

69 Yonge Street And 3 King Street East - Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement

Date: November 16, 2023

To: Toronto Preservation Board

Toronto and East York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Toronto Centre - Ward 13

SUMMARY

This report recommends that City Council approve the alterations proposed for the heritage property at 69 Yonge Street and 3 King Street East which is designated under Part IV of the Ontario Heritage Act.

The subject designated heritage property is located on the south-east corner of Yonge Street and King Street East and contains a 15-storey building known as the Canadian Pacific Railway Building constructed in 1911-13 to the design of Darling & Pearson.

The proposed development has been submitted in connection with applications for amendments to the Official Plan and Zoning By-law and Site Plan Approval and involves the construction of a 21-storey residential tower that will partially enclose the existing building's south and east elevations. A new six-storey addition including a mechanical penthouse atop the heritage resource is also proposed.

The proposed development is consistent with the existing policy framework and proposes an overall conservation strategy that conserves the entirety of the significant heritage resource.

RECOMMENDATIONS

The Senior Manager, Heritage Planning, Urban Design, City Planning recommends that:

1. City Council approve the alterations to the heritage property at 69 Yonge Street and 3 King Street East, in accordance with Part IV, Section 33 of the Ontario Heritage Act, to allow for the construction of a new 21-storey tower on the lands known municipally as

69 Yonge Street and 3 King Street East, with such alterations substantially in accordance with plans and drawings dated July 11, 2023, prepared by ERA and Partisans, and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment (HIA), dated October 26, 2023, prepared by ERA Architects Inc., all on file with the Senior Manager, Heritage Planning, and all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning and subject to the following additional conditions:

a. That the related Zoning By-law Amendment permitting the proposed alterations has been enacted by City Council and has come into full force and effect in a form and with content acceptable to 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 Zoning By-law Amendment by City Council, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 69 Yonge Street and 3 King Street East substantially in accordance with the plans and drawings dated July 11, 2023, prepared by ERA and Partisans, and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment (HIA), dated October 26, 2023, prepared by ERA Architects Inc., all on file with the Senior Manager, Heritage Planning, subject to and in accordance with the Conservation Plan required in Recommendation 1.b.2, to the satisfaction of the Senior Manager, Heritage Planning 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 the properties at 69 Yonge Street and 3 King Street East, to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to final Site Plan approval for the proposal, for the property located at 69 Yonge Street and 3 King Street East the owners shall:

1. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plans required in Recommendation 1.b. 2 to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide a Heritage Lighting Plan that describe how the exterior of the 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 a plan to the satisfaction of the Senior Manager Heritage Planning.

3. 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.

d. That prior to the issuance of any permit for the work described in the Site Plan application, 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 owner shall:

1. Have entered into a Heritage Easement Agreement with the City of Toronto required in Recommendation 1.b.1 for property at 69 Yonge Street and 3 King Street East, including registration on title of such agreement, to the satisfaction of the City Solicitor.

2. Have provided a detailed Conservation Plan required in Recommendation 1.b.2.

3. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plans required in Recommendation 1.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.

4. 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, Lighting and Interpretation plans.

e. That prior to the release of the Letter of Credit required in Recommendation 1.d.4, the owner 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, Lighting and Interpretation Plans 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.

2. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 69 Yonge Street and 3 King Street East 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 entering into of a Heritage Easement Agreement for the property at 69 Yonge Street and 3 King Street East.

FINANCIAL IMPACT

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

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

On May 7, 1990 City Council passed By-law No. 280-1990 designating the property at 69 Yonge Street under Part IV of the Ontario Heritage Act.

BACKGROUND

Heritage Value

The development site includes the property at 69 Yonge Street, known as the Canadian Pacific Railway Building, constructed in 1911-13 to the design of Darling & Pearson, and is designated under Part IV of the Ontario Heritage Act by By-law No. 280-90, passed by City Council on May 7, 1990. The building was constructed as the head office for a firm of national importance and is one of the three important early 20th century skyscrapers extant at the intersection of Yonge and King Streets.

