

1420 Yonge Street - Demolition of Heritage Property - Refusal

Date: April 30, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Wards: Ward 12 - Toronto-St. Paul's

SUMMARY

This report recommends that City Council refuse the application under S.34(1)2 of the Ontario Heritage Act to demolish the designated heritage building at 1420 Yonge Street.

The application is in conjunction with Official Plan and Zoning Bylaw Amendment applications that were approved by Council in 2022 for a 50-storey building at 1404-1420 Yonge Street. The subject property includes three designated buildings. Council granted approval in 2022 and 2023 to demolish two of the designated buildings (1404 and 1406 Yonge Street) to facilitate this development. The demolition of these buildings was considered acceptable from a heritage perspective within a framework that considered several city and area priorities for this site, including the conservation and restoration of the front of the heritage building at 1420 Yonge Street.

The owner is now seeking approval to demolish the remaining designated building at 1420 Yonge Street. Demolition is being sought because having a façade retention frame that is needed to conserve the heritage building would mean the cycle tracks would be downgraded to a bike lane outside the subject property for a temporary period of three years. The bike lane would also need to be 1.2m wide. A bike lane width of 1.2m, although narrower than Ontario Traffic Manual Book 18 suggested minimum, is still allowable over very short distances in constrained areas or in complex circumstances.

The PPS, the Official Plan, and the Standards and Guidelines for the Conservation of Historic Places in Canada state that heritage resources are to be conserved and any new construction is to be designed to conserve the cultural heritage values, attributes, and character of that property, and to mitigate visual and physical impact on it. The proposals seek approval to demolish a designated heritage building. This does not comply with these policies and as such staff are recommending that this application be refused.

RECOMMENDATIONS

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

1. City Council refuse the demolition of the designated heritage property at 1420 Yonge Street under Section 34(1)2 of the Ontario Heritage Act as outlined in the Addendum to the Heritage Impact Assessment for 1404-1420 Yonge Street, prepared by Goldsmith Borgal & Company Ltd. Architects, dated December 19, 2023 and filed with the Acting Senior Manager, Heritage Planning.
2. If the owner appeals City Council's decision to refuse the issuance of a demolition permit under Section 34(1)2 of the Ontario Heritage Act for the heritage property at 1420 Yonge Street, City Council authorize the City Solicitor and the necessary City staff to attend the Ontario Land Tribunal hearing in opposition to the appeal.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

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 April 6, 2022, City Council stated its intention to designate the properties at 1390-1406 Yonge Street and 1420 Yonge Street under Part IV, Section 29 of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC42.5>

The designation by-laws for these properties were enacted and passed on June 16, 2022.

Designation by-law 563-2002 for 1390-1406 Yonge Street:

<https://www.toronto.ca/legdocs/bylaws/2022/law0563.pdf>

Designation by-law 564-2002 for 1420 Yonge Street:

<https://www.toronto.ca/legdocs/bylaws/2022/law0564.pdf>

On July 19, 2022, Council adopted, with amendments, a staff report entitled Alterations to Heritage Properties and Authority to Enter into a Heritage Easement Agreement - 1404 and 1420 Yonge Street and Demolition of a Heritage Property - 1406 Yonge Street. This decision revised the conditions to defer consideration of 1404 Yonge Street. City Council also approved an Official Plan Amendment and Zoning By-law Amendment application for 1406-1428 Yonge Street.

Council decisions can be found at the following links:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.52>

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE34.44>

On July 19, 2023, City Council adopted a report entitled "1404 and 1420 Yonge Street - Alterations to Heritage Properties and Authority to Enter into a Heritage Easement Agreement and 1404 and 1406 Yonge Street - Demolition of Heritage Properties." This permitted the demolition of the heritage property at 1404 Yonge Street in conjunction with Official Plan and Zoning Bylaw Amendment applications that were approved by Council in 2022 for a 50-storey building at the subject lands. This Council decision can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE6.30>

