated March 9, 2017: <https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-101805.pdf>

On February 27, 2017, the applicant appealed City Council's decision to refuse the proposed Zoning By-Law amendment to the OLT (then OMB). At its meeting of March 26, 2018, City Council adopted Item CC38.8, accepting a settlement offer from counsel for the proponent and instructing the City Solicitor and appropriate City Staff to attend at the OLT in support of the settlement: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC38.8>

On July 27, 2020, the Local Planning Appeals Tribunal issued a decision approving the St. Lawrence Neighbourhood Heritage Conservation District and directing changes to be made to the Plan. On November 16, 2021, the Ontario Land Tribunal issued an Order approving the revised District Plan. The re-zoning application for the subject properties was recognized within the Plan's transition list as being not subject to the District Plan. <https://www.omb.gov.on.ca/e-decisions/mm160020-Jul-27-2020.pdf>

At its meeting of May 5 and 6, 2021, City Council adopted Item CC32.8, accepting a further settlement offer from counsel for the proponent and instructing the City Solicitor and appropriate City Staff to attend at the OLT in support of the settlement. The revised Alterations and Amendment of HEA – 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street

proposal allowed for several small changes to the original settlement, including a small increase in height and GFA and an increase to the Section 37 quantum, and improvements were made to the existing conservation strategy. A Section 37 Report for Action with Confidential Attachment on 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street. OLT matter. Page 3 of 3 agreement was entered into by the parties in June 2021, following which a final order was issued by the tribunal. The recommendations as adopted are at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC32.8>

At its meeting of June 15, 2022, City Council adopted Item CC45.10, accepting a further revised settlement offer from counsel for the proponent and instructing the City Solicitor and appropriate City Staff to attend at the OLT in support of the settlement. The revised proposal allowed for several additional small changes to the original settlement, including adding a new daycare and private school, increasing the elevator overruns, increasing the number of three-bedroom units, and technical changes to the zoning by-law to ensure the language and permissions are clear. The recommendations as adopted are at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC45.10>

BACKGROUND

Area Context

The development site is located within the St. Lawrence Neighbourhood Heritage Conservation District in one of Toronto's oldest neighbourhoods. The site occupies an entire city block bounded by King Street East to the south, Princess Street to the west, Adelaide Street East to the north, and Ontario Street to the east. The site is within the original footprint of the town of York, commonly referred to as the Original 10 Blocks, which was the seat of government for Upper Canada and evolved into the City of Toronto. The neighbourhood is defined by its concentration of 19th century buildings, along with the built form and urban fabric that reflect the evolution of the area.

Heritage Property

The property at 260 King Street East (including the entrance addresses at 254, 256 and 266 King Street East, 427 and 435 Adelaide Street East, and 157 Princess Street) is designated under Part IV of the Ontario Heritage Act through By-law 855-88 and amended through By-law 929-2020. The property is also designated under Part V of the Ontario Heritage Act as part of the St. Lawrence Neighbourhood Heritage Conservation District. A Heritage Easement Agreement was entered into and registered on title to the property on May 12, 2021.

The following sets out some information on each of the designated heritage buildings on the subject site. Each of these are also contributing buildings identified within the St. Lawrence Neighbourhood Heritage Conservation District. As such, they are considered important not only as individual buildings within a historically layered industrial complex, but they also contribute to an understanding of the St. Lawrence Neighbourhood's

evolved historic context and the sense of place related to the Original 10 Blocks within the district.

Nobel's Tavern (254 King Street East and 157 Princess Street)

The building originally known as Nobel's Tavern and now part of 260 King Street East was originally constructed for William Noble in 1847. It was later remodeled and expanded in 1891 for brewer Robert Davies. Davies would become the proprietor of Toronto's Don Valley Brickworks. The building is identified as a well-designed commercial edifice dating to the mid-1800s that was updated with features of the late Victorian era, including the Second Empire, Romanesque Revival and Italianate.

Charles Steinle Meat Packing Company (256 King Street East)

The building known as the Charles Steinle Meat Packing Company building and now part of 260 King Street East is historically associated with the prominent meat packing firm that sold meat across Canada. The building was constructed from 1890-1892 by architect George Gouinlock and blends features from the late Victorian styles. 266 King Street East (South and North Building) The property at 266 King Street East is comprised of two buildings, with the North Building on Ontario Street completed in three phases (1915, 1927 and 1932), and the South Building at the northwest corner of King and Ontario streets added in 1935. The North Building has elements of the Renaissance Revival style with its round-arched arcade, the repetition of the round-arched openings in its upper storey, and the finials along the roofline. The adjoining South Building (1935) is indicative of warehouse style buildings during the interwar era with its symmetrical organization of industrial-scale window openings between piers and the restriction of decorative detailing to the stone entrance surround on King Street East.

