

309 Cherry Street – Alterations to Heritage Attributes on a Designated Heritage Property Under Part IV, Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

Date: May 21, 2024

To: Toronto Preservation Board

Toronto and East York Community Council

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

Wards: Ward 14 - Toronto-Danforth

SUMMARY

This report recommends that City Council approve the alterations under Section 33 of the Ontario Heritage Act proposed for the heritage property at 309 Cherry Street in connection with the redevelopment of the site. The subject property contains two detached buildings with the same municipal address situated at the northwest corner of the property. The first is a two-storey institutional building constructed in 1920 as a banking hall and offices for the Bank of Montreal while the second is a two-to-four-storey industrial building constructed in 1941 as an oil storage warehouse for Canadian Oil Companies Ltd.

The proposal involves the construction of four new buildings including three towers at 27, 39 and 49 storeys and a ten-storey midrise building. The two heritage buildings on the property are proposed to be fully retained and conserved with limited interventions for accessibility and integration with the new construction.

The proposed alterations conserve the heritage attributes of the properties, and the impact of the new development is sufficiently mitigated to be consistent with the existing policy framework.

RECOMMENDATIONS

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

1. City Council consent to the application to alter the designated property at 309 Cherry Street, with conditions, under Part IV, Section 33 of the Ontario Heritage Act to allow for the redevelopment of the designated heritage property being substantially in accordance with the plans and drawings dated May 15, 2024 prepared by SvN Architects + Planners and the Heritage Impact Assessment (HIA) dated May 15, 2024 prepared by ERA 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.
2. City Council direct that its consent to the application to alter the designated property at 309 Cherry Street under Part IV, Section 33 of the Ontario Heritage Act is also subject to the following conditions:
 - a. that the related Zoning By-law Amendment requiring the proposed alterations has come into full force and effect.
 - b. prior to issuance of any Ontario Land Tribunal order in connection with the Zoning By-law Amendment appeal for the property at 309 Cherry Street, the owner shall provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment dated May 15, 2024 prepared by ERA Architects for the property at 309 Cherry Street, to the satisfaction of the Senior Manager, Heritage Planning.
 - c. prior to issuance of any Ontario Land Tribunal order in connection with the Zoning By-law Amendment appeal for the property at 309 Cherry Street, the owner shall enter into a Heritage Easement Agreement with the City for the property at 309 Cherry Street, substantially in accordance with the plans and drawings dated May 15, 2024 prepared by SvN Architects + Planners and the Heritage Impact Assessment (HIA) dated May 15, 2024 prepared by ERA Architects and on file with the Senior Manager, Heritage Planning, subject to and in accordance with the approved Conservation Plan required in Recommendation 2.b, to the satisfaction of the Senior Manager, Heritage Planning, including execution and registration of such agreement to the satisfaction of the City Solicitor.
 - d. prior to the issuance of any permit for all or any part for the property at 309 Cherry 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 buildings as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

1. provide a Heritage Lighting Plan that describes how the exterior of the heritage buildings will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such a plan to the satisfaction of the Senior Manager Heritage Planning.

2. provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such plan to the satisfaction of the Senior Manager, Heritage Planning.

3. submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning.

4. provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2.b., 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.

5. 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;

e. That prior to the release of the Letter of Credit required in Recommendation 2.d.5, 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 approved 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 City Solicitor to introduce the necessary Bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at 309 Cherry Street.

4. City Council authorize the City Solicitor and City staff to take all necessary actions to implement City Council's decision.

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

The former Bank of Montreal building was added to the City's Inventory of Heritage Properties (now, Heritage Register) on August 18, 1976. The former Canadian Oil Companies warehouse was added to the City's Heritage Register on February 11, 2003; however, it was misidentified as the William McGill and Company building.