On February 21, 2024 and April 3, 2024, the Toronto and East York Community Council deferred a report from the Director, Traffic Management, Transportation Services regarding the Construction Staging Area for 1404-1428 Yonge Street. This item was deferred until the April 3, 2024 meeting of the Toronto and East York Community Council. A copy of this report can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE11.21>

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE12.42>

On May 8, 2024, the Toronto and East York Community Council forwarded a report from the Director, Traffic Management Transportation Services, to City Council without recommendations. This report was regarding the Construction Staging Area for 1404-1428 Yonge Street.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE13.24>

BACKGROUND

Heritage Properties

Located on the west side of Yonge Street just south of St. Clair Avenue within the Deer Park neighbourhood, the properties at 1404-1406 Yonge Street form the end of a row of 3-storey main street commercial buildings constructed together in 1932. They were designed in a Spanish Colonial Revival style and retain original details, including a terracotta roof and a yellow and rug-brick facade. The original row of buildings formed a collection of eleven units that spanned south to 1378 Yonge Street and in 2009, five units at the south end of the block of buildings were demolished to make way for a condominium development at 1386 Yonge Street. City Council granted approval in 2022 and 2023 to demolish these two designated buildings to facilitate a development application for the construction of a 50-storey mixed use building at 1406-1420 Yonge Street. The demolition of these buildings was considered acceptable from a heritage perspective within a framework that considers several city and area priorities for this site, including the restoration of the front of 1420 Yonge Street

To the immediate north of 1404 and 1406 Yonge Street and separated by a driveway entry into St. Michael's Cemetery, is the designated property at 1420 Yonge Street. This contains a complete block of four, 2-storey main street commercial row buildings that

were constructed in 1932. Commissioned and continuously owned by the Cira family until the property was sold in 2021, 1420 Yonge Street has had a prominent local retail presence within the Deer Park neighbourhood for nearly a century. This block was designed by architect Benjamin Swartz with Art Nouveau and Art Deco elements. It also contributes architecturally, historically, and contextually to the eclectic mix of early 20th-century main street commercial properties that characterize the historic midtown Toronto streetscape of Yonge Street.

Development Proposal

In July 2022, City Council approved an Official Plan and Zoning By-law Amendment to permit a 50-storey mixed-use building with commercial at grade at 1406-1420 Yonge Street. The proposal included the demolition of 1406 Yonge Street to facilitate construction access and staging into the development site, as no blocking of the driveway leading to the St. Michael's Cemetery entry is permitted. In July 2022, City Council also approved an associated application under Ontario Heritage Act for alterations to 1420 Yonge Street and the demolition of the heritage building at 1406 Yonge Street to facilitate this development.

In July 2023, City Council approved an amendment to the conservation strategy associated with the above development proposal. This granted approval under S.34(1)2 of the Ontario Heritage Act to demolish the building at 1404 Yonge Street to provide some public open space on the application site.

The demolition of the designated heritage buildings at 1404 and 1406 Yonge Street was considered acceptable from a heritage perspective within a framework that considers several city and area priorities for this site and which included the conservation and the restoration of the front of the designated building at 1420 Yonge Street.

The proposal has been further amended and now also proposes the demolition of the building at 1420 Yonge Street in order to prevent downgrading and narrowing the cycle tracks to a 1.2m bike lane adjacent to the site for a three year temporary period.

The Construction Staging Plan previously proposed included the downgrading of the cycle tracks and narrowing of one of the bike lanes from 1.7m to 1.2m. This was necessary to allow sufficient space for the façade retention structure that is needed to conserve the front of the heritage building. The revised Construction Staging Plan proposes that both cycle tracks along this part of Yonge Street would remain at 1.7m wide. In order to do this, there is insufficient space within the public realm to provide a façade retention frame. It is therefore proposed to demolish the heritage building at 1420 Yonge Street.

The proposal is to commemorate the demolished building by constructing a replica of parts of its front façade using panels of parts of the original building.

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 opportunities for job creation; and 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. 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."

