

296-300 King Street East and 56-60 Berkeley Street – Alteration, Demolition and Erection of a Building on Properties Designated Under Part V of the Ontario Heritage Act and Authority to Enter Into a Heritage Easement Agreement

Date: August 28, 2024

To: Toronto Preservation Board

Toronto and East York Community Council

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

Wards: Ward 13 - Toronto Centre

SUMMARY

This report recommends that City Council approve the alterations, demolition and new construction under Part V Section 42 of the Ontario Heritage Act proposed for the heritage properties at 296-300 King Street East and 56-60 Berkeley Street in connection with the redevelopment of the site. The site is located within the St. Lawrence Neighbourhood Heritage Conservation District (SLHCD) which is designated under Part V of the Ontario Heritage Act.

The properties at 298-300 King Street East (which includes 56 Berkeley Street) are identified as contributing, with attributes that characterize the commercial warehouse typology in the District. The properties at 296 King Street East and 58-60 Berkeley Street are identified as non-contributing in the SLHCD Plan. The adjacent properties at 528 Adelaide Street East and 70 Berkeley Street, and 359-361 King Street East and 54 Berkeley Street are also identified as contributing properties in the SLHCD Plan.

On November 9, 2021, the City received Official Plan Amendment and Zoning By-law Amendment applications related to the proposed development of the subject properties to permit a 34-storey mixed use building with 1,188 square metres of commercial uses and 364 residential units.

On September 26, 2022, the applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame prescribed in the Planning Act. Revised plans have been submitted by the applicant with prejudice, as reflected in this report.

On June 18, 2024, the applicant submitted revised plans and an application under Section 42 of the Ontario Heritage Act to alter the on-site heritage resources, erect a new building on the property and demolish select attributes, with conditions, to allow for the construction of a new mixed-use building within a designated Heritage Conservation District (HCD).

The proposal involves retaining the contributing buildings at 298-300 King Street East in situ and removing the later one-and-a-half storey rear addition on the north elevation at 300 King Street East. The remaining building fabric, including the buildings on the non-contributing properties, is proposed to be removed to accommodate new construction. The new construction is comprised of a 46-storey tower to the north of the retained buildings, a one-and-a-half storey 5.9 metre tall infill component at 296 King Street East and a three-storey podium and streetwall along Berkeley Street. The tower component is set back from the retained buildings by 15.1 metres and cantilevers approximately two metres over the retained buildings at the sixth-floor level, with three stepbacks from King Street East.

The proposed development is consistent with the existing provincial and municipal policy framework and proposes an overall conservation strategy that is consistent with the SLHCD Plan and not contrary to the Plan's Objectives.

RECOMMENDATIONS

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

1. City Council consent to the application to alter the contributing designated buildings at 298-300 King Street East and demolish the north addition at 300 King Street East; and to demolish the non-contributing designated buildings at 296 King Street East and 58-60 Berkeley Street, with conditions, under Part V Section 42 of the Ontario Heritage Act to allow for the construction of a 46-storey tower on the property, with such alterations being substantially in accordance with the revised plans and drawings prepared by architects Alliance dated June 27, 2024, on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc. dated November 5, 2021, updated July 2, 2024, also on file with the Senior Manager, Heritage Planning, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning subject to conditions as set out below.

2. City Council direct that its consent to the application to alter the designated properties at 298-300 King Street East and demolish properties at 296 King Street East and 58-60 Berkeley Street under Part V, Section 42 of the Ontario Heritage Act is also subject to the following conditions:

- a. That the related Official Plan Amendment and Zoning By-law Amendment requiring the proposed alterations has been enacted by City Council and has come into full force and effect.

b. That prior to the introduction of the bills for such Official Plan Amendment and Zoning By-law Amendment by City Council, the owner shall:

1. Provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation and demolition/reconstruction strategies set out in the Heritage Impact Assessment prepared by ERA Architects Inc. dated November 5, 2021 and updated and re-issued July 2, 2024 to the satisfaction of the Senior Manager, Heritage Planning.
2. Enter into a Heritage Easement Agreement with the City for the property at 296-300 King Street East and 56-60 Berkeley Street substantially in accordance with plans and drawings prepared by architects Alliance, dated June 27, 2024 and the Heritage Impact Assessment prepared by ERA Architects Inc., dated November 5, 2021, revised July 2, 2024 subject and in accordance with the approved Conservation Plan required in Recommendations 2.b.1., all to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor.