On March 20 and 21, 2024, City Council passed By-law No. 259-2024 designating the consolidated property at 309 Cherry Street, including both heritage buildings, under Part IV of the Ontario Heritage Act. <https://secure.toronto.ca/nm/api/individual/notice/5067.do>

BACKGROUND

Area Context

The location of the subject property at 309 Cherry Street encompasses a large lot with two detached buildings on the property that both use the municipal address of 309 Cherry Street: the former Bank of Montreal building located at the southeast corner of Cherry and Villiers streets, and the former Canadian Oil Companies Ltd. Warehouse located on the east side of Cherry Street, immediately to the south of the bank building.

Along with other surviving heritage structures in the area, including the Queen City Foundry at 18 Munition Street and the Century Coal Company silos at 312 Cherry Street, the subject property forms a concentrated collection of industrial and institutional buildings that represent the history and character of the Port Lands.

Heritage properties adjacent to the development site are:

- 16 Munition Street
- 275 Cherry Street
- 281 Cherry Street

Heritage Value

Bank of Montreal

Constructed in 1920, the former Bank of Montreal at 309 Cherry Street has design and physical value as a representative example of a Second- or Neo- Classical Revival style bank typology and was designed by the esteemed architectural firm Darling & Pearson. The construction date, typology, and placement of the bank building at 309 Cherry

Street yields information that contributes to an understanding of the post-WWI industrial culture of the Port Lands.

Canadian Oil Companies Ltd.

The former Canadian Oil Companies warehouse has design and physical value as a representative example of a vernacular industrial building with key features of the Art Moderne (or Streamlined Modern) style. The building incorporates many of the main characteristics of the Art Moderne style, most notably in its low-height, flat roof, lack of ornamentation, rounded corners on the north elevation, and an emphasis on horizontality achieved through its wraparound and flat-headed fenestration, uninterrupted stone coping and courses, and the mullion patterns.

The former Bank of Montreal, together with the former Canadian Oil Co. warehouse, are physically, visually, and historically linked to their surroundings where they were built to capitalize on the financial potential of the area's growth, and the functional operations of the Port Lands as a shipping and fuel storage centre, respectively.

Application under Section 33 to Alter and Conservation Strategy

The proposal involves the construction of four new buildings including three towers at 27, 39 and 49 storeys and a ten-storey midrise building in conjunction with two Zoning By-law Amendment applications that have been appealed to the Ontario Land Tribunal and a Draft Plan of Subdivision application. Two towers (39 and 49 storeys) are proposed on the eastern portion of the site and the ten-storey mid-rise building is proposed on the southern portion of the site, fronting Cherry Street. In addition, pedestrian pathways, roads and Privately Owned Public Space (POPS) will be introduced.

The two heritage buildings on the property are proposed to be fully retained in situ and conserved with a 27-storey tower set back behind them at 16.9 metres from Cherry Street and 7.5 metres from Villiers Street. A POPS will be situated behind the Canadian Oil Co. warehouse.

A new one-storey connection is proposed between the two heritage buildings as well as a new connection from the east wall of the bank building to the new tower facing Villiers Street.

Portions of the south and east elevations of the bank building and portions of the north and east elevations of the warehouse building will be internalized and revealed within new construction. Interventions including enlargement of openings and window replacement, will be required to allow for accessibility and permeability between the public realm, the heritage buildings and new construction. Conservation efforts include masonry cleaning, repair and repointing and metal flashing installation.

The conservation strategy is further described in the Heritage Impact Assessment, on file with the Senior Manager, Heritage Planning.

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 including the 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."

3.1.6.33: " Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans." 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

The introduction of a substantial amount of massing on the 309 Cherry Street property will have both a physical and visual impact on the heritage property and its context. The impact, however, has been mitigated by placing increased height and density behind the heritage buildings and incorporating appropriate new base building heights, step backs and setbacks of new construction.

Building 1A is situated directly behind the former bank building and stepped back 16.9 metres from Cherry Street and a two-storey building is situated directly behind the Canadian Oil Companies Ltd. Warehouse. This massing configuration allows for the full retention in situ of both heritage buildings and also maintains the low-rise historic character of the Cherry Street corridor. Further south along Cherry Street, the base of the mid-rise building (Building 2A) starts at three storeys and decreases in height to one storey, respecting the low-rise adjacent heritage resource at 281 Cherry Street. A POPS is proposed behind the adjacent heritage properties at 275 and 281 Cherry Street providing open space and limiting any sense of crowding around those buildings.

