

36-42 Maitland Street - Alterations to Heritage Properties, Demolition of Attributes and Authority to Enter into a Heritage Easement Agreement

Date: March 11, 2024

To: Toronto Preservation Board

Toronto and East York Community Council

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 36-42 Maitland Street in connection with the development of the site.

The proposal involves the construction of a new 56-storey residential tower with mechanical penthouse and 3 levels of underground parking. The proposal will conserve the primary, south elevations of 36 Maitland Street and 42 Maitland Street in situ, including a return on 36 Maitland Street's east elevation and 42 Maitland's west elevation; and will panelize and reconstruct most of 36 Maitland Street's west elevation and 42 Maitland Street's east elevation.

The proposed alterations conserve the heritage properties and are consistent with the existing policy framework. The heritage impacts of the development proposal are appropriately mitigated through the overall conservation strategy.

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 36 and 42 Maitland Street in accordance with Section 33 of the Ontario Heritage Act to allow for the construction of a 56 -storey tower with such alterations substantially in accordance with the plans and drawings dated February 2, 2024, prepared by Turner Fleischer Architects Inc. and the Heritage Impact Assessment dated September 20, 2023, prepared by LHC Heritage Planning & Archaeology Inc.,

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 buildings on the designated heritage properties at 36 and 42 Maitland Street, in accordance with Section 34 of the Ontario Heritage Act in connection with the approval of a 56-storey tower on the subject lands substantially in accordance with the plans and drawings dated February 2, 2024, prepared by Turner Fleischer Architects Inc. and the Heritage Impact Assessment dated September 20, 2023, prepared by LHC Heritage Planning & Archaeology Inc., 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 36 and 42 Maitland Street under Part IV, Section 33 of the Ontario Heritage Act and to the demolition of attributes on the designated heritage properties at 36 and 42 Maitland Street, under Part IV, Section 34 of the Ontario Heritage Act subject to the following conditions:

a. That the related Zoning By-law Amendment permitting the proposed alterations has been enacted by City Council and has come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning.

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

1. Enter into a Heritage Easement Agreement with the City for the properties at 36 and 42 Maitland Street substantially in accordance with the plans and drawings dated February 2, 2024, prepared by Turner Fleischer Architects Inc. and the Heritage Impact Assessment dated September 20, 2023, prepared by LHC Heritage Planning & Archaeology Inc. subject to and in accordance with the Conservation Plan required in Recommendation 2.b.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 dated September 20, 2023, prepared by LHC Heritage Planning & Archaeology Inc, to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to Site Plan approval for the property at 36-42 Maitland Street, the owner shall:

1. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 2.b.2 to the satisfaction of the Senior Manager, Heritage Planning.
2. Provide a Heritage Lighting Plan that describes how the exterior of the properties located at 36 and 42 Maitland Street will be sensitively illuminated to enhance the 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 properties located at 36 and 42 Maitland 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 properties at 36-42 Maitland 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.b.1 for the property at 36 and 42 Maitland Street including registration on title of such agreement, to the satisfaction of the City Solicitor.

2. Have provided a detailed Conservation Plan required in Recommendation 2.b.2.

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.b.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.

e. That prior to the release of the Letter of Credit required in Recommendation 2.d.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 36-42 Maitland 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 36-42 Maitland 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.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

By-law No. 804-2023 was enacted on September 6th, 2023, designating the properties at 36 and 42 Maitland Street under Part IV of the Ontario Heritage Act.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH5.11>

BACKGROUND

Area Context

The "Maitlands" buildings at 36 and 42 Maitland Street are situated on the north side of Maitland Street, east of Yonge Street. Between Yonge and Church Street, the context of the street is characterized by a mix of building types, heights and periods representing its evolution and history.

Heritage Property

The properties at 36 and 42 Maitland Street, each collectively known as the "The Maitlands", are similar but not identical apartment houses built a year apart, and completed in 1912 and 1911, respectively. Both buildings represent Classical Revival-style design adapted to an apartment house form. The main facades of each are symmetrical in arrangement and clad in quality, buff-coloured brick with stone window

surrounds and porches which feature Corinthian columns and elaborated cornice mouldings executed in pressed metal.