3.1.6.26: "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

The PPS, the Official Plan and the Standards and Guidelines for the Conservation of Historic Places in Canada state that heritage resources are to be conserved and any new construction is to be designed to conserve the cultural heritage values, attributes, and character of that property, and to mitigate visual and physical impact on it.

The owners of the property at 1404-1406 Yonge Street propose to demolish three designated buildings to allow for the construction of a 50-storey mixed-use. Council has already approved the demolition of two of these buildings in order to allow for this construction project because it included the conservation and restoration of one of the designated buildings on the subject property. The application if approved would enable the proposal to no longer include any heritage conservation. It therefore does not comply with either the City or Provincial Planning policy.

The owner's "Construction Management Plan" in Attachment 4 demonstrates that construction staging and access can be provided with a façade retention frame to allow for the conservation of the front façade of the heritage building at 1420 Yonge Street. This would however mean that the cycle tracks along Yonge Street would need to be downgraded to bike lanes and narrowed to 1.2m for a temporary period of three years while construction takes place. A bike lane width of 1.2m, although narrower than Ontario Traffic Manual Book 18 suggested minimum, is still allowable over very short distances in constrained areas or in complex circumstances. These narrowed lanes would only affect a small stretch of the bike lanes along Yonge Street (less than 100m), would be in effect for a temporary period and would allow for the conservation of the heritage building at 1420 Yonge Street and its integration into the new 50-storey tower proposed on the application site.

Instead of conserving the heritage resources on the subject lands as required by both Provincial and the City's planning policies, the proposal is to demolish all three of the designated buildings on the application site. The applicant proposes to commemorate the heritage building at 1420 Yonge Street by constructing a replica of its front façade

using panels of parts of the original building. Heritage Planning staff do not consider this to mitigate the loss of all of the heritage buildings from the application site.

CONCLUSION

The PPS, the Official Plan, and the Standards and Guidelines for the Conservation of Historic Places in Canada state that heritage resources are to be conserved and any new construction is to be designed to conserve the cultural heritage values, attributes, and character of that property, and to mitigate visual and physical impact on it. The proposals seek approval to demolish all three designated heritage buildings on the application site. This does not comply with these policies.

Heritage Planning therefore recommend that this application be refused.

CONTACT

Anne Fisher
Acting Senior Manager, Heritage Planning
Urban Design, City Planning
Tel: 416-338-3278; fax: 416-392-1973
E-mail: anne.fisher@toronto.ca

