

49 and 51 Yonge Street - Alterations to Heritage Properties, Demolition of Heritage Attributes and Authority to Enter into a Heritage Easement Agreement

Date: March 13, 2024

To: Toronto Preservation Board

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

Wards: Ward 13 - Toronto Centre

SUMMARY

This report recommends that City Council approve the alterations and demolition proposed for the heritage properties at 49 and 51 Yonge Street under Section 33 and Section 34(1)1 of the Ontario Heritage Act in conjunction with a Zoning By-law Amendment application which has been appealed to the Ontario Land Tribunal.

The application proposes the redevelopment of the site by constructing a 62-storey mixed-use building on the properties with commercial and office uses maintained within the heritage buildings. The Yonge Street and Wellington Street exterior walls will be retained in situ.

The proposed development is consistent with the relevant provincial and municipal policies, except for the demolition of the interior attributes. Despite the proposed demolition of heritage attributes, staff are of the opinion that the cumulative impacts to the heritage resources on the site are appropriately mitigated through the overall conservation strategy in the context of the settlement of the Zoning By-law Amendment application appeal.

RECOMMENDATIONS

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

1. City Council approve:

- a. the alterations to the heritage properties at 49 and 51 Yonge Street in accordance with Section 33 of the Ontario Heritage Act to allow for the

construction of a 62-storey tower with such alterations substantially in accordance with the plans and drawings dated February 8, 2024 prepared by Architects Alliance and the Heritage Impact Assessment dated February 20, 2024 prepared by GBCA Architects, both 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.

b. the demolition of the heritage attributes of the existing building on the designated heritage property at 49 Yonge Street, in accordance with Section 34(1)1 of the Ontario Heritage Act in connection with the approval of a 62-storey tower on the subject lands substantially in accordance with the plans and drawings dated February 8, 2024 prepared by Architects Alliance and the Heritage Impact Assessment dated February 20, 2024 prepared by GBCA Architects, both 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.

2. City Council direct that it consents to the application to alter the designated properties at 49 and 51 Yonge Street under Part IV, Section 33 of the Ontario Heritage Act and its consent to the demolition of attributes on the designated heritage property at 49 Yonge Street, under Part IV, Section 34(1)1 of the Ontario Heritage Act are also subject to the following conditions:

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

1. Enter into a Heritage Easement Agreement with the City for the property at 49 and 51 Yonge Street substantially in accordance with the plans and drawings dated February 8, 2024 prepared by Architects Alliance and the Heritage Impact Assessment dated February 20, 2024 prepared by GBCA Architects, 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 for 49 and 51 Yonge Street dated February 20, 2024 prepared by GBCA Architects, 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 property at 49 and 51 Yonge Street, the owner shall:

1. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 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 49 and 51 Yonge Street will be sensitively illuminated to enhance its 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 49 and 51 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.

c. That prior to the issuance of any permit for all or any part of the properties at 49 and 51 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 including registration on title of such agreement, to the satisfaction of the City Solicitor.

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 Plan and Interpretation Plan.

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 interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan 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 49 and 51 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 49 and 51 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.

DECISION HISTORY

On December 10, 1979, City Council passed By-law No. 53-80, designating the property at 49 Yonge Street under Part IV of the Ontario Heritage Act. Important architectural features which include the mansard roof with its exquisite iron cresting, elaborate arched dormers and a bold bracketed entablature. Stone pilasters with Corinthian capitals rise from the rusticated stone of the first storey.

On April 5, 2023 City Council stated its Intention to Designate the property at 51 Yonge Street and on May 15, 2023 passed By-law No. 439-2023 designating the property under Part IV of the Ontario Heritage Act.

<https://secure.toronto.ca/nm/api/individual/notice/3957.do>

BACKGROUND

Heritage Value

The property at 49 Yonge Street contains a building constructed in 1875 for the Bank of British North America, designed by Henry Langley in the Second Empire Style. Important architectural features include the mansard roof with its exquisite iron cresting, elaborate arched dormers and a bold bracketed entablature. Stone pilasters with Corinthian capitals rise from the rusticated stone of the first storey and the richly carved Yonge Street entrance is of note. Interior attributes include the banking room with central columns and a high vaulted ceiling.