Development Proposal and Conservation Strategy

The proposal seeks to redevelop the properties at 36-42 Maitland Street into a 56-storey residential tower with mechanical penthouse and three levels of underground parking. The proposal will conserve the primary, south elevation of 36 Maitland Street and 42 Maitland Street in situ; conserve a +2.8-metre return on 36 Maitland Street's east elevation and 42 Maitland's west elevation in situ; and reconstruct most of 36 Maitland Street's west elevation and 42 Maitland Street's east elevation through panelization. The conserved and reconstructed sections of 36 Maitland Street and 42 Maitland Street will frame the proposed redevelopment's 4-storey podium. The proposed tower that is composed of 52 storeys above the podium will have a step back of 11.46 metres from the fifth floor and the retained facades of 36 and 42 Maitland Street. Storeys six through fifty-six are stepped-back from the street-facing façades by 5.89 metres.

The courtyard situated between the east and west elevations of 36 and 42 Maitland Street, respectively, will be enclosed. This modification includes the construction of a 4.85-metre-wide curtain wall set in an aluminum frame that extends from grade to the top of the fourth storey of the building. The curtain wall will be setback +2.8 metres, match the return depth of the conserved section of 36 Maitland Street's east elevation and 42 Maitland Street's west elevation. The remainder of the walls on 36 and 42 Maitland Street surrounding the courtyard will be demolished.

The wall section to the north of the northmost bay window on 36 Maitland Street will be demolished alongside the removal of the building's north wing. Many of the extant windows situated along the west elevation of the west wing will be retained in situ.

Extensive modifications will be made to the east elevation of 42 Maitland Street. The first storey from immediately behind the second column of windows until immediately before the northmost bay window will be removed and a new wall will be deeply stepped-back into the extant building to allow for vehicular circulation space. This proposed cut-out will be lined with cut stone along the extant building face. Immediately to the north of the northmost bay window will be access to the renovated building's loading bay comprising a large garage door flanked on either side by single pedestrian doorways. In addition, the new building includes a reconstructed third- and fourth storey with open driveway space consuming the first- and second storey. Internal modifications to the first through fourth storey of the extant building are also proposed. However, the stained and varnished woodwork of the main central doorway assemblies identified in the designation by-law as an interior attribute will be retained in situ without modification.

A variety of building materials will be incorporated into the redevelopment including red brick and beige pre-cast concrete. New additions from the fifth to fifty-sixth storey comprise glass, bronze and dark grey aluminum mullions, bronze and dark grey aluminum wall louvres, and bronze and dark grey aluminum sheet panels.

The conservation strategy is further outlined 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

Conservation Strategy

Heritage Planning staff reviewed the Heritage Impact Assessment submitted with the proposal and updated prepared by LHC Heritage Planning and Archaeology Inc. dated February 7, 2024, and are supportive of the proposed conservation strategy for the buildings at 36 and 42 Maitland Street.

Massing

The form, scale, and massing of 36 Maitland Street and 42 Maitland Street will be impacted as a result of the proposed alterations, specifically from the demolition of the building's rear wing, demolition and alteration of sections of 36 Maitland Street's west elevation and 42 Maitland Street's east elevation, the demolition of most of 36 Maitland

Street's east elevation and 42 Maitland Street's west elevation, the construction of a curtain wall bridging the two buildings, and the construction of the 56-storey tower.

Heritage Planning staff worked with the applicant to ensure the tower stepped back from the front elevations of the heritage resources so as not to interfere with and overwhelm the relatively low-scale buildings. The current proposal showing the tower stepped back 5.0m from the face of the heritage buildings to the bay of the tower and 6.5m to the base of the tower conserves the attributes of the properties and allow the scale and form of the buildings to maintain their prominence when viewed from the street. Despite the proposed changes to the heritage buildings, the revisions to the massing and step back are expected to mitigate significant impacts on the Classical Revival style design elements of 36 Maitland Street and 42 Maitland Street.

An engineering study conducted by a structural engineer has been submitted by the applicant. This study is included in the Heritage Impact Assessment noted above in this report. The study advises against the in-situ retention of the side walls due to limited space for support framing, tieback installation, site constraints and rig access. While panelization is not recommended, Heritage Planning accepts the justification and alternatives proposed including panelization and reconstruction of side walls.

Additional Interventions

According to the Heritage Impact Assessment (HIA), The stained and varnished woodwork of the main central doorway assemblies of both 36 and 42 Maitland Street will be retained in situ.

Additionally, proposed alterations and demolitions to the existing north wing and partial east and west elevations at 36 and 42 Maitland Street, respectively, will be deeply setback from the public right-of-way. Accordingly, both 36 Maitland Street and 42 Maitland Street will remain visually similar as perceived from the public realm.