The subject site is adjacent to the following heritage properties:

- 67 Yonge Street (Part IV designated)
- 1 King Street West (Part IV designated)
- 2 King Street West (listed)
- 2 King Street East (Part IV designated)

Proposed Alterations

The application proposes to convert the existing office uses in the 15-storey designated heritage building to residential uses on levels 2 to 15. The HIA describes the proposal as retaining the entirety of the heritage building in situ and infilling the south-east portion of the site with a new 21-storey residential tower that will partially enclose the existing building's south and east elevations. A new six-storey addition with a mechanical penthouse atop the heritage resource is also proposed. The rooftop addition is proposed to be stepped back 4.1 metres from the two primary elevations facing Yonge and King Streets.

Commercial uses are intended to remain at grade, with access from Yonge and King Streets, and in the sub-basement level with access from the laneway to the west.

The materiality of the proposed new construction is white precast cladding and contemporary arched windows intended to reflect the arched forms of the heritage building.

All non-original windows would be replaced with new appropriate glazed units and the primary (north and west) elevations would be rehabilitated with the addition of new commercial entrances within the existing double-height porticos.

The original double-height windows on the ground floor of the primary elevations, the clocks over the Yonge and King Street entrances and the historic Canadian Pacific Railway sign are proposed to be restored.

The granite and limestone cladding, porticos, piers, cornice, arcaded loggia, metal railings and other elements are all proposed to be repaired and conserved.

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
- 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."

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.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation.

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:

3.1.6.4: "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."

3.1.6.5: "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."

3.1.6.6: "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."

3.1.6.16: "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."

3.1.6.26: "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."

3.1.6.27: "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 General Standards (1-9), the Standards for Rehabilitation (10-12), and the Standards for Restoration (13-14) apply to this project.

The Standards and Guidelines can be accessed here:
<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

COMMENTS

Staff have reviewed the proposal, including the supporting Heritage Impact Assessment prepared by ERA Architects Inc., in the context of applicable provincial and municipal policies.

The proposal conserves the entirety of the heritage building at 69 Yonge Street in situ with minimal intervention to the original building fabric only where necessary. The sensitive interface between the new infill development and the building's south and east elevations, which do not contain heritage attributes and have limited visibility from the public realm, will necessitate only minor changes to facilitate internal connectivity between the two structures. Floor levels within the heritage building will remain as is. The new infill and rooftop addition have been designed to complement the form and materiality of the heritage building while being subordinate and distinguishable. In addition, the introduction of a six-storey addition including a single-storey mechanical penthouse atop the existing roof will be set back from the two primary elevations by 4.1 metres, allowing the cupolas to be retained and rehabilitated as interior spaces and conserving the building's roofline. Overall, the new addition will be visually subordinate to the existing heritage resource.

No original windows on the building remain and all will be removed and replaced with contemporary units compatible with the character of the building. This strategy will not result in alterations to the proportions of the window openings.

The existing glass and aluminum doors with steel surrounds at the north and west (primary) elevations are proposed to be replaced with new units and the double-height glazed windows at grade will be restored to remove the non-original transom.

Additional proposed rehabilitation measures will ensure the heritage character and integrity of the heritage property is conserved. These include reinstating the clocks above the entrances on the north and west elevations at the corner of Yonge and King Streets, retaining the legible imprint of the 'Canadian Pacific Building' lettering located beneath the cornice on the second storey of both the west and north elevations, and conservation of the marble and limestone elements.

Conservation Plan

Should Council approve the conservation strategy, the owner should be required to submit a Conservation Plan for the work described in the Heritage Impact Assessment prepared by a qualified heritage professional to the satisfaction of the Senior Manager, Heritage Planning. The Conservation Plan should detail the recommended interventions and conservation work, including the recommended restoration work. It should also include a detailed plan describing how the heritage building will be protected during

construction, a schedule of short and long-term maintenance requirements and estimated costs for all conservation work.

Interpretation Plan

Should Council approve the proposed conservation strategy, prior to final Site Plan approval, the applicant should be required to submit an Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning. The Interpretation Plan should be substantial, and it should communicate the cultural heritage value of the property.

Heritage Lighting Plan

The Heritage Lighting Plan should provide details of how the building will be lit so that its unique heritage character is highlighted.