The property at 51 Yonge Street contains a four-storey commercial building dating to c.1878-1879 although the underlying structure may date to 1847. Faced in limestone with a mansard roof and a cast iron storefront, the building is a fine representative example of a Second Empire-style commercial building with a high degree of integrity. The property at 51 Yonge Street is important in maintaining and supporting the character of the surrounding area and remains as an important reflection of the 19th century commercial streetscape that evolved around Yonge and Wellington streets.

Development Proposal and Conservation Strategy

On November 8, 2021 a Zoning By-law Amendment application was submitted to permit a 62-storey mixed-use building on the designated heritage properties at 49 and 51 Yonge Street.

The current proposal includes the retention in situ of the street-facing walls of the two heritage buildings which will form the base building of the new development and the construction of a new 62-storey mixed-use building that is stepped back 4.0 metres from the Yonge Street property line and 3.0 metres from the Wellington Street East property line for the first three storey after which the portion of the tower above 49 Yonge Street steps out to 0.0 metres from the Yonge and Wellington street property lines.

The exterior walls, mansard roof and iron cresting of the building at 49 Yonge Street will be conserved, including the easternmost bay along Wellington Street which was originally proposed to be demolished. The designation by-law for this property identifies the white marble detailing of the interior banking room with central columns and a high vaulted ceiling. Site investigation undertaken by the applicant's heritage consultant has revealed that no white marble currently exists in the banking room. Given the necessity of new columns required to support the tower, the proposal for the interior is to demolish the central columns and replace them with new columns of a larger diameter and finished with a white marble pattern. The existing vaulted ceiling is unable to be conserved given the construction requirements, however it is proposed to be replaced with a new vaulted ceiling based on the original size and rib shape and with the spatial configuration of the original banking room.

The street-facing elevation of the building on the property at 51 Yonge Street and all its related attributes will be conserved. Masonry and stone cleaning and restoration is also proposed.

The conservation strategy is further detailed in the Heritage Impact Assessment submitted with the application.

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, 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 Parks Canada 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

Massing

The introduction of a substantial amount of massing amidst the subject heritage properties will have both a physical and visual impact on the heritage resources. This impact, however, will be mitigated by incorporating a three-storey glazed reveal above the primary elevations of the heritage resources to help reduce the visibility of the massing above. While staff would typically request a greater tower step back above the heritage resources, the location of the site in an intensified area with a number of high-rise towers and the minimal interventions proposed for the visible exterior street-facing elevations of the heritage buildings, staff can accept the step backs proposed in this application.

Additional Interventions

The proposed demolition of the remaining interior features, namely the columns and vaulted ceiling of the banking room, is a significant impact. The visual impact of the loss of these original attributes has been reduced by the proposal to reconstruct the original spatial configuration and vaulted ceiling using new structural technology and to insert new columns in the original locations - all in an effort to commemorate the interior attributes.

No alterations are proposed for the exterior elevations however new windows will be required, doors repaired and barrier-free accessibility introduced - all to be detailed in a Conservation Plan.

Conservation Plan

Should Council approve the proposed conservation strategy, the owner will 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 will detail the recommended interventions and conservation work, including the recommended restoration work. It will also include a detailed plan describing how the heritage buildings 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 will 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 properties as described in the Statements of Significance.

Heritage Lighting Plan

The Heritage Lighting Plan will provide details of how the buildings will be lit so that their 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.

