

**City Council****Motion without Notice**

MM8.45	ACTION			Ward:28
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**Amendments to TE5.6 and TE5.7 (93 to 95 Berkeley Street and 112 to 124 Parliament Street) - by Councillor Pam McConnell, seconded by Councillor Paul Ainslie**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is subject to a re-opening of Items TE5.6 and TE5.7. a two-thirds vote is required to re-open those Items. If re-opened, the previous Council decisions remains in force unless Council decides otherwise.*

*Bills 830 and 831 have been submitted on this Item.*

**Recommendations**

Councillor Pam McConnell, seconded by Councillor Paul Ainslie, recommends that:

1. City Council amend Item TE5.6 by:

a. deleting Part 7.d.iv and replacing it with the following:

"iv. that prior to the issuance of any below grade permit and/or demolition permit to remove the rear addition of 93-95 Berkeley Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance for the existing heritage building, the owner shall:

- a. have executed a site plan agreement as part of site plan approval for such property, issued by the Chief Planner and Executive Director, City Planning;
- b. 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, the approved Interpretation Plan, Lighting Plan and Landscape Plan;
- c. provide an Interpretation Plan for the subject property, to the satisfaction of the Manager, Heritage Preservation Services;
- d. provide a Signage Plan to the satisfaction of the Manager, Heritage Preservation Services;

e. 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 on a CD 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 Manager, Heritage Preservation Services;"

b. adding a new Part 7.d.v. with subsequent conditions renumbered accordingly, to read as follows:

"v. that prior to the issuance of any above grade permit for the property at 93 to 95 Berkeley Street, the owner shall:

a. have received final site plan approval issued by the Chief Planner and Executive Director, City Planning; and

b. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Part 4.b. above including a description of materials and finishes to be prepared by the project architect, and qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services; and"

2. City Council amend Item TE5.7 by:

a. amending Part 1 and Part 1.b.i by replacing the dates "February 20, 2015" and "February 25, 2015" with the date "February 27, 2015" to read as follows:

"1. City Council approve the alterations to the heritage property at 93-95 Berkeley Street in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a mixed-use development project that includes a 21-storey residential tower with retail/commercial uses with such alterations to the property to be substantially in accordance with the plans and elevation drawings prepared by Giannone Petricone Associates Inc. Architects and Giovanni A. Tassone Architect Inc. dated February 27, 2015, date stamped "received" by City Planning on February 27, 2015 and on file with the Manager, Heritage Preservation Services; and the Heritage Impact Assessment prepared by ERA Architects Inc. dated February 27, 2015, date stamped "received" by City Planning February 27, 2015 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:

...

1.b.i. enter into a Heritage Easement Agreement with the City for the property at 93-95 Berkeley Street in accordance with the plans and elevation drawings prepared by Giannone Petricone Associates Inc. Architects and Giovanni A. Tassone Architect Inc. dated February 27, 2015, dated stamped "received" by City Planning on February 27, 2015 and on file with the Manager, Heritage Preservation Services; and the Heritage Impact Assessment prepared by ERA Architects Inc. dated February 27,

2015, date stamped "received" by City Planning February 27, 2015 to the satisfaction of the Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;"

b. deleting Part 1.d and replacing it with the following:

"1.d. that prior to the issuance of any below grade permit and/or demolition permit to remove the rear addition of 93-95 Berkeley Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance for the existing heritage building, the owner shall:

- i. have executed a site plan agreement as part of site plan approval for such property, issued by the Chief Planner and Executive Director, City Planning;
- ii. 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, the approved Interpretation Plan, Lighting Plan and Landscape Plan;
- iii. provide an Interpretation Plan for the subject property, to the satisfaction of the Manager, Heritage Preservation Services;
- iv. provide a Signage Plan to the satisfaction of the Manager, Heritage Preservation Services;
- v. 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 on a CD 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 Manager, Heritage Preservation Services;"

c. adding a new Part 1.e, with subsequent conditions renumbered accordingly, to read as follows:

"1.e. that prior to the issuance of any above grade permit for the property at 93 to 95 Berkeley Street, the owner shall:

- i. have received final site plan approval issued by the Chief Planner and Executive Director, City Planning; and
- ii. provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Part 4.b. above including a description of materials and finishes to be prepared by the project architect, and qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services; and"

3. City Council authorize the City Solicitor to make the necessary amendments to the draft Zoning By-law Amendments as may be required to implement this Motion.

4. City Council determine that, pursuant to Subsection 34(17) of the Planning Act, no further notice is to be given in respect of the changes.

### **Summary**

The applicants have requested certain changes to the timing of matters related to Toronto and East York Community Council Items TE5.6 and TE5.7 adopted by City Council on May 5, 6 and 7, 2015.

Staff have reviewed the proposed changes and are satisfied with the proposed amendments which relate to the timing of issuance of below grade permits and necessary matters to be fulfilled in advance of the issuance of such permits.

### **REQUIRES RE-OPENING:**

Toronto and East York Community Council Items TE5.6 and TE5.7 (adopted by City Council on May 5, 6 and 7, 2015).