Conservation Plan

Should Council approve the proposed conservation strategy, the owner will be required to submit a Conservation Plan prior to the issuance of the first permit for the development, the owner should 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 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

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 are supportive of the proposal to alter the property at 36-42 Maitland Street and to remove its three-storey rear wing and northern half of the front-wing's east elevation to allow for the development of a new 56-storey residential tower with mechanical penthouse and 3 levels of underground parking.

Staff support the proposed alterations and removal under Sections 33 and 34 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 heritage property. As such, staff are satisfied the proposed conservation strategy outlined in the revised proposed development 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

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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

ATTACHMENT 1

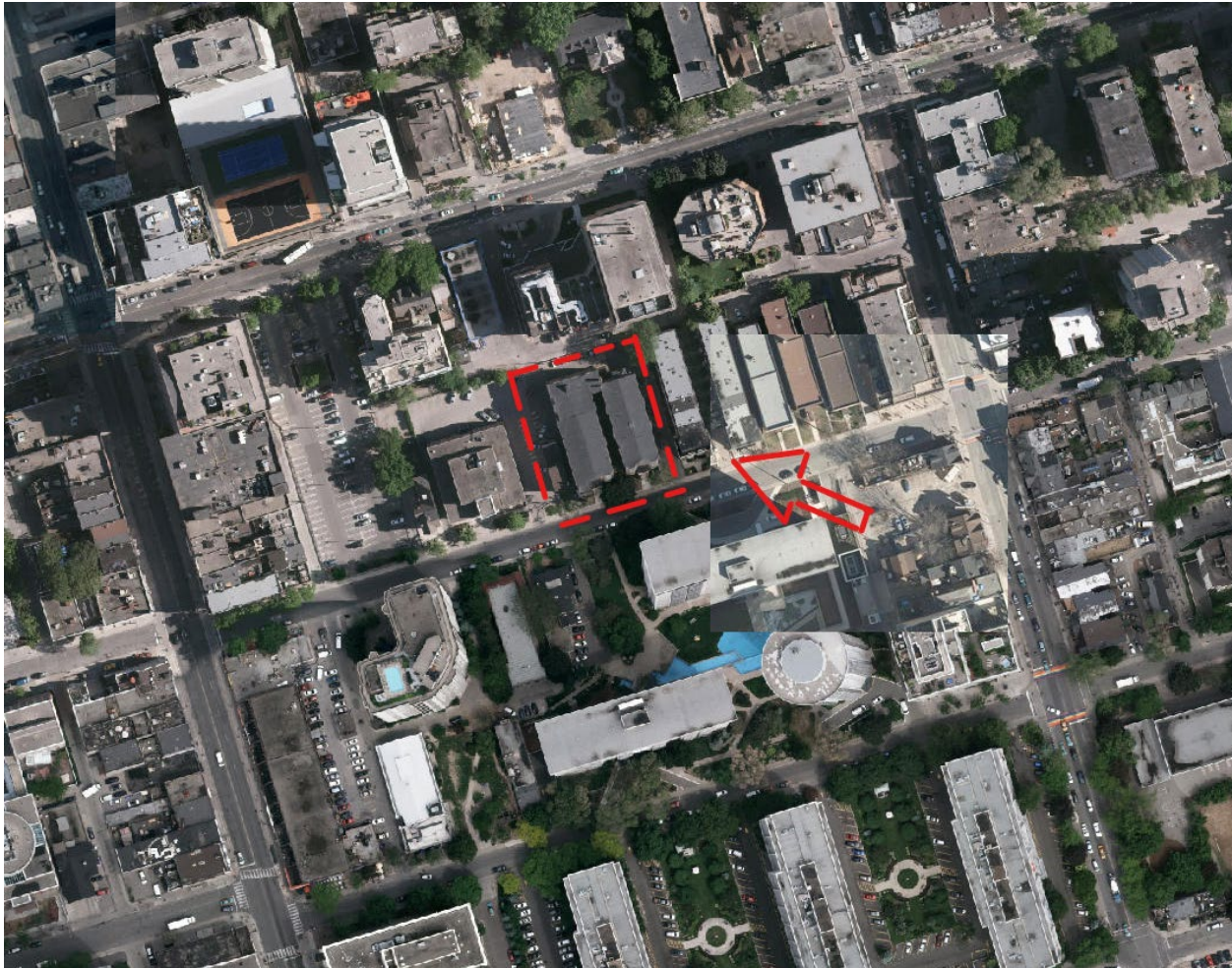
36-42 Maitland Street



Map showing the subject property's location outlined in red at 36-42 Maitland Street. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).

