

1196-1204 Yonge Street and 1206-1210 Yonge Street - Alterations to and the Demolition of Heritage Attributes at Designated Heritage Properties at 1206- 1210 Yonge Street, Demolition of a Heritage Property at 1196-1204 Yonge Street and Authority to Enter into a Heritage Easement Agreement

Date: March 13, 2024

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 12 - St. Paul's

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

This report addresses the owner's applications under Section 33, 34(1)1 and 34(1)2 of the *Ontario Heritage Act* which request City Council's consent to alterations to the designated property at 1206-1210 Yonge Street, demolition of heritage attributes of the property at 1206-1210 Yonge Street, and demolition of a building or structure on the property at 1196-1204 Yonge Street. City Council requires the advice of the Toronto Preservation Board in respect of matters which may impact a designated heritage property.

Located on the west side of Yonge Street, directly north of Birch Avenue within the Summerhill neighbourhood, and adjacent to the Deer Park, Ramsden Park and South Rosedale neighbourhoods, the properties at 1196-1204 Yonge Street comprise a main street commercial block building constructed in 1889. The adjacent three properties at 1206-1210 Yonge Street to the north contain 2-storey main street commercial row buildings constructed together in 1907- 1908. The subject properties are all designated under Part IV of the *Ontario Heritage Act*.

1196-1204 Yonge Street - Application to Demolish a Heritage Building or Structure under Section 34(1)2 of the *Ontario Heritage Act*; 1206-1210 Yonge Street - Application to Alter and Demolish a Heritage Attribute of a Designated Heritage Property under Sections 33 and 34(1)1 of *Ontario Heritage Act*

In November 2021, the City received a Zoning By-Law Amendment application for redevelopment of the site for a 15-storey mixed-use building, having a non-residential gross floor area of 200.80 square metres, and a residential gross floor area of 10,225.60 square metres with 59 residential units. In April 2022, a Site Plan Control Application was submitted revising the proposal to a 14-storey mixed-use building with 67 residential units.

On November 7, 2022, the applicant appealed to the Ontario Land Tribunal ("OLT"), as a result of City Council not making a decision with respect to the Zoning By-law and Site Plan Control applications within the timeframe legislated by the *Planning Act*.

On August 25, 2022, ERA Architects Inc., on behalf of the applicant, filed two (2) Heritage Permit Applications for demolition under Section 34(1)2 of the *Ontario Heritage Act* with respect to 1196-1204 Yonge Street and 1206-1210 Yonge Street.

On February 13, 2024, the owner submitted new applications under sections 33, 34(1)1 and 34(1)2 of the *Ontario Heritage Act*. The new construction will incorporate the existing heritage buildings at 1206-1210 Yonge Street as part of the podium of the new building and demolish and reconstruct the existing heritage buildings at 1196-1204 Yonge as part of the podium of the new building. Approval is required for this proposal under Section 33 of the *Ontario Heritage Act* to permit alterations to the designated property at 1206-1210 Yonge Street. 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 1206-1210 Yonge Street. The attributes that are proposed to be removed are:

- the raised main entrances to provide for universal access, which will also expand the proportions of the original configuration and architectural features to bring the storefronts to grade; and
- potentially a wooden cornice, if restoration of the original cornice is not possible in accordance with the Conservation Plan.

Approval is also required under Section 34(1)2 of the *Ontario Heritage Act* for the demolition of a heritage building or structure on the designated property at 1196-1204 Yonge Street.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff contained in the 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

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

In November 2021, the City received a Zoning By-Law Amendment application for redevelopment of the site for a 15-storey mixed-use building having a non-residential gross floor area of 200.80 square metres, and a residential gross floor area of 10,225.60 square metres. 59 residential units were proposed. In April 2022, a Site Plan Application was submitted revising the proposal to a 14-storey mixed-use building with 67 residential units.

