

March 26, 2015

To: Toronto and East York Community Council

From: Toronto Preservation Board

Subject: 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

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 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.

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.

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.

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.

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 Executive Director, City Planning 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.**

Background:

The Toronto Preservation Board on March 24, 2015, considered a report (March 4, 2015) from the Director, Urban Design, City Planning Division, regarding 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.

Michael McClelland, ERA Architects Inc., addressed the Toronto Preservation Board.

For City Clerk

J.Gerrard