Carter, Cummings Company Building (427 Adelaide Street East)

At the north end of the block, the Carter, Cummings Company Building (1913) is part of the property on the 260 King Street East property and is a good example of the application of the early-20th century Neo-Gothic style to an industrial building. The building was designed by the Toronto architectural partnership of Edwards and Saunders.

The Drug Trading Company Warehouse (435 Adelaide Street East)

The building known as the Drug Trading Company Warehouse (1954) is part of the property at 260 King Street East, and reflects the Modern Movement in architecture after World War II with the scale of the structure, its monolithic appearance with the expanses of red brick cladding, and the organized placement of the ribbon and punched windows.

Adjacent Heritage Property

The development site is also adjacent to the property at 164 Princess Street. The warehouse style building located on this property has been identified as contributing to

the cultural heritage value of the St. Lawrence Neighborhood Heritage Conservation District.

Development Application

The approved settlement remains generally unchanged from the original settlement approved by the Tribunal and is for two mixed-use towers having heights of 34 and 36 storeys. The first 20 metres of the buildings at 254, 256 and 266 King Street East will be retained, along with their interior structures. The west facade of 254 King Street East beyond the first 20 metres will be retained in situ. The east facades of 266 King Street East will be retained in situ for the first 20 metres with all of the portions beyond now proposed to be panelized.

Heritage Planning Policy Framework

The Planning Act

The Planning Act guides development in the Province of Ontario. It 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” and 2(r) “to a built form that is well designed and provides for a sense of place.”

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure
- ensuring the sufficient provision of housing to meet changing needs including affordable housing
- ensuring opportunities for job creation
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards
- conservation of cultural heritage and archaeology

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, management and use of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

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."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on May 16, 2019 and was amended through an Order in Council that came into effect on August 28, 2020. This plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the

Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan. The Plan provides the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed alterations:

3.1.5.4: "Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."

3.1.5.5: "Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City."

3.1.5.6: "The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the "Standards and Guidelines for the Conservation of Historic Places in Canada."

3.1.5.16: "Properties on the Heritage Register and publicly known archaeological sites and artifacts will be promoted through educational programs, museums, local celebrations and other programming opportunities."

3.1.5.26: "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it."

3.1.5.27: "Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of façades alone is discouraged."

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Standards and Guidelines

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

The Standards and Guidelines can be accessed here:

<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

St. Lawrence Neighbourhood Heritage Conservation District Plan

The St. Lawrence Neighbourhood Heritage Conservation District Plan includes policies and guidelines for alterations to the built environment, the public realm and archaeological resources. The Plan establishes an understanding of the cultural heritage value of the area and provides direction to guide growth and change while conserving the unique historic character of one of Toronto's oldest neighbourhoods. The application under review is not subject to the District Plan as it is recognized within the Plan's transition clause.

COMMENTS

The subject development application and related alterations were previously approved through a settlement. Since that time, additional investigations and required engineering solutions have led to a change to the approved conservation strategy. While the built form settlement remains unchanged the proposed change is not in accordance with the approved Part IV alterations and is not currently a permitted alteration within the Heritage Easement Agreement. Therefore, Council approval is needed for the alteration and to amend the Heritage Easement Agreement.

The proposed change to the approved conservation strategy is the panelization of two additional bays (10.9 metres wide) of the south building at 266 King Street East, known as the Charles Steinle Meat Packing Company building, along the Ontario Street frontage. Panelization is when a brick façade is divided into smaller sections, the sections or panels are removed and stored flat, the internal structure of the building is demolished, and, after the new interior structure is complete, the panels are reassembled in their original location and configuration. Panelization is considered demolition and while it is sometimes acceptable in the context of a larger conservation strategy, it is not comparable to in situ conservation.

Originally, these two bays of the façade were to be retained in situ with panelization of the portion of the façade to the north and full retention of the portion of the building to the south. Now, the two bays to be retained in situ are proposed to be panelized resulting in two retention methods instead of three. In both the approved and proposed conservation strategies, the southernmost 20 metres of the Ontario Street elevation are being retained in full.