c. That prior to Site Plan Approval for the property at 296-300 King Street East and 56-60 Berkeley Street, the owner shall:

1. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 2.b.1 to the satisfaction of the Senior Manager, Heritage Planning.
2. Provide a Heritage Lighting Plan that describes how the exterior of the property at 296-300 King Street East and 56-60 Berkeley 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.
3. Provide an Interpretation Plan for the property located at 296-300 King Street East and 56-60 Berkeley 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.

d. That prior to the issuance of any permit for all or any part of the property at 296-300 King Street East and 56-60 Berkeley 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 obtained final approval for the necessary Official Plan and Zoning By-law Amendments, and such Amendments to have come into full force and effect.

2. 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.1 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.

3. 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.

4. Provide full documentation of the existing heritage property, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning.

e. That prior to the release of the Letter of Credit required in Recommendation 2.d.3 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 City Solicitor to introduce the necessary Bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at 296-300 King Street East and 56-60 Berkeley 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

296-300 King Street East and 56-60 Berkeley is designated under Part V of the Ontario Heritage Act. 298-300 King Street East and 56 Berkeley are identified as contributing properties. The SLHCD was approved by the OLT and came into force November 16, 2021.

The HCD Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2022/08/8efb-city-planning-st-lawrence-neighbourhood-hcd.pdf>

On February 7 and 8, 2023, Council adopted the recommendations on consent that City staff attend the Ontario Land Tribunal in opposition to the application regarding the Official Plan and Zoning By-law Amendment appeal for 296-300 King Street East and 56-60 Berkeley Street and to continue discussions with the owner in an attempt to resolve outstanding issues.

The report for action can be found here:

<https://www.toronto.ca/legdocs/mmis/2023/te/bgrd/backgroundfile-230966.pdf>

BACKGROUND

Area Context Heritage Conservation District

The development site is located within the St. Lawrence Neighbourhood, which is designated under Part V of the Ontario Heritage Act. The HCD Plan was approved by the OLT on November 16, 2021 and is now in force.

296-300 King Street East - Cultural Heritage Value

296-300 King Street East is identified as a contributing property in the District and is one of the oldest remaining structures in the Original 10 Blocks, dating from 1845 when the area was predominantly residential. The building also contributes to the physical value of the District through its modified Georgian Revival architecture and glazed storefront with recessed entrance (added at a later date). These attributes characterize the commercial warehouse typology in the District.

Adjacent heritage properties include:

- 302-306 King Street East (Listed)
- 53-73 Berkeley Street (Listed)
- 359-361 King Street East (Part IV, Part V (SLHCD))
- 528 Adelaide Street East (Listed)

Development Proposal and Conservation Strategy

The proposal involves the in-situ retention and conservation of the two contributing buildings at 298-300 King Street East, the demolition of non-contributing properties at 296 King Street East and 58-60 Berkeley Street, as well as the north addition at 300 King Street East for the construction of a 46-storey tower, a one-and-a-half storey infill component at 296 King Street East, and a three-storey podium and streetwall along Berkeley Street. The revised drawings by architects Alliance, dated June 27, 2024 introduce a cantilevered tower which is set back 15.1 metres from the retained King Street East buildings.

Three stepbacks from King Street East are incorporated into the tower, the first at the 6th floor, 13.19-13.28 metres; the second at the 10th floor, 10.14-10.23 metres; and the third at the 13th floor, 7.04-7.13 metres.

The tower base is set back from Berkeley Street between the retained building and the podium which provides a reveal of the retained north elevation of the contributing buildings.

The conservation strategy for the proposed development involves the in-situ retention of the contributing heritage buildings at 298-300 King Street East which demonstrate the commercial warehouse typology. In accordance with the SLHCD Plan, the heritage attributes that characterize the commercial warehouse typology include:

- Distinct tripartite design (storefront, upper storeys, roof)
- Three to five storey height
- Narrow rhythm of facades
- Red, buff or polychrome brick often with stone detailing
- Glazed storefronts with wood or metal frames
- Recessed entrances
- Decorative storefront surrounds
- Glazing proportions
- Regularly-spaced and vertically oriented windows in the upper storeys
- Flat roof with expressed cornice

The properties at 298-300 King Street East will be rehabilitated as part of the proposed development. This includes the retention of the 1845 structure, 1879 south elevation three-storey addition, and 1902-1926 one-storey storefront in situ, masonry and stone cleaning, repair and replacement in kind where necessary. The replacement of the non-original windows and doors on all elevations of the retained buildings will be undertaken in accordance with the HCD guidelines and will be physically and visually compatible with the heritage attributes of the contributing properties in terms of their form, appearance, materials, operability, glazing patterns, and detailing.

