



**STAFF REPORT
ACTION REQUIRED**

Alterations to a Heritage Property, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter Into a Heritage Easement Agreement – 93-95 Berkeley Street

Date:	March 4, 2015
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Acting Director, Urban Design, City Planning Division
Wards:	Toronto Centre-Rosedale - Ward 28
Reference Number:	P:\2015\Cluster B\PLN\TEYCC\TE15044

SUMMARY

This report recommends that City Council approve the proposed alterations to this listed property and that City Council designate the property at 93-95 Berkeley Street under Part IV, Section 29 of the Ontario Heritage Act and grant authority to enter into a heritage easement agreement. The property contains a two-storey, brick-clad commercial building with a one-storey stucco extension historically known as the Christie, Brown & Co. Stables (1906).

The heritage property is part of a proposal to construct a mixed-use development with a 2-storey commercial component on Berkeley Street stepping up to a 21-storey residential tower along Parliament Street with a retail/commercial base.

This report is going forward concurrently with a report from Community Planning regarding the Zoning By-Law Amendment application for the proposed development.

RECOMMENDATIONS

The City Planning Division recommends that:

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 Gianonne Petricone Associates Inc. Architects and Giovanni A. Tassone Architect Inc. dated February 20, 2015, date stamped "received" by City Planning on February 25, 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:

- a. That the related Zoning By-law Amendment giving rise to 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 Manager, Heritage Preservation Services.
- b. That prior to the introduction of the Bill for the Zoning By-law Amendment by City Council, the owner shall:
 - 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 Gianonne Petricone Associates Inc. Architects and Giovanni A. Tassone Architect Inc. dated February 20, 2015, date stamped "received" by City Planning on February 25, 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;
 - ii. Enter into and register on the property at 93-95 Berkeley Street one or more agreements with the City pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning and the Manager, Heritage Preservation Services with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations; and
 - iii. Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for the property located at 93-95 Berkeley Street, prepared by ERA Architects Inc. dated

February 27, 2015 to the satisfaction of the Manager, Heritage Preservation Services.

- c. That prior to final Site Plan Approval for the property at 93-95 Berkeley Street the owner shall:
 - i. Provide final site plan drawings related to the approved Conservation Plan required in Recommendation 1.b.iii in the report (March 4, 2015), from the Director, Urban Design, City Planning Division to the satisfaction of the Manager, Heritage Preservation Services;
 - ii. The related Zoning By-law amendment 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;
 - iii. Provide a Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Manager, Heritage Preservation Services; and
 - iv. Provide a detailed Landscape Plan for the subject property, satisfactory to the Manager, Heritage Preservation Services.
- d. That prior to the issuance of any permit for the property at 93-95 Berkeley 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 zoning by-law amendment required for the alterations to the property at 93-95 Berkeley Street, such amendment 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 required in Recommendation 1.b.iii in the report of March 4, 2015 from the Director, Urban

Design, City Planning Division, 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;

- iv. 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;
 - v. Provide an Interpretation Plan for the subject property, to the satisfaction of the Manager, Heritage Preservation Services;
 - vi. Provide a Signage Plan to the satisfaction of the Manager, Heritage Preservation Services; and
 - vii. 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.
- e. 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 work has been completed in accordance with the approved Conservation Plan and the approved Interpretation Plan, and that an appropriate standard of conservation has been maintained to the satisfaction of the Manager, Heritage Preservation Services; and
 - ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.
2. City Council state its intention to designate the property at 93 Berkeley Street, under Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statements of Significance: 93-95 Berkeley Street (Reasons for Designation) attached as Attachment No. 3 to the report (March 4, 2015) from the Director, Urban Design, City Planning Division.
 3. If there are no objections to the designations 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 properties under Part IV, Section 29 of the Ontario Heritage Act.

4. If there are objections in accordance with Section 29(7) of the Ontario Heritage Act, City Council direct the City Clerk to refer the designations to the Conservation Review Board.
5. If the designations are 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.
6. 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 93-95 Berkeley Street in a form and content satisfactory to the Chief Planner and City Solicitor.
7. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into a heritage easement agreement for the property at 93-95 Berkeley Street.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The property located at 93-95 Berkeley Street was listed on the City's Heritage Register on March 20, 2014.

ISSUE BACKGROUND

The property at 93-95 Berkeley Street is located mid-block on the east side of Berkeley Street north of Adelaide Street East and contains the building historically known as the Christie, Brown & Co. Stables (1906) that is a two-storey, red brick clad structure with stone decoration and trim and a single-storey, stucco clad extension at the rear of the property (Attachment Nos. 1 and 2). The two-storey structure will be conserved and undergo alterations as part of a larger development proposal that will span east-west from Berkeley Street to Parliament Street.