AERIAL PHOTOGRAPH
36-42 Maitland Street

ATTACHMENT 2



Aerial photograph showing the location of 36-42 Maitland Street outlined in red, located on the north side of Maitland Street between Yonge Street and Church Street. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).

36-42 Maitland Street



Contextual view of the south (primary) elevation at 36 Maitland Street (LHC Heritage Planning & Archaeology Inc, 2023).



Contextual view of the south (primary) elevation at 42 Maitland Street (LHC Heritage Planning & Archaeology Inc, 2023).



Contextual view of the southwest elevation at 36 Maitland Street (Google Maps, 2021).



View of the northwest elevation at 36 Maitland Street (LHC Heritage Planning & Archaeology Inc, 2023).



View of the southeast elevation at 42 Maitland Street (LHC Heritage Planning & Archaeology Inc, 2023).



View of the east elevation at 42 Maitland Street (LHC Heritage Planning & Archaeology Inc, 2023).

36-42 Maitland Street



Rendering of street view looking north at 36-42 Maitland Street (Turner Fleischer Architects Inc, 2023).



Rendering of street view looking northwest at 36-42 Maitland Street (Turner Fleischer Architects Inc, 2023).



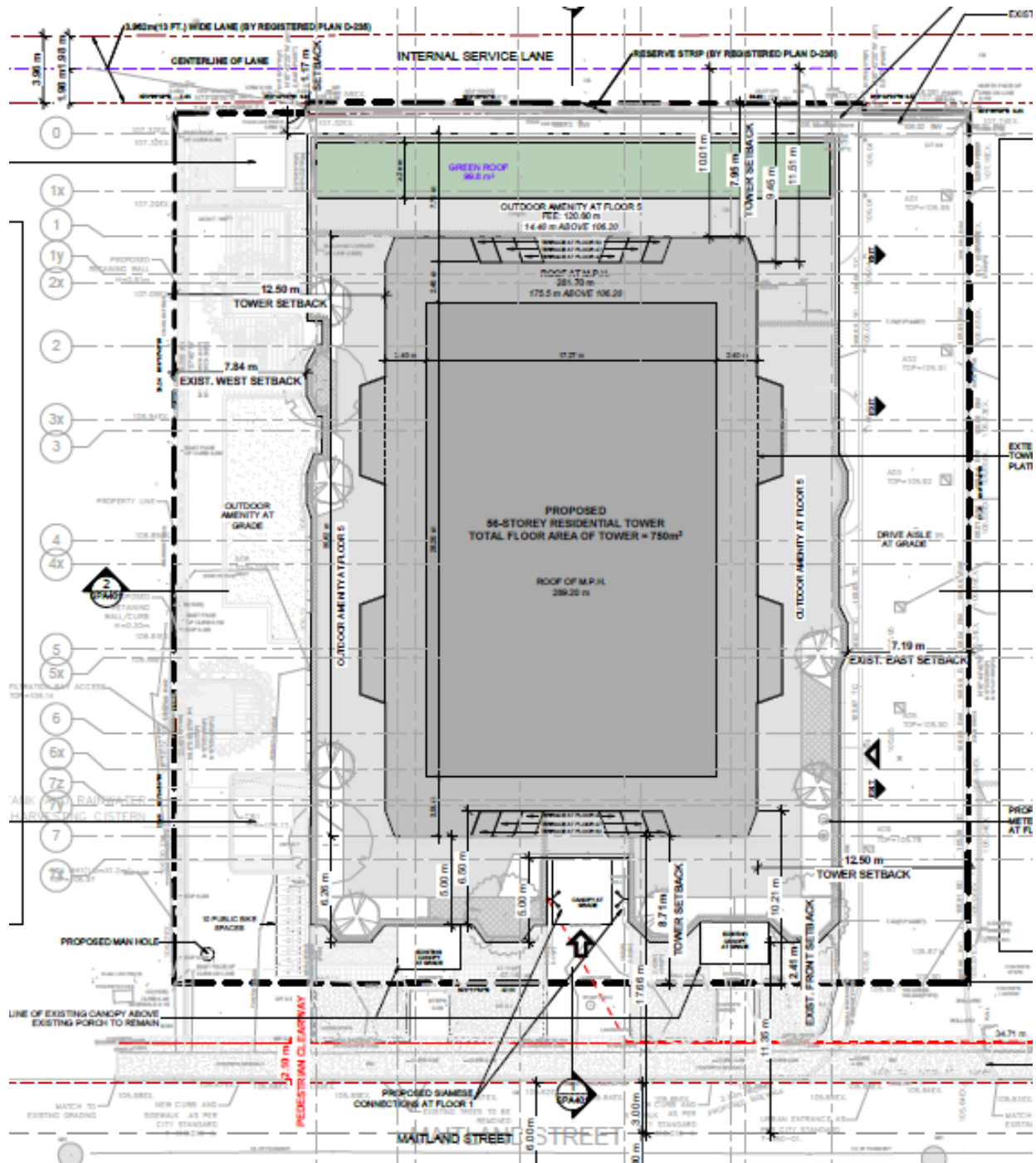
Rendering looking north at 36-42 Maitland Street (Turner Fleischer Architects Inc, 2023).