Along Villiers Street, Building 1A is stepped back 7.5 metres from the northern property line above a one-storey base building which responds to the height of the historic bank building and maintains continuity in the established street wall height.

To the east of the property, the Queen's Foundry building at 16 Munition Street is

separated from the proposed new construction via a planned north-south street, thereby providing breathing room to this low-rise resource. To the northwest, the visual prominence of the Century Coal Company Silos is conserved through a 2 metre setback along Villiers Street and further setbacks of upper storeys of the new buildings.

Direct interventions to the heritage buildings are required for universal accessibility, integration into the new development and circulation and are considered by Heritage Planning staff to be minimal. These interventions include sensitively located alterations to windows and doors and masonry in areas less visible from the public realm. Details of these alterations are described in the HIA.

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.

CONCLUSION

Staff is in support of the proposal to alter the designated heritage property at 309 Cherry Street which includes its overall redevelopment and alterations to the two buildings on it.

Staff support the proposed alterations under Section 33 of the Ontario Heritage Act in the context of the conservation and mitigation strategies proposed for the site. Staff are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes, and character of the property in the context of the ongoing planning initiatives in the Port Lands. As such, staff are satisfied that the proposed conservation strategy outlined in the HIA 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

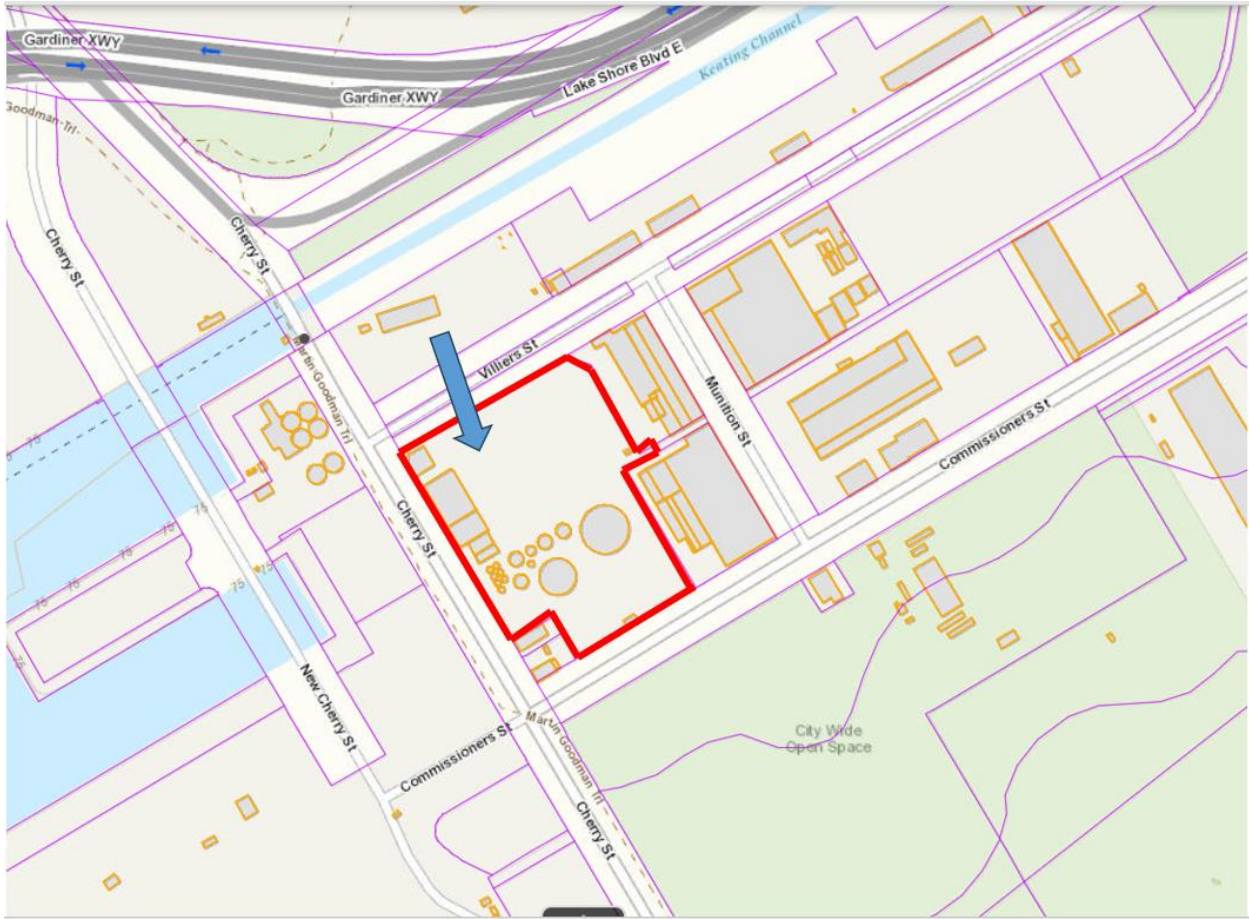
Anne Fisher, MCIP, RPP, MRTPI, CAHP
Acting Senior Manager, Heritage Planning
Urban Design, City Planning