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."

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/>

St. Lawrence Heritage Conservation District Plan

The SLHCD Plan is intended to recognize the cultural heritage value of the District and to ensure there is balance in the preservation of its architectural integrity and managing change based upon an understanding of the District's cultural heritage value and heritage attributes. The HCD Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2022/08/8efb-city-planning-st-lawrence-neighbourhood-hcd.pdf>

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 proposal requires approval under Section 42 of the Ontario Heritage Act to permit the alteration of contributing properties, demolition of non-contributing designated properties, demolition of north addition of a contributing property and the erection of a new structure within the SLHCD.

The SLHCD contains general heritage principles and design guidelines which are recommended to manage change in a manner that strengthens the character of the district. The subject property contributes to the heritage character of the area and is representative of the Commercial Warehouse typology. The cultural heritage value and

attributes of the properties at 296-300 King Street East and 56-60 Berkeley Street can be found in the primary (south) façades addressed 298-300 King Street East.

The current proposal will introduce a substantial amount of additional massing to the District, however the new structure has been designed to respect the general historic and architectural characteristics of both the properties and the HCD by stepping the new massing back and maintaining the prominence of the contributing heritage buildings' primary façade.

Minimal intervention is proposed for the retained buildings. The details of the proposed conservation measures and alterations to the heritage buildings will be addressed in the Conservation Plan and will ensure that the cultural heritage values and attributes of the property are conserved.

The demolition of the non-contributing properties at 296 King Street East and 58-60 Berkeley Street respects the guiding principles of the SLHCD Plan as they do not represent the cultural heritage values of the District, and their demolition does not negatively impact those values, and infill where demolition has occurred is part of the proposal. The demolition of the rear addition at 300 King Street East does not negatively impact the cultural heritage values of the District.

Conservation Plan

Should Council approve the proposed conservation strategy, the owner will be required to submit a Conservation Plan which will identify all work required on the retained buildings at 298-300 King Street East as 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 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 communicate the cultural heritage value of the property.

Heritage Lighting Plan

The Heritage Lighting Plan will provide details of how the retained buildings will be lit so that their unique heritage character is highlighted.

Heritage Easement Agreement

The Heritage Easement Agreement would secure the long-term conservation of the property.

CONCLUSION

Heritage Planning staff are supportive of the proposal as described in the Heritage Impact Assessment (HIA) to alter the designated heritage property at 296-300 King Street East and 56-60 Berkeley Street to permit the development of a 46-storey tower to the north of the retained buildings, a one-and-a-half storey infill component at 296 King Street East and a three-storey podium and streetwall along Berkeley Street.

Heritage Planning staff are supportive of the proposed alterations to contributing designated buildings, new building and demolition of non-contributing buildings under Section 42 of the Ontario Heritage Act and a rear addition on a contributing building in the context of the conservation and mitigation strategies proposed for the site. Heritage Planning staff are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes, and character of both the subject heritage property and the SLHCD. As such, staff are satisfied that the proposed conservation strategy outlined in the HIA meets the intent of the Planning Act, the heritage policies in the Provincial Policy Statement, the Growth Plan (2020) and the City of Toronto's Official Plan and is consistent with the SLHCD Plan and not contrary to the Plan's Objectives.