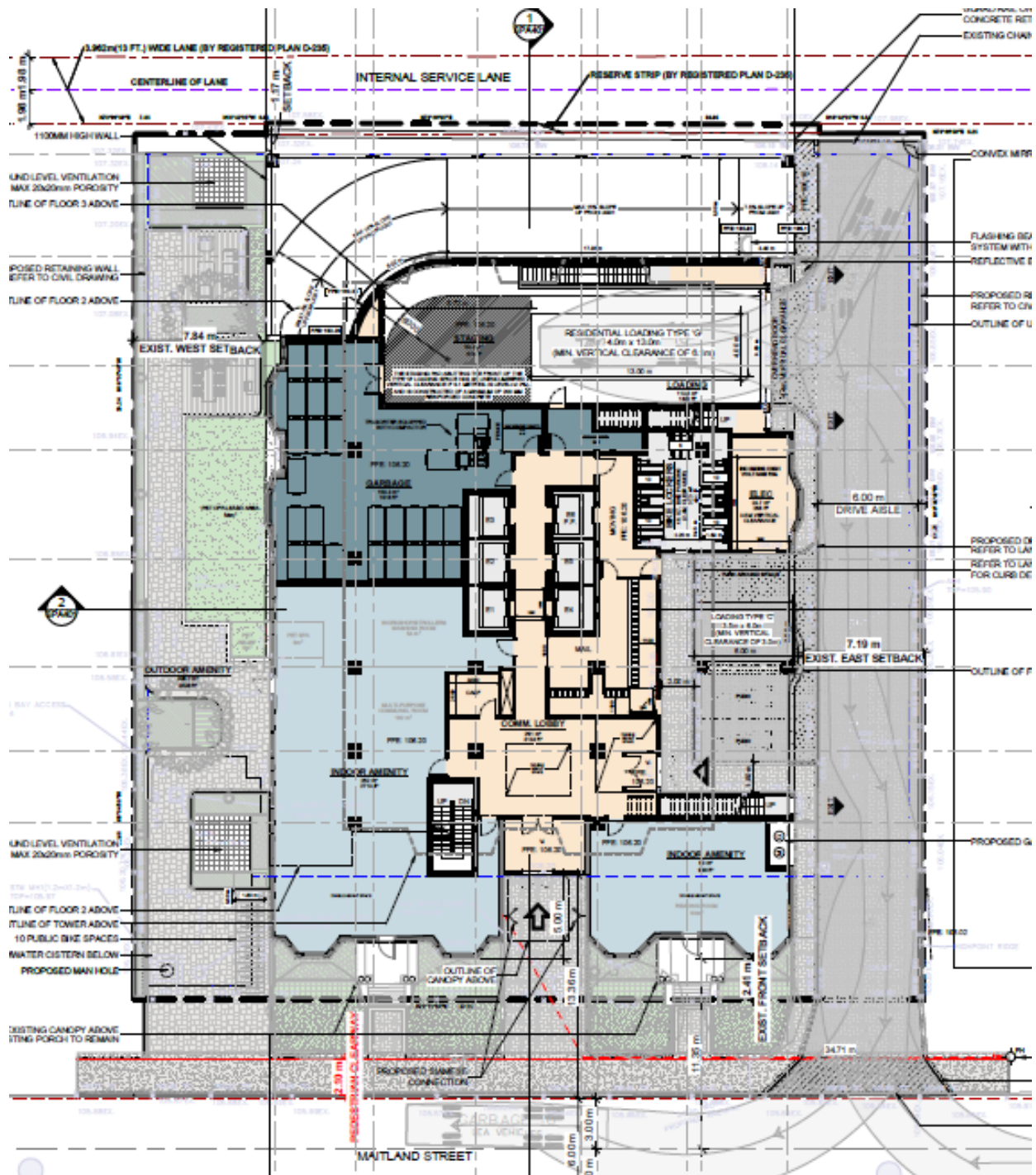
Rendering looking northeast at 36-42 Maitland Street (Turner Fleischer Architects Inc, 2023).