The rationale for the proposed panelization of two additional bays is structural. The new structural system needs to allow for vertical movements (12mm upwards and/or 12mm downwards) for a total of 24mm and horizontal (or lateral) movements (35mm left and/or 35mm right) for a total of 70mm. To accommodate those movements, the applicant would have to install 75mm wide expansion joints at the junction of the three different portions of the heritage elevation (fully retained, retained in situ and panelized). The expansion joints would be visually impactful as they are almost as thick as the width of a

header brick and would extend along the entire length of the façade. There would also be a slight misalignment of the masonry coursings as a result of the vertical movements. Expansion joints would not be needed if the two bays of the façade originally proposed to be retained in situ are instead panelized. Instead of expansion joints there would be regular mortar joints between the reinstalled panels.

While panelization is considered demolition and is therefore not conservation within the City's Official Plan definitions, Heritage Planning accepts the proposed revision to the conservation strategy in this instance due to the compelling engineering considerations. The panelization is required to allow for structural movements without expansion joints, a circumstance not originally anticipated. The additional portion of the façade to be panelized is only 10.9 metres wide. Panelization has already been approved for a portion of the façade along Ontario Street. The heritage impact of the additional panelization will be mitigated by the salvage of materials, including bricks and heavy timber members. These materials will be reused on the site with the details to be confirmed in the Interpretation Plan.

CONCLUSION

Staff are of the opinion that the proposal to alter the Part IV designated heritage property at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, to allow for the panelization of two additional bays (10.9 metres wide) of the south building at 266 King Street East along the Ontario Street frontage, meets the intent of the Planning Act, the Provincial Policy Statement, the Growth Plan (2020) and the City of Toronto's Official Plan heritage policies in conjunction with the Standards and Guidelines for the Conservation of Historic Places in Canada. Staff supports the proposed alteration to the heritage property within the specific context of the proposed conservation and mitigation strategies and the original settlement.