SIGNATURE

Kerri A. Voumvakis
Interim Chief Planner and Executive Director
City Planning

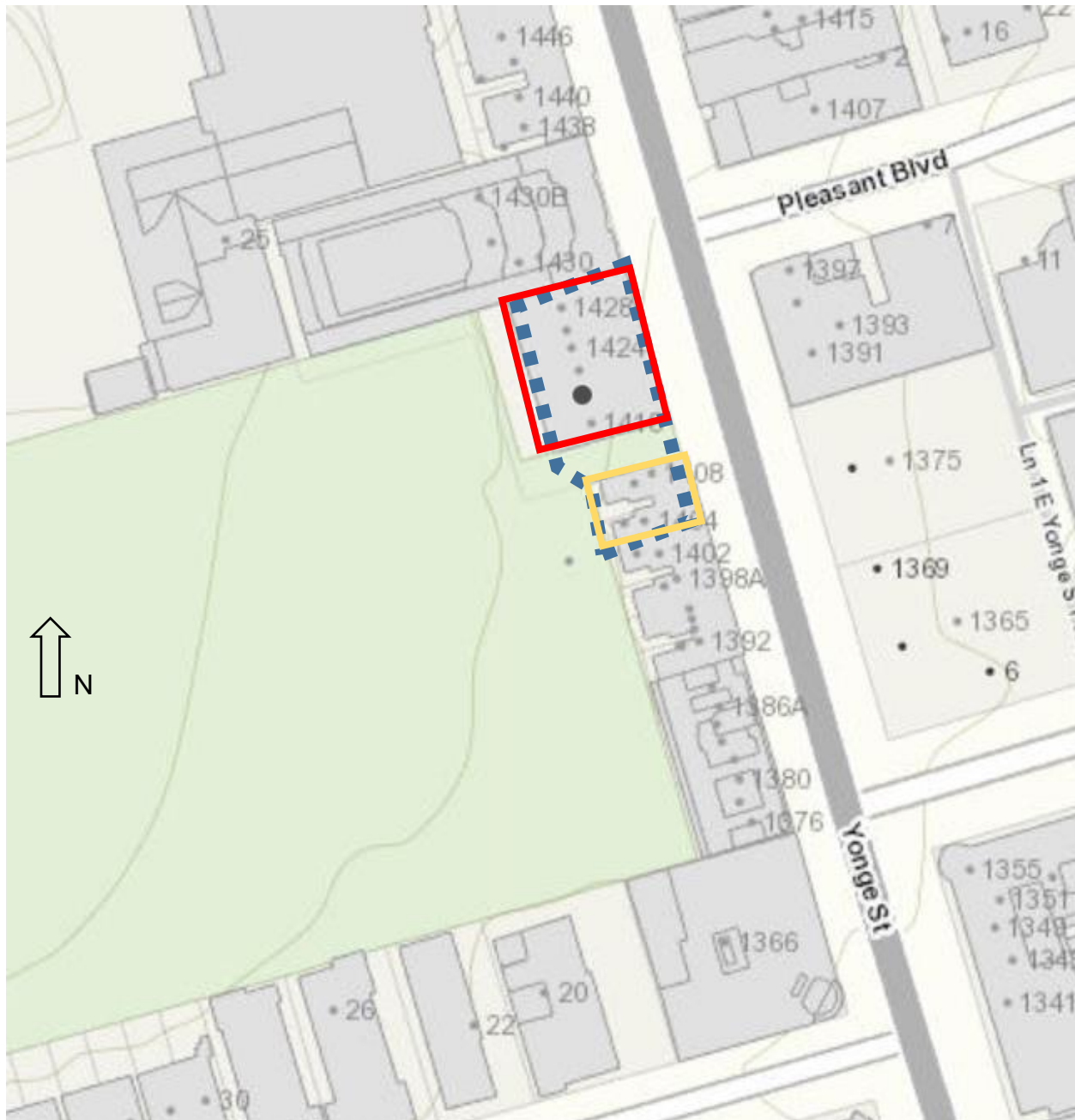
ATTACHMENTS

Attachment 1 - Location Map
Attachment 2 - Photographs
Attachment 3 - Selected Drawings and Renderings of Approved Development
Attachment 4 - Construction Management Plan