CONTACT

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SIGNATURE

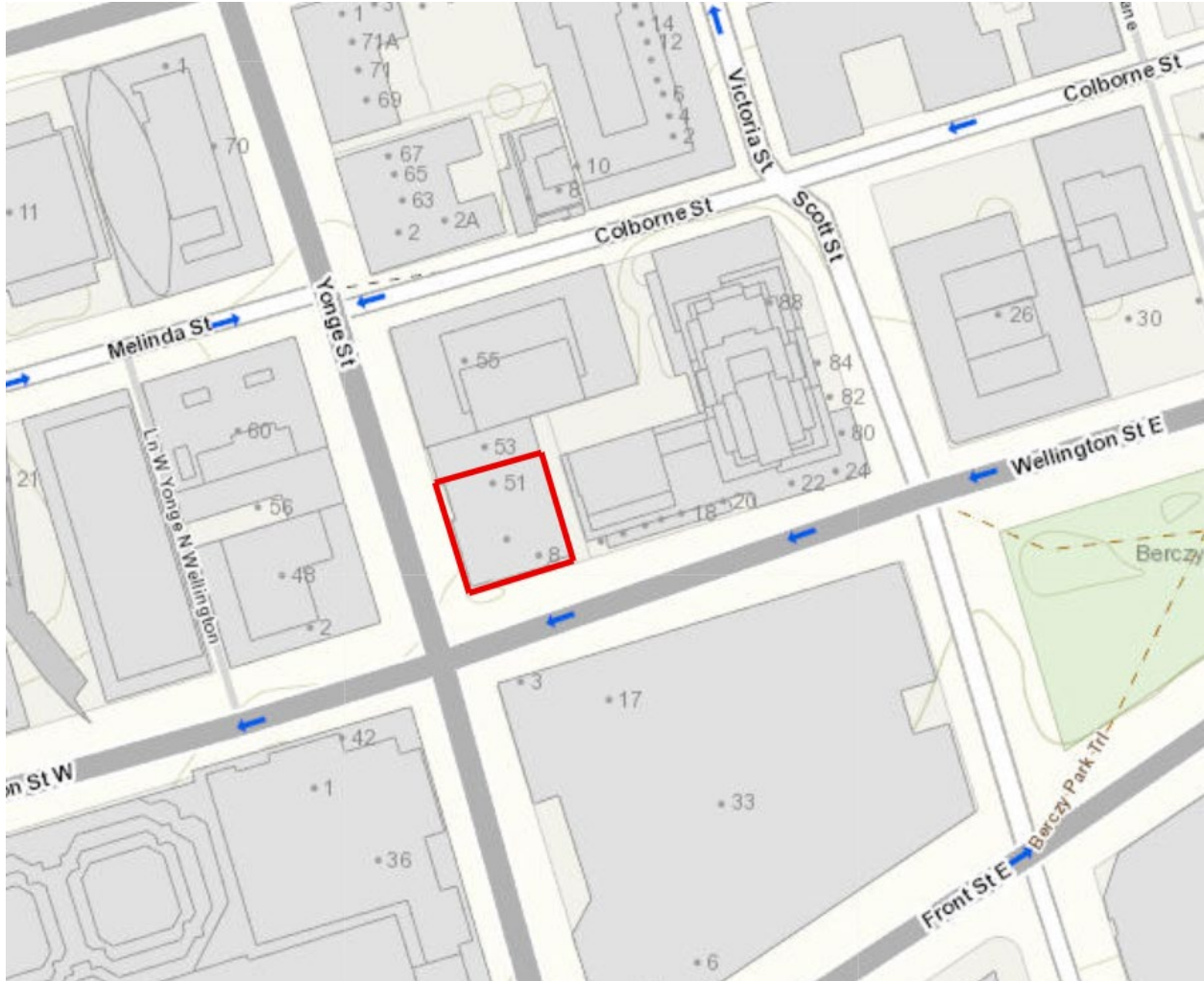
Anne Fisher, MCIP, RPP, MRTPI, CAHP
Acting Senior Manager, Heritage Planning
Urban Design, City Planning

ATTACHMENTS

- Attachment 1 - Location Map
- Attachment 2 - Aerial Photograph
- Attachment 3 - Photographs
- Attachment 4 - Proposal Renderings
- Attachment 5 - Selected Drawings

LOCATION MAP
49-51 Yonge Street

ATTACHMENT 1



Map showing the subject property's location outlined in red at 49-51 Yonge Street. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).