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

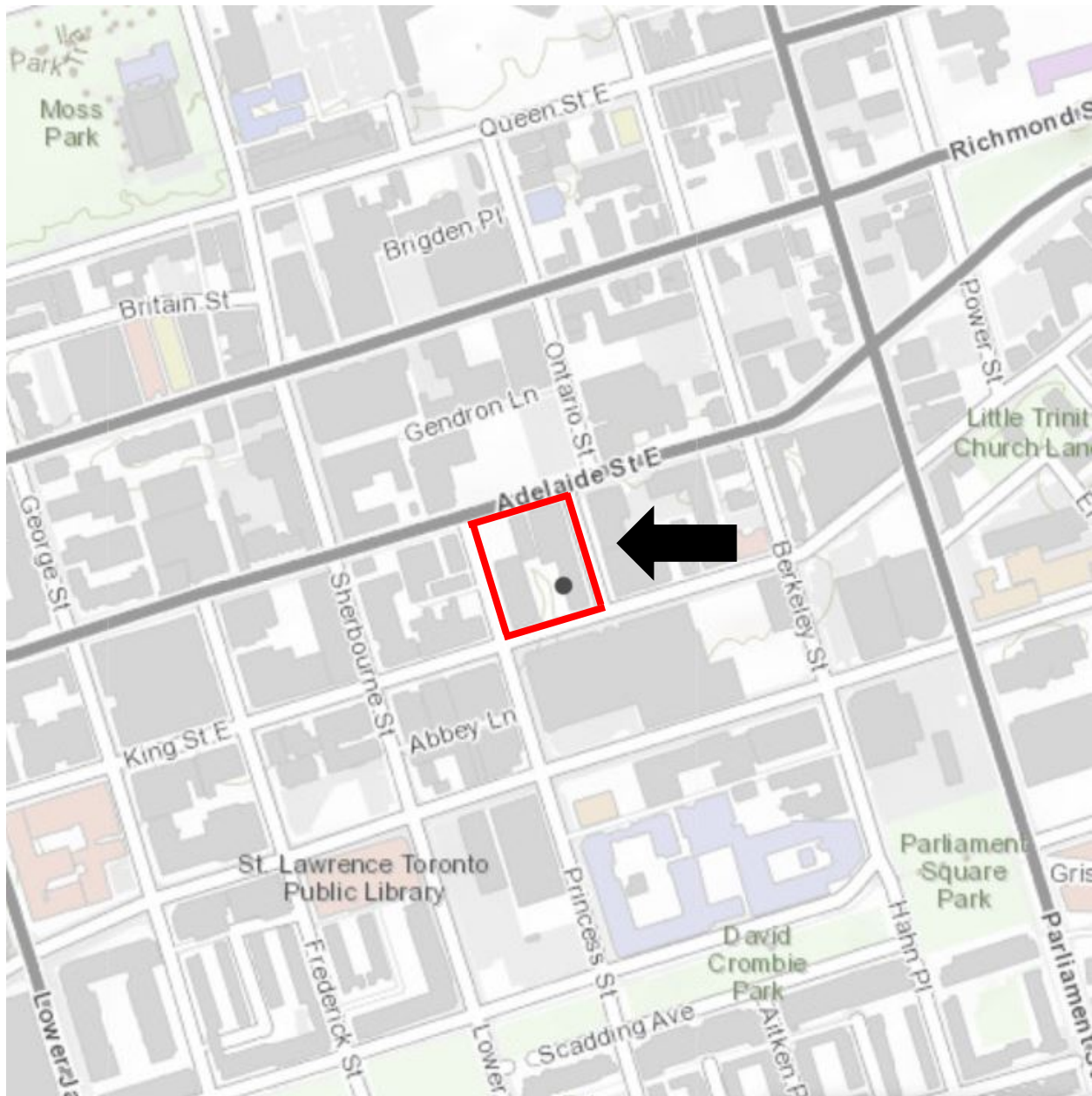
ATTACHMENTS

- Attachment 1 - Location Map
- Attachment 2 - Aerial Photograph
- Attachment 3 - Photographs
- Attachment 4 - Selected Drawings

