

374, 376 and 378 Yonge Street - Approval of Application for Alterations to Designated Heritage Properties Under Part IV, Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - Supplementary Report

Date: April 8, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Wards: 11 - University-Rosedale

SUMMARY

This report provides new information and recommendations resulting from further discussions between the applicant and Heritage Planning staff. This report revises the recommendations provided in the staff report before the Toronto Preservation Board (TPB) on March 18, 2024 per Item PB15.9. This Supplementary Report should be considered in conjunction with the March 18, 2024 TPB Report.

On March 18, 2024, The Toronto Preservation Board held a statutory meeting with regard to Item PB15.9. Heritage Planning staff recommended that TPB and City Council refuse the application under Section 33 of the Ontario Heritage Act to construct a new structure on the designated heritage properties at 374 (374A) Yonge Street, 376 (376A) Yonge Street and 378 Yonge Street, in connection with the development of the properties at 372-378 Yonge Street. The refusal was based upon inadequate stepbacks above the heritage properties, resulting in potential negative visual impacts upon the heritage properties form, massing and scale as viewed from the public realm, particularly from the Yonge Street frontage.

Subsequent to the March 18, 2024 TPB meeting, the applicant and Heritage Planning staff met and collaborated on the massing scheme above the heritage properties. As a result, the massing has been modified. Heritage Planning staff is now satisfied with the overall Conservation Strategy for the project, including the proposed massing and step backs over the heritage properties. At its meeting on March 28, 2024 the TPB considered the revised massing and supported Heritage Planning staff's recommendations to approve the revised scheme. This report recommends that this application under Section 33 of the Ontario Heritage Act be approved as a result of the changes.

RECOMMENDATIONS

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

1. City Council delete the recommendations in the report (March 8, 2024) and adopt instead the following:

2. City Council approve the alterations to the heritage properties at 374, 376 and 378 Yonge Street in accordance with Section 33 of the Ontario Heritage Act to allow for the construction of an 85 storey mixed use tower with such alterations substantially in accordance with the plans and drawings prepared by Dialog Architects dated October 26, 2023 and the Heritage Impact Assessment prepared by Philip Goldsmith Architect dated October 26, 2023 with drawings as revised, submitted on March 20, 2024, all on file with the Senior Manager, Heritage Planning, all subject to and in accordance with the Conservation Plan satisfactory to the Senior Manager, Heritage Planning and subject to conditions as set out below.

a. That prior to any Ontario Land Tribunal Order issued in connection with the related Zoning By-law Amendment and Site Plan Control appeal, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the properties at 374, 376 and 378 Yonge Street, substantially in accordance with the plans and drawings prepared by Dialog Architects dated October 26, 2023 and the Heritage Impact Assessment prepared by Philip Goldsmith Architect dated October 26, 2023 with drawings as revised, submitted on March 20, 2024, subject to and in accordance with the Conservation Plan required in Recommendation 2.a.2 below, 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 consistent with the conservation strategy set out in the Heritage Impact Assessment prepared by Philip Goldsmith Architect dated October 26, 2023 with drawings as revised, submitted on March 20, 2024, to the satisfaction of the Senior Manager, Heritage Planning.

b. That prior to Site Plan approval for the proposed Zoning By-law Amendment by City Council for the properties at 374, 376 and 378 Yonge Street, the owner shall:

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

2. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendments to have come into full force and effect.

3. Provide a Heritage Lighting Plan that describes how the exterior of the properties located at 374, 376 and 378 Yonge Street will be sensitively illuminated to enhance their 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 an Interpretation Plan for the properties located at 374, 376 and 378 Yonge Street, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

5. Submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to the issuance of any permit for all or any part of the properties at 374, 376 and 378 Yonge 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 owner of the subject property shall:

1. Have entered into a Heritage Easement Agreement with the City required in Recommendation 2.a.1 above.

2. Have obtained final approval for the necessary Zoning By-law Amendment, and such Amendments to have come into full force and effect.

3. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2.a.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 and Interpretation Plans.

d. That prior to the release of the Letter of Credit required in Recommendation 2.c.4 above, 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 reconstruction work has been completed in accordance with the Conservation 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.

3. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the properties at 374, 376 and 378 Yonge Street in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

4. City Council authorize the City Solicitor to introduce the necessary Bill in City Council authorizing the entering into of a Heritage Easement Agreement for the properties at 374, 376 and 378 Yonge Street.