CONCLUSION

Staff fully support the proposal as described in the heritage impact assessment. The proposed conservation strategy represents excellent heritage conservation practise and meets the intent of all municipal and provincial heritage policies. The subject proposal will maintain the entire heritage building in situ, while adding new construction that is well-designed and compatible with and visually subordinate to the heritage resource. There would be very minimal impact to the heritage attributes and the proposed conservation measures would ensure the long-term material integrity of the building.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1 - Location Map

Attachment 2 - Aerial Photograph

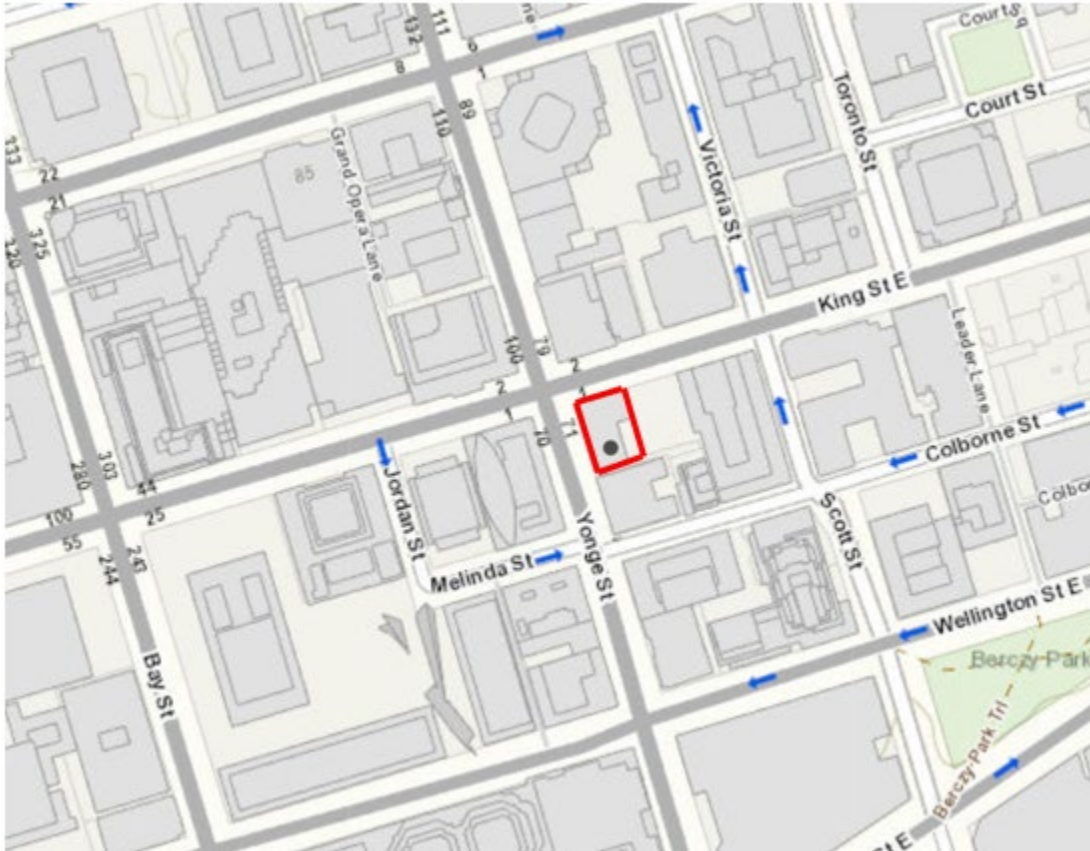
Attachment 3 - Photographs

Attachment 4 - Proposal Renderings

Attachment 5 - Selected Plans & Drawings

LOCATION MAP
69 Yonge Street

ATTACHMENT 1



AERIAL PHOTOGRAPH
69 Yonge Street

ATTACHMENT 2



Aerial view looking south-west



North (left) and west (right) elevations (source: ERA HIA)



View of the north-east corner (source: ERA HIA)



View of the Yonge Street (west) elevation plinth



View of the King Street East (north) elevation plinth (source: ERA HIA)



View of the crown facing King Street East



View of the north-west cupola (source: ERA HIA)