LOCATION MAP

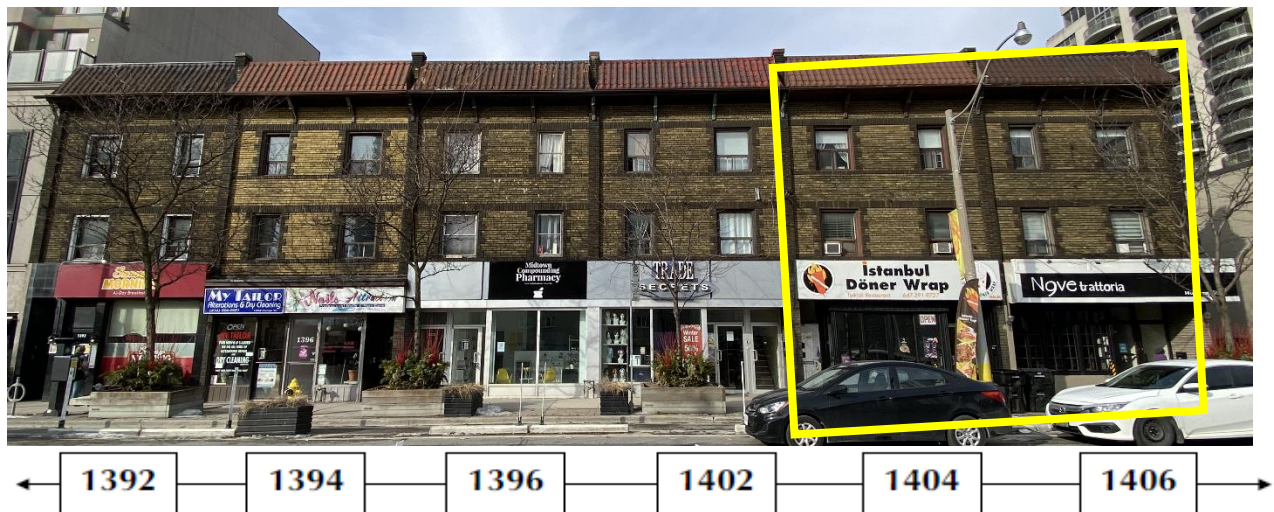
ATTACHMENT 1

1390-1406 AND 1420 YONGE STREET



Location Map, showing the properties at 1404-1420 Yonge Street, on the west side of Yonge Street, south of St. Clair Avenue West (City of Toronto iView Mapping). The area of the development application is identified with a dashed blue outline. The buildings at 1404 and 1406 Yonge Street that have been approved for demolition are highlighted in yellow. The building at 1420 Yonge Street that is now proposed for demolition is highlighted in red.

1404-1406 Yonge Street and 1420 Yonge Street



East (primary) elevation of the main street commercial row at 1390-1406 Yonge Street with the buildings at 1404 and 1406 Yonge Street which have been approved for demolition as part of the related re-zoning application are highlighted in red (Heritage Planning, 2022)