The Christie, Brown & Co. Stables, designed in a Beaux Art Classicism style by architects Sproatt and Rolph, one of Toronto's leading firms from 1900-1934, represents a well-crafted example of a stable building designed in relation to the nearby main factory complex of Christie, Brown & Co. on Adelaide Street East. The stables contributes to an understanding of the evolution of Berkeley Street which is considered to be one of Toronto's first streets, originating with the layout of the town of York in 1793, and its subsequent evolution (Attachment Nos. 3 and 4).

Heritage Attributes

The heritage attributes of the property at 93-95 Berkeley Street are:

- The Christie, Brown & Co. Building
- The scale, form and massing on a two-storey rectangular plan with one storey extension
- The materials, including brick, stone, and stucco
- The decorative stone trim at the parapet, windows and sills and the two stone rondels
- The flat roofline, with its stepped parapet on the west facade
- The west façade with its shallow brick, double-storey arches
- On the south and west façades the thermal window openings with their tripartite divisions, arched heads
- The entrance set in the central bay of the west facade

Policy Framework

Planning Act and Provincial Policy Statement 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. Key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and the associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties designated under Part IV of the Act or included on the City's Heritage Register comprise "significant built heritage resources".

In the PPS 2014, "conserved" is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act." This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Official Plan

Policy 3.1.5.2 of the Official Plan states that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved." The policy also states that "Development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

At its meeting of April 3, and 4, 2013, Toronto City Council adopted amendments to the Official Plan heritage policies. By-law 468-2014 enacted these policies has been appealed to the Ontario Municipal Board. While the amendments are not yet in force, HPS has also considered the proposal within the context of these amended policies

The Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008 Toronto City Council adopted the Standards and Guidelines for the Conservation of Historic Places in Canada as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

The following nine standards from the Parks Canada Standards and Guidelines offer relevant guidance for heritage conservation, rehabilitation and restoration:

- Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*
- Conserve heritage value by adopting an approach calling for minimal intervention
- Find a use for an historic place that requires minimal or no change to its character-defining elements
- Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention
- Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving *prototypes*
- Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference

Additional Standards Relating to Rehabilitation

- Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*
- Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place

- Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future

Additional Standards Relating to Restoration

- Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements
- Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence

COMMENTS

The applicant's proposal is to alter the existing Christie, Brown & Co. stables building as part of a 21-storey mixed-use development with retail/office space at ground level and residential units above-grade, on a property spanning from Berkeley Street to Parliament Street with a pedestrian east-west mews that provides public access through the site (Attachment No. 5).

On Berkeley Street, the project will have a lower massing than that facing Parliament Street. Proposed new construction will begin above the rear portion of the heritage building, progressively stepping up to 10-storeys at the middle of the site with 21-storeys facing Parliament Street that will include a 5-storey podium. Also, a portion of the new construction will project over the mews close to the row house component of the development beyond the south elevation of the heritage resource.

Impacts to the Existing Christie, Brown & Co. Stables Building

The entire south and the west elevations along with portions of the east and north elevations of this building will be retained and conserved. These areas of the building will be retained in situ during the construction phase of the development project (Attachment No. 5). The proposed new construction above the heritage building will begin from a step back of approximately 12.0 metres from the street facing (west elevation) of the Christie, Brown & Co. Stables building.

The one-storey stucco clad rear extension of the building will be removed and the proposal provides a 3-level underground garage with no construction below the footprint of the existing heritage building.

Reasons for Designation

Staff have completed the attached Research and Evaluation Summary (Attachment No. 4) for the property at 93-95 Berkeley Street. As a result of this assessment, staff have determined that the property meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under the Ontario Heritage Act that is also applied

by the City when evaluating sites for listing on the City of Toronto Inventory of Heritage Properties.

The Reasons for Designation are found in Attachment No. 3. The property at 93-95 Berkeley Street is worthy of designation under Section 29 for its cultural heritage value and meets Ontario Regulation 9/06 under the three categories of design, historical association and context.

Located on the east side of Berkeley Street, north of Adelaide Street East, the Christie, Brown & Co. Stables (1906) is a fine representative example of Beaux Arts Classicism applied to a stable whose design also reflects the parent company building. As a part of the historical emergence and development of the Christie and Brown and Co. business, the Stables Building maintains and supports the historical character of the neighbourhood where it remains visually and historically linked to its surroundings on Berkeley Street. It was designed by Sproatt and Rolph one of Toronto's leading architectural practises in partnership from 1900-1934.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment No. 1 - Location Map
Attachment No. 2 - Photographs
Attachment No. 3 - Statement of Significance (Reasons for Designation)
Attachment No. 4 - Research and Evaluation Summary
Attachment No. 5 - Proposed Plans and Elevations