69 Yonge Street

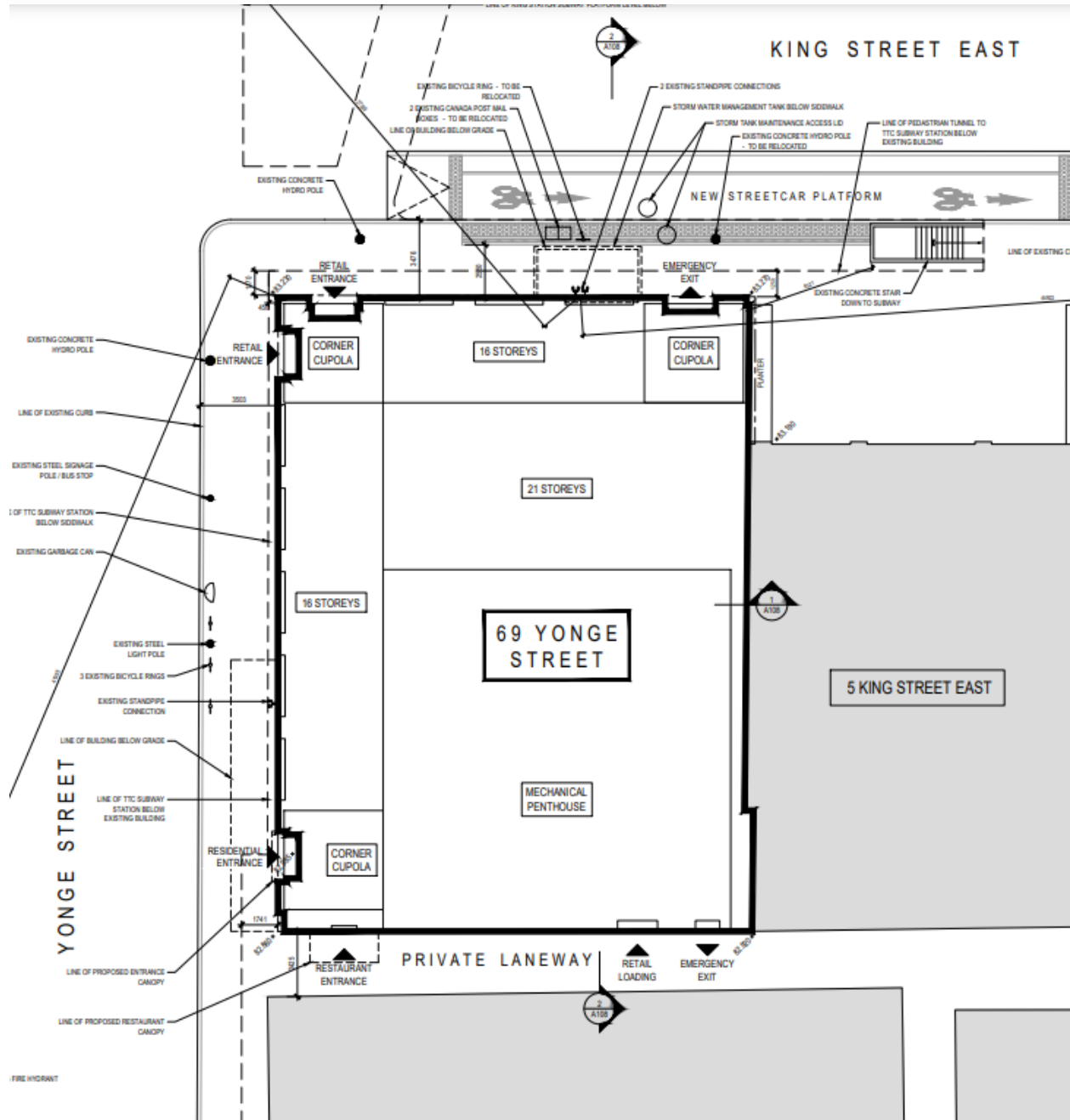


Rendering looking south-west
(source ERA HIA)