ATTACHMENTS

Attachment 1 - Location Map
Attachment 2 - Aerial Photograph
Attachment 3 - Photographs
Attachment 4 - Proposal Massing Views
Attachment 5 - Selected Plans and Drawings

309 CHERRY STREET LOCATION MAP

ATTACHMENT 1



Location Map

**309 CHERRY STREET
AERIAL PHOTOGRAPH**

ATTACHMENT 2



Aerial view of site looking north-east (source: Google Maps)

309 CHERRY STREET PHOTOGRAPHS

ATTACHMENT 3



Bank of Montreal - Top: main entrance at corner; Bottom left: corner and north walls; Bottom Right: west and south walls (source: Google Maps)



View of Canadian Oil Companies Ltd building (left and Bank of Montreal (right) looking west. Century Coal Company silos (not part of application) at right. (source: Google Maps)



Canadian Oil Companies Ltd. Building - west elevation (source: HIA, ERA)



Canadian Oil Companies Ltd. Building - view of north wing (source: Google Maps)

**309 CHERRY STREET
PROPOSAL MASSING VIEWS**

ATTACHMENT 4



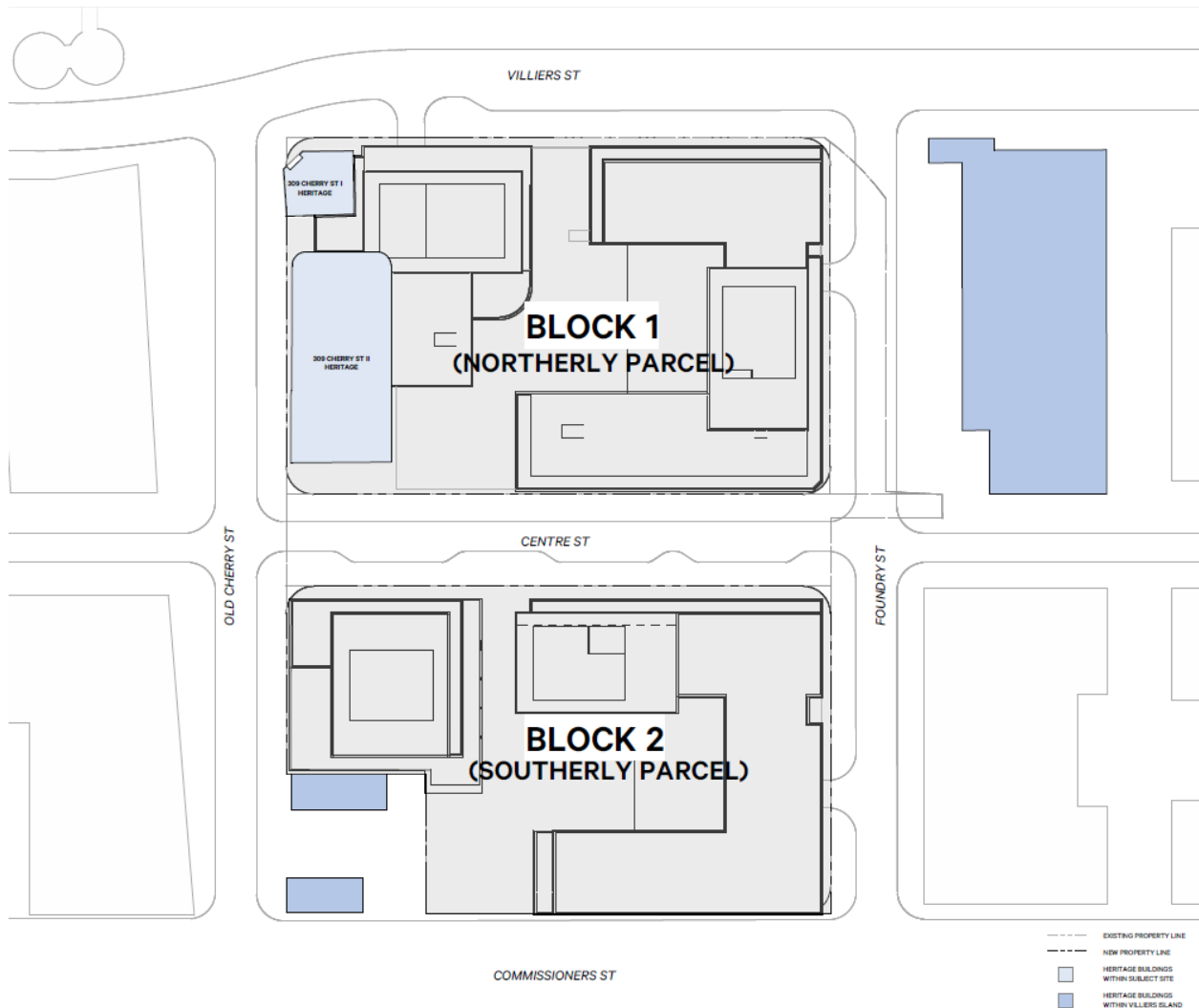
View looking south along Cherry Street



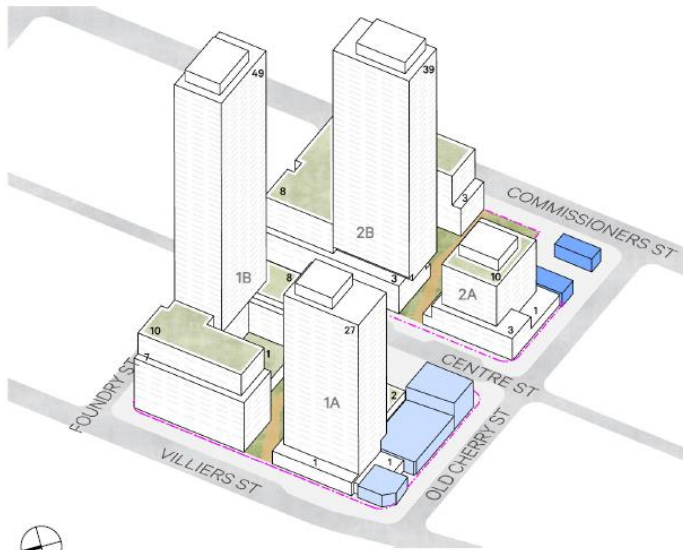
View looking north along Cherry Street