CONTACT

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SIGNATURE

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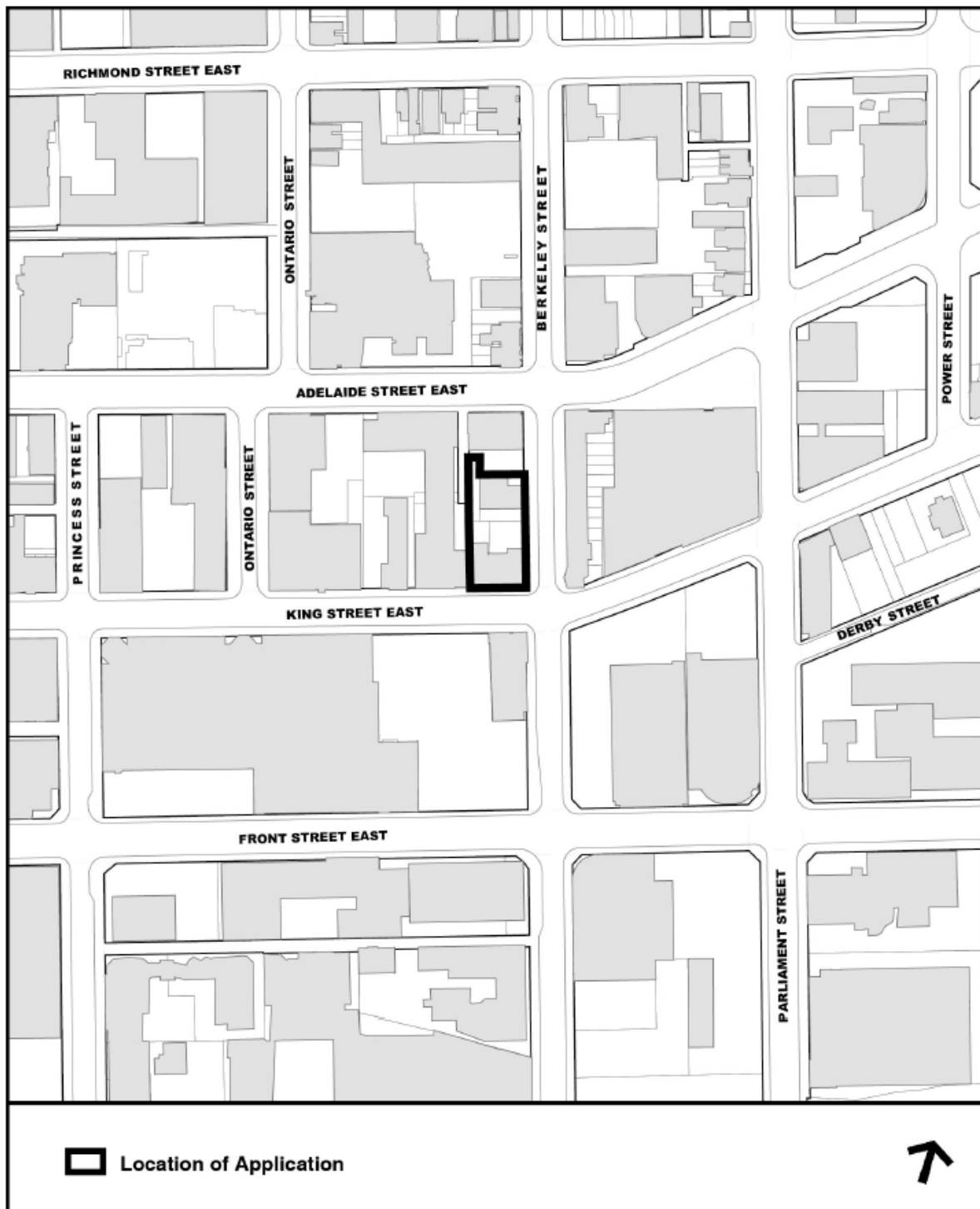
ATTACHMENTS