SELECTED DRAWINGS
36-42 Maitland Street

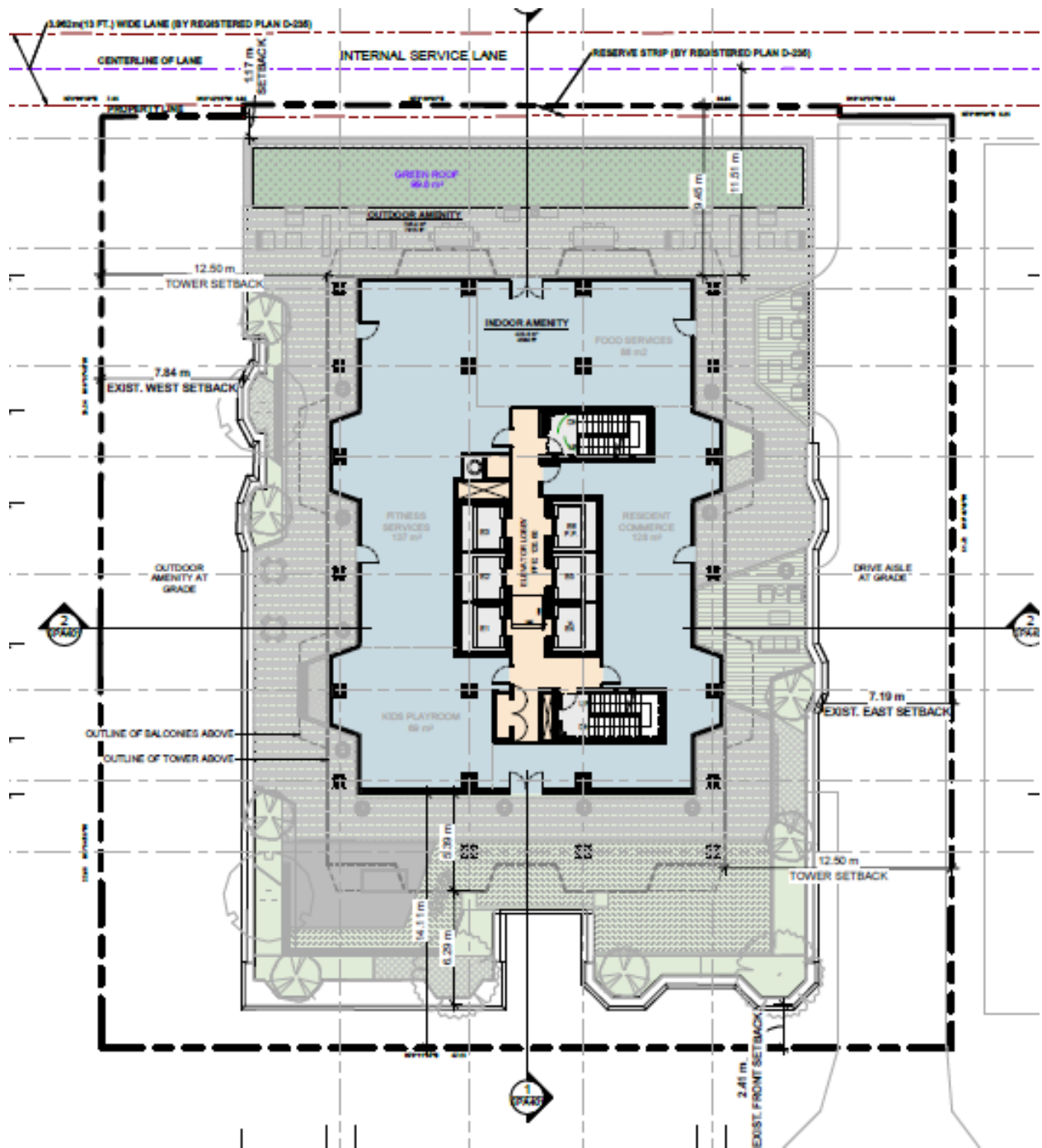
ATTACHMENT 5



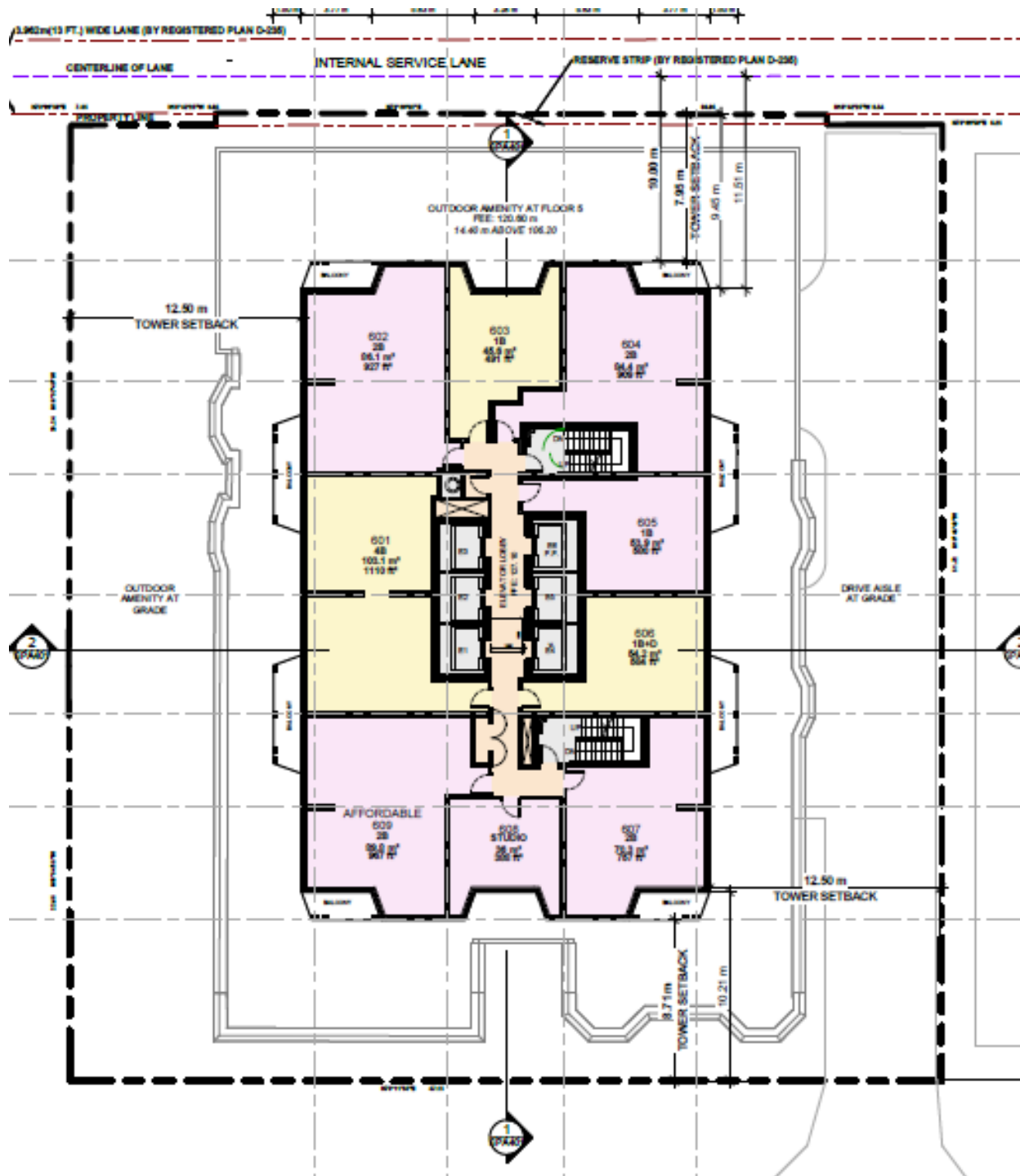
Proposed Site Plan (Turner Fleischer Architects Inc, 2024)



Proposed Ground Floor Plan (Turner Fleischer Architects Inc., 2024).



