

June 6, 2014

**To:** Toronto and East York Community Council

**From:** Toronto Preservation Board

**Subject:** Alterations to a Designated Heritage Property, Amendment of an Existing Heritage Easement Agreement, Amendment of the Designating By-law for 592 Sherbourne Street, and Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act for 15 Selby Street

**Recommendations:**

**The Toronto Preservation Board recommends to the Toronto and East York Community Council that:**

- 1. City Council approve the alterations to the heritage property at 592 Sherbourne Street, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a maximum 49 storey, and up to a specified height in metres, residential development with retail at grade within the heritage building on the lands known municipally in 2013 as 592 Sherbourne Street, provided the existing building on the 15 Selby Lands (A.H. Rundle House) is retained in situ, conserved, such property is designated, and is subject to a Heritage Easement Agreement with the City, with such alterations to the property at 592 Sherbourne Street to be substantially in accordance with plans and drawings dated June 1, 2012 and revised March 20, 2014, prepared by BKL Architecture LLC, date-stamped received by City Planning on April 20, 2014, and on file with the Manager, Heritage Preservation Services, the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc., dated June 13, 2012 and revised March 21, 2014, date-stamped received by City Planning on March 21, 2014, and on file with the Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan satisfactory to the Manager, Heritage Preservation Services and subject to the following additional conditions:**
  - a. That the related site specific Official Plan Amendment and Zoning By-law Amendment giving rise to the proposed alterations have been enacted by the City Council and have come into full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning in consultation with the Manager, Heritage Preservation Services.**
  - 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 have:**

- i. **Amended the existing Heritage Easement Agreement for the property at 592 Sherbourne Street in accordance with the above referenced plans and drawings and subject to and in accordance with the herein required Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services, including registration of such amending agreement to the satisfaction of the City Solicitor.**
  - ii. **Provided such Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Statement for the properties located at 592 Sherbourne Street and 15 Selby Street, dated June 13, 2012 and revised March 21, 2014, and all to the satisfaction of the Manager, Heritage Preservation Services.**
  - iii. **Entered into a Heritage Easement Agreement with the City for the property at 15 Selby Street to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor including registration of such amending agreement to the satisfaction of the City Solicitor.**
  - iv. **Completed and registered a Section 37 Agreement (pursuant to the Planning Act) to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Manager, Heritage Preservation Services.**
- c. **That prior to Final Site Plan approval for the property at 592 Sherbourne Street:**
  - i. **The owner shall complete all heritage-related pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control to the satisfaction of the Manager, Heritage Preservation Services.**
  - ii. **The owner shall provide Final Site Plan drawings including drawings related to the approved Conservation Plan to the satisfaction of the Manager, Heritage Preservation Services.**
  - iii. **The related Zoning By-law and Official Plan amendments giving rise to the proposed alterations shall be in full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Manager, Heritage Preservation Services.**
- d. **That prior to the issuance of any permit for the property at 592 Sherbourne Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage building the owner shall:**

- i. Obtain final approval for the necessary by-law amendments required for the alterations to the property at 592 Sherbourne Street and to permit the limited office uses at 15 Selby Street, such amendments to have been enacted by City Council and to have 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 Manager, Heritage Preservation Services.
  - ii. Have obtained Final Site Plan approval for such property, issued by the Chief Planner and Executive Director, City Planning.
  - iii. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant, all to the satisfaction of the Manager, Heritage Preservation Services.
  - iv. Provide a Lighting Plan that describes how the C. H. Gooderham House will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Manager, Heritage Preservation Services.
  - v. Provide an Interpretation Plan for 592 Sherbourne Street, to the satisfaction of the Manager, Heritage Preservation Services.
  - vi. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services, to secure all work included in the approved Conservation Plan, and the approved Interpretation Plan.
- e. That prior to the release of the Letter of Credit the owner shall:
  - i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the conservation work and the interpretive work have been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services.
  - ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.
- 2. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement, registered on title for the heritage property at 592 Sherbourne Street, Instrument No. CA092622, dated May 30, 1990 and on file with the Manager, Heritage Preservation Services.
- 3. City Council authorize the City Solicitor to introduce any necessary bills in Council to amend the existing Heritage Easement Agreement for the property at 592 Sherbourne Street.

- 4. City Council authorize the City Solicitor to enter into a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 15 Selby Street in a form and content satisfactory to the Chief Planner and City Solicitor**
- 5. 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 15 Selby Street.**
- 6. City Council state its intention to amend former City of Toronto By-law No. 312-89 to revise the Reasons for Designation in accordance with the Statement of Significance: 592 Sherbourne Street (C. H. Gooderham House) attached as Attachment No. 5 to the report (May 16, 2014) from the Director, Urban Design, City Planning, to explain the cultural heritage value or interest of the heritage property and describe its heritage values.**
- 7. If there are no objections to the proposed amendment in accordance with the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the necessary bill in Council amending designating By-law No. 312-89.**
- 8. If there are objections to the proposed amendment of former City of Toronto By-law No. 312-89, City Council direct the City Clerk to refer the proposed amendment to the Conservation Review Board.**
- 9. If the proposed amendment is referred to the Conservation Review Board, City Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision to amend the designating by-law.**
- 10. City Council state its intention to designate the property at 15 Selby Street (A. H. Rundle House) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 15 Selby Street (Reasons for Designation) attached as Attachment No. 6 to the report (May 16, 2014) from the Director, Urban Design, City Planning.**
- 11. If there are no objections to the designation in accordance with Section 29(6) of the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the bill in Council designating the property at 15 Selby Street (A.H. Rundle House) under Part IV, Section 29 of the Ontario Heritage Act.**
- 12. If there are objections in accordance with Section 29(7) of the Ontario Heritage Act, City Council direct the City Clerk to refer the designation of 15 Selby Street to the Conservation Review Board.**
- 13. If the designation is referred to the Conservation Review Board, City Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision on the designation of the property at 15 Selby Street.**

**Background:**

The Toronto Preservation Board on June 5, 2014, considered a report (May 16, 2014) from the Director, Urban Design, City Planning Division, regarding Alterations to a Designated Heritage Property, Amendment of an Existing Heritage Easement Agreement, Amendment of the Designating By-law for 592 Sherbourne Street, and Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act for 15 Selby Street.

Andrew Pruss, Planner, ERA Architects Inc., addressed the Toronto Preservation Board.

For City Clerk

J. Gerrard

c. Interested Persons

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB32.1>