



Decision Letter

Toronto Preservation Board

Meeting No. 16

Meeting Date Thursday, March 28, 2024

Start Time 9:30 AM

Location Video Conference

Contact Matthew Green, Committee Administrator

Phone 416-392-4666

E-mail hertpb@toronto.ca

Chair Julia Rady

PB16.16	ACTION	Adopted		Ward: 11
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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

Board Decision

The Toronto Preservation Board recommends that:

1. 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 1.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 1.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 1.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 1.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.

2. 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.

3. 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.

Decision Advice and Other Information

Dan Dibartolo, Planner, Urban Design, Heritage Planning, City Planning gave a presentation on 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.

Origin

(March 28, 2024) Report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on March 28, 2024 the Toronto Preservation Board considered Item [PB16.16](#) and made recommendations to City Council.

Summary from the report (March 28, 2024) from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning:

This report provides an update in relation to additional consultation between the applicant and Heritage Planning staff. This report revises recommendations provided in the staff report before the Toronto Preservation Board on March 18, 2024 per Item PB15.9. This Supplementary Report should be considered in conjunction with the March 18, 2024 Toronto Preservation Board Report.

On March 18, 2024, The Toronto Preservation Board held a statutory meeting with regard to Item PB15.9. Heritage Planning staff recommended that Toronto Preservation Board 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 setbacks 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.

Since the Toronto Preservation Board meeting the applicant and Heritage Planning staff have collaborated and the massing scheme above the heritage properties 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.

On February 2, 2024 the owner submitted an application to alter the heritage property under Section 33 of the Ontario Heritage Act. This report now recommends this application be approved.

Background Information

(March 28, 2024) Report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning on 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

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244584.pdf>)

(March 27, 2024) Letter from Julia Rady, Chair, Toronto Preservation Board on introducing new business for 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

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244611.pdf>)

Staff Presentation on 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

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-244631.pdf>)

Speakers

Eileen Costello, Aird & Berlis LLP

Philip Goldsmith

Motions

Motion to Add New Business at Committee moved by Julia Rady (Carried)

Motion to Adopt Item moved by Matthew Gregor (Carried)

Vote (Adopt Item)

Mar-28-2024

Result: Carried	Majority Required
Yes: 7	Koorosh Attarian, Paul Cordingley, Matthew Gregor, Alex Grenzebach, Geoff Kettel, Mitchell May, Julia Rady (Chair)
No: 2	Wendy Wong, Adam Wynne
Absent: 3	Robert Allsopp, Yeo-Jin (Katerina) Bong, Parthi Kandavel