A Preliminary Report dated January 26, 2022, was considered by Toronto and East York Community Council, and a community consultation meeting was held on February 22, 2022.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.41>

On July 19, 20, 21 and 22, 2022, City Council adopted CC47.39 and stated its intention to designate the properties at 1196 (including entrance addresses at 1198 Yonge Street and 2 Birch Avenue), 1202 and 1204 Yonge Street and 1206-1210 Yonge Street under Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC47.39>

On August 25, 2022, ERA Architects Inc., on behalf of the applicant, filed two (2) Heritage Permit Applications for demolition under Section 34(1)2 of the *Ontario Heritage Act* with respect to 1196-1204 Yonge Street and 1206-1210 Yonge Street. On November 23, 2022, City Council adopted Heritage Planning staff's recommendation that the demolition permits be refused. The refusal to issue the demolition permits was appealed to the OLT.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC1.4>

On September 28, 2022, City Council considered an objection to the designation by-laws and nevertheless proceeded to pass By-laws 1241-2022 and 1242-2022 to designate the properties pursuant to Part IV, Section 29 of the *Ontario Heritage Act*.
<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC50.2>.

The designation by-law for 1196-1204 Yonge Street can be found here:
<https://www.toronto.ca/legdocs/bylaws/2022/law1241.pdf>

The designation by-law for 1206-1210 Yonge Street can be found here:
<https://www.toronto.ca/legdocs/bylaws/2022/law1242.pdf>

On December 1, 2021 the City received an application for a Zoning By-Law amendment and Rental Housing Demolition Application on the subject site. A preliminary report was adopted by Toronto East York Community Council on February 16, 2022, and can be found here:
<https://secure.toronto.ca/council/agenda-item.do?item=2022.TE31.41>

On February 23, 2023, the applicant appealed the Zoning By-law Amendment application and referred the Site Plan Control application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the *Planning Act*. City Council directed the City Solicitor and appropriate City staff to oppose the applications, and to continue discussions with the applicant to attempt to resolve outstanding issues. City Council's decision is available here:
<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE7.13>

COMMENTS

Heritage Permit Applications

The Toronto Preservation Board, Toronto and East York Community Council, and City Council are being asked to consider applications under sections 33, 34(1)1 and 34(1)2 of the *Ontario Heritage Act* to facilitate the redevelopment of 1196-1204 Yonge Street and 1206-1210 Yonge Street. The redevelopment is proposed to incorporate the existing heritage buildings at 1206-1210 Yonge Street as part of the podium of the new building and demolish and reconstruct the existing heritage buildings at 1196-1204 Yonge as part of the podium of the new building. Approval is required for this proposal under Section 33 of the *Ontario Heritage Act*, to permit alterations to the designated property at 1206-1210 Yonge Street. 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 1206-1210 Yonge Street. The attributes that are proposed to be removed are:

- the raised main entrances to provide for universal access, which will also expand the proportions of the original configuration and architectural features to bring the storefronts to grade; and

- potentially a wooden cornice, if restoration of the original cornice is not possible in accordance with the Conservation Plan.

Approval is also required under Section 34(1)2 of the *Ontario Heritage Act* for the demolition of a heritage building or structure of the designated property at 1196-1204 Yonge Street.

Heritage Properties

1196-1204 Yonge Street

The Main Street Commercial Block building at 1196 (including entrance addresses at 1198 Yonge Street and 2 Birch Avenue), 1202 and 1204 Yonge Street (1196-1204 Yonge Street) is located at the northwest corner of Yonge Street and Birch Avenue - a historic transit hub in the City's north end where a busy Yonge Street thoroughfare intersected at grade with the CPR rail line and its train station south of the tracks.

The existing four-storey, brick, Main Street Commercial Block-type building at 1196-1204 Yonge Street is valued as a significant representative example of the commercial and residential main street row buildings constructed in Toronto during the late Victorian era that, in this case, is also unique for its creative adaptation of an existing late-19th century building to the regrading of this portion of Yonge Street (1914-1916) to accommodate a new vehicular underpass/railway overpass across Yonge Street for the intersecting CPR rail line.