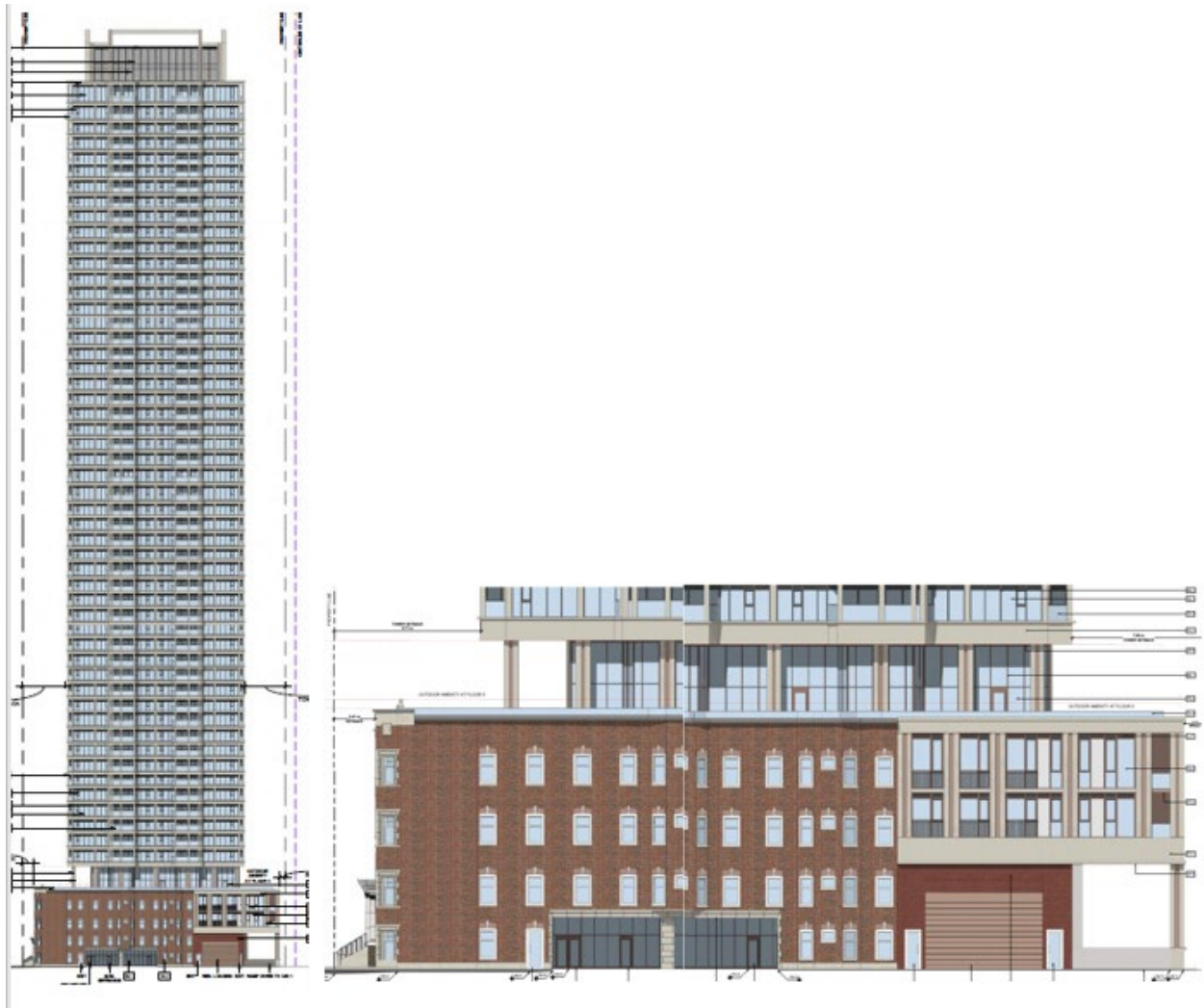
Proposed Fifth Floor Plan (Turner Fleischer Architects Inc., 2024)



Proposed Sixth Floor Plan (Turner Fleischer Architects Inc, 2024)



Proposed south elevation (Turner Fleischer Architects Inc., 2024)



Proposed east elevation (Turner Fleischer Architects Inc, 2024)



Proposed west elevation (Turner Fleischer Architects Inc, 2024)



Proposed north elevation (Turner Fleischer Architects Inc, 2024)