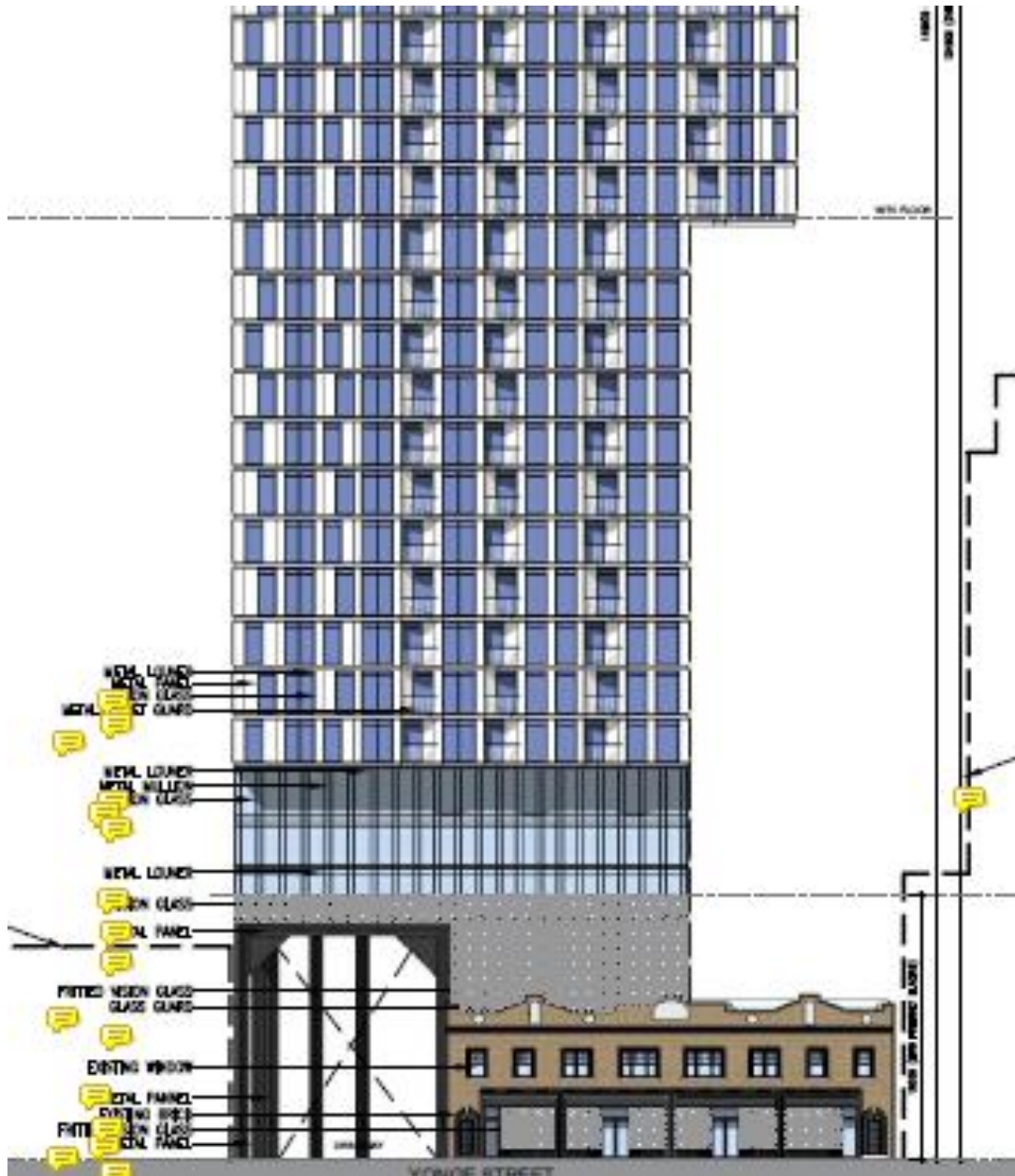


East (primary) elevation of the main street commercial row at 1420 Yonge Street that is now proposed to be demolished (Heritage Planning, 2022)

SELECTED AND RENDERINGS OF APPROVED DEVELOPMENT

1404 and 1420 Yonge Street

For a complete drawing set, please visit the Application Information Centre. (IBI Group, April 18, 2023)