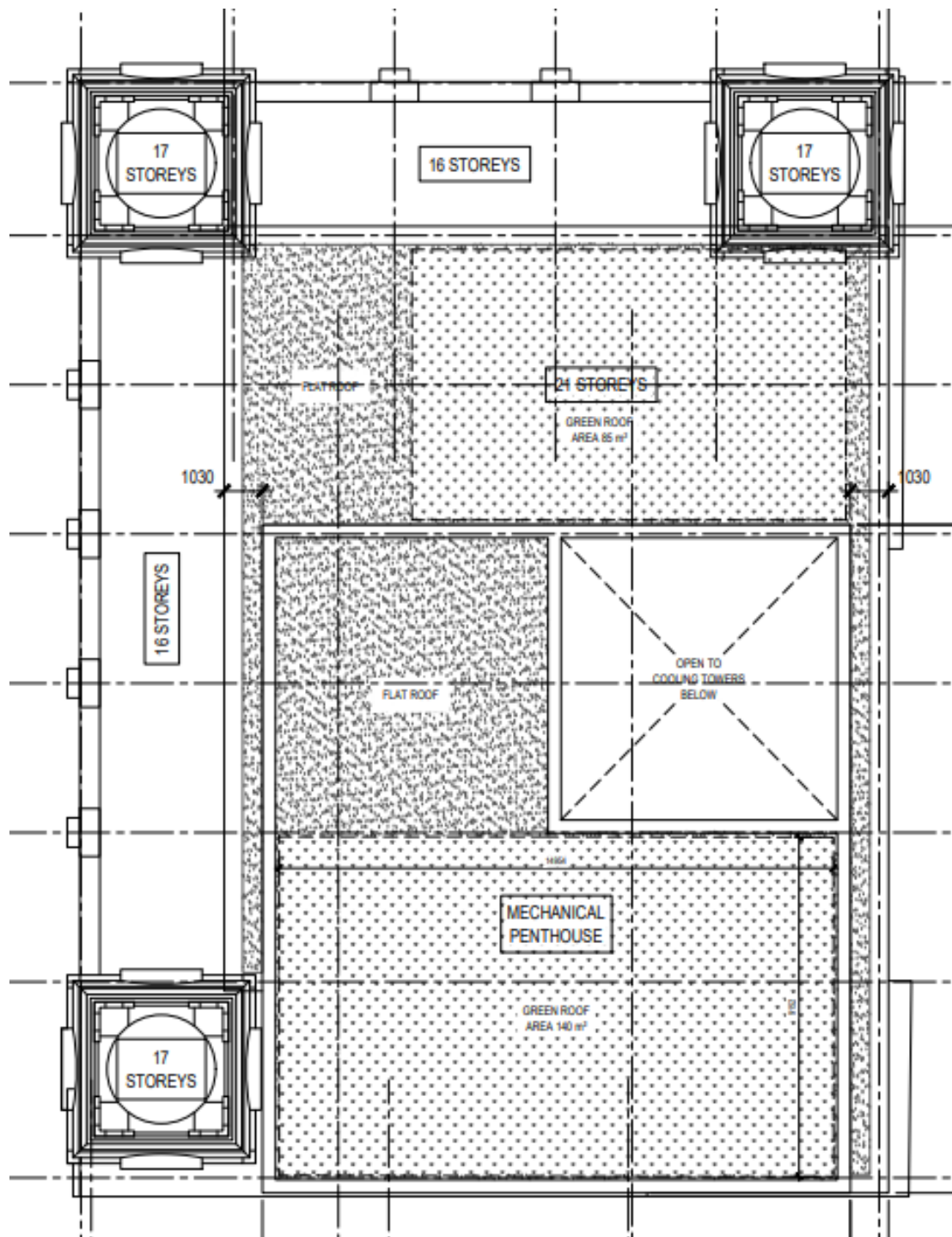


Rendering looking south-east

69 Yonge Street



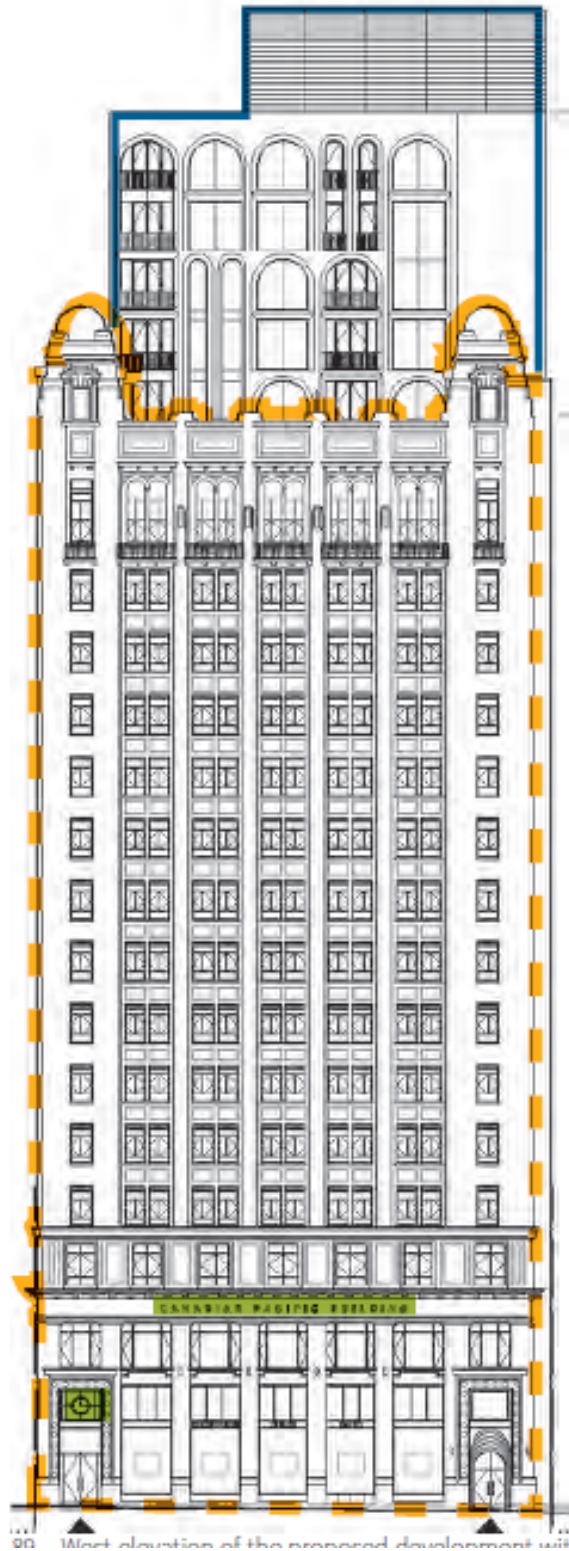
Proposed Site Plan



Proposed Roof Plan



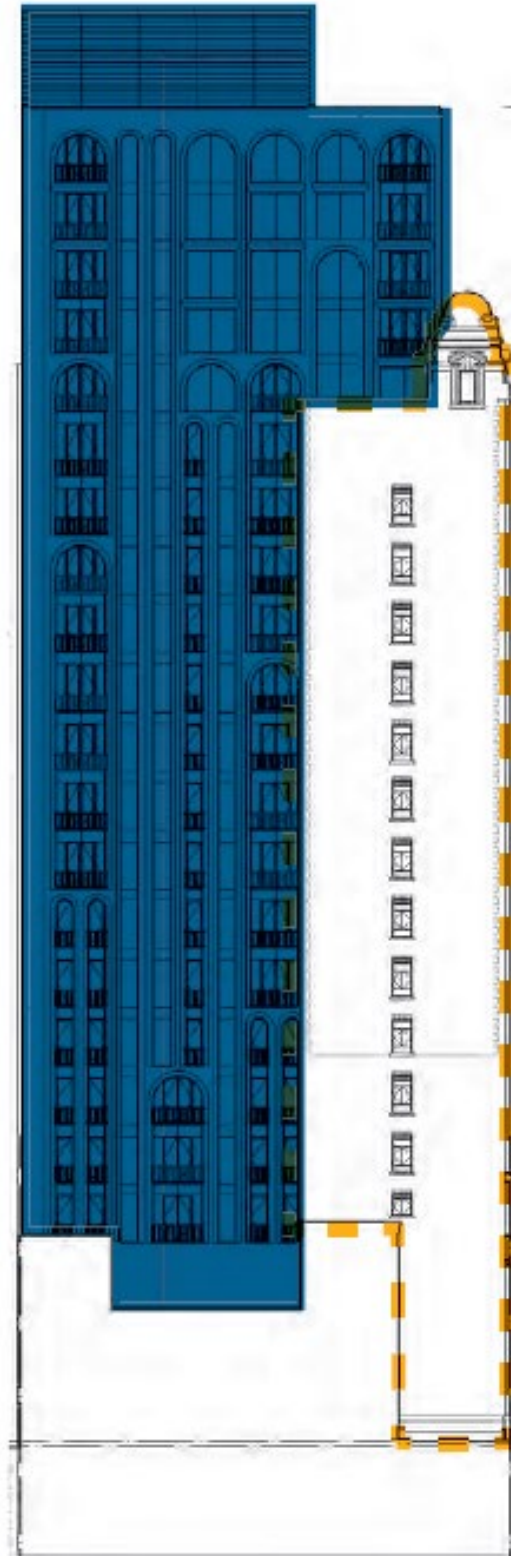
Proposed north (King St) elevation



Proposed west (Yonge St) elevation



Proposed south elevation



Proposed east elevation



Proposed west elevation showing penthouse addition at top of building