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 March 18, 2024, Toronto Preservation Board considered a report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning related to a Heritage Permit Application to alter the heritage properties under Section 33 of the Ontario Heritage Act. The report recommended refusal and the TPB concurred with staff's recommendation.

www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-243428.pdf

On March 20, 2024, City Council deferred the report from the Interim Chief Planner and Executive Director entitled 374, 376 and 378 Yonge Street - Refusal of Application for Alterations to Designated Heritage Properties Under Part IV, Section 33 of the Ontario Heritage Act, to the April 17, 18 and 19, 2024 meeting of City Council.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC16.27>

On March 28, 2024, Toronto Preservation Board considered a report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning related to a revised Heritage Permit Application to alter the heritage properties under Section 33 of the Ontario Heritage Act. This report recommended that the application be approved with conditions.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PB16.16>

COMMENTS

The applicant and Heritage Planning staff have collaborated and the massing scheme above the heritage properties has been modified. Heritage Planning staff are now satisfied with the overall Conservation Strategy for the project.

Proposal Modifications

At the subject site, an 85 storey mixed use tower is proposed. The tower rises from behind the street wall established by the heritage properties. Immediately above the heritage properties, the tower base will be stepped back to form a reveal wall area 1.0 metres (min) - 1.5 metres behind the existing roof ridges of 374 and 376 Yonge Street, in turn approximately 7.5 metres from Yonge Street.

The reveal originally proposed in the HIA, a 7.5 metre step back above the heritage buildings - podium has been modified.

The reveal is now proposed to extend across the entire Yonge Street frontage to the south wall of 378 Yonge (The Dominion Bank Building); which remains preserved as a whole building. The reveal is now to be located behind the new structure at 372 Yonge Street and the two heritage properties at 374 and 376 Yonge Street. Previously, the reveal stopped short of the new three storey structure at 372 Yonge Street. The reveal (7.5 metre stepback) has also been revised to be higher, raised by one floor, incorporating the 4th and 5th floor levels instead of solely the 4th floor.

At the sixth and seventh floors, two cantilever elements will be employed.

1) Above the non-heritage property at 372 Yonge Street and the south half of the 374 Yonge Street property and above the reveal noted above, the first cantilever projection has been reduced by 50% from that previously proposed. This results in a 4.5 metre stepback from the Yonge Street facades for this portion of the street frontage. This cantilever extends to the 8th floor where the stepbacks are the same as previously reviewed.

2) Above the north portion of the heritage property at 374 Yonge Street and above the entire property at 376 Yonge Street, a cantilever will project out by one metre from the 7.5 metre reveal stepback; resulting in a 6.5 metre stepback from the Yonge Street facades for this portion of the street frontage. This cantilever extends to the 8th floor where the stepbacks are the same as previously reviewed.

The remainder of the Conservation Strategy outlined in the HIA remains the same and staff are satisfied with the rehabilitation, restoration and proposed storefront strategy that is proposed at the heritage properties across the site.

Based upon the revisions to the proposed project as described above, the impact of the project with regards to the fundamental heritage attributes of scale, form and massing of the heritage buildings on the subject property, specifically at 374 and 376 Yonge Street are appropriately mitigated.

The perception of the low-rise form of the heritage buildings as perceived from the public realm at the Yonge Street frontage will be conserved.

Conservation Plan

Should Council approve the proposed 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.

Heritage Easement Agreement

Staff is recommending that the owner enter into a Heritage Easement Agreement to secure the long-term protection of the subject properties.

CONCLUSION

Staff support the proposal as revised. Staff are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes, and character of the heritage properties. As such the application meets the intent of the Planning Act, and the heritage policies in the Provincial Policy Statement, the Growth Plan (2020) and the City of Toronto's Official Plan in conjunction with the Standards and Guidelines for the Conservation of Historic Places in Canada.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1 - Location Map

Attachment 2 - Photographs

Attachment 3 - Proposal Rendering and Selected Plans and Drawings

LOCATION MAP

ATTACHMENT 1

374, 376 and 378 Yonge Street



Location Map: Map showing the location of the subject properties at 374, 376 and 378 Yonge Street. 378 Yonge is indicated by the blue arrow. This location map is for information purposes only; the exact boundaries of the properties are not shown (City of Toronto Mapping).

PHOTOGRAPHS

ATTACHMENT 2

374, 376 and 378 Yonge Street



Contextual photograph showing the location of the subject property on the west side of Yonge Street, south of Gerrard Street (Heritage Planning)



Contextual photograph showing the location of the subject property on the west side of Yonge Street, south of Gerrard Street. Note condition of 372 Yonge Street (left). (Heritage Planning)

PHOTOGRAPHS

374, 376 and 378 Yonge Street



Photo of 374 Yonge Street, looking at east/front façade on Yonge Street (Heritage Planning)

PHOTOGRAPHS

374, 376 and 378 Yonge Street



Photo of 376 Yonge Street, looking at east/front façade on Yonge Street (Heritage Planning)

PHOTOGRAPHS

374, 376 and 378 Yonge Street



View of 378 Yonge Street. Upper photo looking southwest at east and north façade.