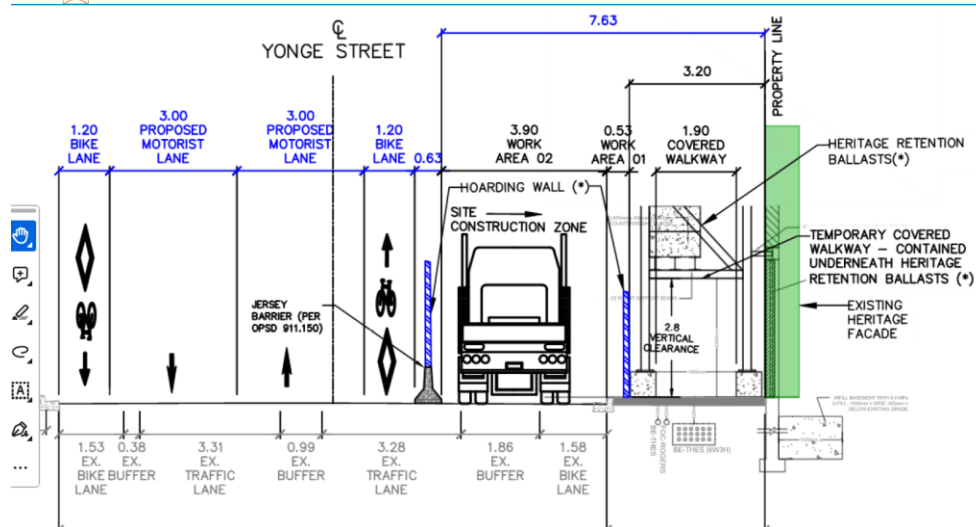
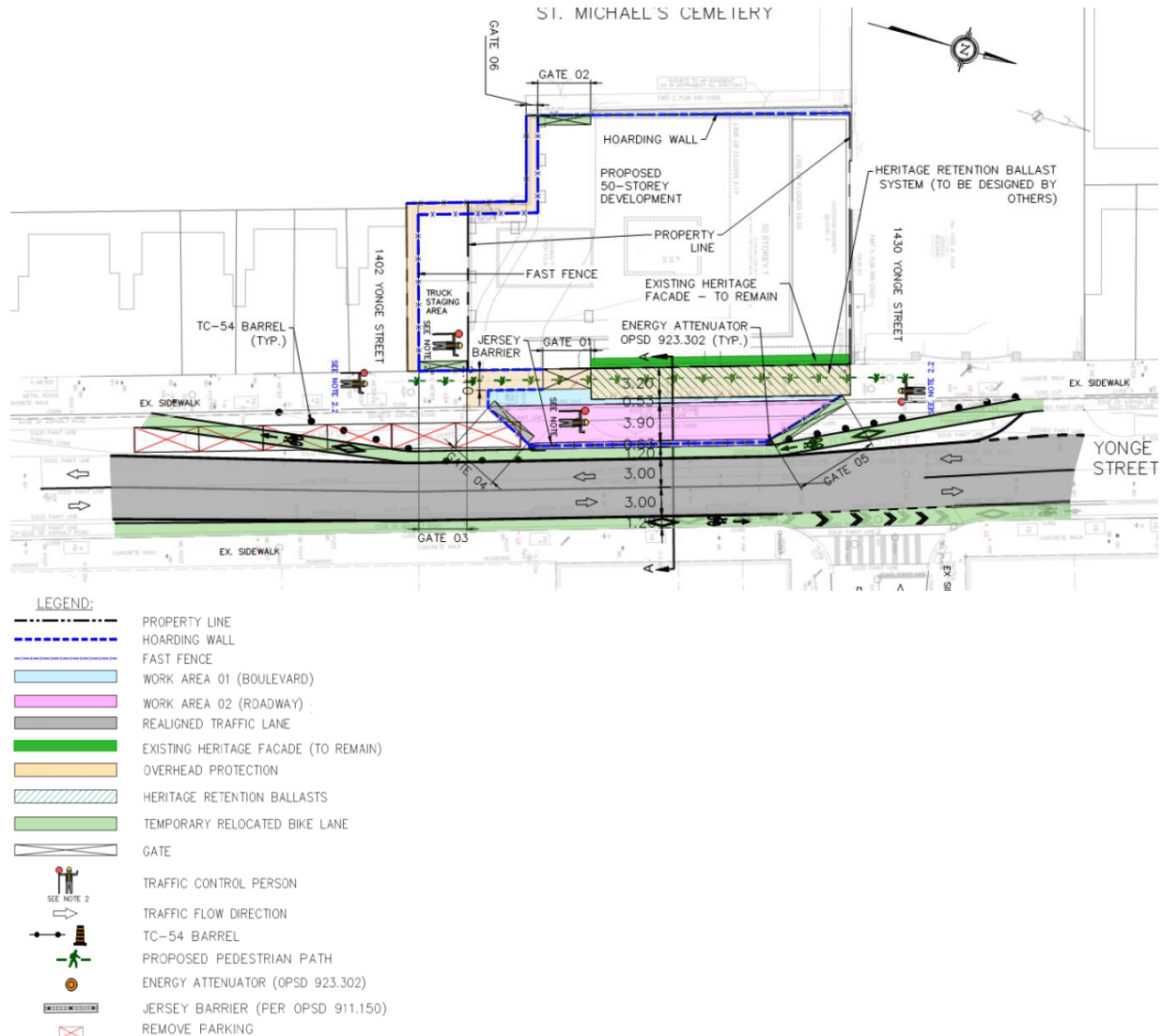
East elevation as viewed along Yonge Street showing approved development.