49-51 Yonge Street



Figure 2. Aerial photograph showing the location of 49-51 Yonge Street East outlined in red, located on the east side of Yonge Street south of Colborne Street and north of Wellington Street East. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).

49-51 Yonge Street



Principal (West) Elevation of 49-51 Yonge Street (Source: HIA prepared by GBCA Architects Ltd., 2021).



Principal (West) and South Elevations of 49-51 Yonge Street (Source: HIA prepared by GBCA Architects Ltd., 2021).



East Elevation and South Elevation of 49-51 Yonge Street (Source: HIA prepared by GBCA Architects Ltd., 2021).

PROPOSAL RENDERINGS
49-51 Yonge Street

ATTACHMENT 4



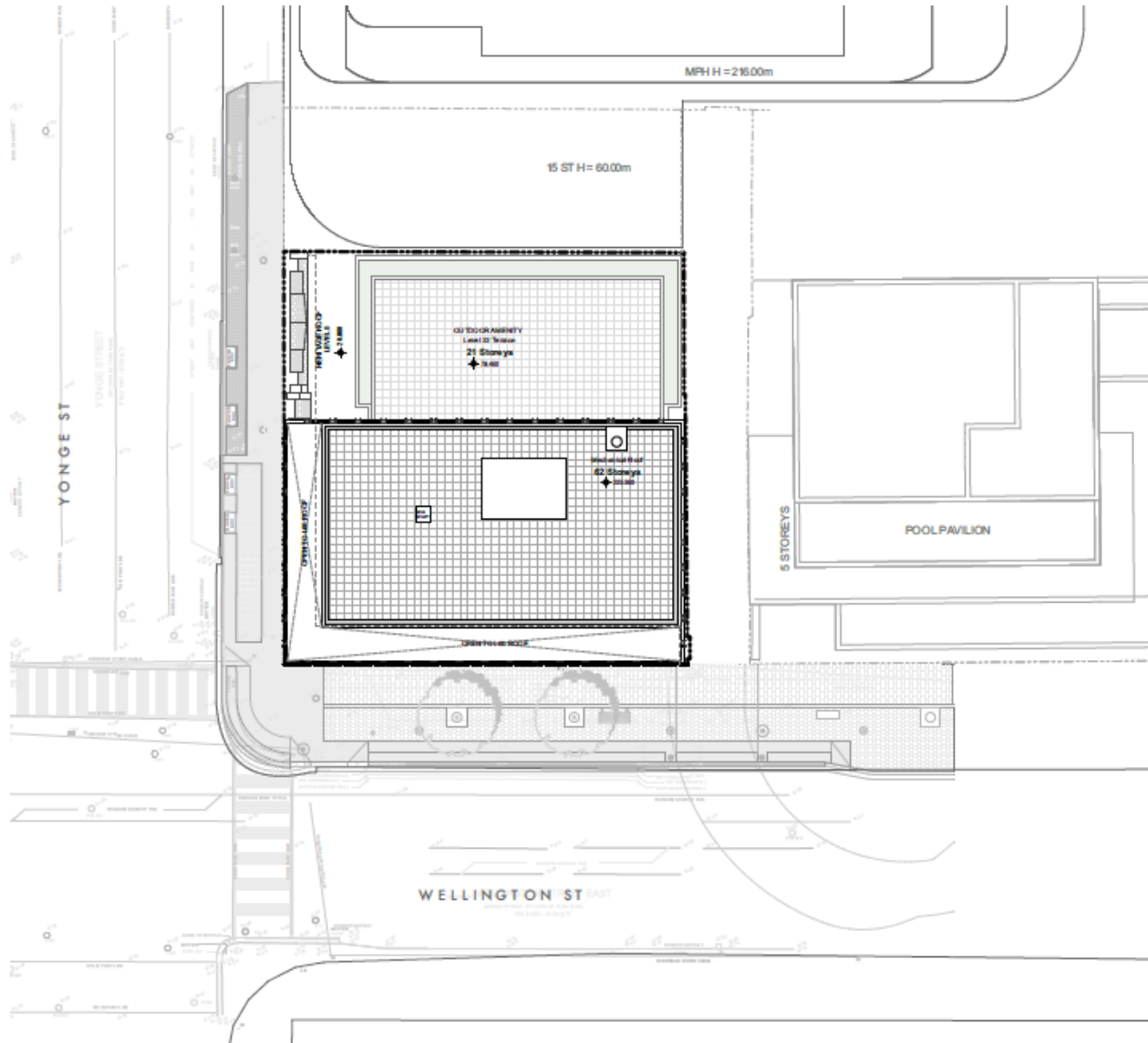
Rendering of Proposed East Elevations (architectsAlliance, 2024)