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

LOCATION MAP

ATTACHMENT 1

296-300 King Street East, 56-60 Berkeley Street



AERIAL VIEW

ATTACHMENT 2

296-300 King Street East & 56-60 Berkeley Street



View looking north



Current Photograph 296-298-300 King Street East

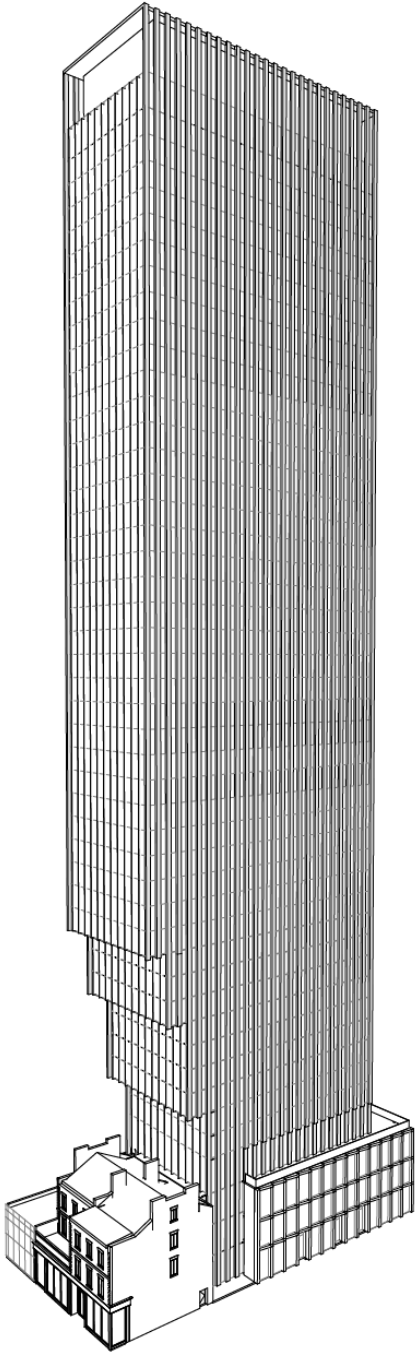


Current Photograph showing 56 Berkeley Street

PROPOSAL RENDERING

ATTACHMENT 4

296-300 King St E 56-60 Berkeley Street

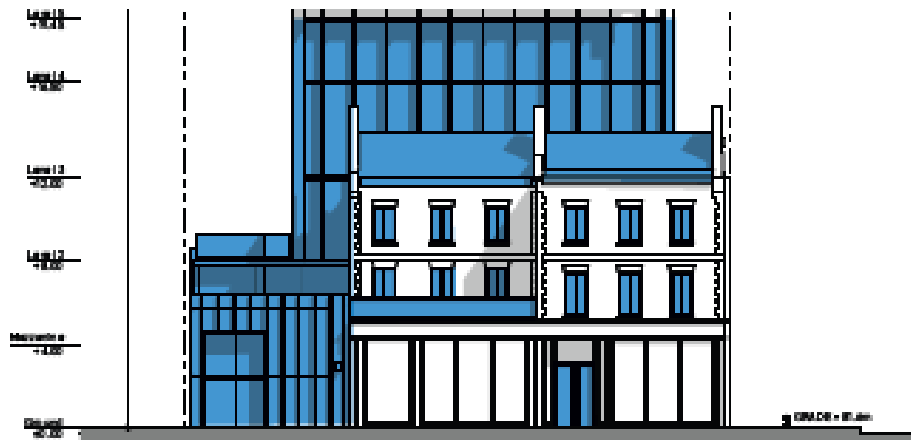


Rendering of proposal looking northwest (architects-
Alliance June 27, 2024)

SELECTED PROPOSAL PLANS AND DRAWINGS
296-300 King Street East & 56-60 Berkeley Street

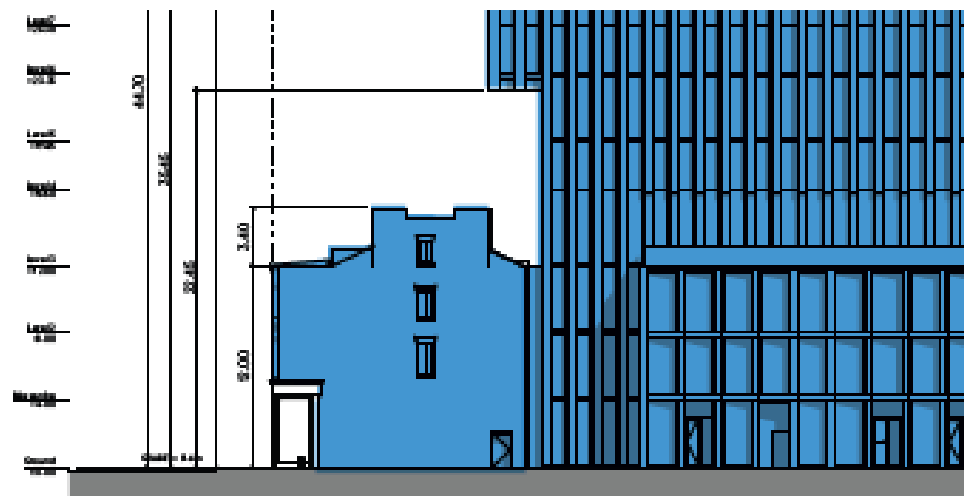
ATTACHMENT 5

South Elevation



(architects—Alliance; annotated by ERA).