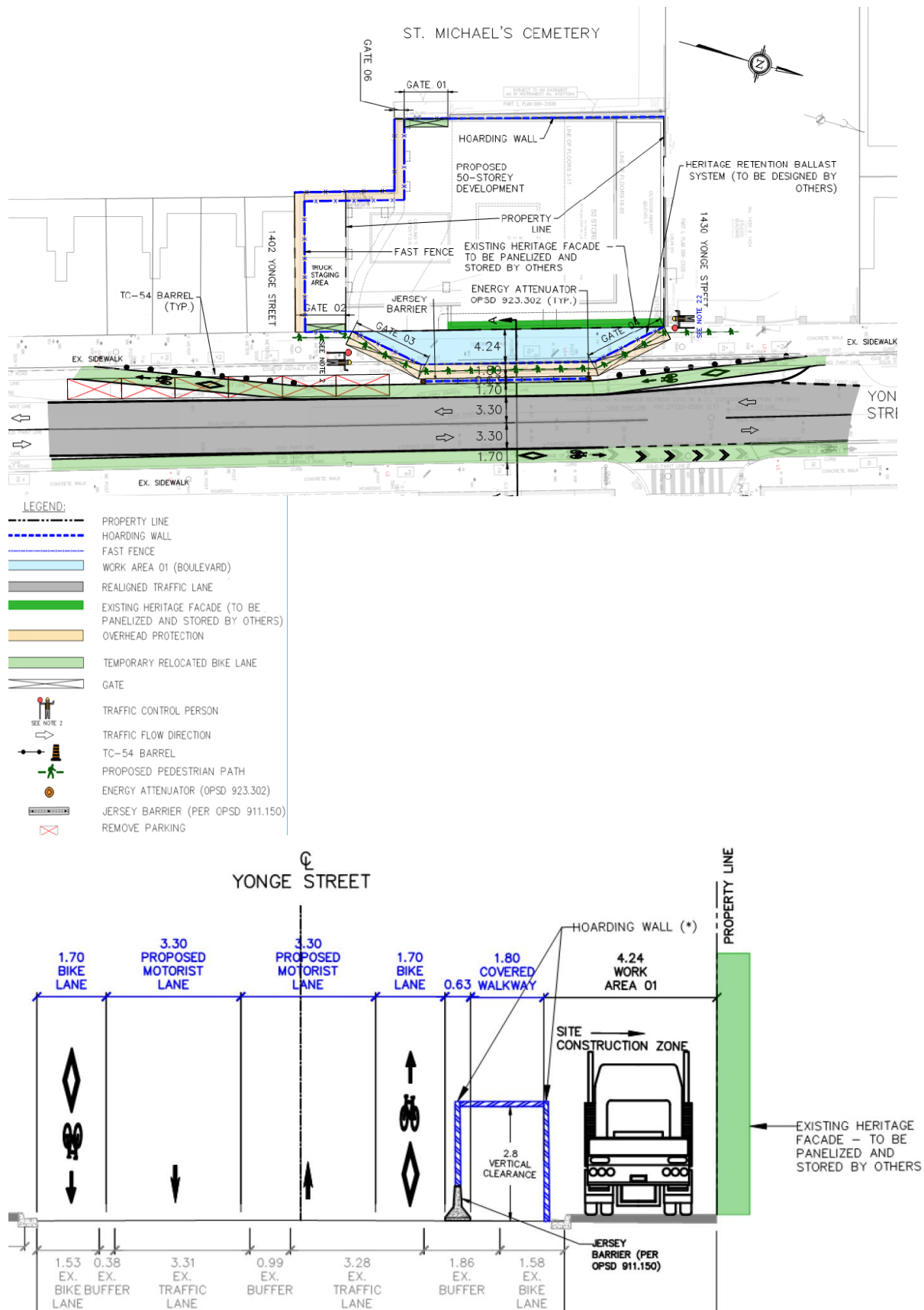
Renderings of the view of approved development illustrating the base of the tower at 1420 Yonge Street that is now proposed to be demolished. (IBI Group)

CONSTRUCTION MANAGEMENT PLAN

ATTACHMENT 4



Previous proposed Construction Management plan with 1.2m wide bike lanes and a heritage façade retention frame.



Revised Construction Management Plan with 1.7m wide bike lanes but with no heritage facade retention frame.