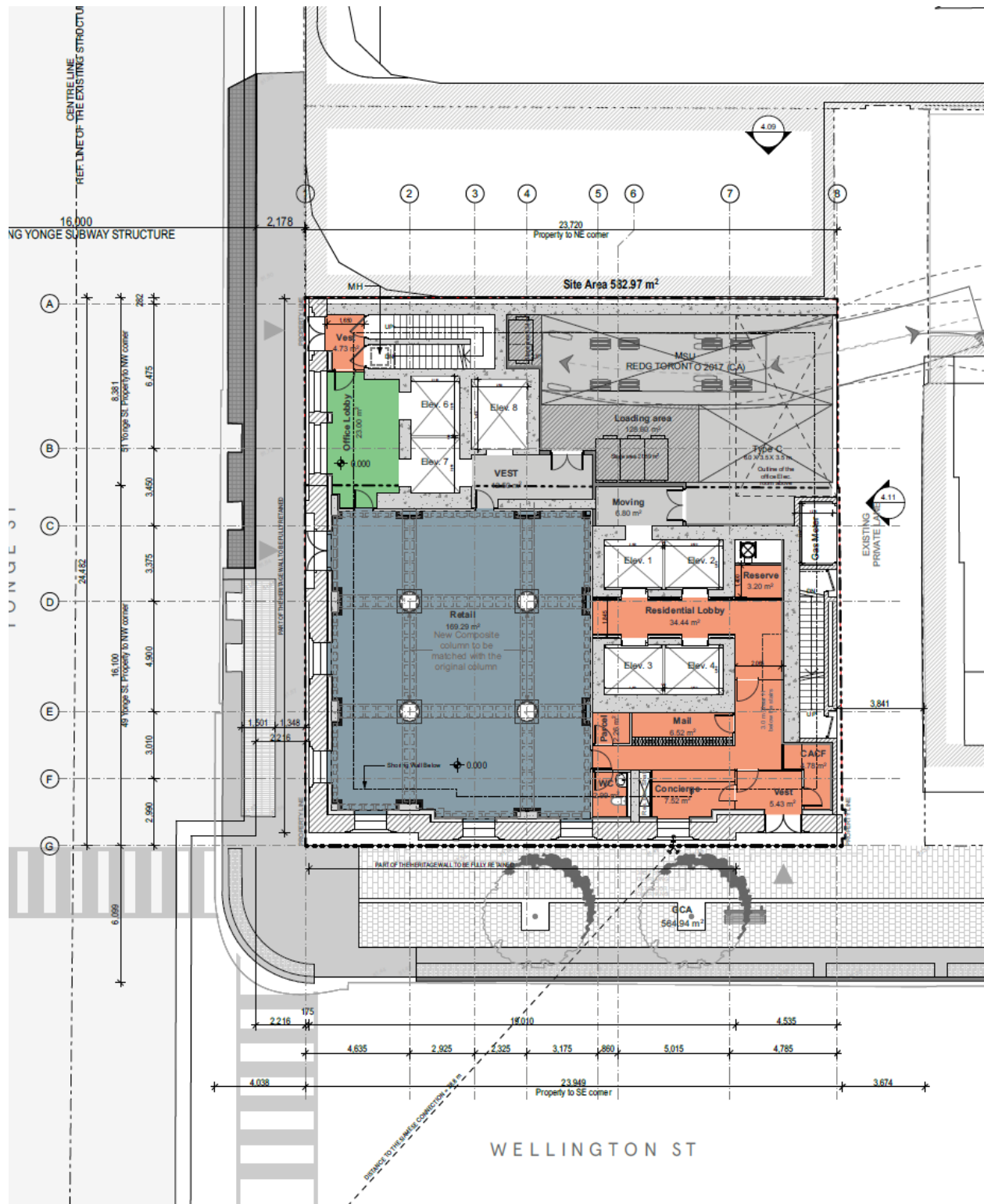
Rendering of Proposed South Elevation (architectsAlliance, 2024)