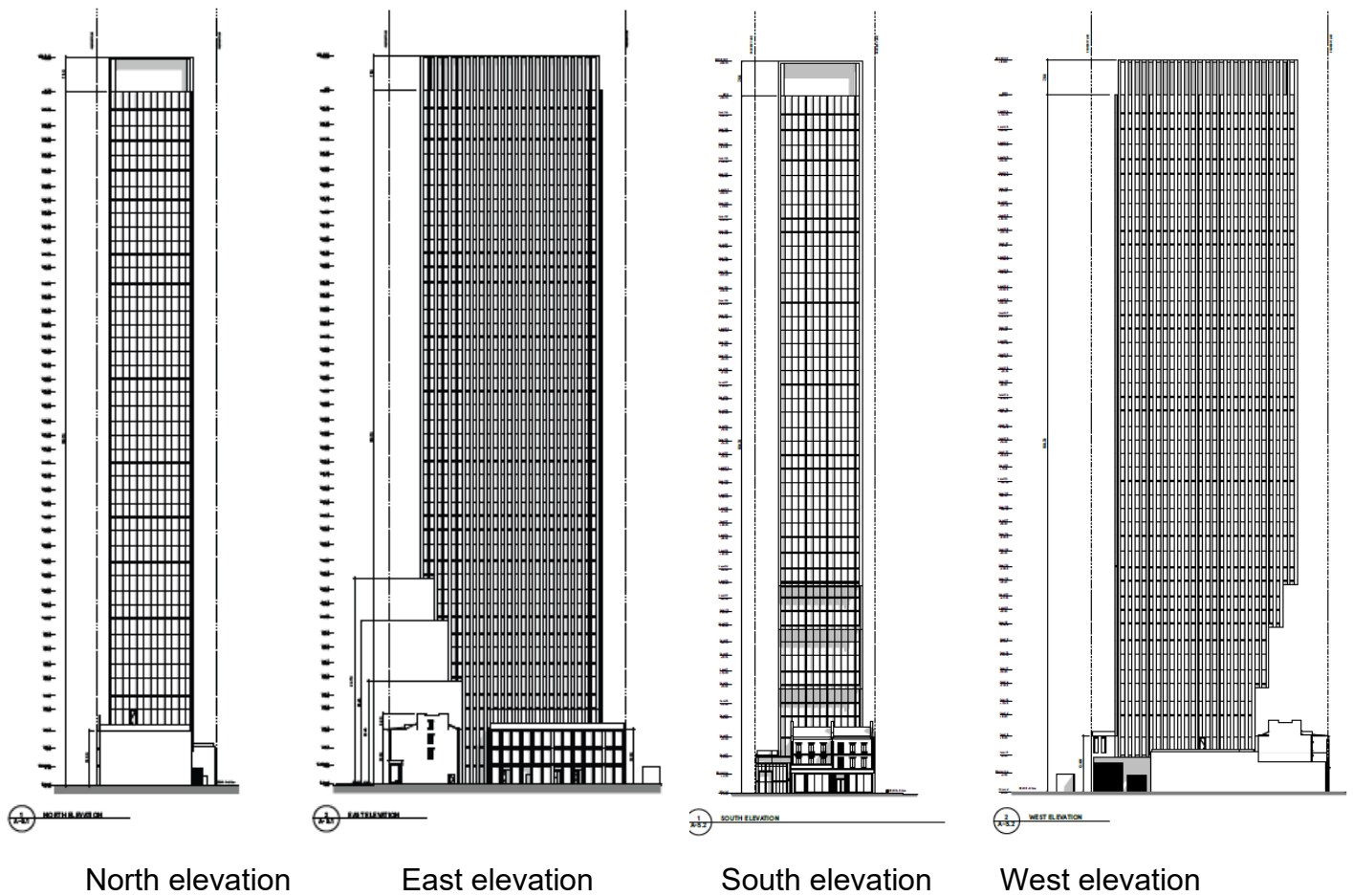
East Elevation



(architects—Alliance; annotated by ERA).

 New construction and alterations

South and east elevations showing alterations to existing heritage property and new construction.



Elevation drawings, (architects-Alliance June 27, 2024)