



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 778 King Street West - Alterations and Demolition to Heritage Attributes at a Designated Property under Sections 33 and 34(1)1 of the Ontario Heritage Act

**Date:** May 14, 2024

**To:** Toronto Preservation Board; City Council

**From:** City Solicitor

**Wards:** Ward 10 - Spadina - Fort-York

#### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding litigation or potential litigation.

#### SUMMARY

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The owner appealed its Zoning By-law Amendment application for 778-788 King Street West to the Ontario Land Tribunal ("OLT") in the fall of 2023 due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

The original Zoning By-law Amendment application proposed an 18 storey (63.3 metre including mechanical penthouse) mixed use building, with approximately 373 residential dwelling units and retail uses at grade.

The focus of this report is the owner's application under Section 33 and 34(1)1 of the *Ontario Heritage Act* which requests City Council's consent to alterations and demolition of a heritage attribute to the property at 778 King Street West. Council requires the advice of the Toronto Preservation Board in respect of matters which may impact a designated heritage property.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff contained in Confidential Attachment 1 to this report from the City Solicitor.

2. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1 and Confidential Appendix "A" to this report from the City Solicitor, if adopted by City Council, at the discretion of the City Solicitor.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it is about litigation before the Ontario Land Tribunal and contains advice or communications that are subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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### **Designation of the Property**

On April 6 and 7, 2022, Council stated its intention to designate the property at 778 King Street West under Part IV, Section 29 of the *Ontario Heritage Act*.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.15>

On July 19-22, 2022, City Council considered the owner's objection to the notice of intention to designate the property and reaffirmed its decision in Item PH32.15. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH35.13>

City Council passed City of Toronto By-law 945-2022 designating the property on July 22, 2022. The designation by-law can be found here:

<https://www.toronto.ca/legdocs/bylaws/2022/law0945.pdf>

The Owner subsequently appealed Designation By-law 945-2022 to the OLT. Pursuant to subsection 30(2) of the *Ontario Heritage Act*, the designation by-law remains operative on the property despite any appeal.

### **Related Development Applications**

On April 21, 2022, Toronto and East York Community Council received a Preliminary Report of the Director of Community Planning, Toronto and East York District identifying a set of preliminary issues with respect to the Zoning By-law Amendment application at 778-788 King Street West. The decision of Toronto and East York Community Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE32.27>

## COMMENTS

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### Heritage Permit Applications

The owner submitted applications under sections 33 and 34(1)1 of the *Ontario Heritage Act*. The construction will incorporate the existing heritage building at 778 King Street West as part of the new proposed building. Approval is required for this proposal under Section 33 of the *Ontario Heritage Act* to permit alterations to the designated property at 778 King Street West. Approval is also required under Section 34(1)1 of the *Ontario Heritage Act* for the removal of heritage attributes of the designated property at 778 King Street West. The attributes that are proposed to be removed are the large skylight running horizontally across the building's centre and, along the east elevation, the intact composition and details including the large glass block panels at the upper storey of the existing heritage property.

### Heritage Properties

The designated heritage property is a two-storey brick building with stone trim, located on the north side of King Street West, just west of Tecumseth Street. It is a representative example of a mid-twentieth-century industrial headquarters, demonstrating the influence of the Streamlined Moderne style. Designed by Leo Hunt Stanford, the building was constructed in 1947 for the York Mending Wool Company. It was subsequently the location of Uniforms Registered, the notable Ydessa Hendeles Art Foundation gallery (1988-2012), and is currently a real estate office. The property reflects the redevelopment of King Street West for textile-related manufacturing during the first half of the twentieth century, as well as the area's later period of adaptive reuse and cultural regeneration.

The heritage property is not adjacent to any listed or designated heritage properties and is not located within or adjacent to any Heritage Conservation District.

### Conservation Strategy

The proposed conservation strategy for the designated heritage property at 778 King Street West includes:

- Retention in-situ the principal (south) street facing façade;
- Reconstruction of a portion of return side walls at approximately 3.71 metres of the east facade and 5 metres of the west facade, to be clad with matching brick material;
- A step back of 4 metres above the retained heritage building roof on the third storey, with a 0.5 metre overhang at level 4 and above;
- A 0.5 metre cantilever soffit would be clad in a black panel or similar toned soffit panel to provide a simple backdrop above the original heritage masonry façade;

- A recessed entry area is proposed between the heritage property west façade/wall and lower east portion of the property at 778-788 King Street West;
- Detailed materiality and articulation is proposed to enhance visibility between the new development and the existing heritage property;
- On the front façade, masonry cleaning, repair and replacement is proposed where required; and
- Windows on the retained facade will be replaced with divided multi-lite windows that match the industrial style of original windows.

## **Demolition of Heritage Attributes**

The proposal includes the demolition of the following heritage attributes of the heritage property:

- the large skylight running horizontally across the building's centre, dating to its adaptive reuse as an art gallery; and
- along the east elevation, the intact composition and details including large glass block panels at the upper storey.

The proposed building, at roof level above the heritage property, has a four metre step back from the primary (south) elevation along King Street West to a one-storey reveal with 3.5 metre setback at level four and above.

The City Solicitor requires further instructions. This report contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential advice and it should be considered by Council *in camera*.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Attachment 1 - Location Map
2. Public Attachment 2 - Photographs of Existing Building
3. Confidential Attachment 1 - Confidential Information
4. Confidential Appendix "A" - Confidential Information