PROPOSAL RENDERING
374, 376 and 378 Yonge Street

ATTACHMENT 3



Render of Front Facades.

Above: Previously reviewed project

Below: Revised project with enlarged reveal by one floor level and extending across entire Yonge Street frontage to south wall of 378 Yonge. Cantilever elements have also been raised.

PROPOSAL RENDERING
374, 376 and 378 Yonge Street



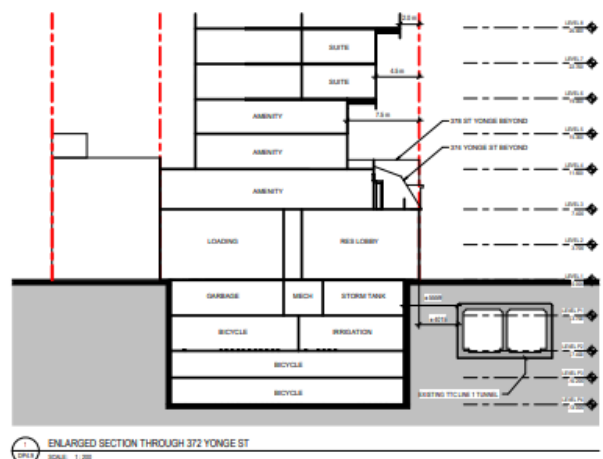
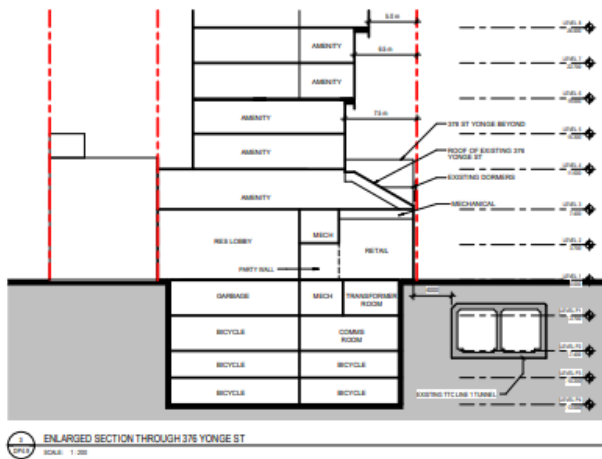
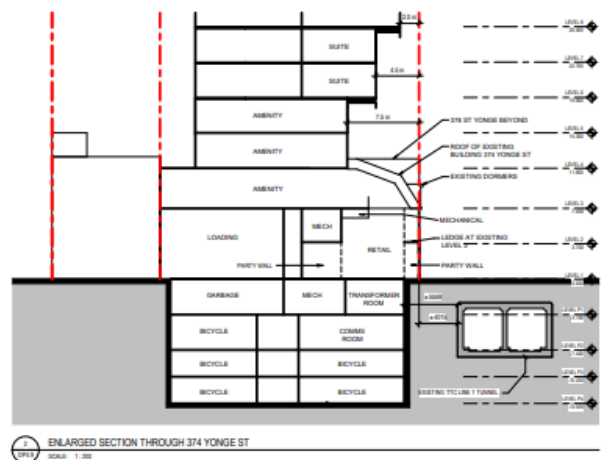
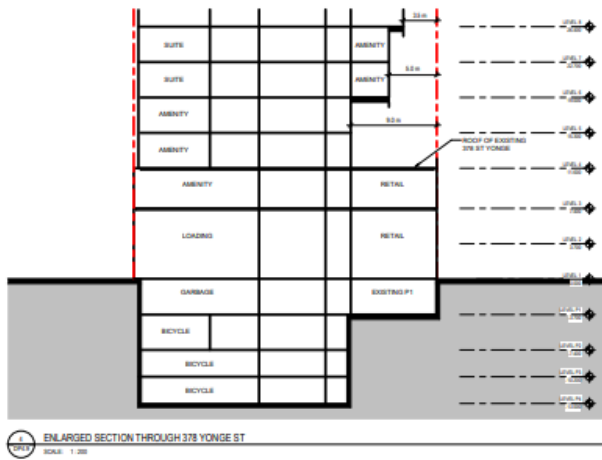
View of "podium" from SE Proposed



View of "podium" from SE HIA

SELECTED PLANS AND DRAWINGS

374, 376 and 378 Yonge Street



Cross Sections