SELECTED DRAWINGS
49-51 Yonge Street

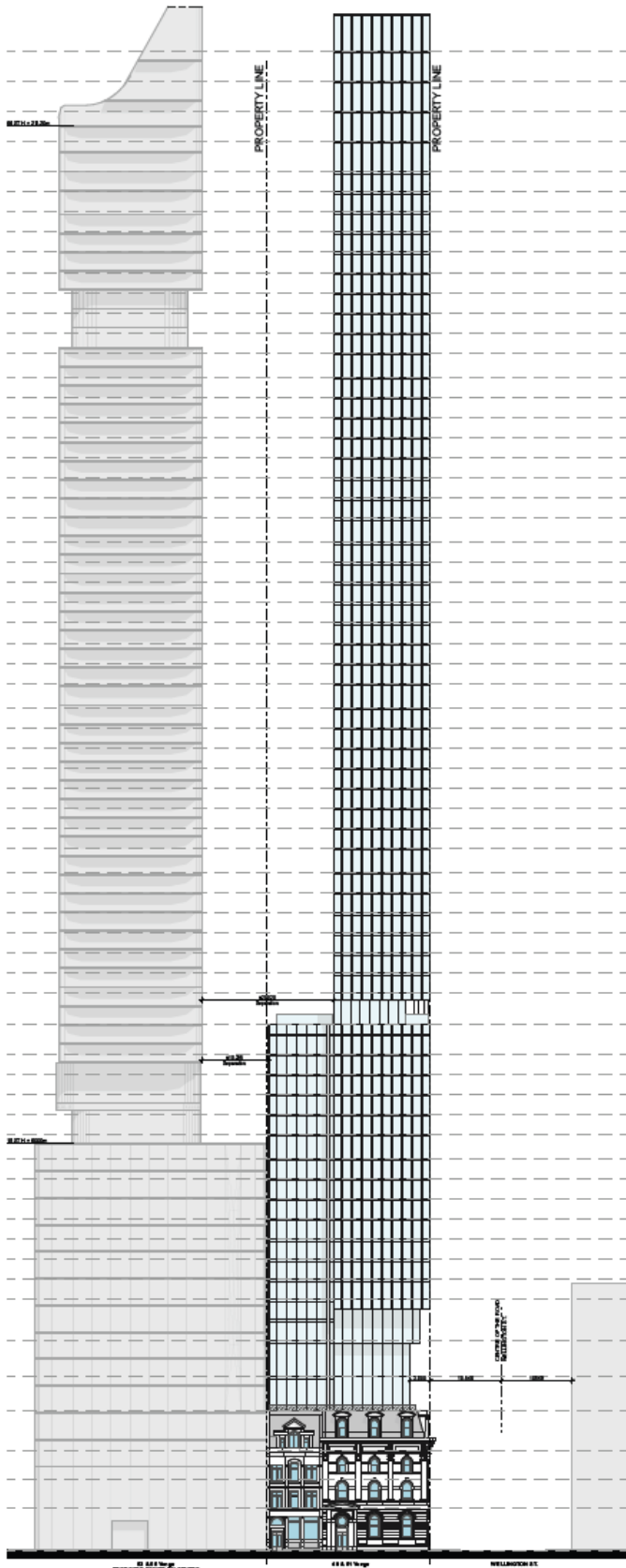
ATTACHMENT 5



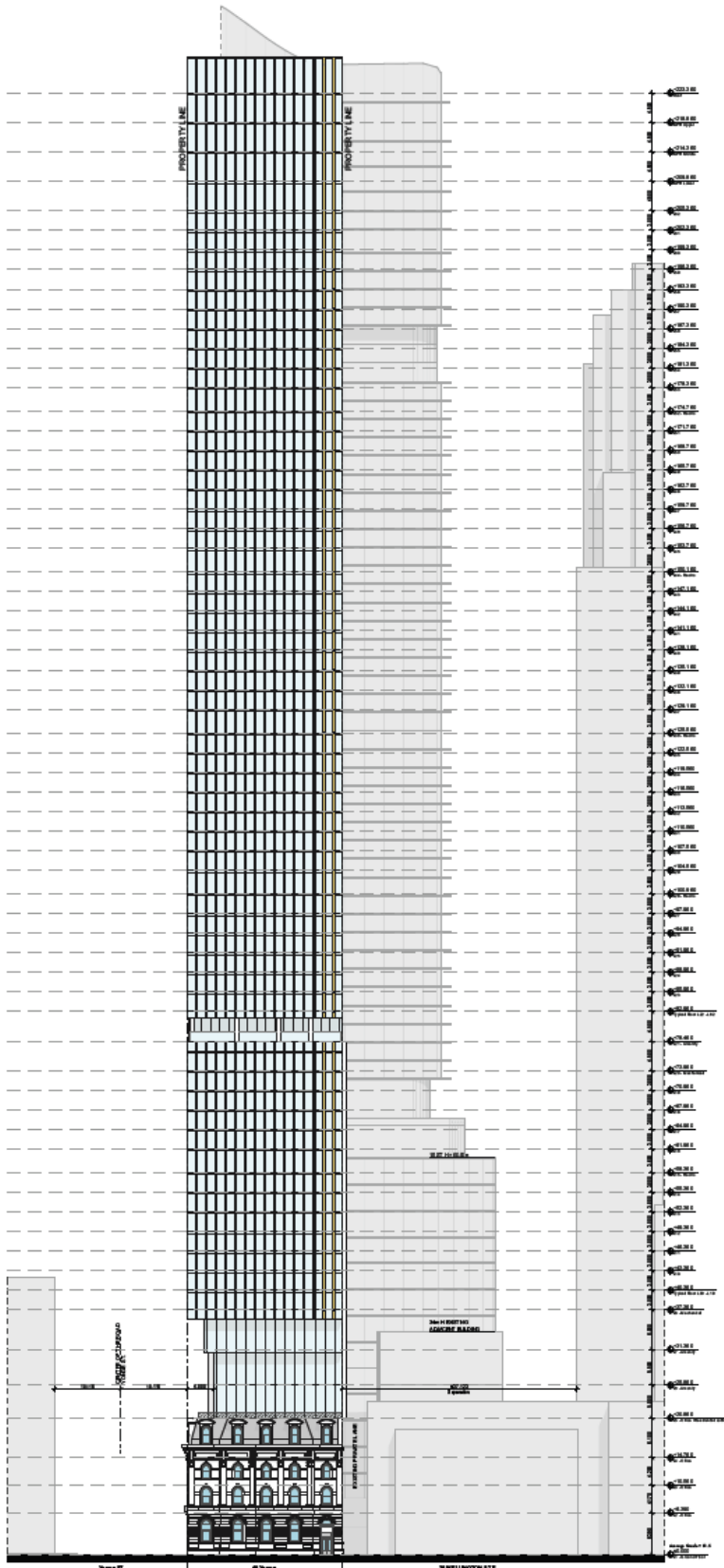
Proposed Site Plan (architectsAlliance, 2024)



Proposed Ground Floor Plan (architectsAlliance, 2024)



Proposed West Elevation (architectsAlliance, 2024).



Proposed South Elevation (architectsAlliance, 2024)