The east elevation of the red brick Main Street block building maintains its overall 1889 design, style and detailing including its five-bay vertical arrangement delineated by brick pilasters, a regular rhythm of largely symmetrically-arranged window openings at the upper two storeys with continuous brick string-coursing and drip-mouldings, and detailed cornice woodwork with carved scroll brackets surmounted by distinctive "birdhouse"-shaped capitals that wrap around the corner of the building at the east end of the south elevation.

1206-1210 Yonge Street

Built in 1907-1908, the set of three Main Street Commercial Row buildings at 1206-1210 Yonge Street is located on the west side of Yonge Street just north of Birch Avenue and abuts 1196-1204 Yonge Street.

The collection of three, 2-storey, brick Main Street Commercial Row-type buildings at 1206-1210 Yonge Street is valued as a significant example of the commercial and residential main street row buildings constructed in Toronto during the Edwardian era. The principal (east) elevation maintains much of its 1907-1908 design, style and detailing including the floor-to-ceiling storefront window openings with off-set entrances at street level with wooden cornice above, centered bay window with brick header at the second storey, all surmounted by a decorative brickwork cornice at the roofline at 1206 and 1210.

1196-1204 Yonge Street - Application to Demolish a Heritage Building or Structure under Section 34(1)2 of the *Ontario Heritage Act*; 1206-1210 Yonge Street - Application to Alter and Demolish a Heritage Attribute of a Designated Heritage Property under Sections 33 and 34(1)1 of *Ontario Heritage Act*

Heritage Adjacencies

The subject buildings also contribute to a broader area context of historic properties.

Contextually, the properties at 1196-1210 Yonge Street have cultural heritage value for maintaining and supporting the historic character of this portion of Yonge Street. Situated together on the west side of Yonge Street between Birch Avenue and Alcorn Avenue, the properties survive as important contributors in maintaining the late 19th to early-20th century main street commercial built form evolution of the area.

A broader historic precinct is formed at three of four points where Yonge Street intersects with the CPR overpass, anchored by the landmark CPR North Toronto Station (1916) with the adjoining late-19th century commercial buildings at 1095-1099, 1101 and 1105 Yonge Street and, on the west side of Yonge Street south of the tracks, the collection of ten late-19th to early-20th century properties at 1148-1176 Yonge Street as well as the former Pierce Arrow Showroom (1930) at 1140 Yonge Street. All of the latter sites are recognized on the City of Toronto's Heritage Register for their cultural heritage value.

The Proposal

The proposed development involves the integration of the principal façade and east façade of the building at 1206-1210 Yonge Street and the reconstruction of the street-facing façades of the building at 1196-1204 Yonge Street as the base of the new mixed-use building. The east façade of 1206-1210 Yonge Street will be retained via in-situ façade retention, while the east and partial south façades of 1196-1204 Yonge Street will be demolished and reconstructed.

RJC Structural Engineers submitted four Engineering Reports dated June 22, 2018, July 7, 2023, November 3, 2023, and January 31, 2024. All reports were included as Attachments within the Heritage Impact Assessment (the "HIA") submitted by the Heritage Consultant, dated February 12, 2024. These Building Condition Assessment(s) demonstrated that the masonry of the buildings located at 1196-1204 Yonge Street is in very poor condition, which would prevent the meaningful conservation of these heritage buildings. Therefore, the proposal includes a reconstruction strategy, as described below.

The conservation strategy for the building at 1206-1210 Yonge Street includes restoration work in several areas of poor condition, and the reconstruction of missing features (the missing brick cornices/parapets on both buildings, and a missing bay window at 1206 Yonge Street). The raised main entrances, which are heritage attributes are proposed to be removed, to allow for universal access. This will expand the proportions of the original configuration and architectural features to bring the storefronts to grade. Permission is also being sought to remove the wooden cornice, being a heritage attribute. This will only be removed and recreated if restoration of the original cornice is not possible in accordance with the Conservation Plan.