**309 CHERRY STREET
SELECTED PLANS AND DRAWINGS**

ATTACHMENT 5

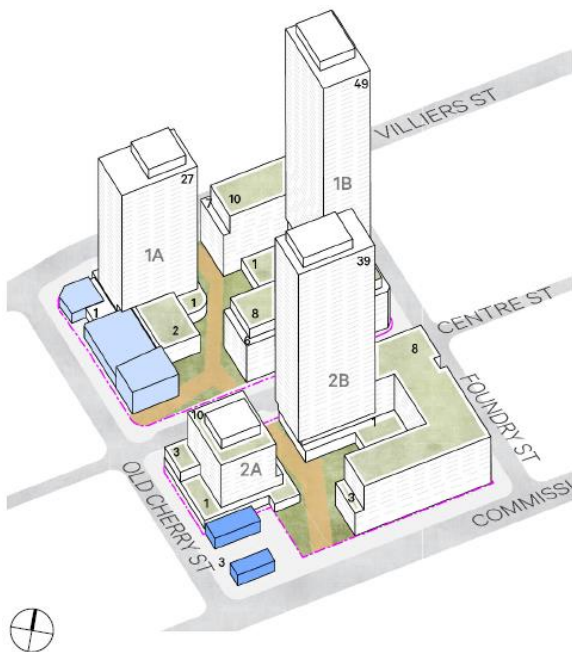


Block Plan



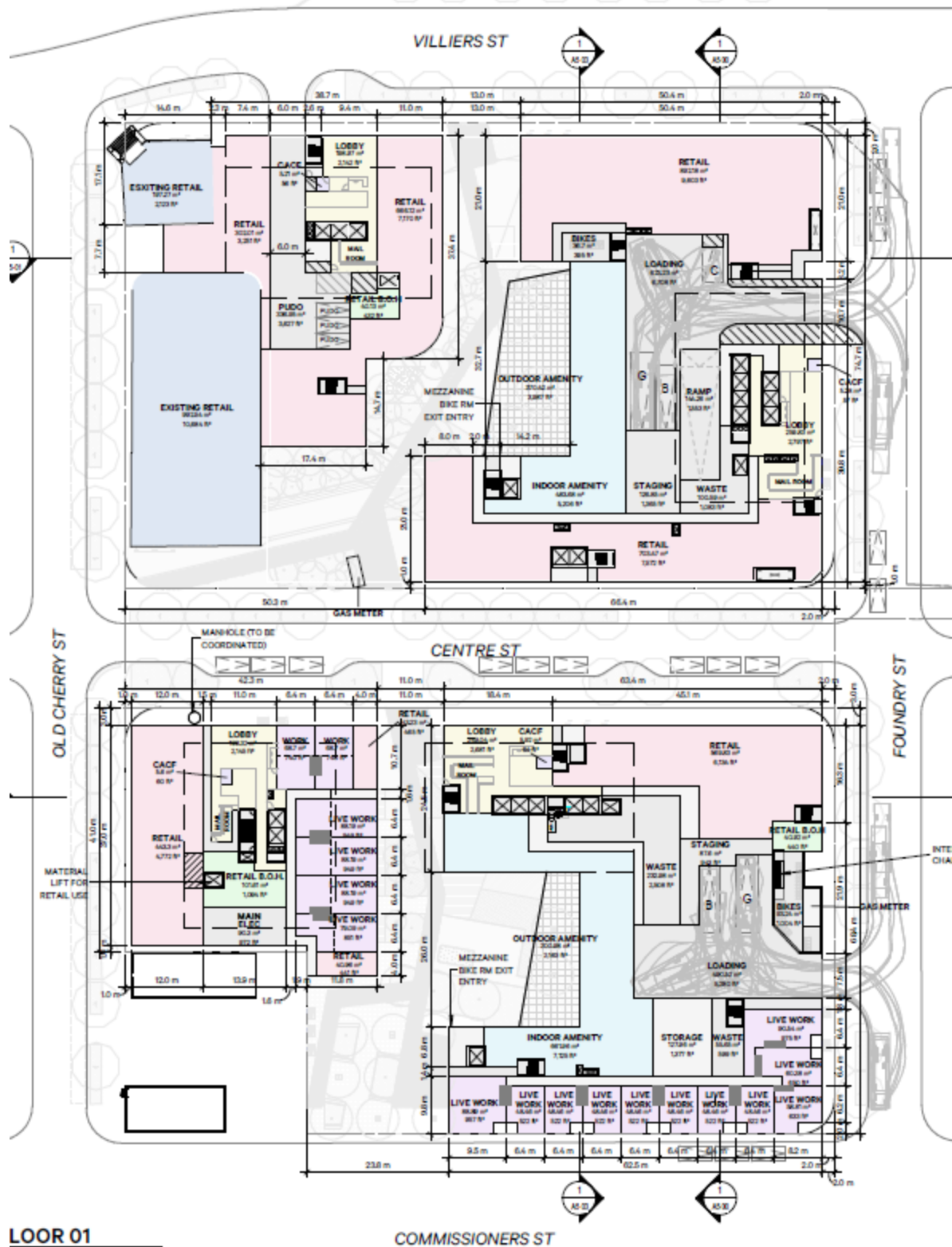
1. N-W VIEW

Axonometric view looking south-east

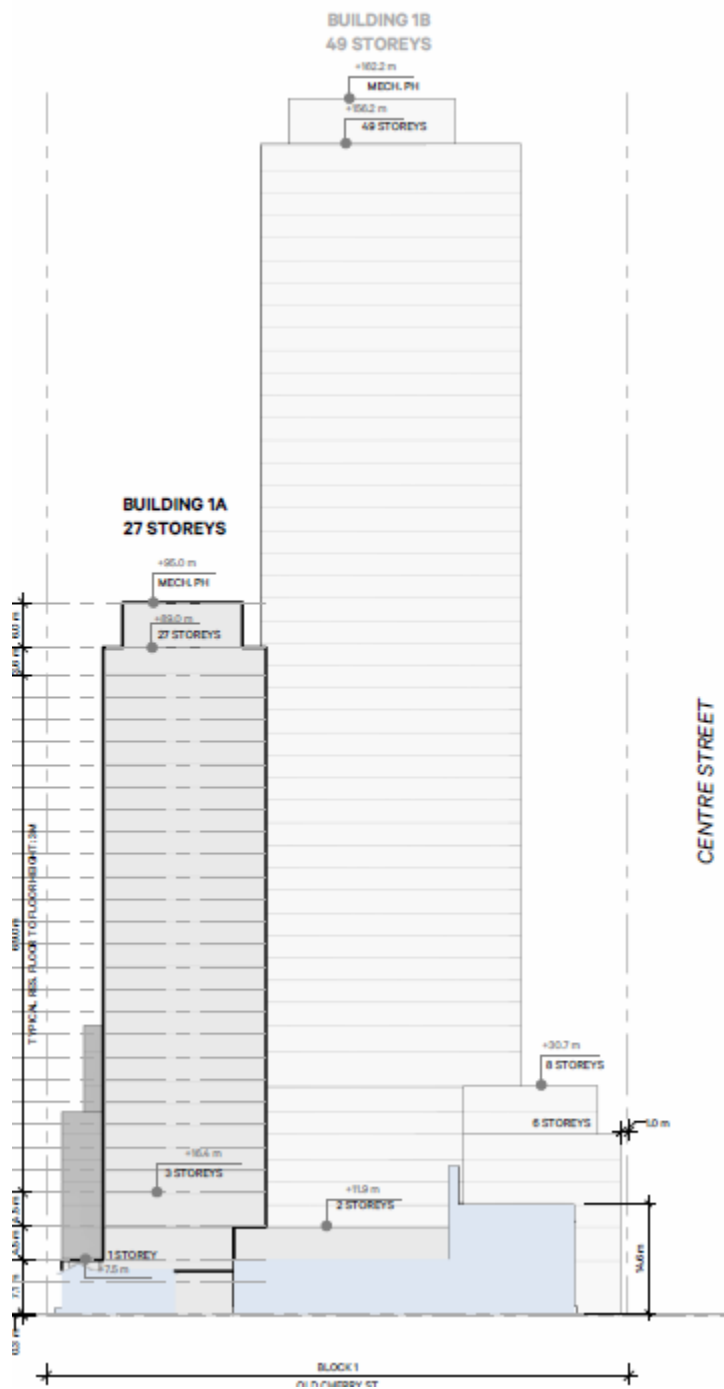


2. S-W VIEW

Axonometric view looking north-east



Ground Floor Plan



West elevation - Block 1