LOCATION MAP

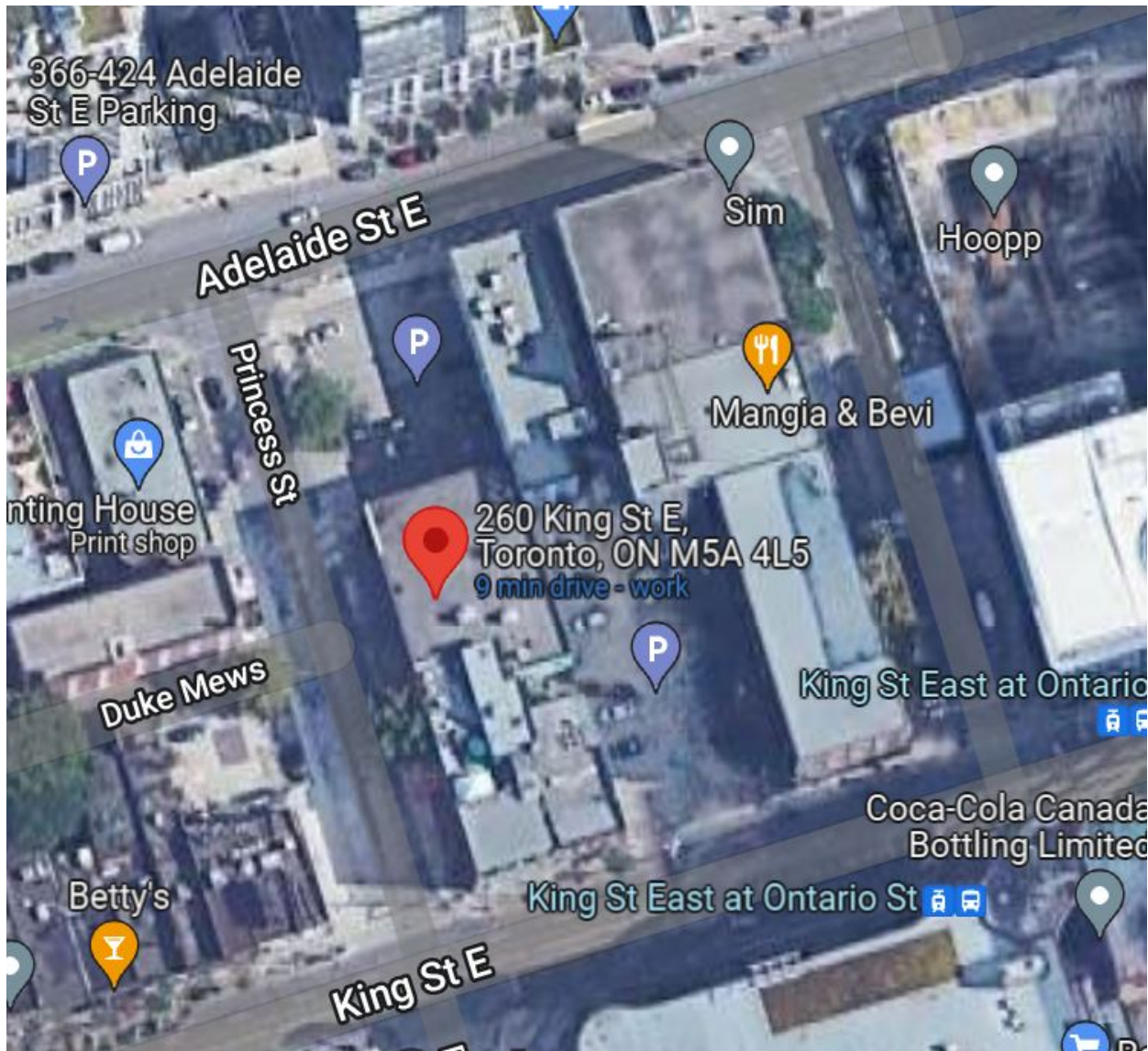
ATTACHMENT 1

254-266 KING STREET EAST, 427-435 ADELAIDE STREET EAST AND 157 PRINCESS STREET



Location of the property at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street indicated by the arrow. Note: This location map is for information purposes only; the exact boundaries of the property are not shown. North is located at the top of the map. (City of Toronto mapping.)

254-266 KING STREET EAST, 427-435 ADELAIDE STREET EAST AND 157 PRINCESS STREET



Aerial photograph showing the current condition of the subject property and its immediate context. (Google Maps, 2022)

254-266 KING STREET EAST, 427-435 ADELAIDE STREET EAST AND 157 PRINCESS STREET



The south elevation of 254 King Street East. (City of Toronto, 2020)



The south elevation of 254 King Street East and the south and east elevation of 256 King Street East. (City of Toronto, 2020)

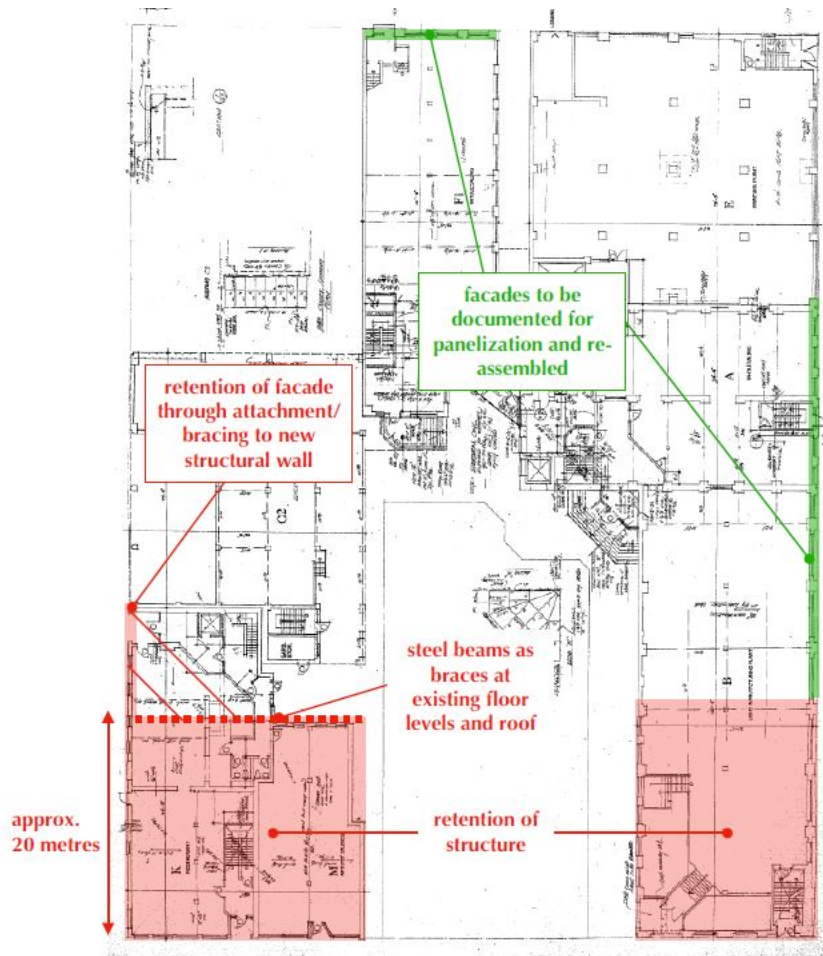


The south and east elevation of 266 King Street East. (City of Toronto, 2022)

SELECTED DRAWINGS

ATTACHMENT 4

254-266 KING STREET EAST, 427-435 ADELAIDE STREET EAST AND 157 PRINCESS STREET



Annotated ground floor plan. (GBCA Architects, 2022)



266 King Street East existing and proposed east elevation. (GBCA Architects)