The proposal includes painting the masonry of the conserved heritage building white, to reflect the rest of the new construction and to "speak to, and avoid competing with, the landmark North Toronto Station" on the other side of Yonge Street.

The proposal includes a 3-metre stepback above both of the heritage buildings on Yonge Street; and a 1.5-metre stepback above the building (1196-1204 Yonge Street) at Birch Avenue, cantilevering back out to the heritage façade's plane after a three-storey reveal.

Interpretation Plan

The heritage interpretation strategy will rely on a combination of building design and text to communicate to passersby that Yonge Street's grade was originally much higher than it is today. The etched and annotated line on the storefront glazing, brass embeds in the pilasters dividing the retail bays, and the location of the wooden retail cornices on both buildings will communicate the story of the Yonge Street regrading to passersby. Further detail of the proposed interpretation strategy will be included in the required Interpretation Plan.

Demolition and Reconstruction of 1196-1204 Yonge Street

The building at 1196-1204 Yonge Street is proposed to be demolished. Between 2017 and 2023, RJC Structural Engineers conducted a series of condition assessments, including destructive investigations in October 2023, and concluded that the building did not retain the structural integrity required to support an in-situ retention strategy. RJC concluded:

"In order to restore the structural integrity of the wall and bring it back into good condition, a wholesale masonry dismantling and reconstruction program would be required."

To commemorate the cultural heritage value of 1196-1204 Yonge Street, the proposed reconstruction strategy involves the documentation of this building prior to demolition, and the reconstruction of its east and south façades, in accordance with documentation drawings. The reconstruction strategy also proposes the recreation of original architectural features that have since been removed, notably the brick cornice at the top of the building.

The intention is to reconstruct the façades as follows:

- The in-kind reconstruction of the east/Yonge Street (principal) and south/Birch Avenue elevations.
- The first and second storeys of the heritage building (first storey and mezzanine of the new building) will be reconfigured with contemporary, glazed storefronts within each bay, delineated by brick piers.

- At the south/Birch Street façade, new windows may be built on the third and fourth storeys, to accompany the existing single window on the third storey. These windows are intended to serve interior program that may require natural light, and they are proposed to be designed to match the scale and profile of the existing third-storey window. Details of the design will be included in the required Reconstruction Plan.
- One additional bay of retail is proposed on the south/Birch Avenue elevation to reflect the original configuration that included a single wrap-around bay of retail.

Alterations and Demolition of Heritage Attributes at 1206-1210 Yonge Street

At 1206-1210 Yonge Street, the façades at the upper level above the storefronts will be rehabilitated and restored as described above. An "enhanced restoration approach" is proposed where the three new storefronts are designed "with reference to their original form, layout, and stylistic detailing." The HIA notes that this will include "1.1-metre deep recessed entrances, transoms above the retail entrances and storefront windows, and articulated pressed-metal knee walls below the storefront windows, referencing the originals."

Two heritage attributes at 1206-1210 Yonge Street are proposed to be demolished:

- The continuous wooden cornice above the first storey that spans the east elevation of all three properties. As part of this conservation strategy, restoration work is planned for the wooden retail cornice as it is in poor condition. The cornice will only be removed and recreated, if restoration of the original cornice is not possible, satisfactory to Heritage Planning. The restoration is proposed to be undertaken with a minimal-intervention approach, using established conservation methods. However, the extent of the restoration work required is proposed to be determined at Conservation Plan stage. The condition assessments provided by the applicant indicate that some form of removal and reconstruction may be required based on wood rot and material loss.
- The raised and recessed main entrances on the east elevations, including the internal main entrance stair alteration at 1210 Yonge Street. The three storefront entrances will be altered to achieve AODA compatibility. This necessitates the demolition of the existing raised main entrances and the internal entrance stair at 1210 Yonge Street. The visual impact of this removal is proposed to be mitigated with the introduction of compatible, recessed storefront entrances at grade, and interpretation of the original Yonge Street grade line on the building's façade.

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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ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information