

City Council

Motion without Notice

MM31.48	ACTION			Ward:20
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19 Duncan Street - Alterations to a Designated Heritage Property - by Councillor Joe Cressy, seconded by Councillor Joe Mihevc

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

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

The Toronto Preservation Board has submitted a transmittal letter on this Item (MM31.48a)

Recommendations

Councillor Joe Cressy, seconded by Councillor Joe Mihevc, recommends that:

1. City Council receive the report (June 21, 2017) from the Chief Planner and Executive Director, City Planning.
2. City Council approve the alterations to the designated heritage property at 19 Duncan Street in accordance with Section 33 of the Ontario Heritage Act with the following conditions:
 - a. prior to issuance of an Ontario Municipal Board Order (Case No. PL160684) in connection with the Zoning By-law Amendment appeal for the property at 19 Duncan Street the owner shall:
 1. enter into a Heritage Easement Agreement with the City for the property at 19 Duncan Street substantially in accordance with plans and drawings prepared by Hariri Pontarini Architects dated April 7, 2017 as further revised substantially in accordance with the settlement offer letter dated May 16, 2017, and the Heritage Impact Assessment prepared by ERA Architects Inc. dated April 6, 2017, both on file with the Senior Manager, Heritage Preservation Services subject to and in accordance with the approved Conservation Plan required in Recommendation 2.a.2 below, all to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;
 2. provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 19 Duncan Street prepared by ERA Architects Inc. dated April 6, 2017, with the exception that the Conservation Plan also include, all to the satisfaction of the Senior Manager, Heritage Preservation Services:

- A. the conservation, on the Adelaide Street elevation, of eight basement windows and their openings in two sets, each set containing four windows within two contiguous bays; the two sets of basement windows separated from one another by the proposed central Adelaide Street West non-residential entrance;
- B. the accurate reconstruction of the westernmost structural bay of the south wall with a vertical articulation detail to distinguish the reconstructed south wall from the new construction; and
- C. the applicant will make efforts to reduce in the visual impact of the proposed mechanical louvres on the south elevation including, if possible, their relocation elsewhere; and

3. enter into and register on the property at 19 Duncan Street one or more agreements with the City pursuant to Section 37 of the Planning Act, all to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning, and the Senior 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, including amongst other matters, securing the preparation and thereafter the implementation of a Heritage Lighting Plan, a Signage Plan, an Interpretation Plan and requiring a letter of credit to secure all work included in the approved Conservation Plan and approved Interpretation Plan, including provision for upwards indexing, all to the satisfaction of the Senior Manager, Heritage Preservation Services;

b. prior to Final Site Plan approval in connection with the Zoning By-law Amendment appeal for the property at 19 Duncan Street, the owner shall:

- 1. provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 2.a.2 above, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- 2. have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such amendment to have been consented to by City Council as determined to the satisfaction of the Chief Planner and Executive Director, City Planning, and to have been allowed by the Ontario Municipal Board, and to have come into full force and effect;
- 3. provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
- 4. provide a Heritage Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services; and
- 5. submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;

c. prior to the issuance of any permit for all or any part of the property at 19 Duncan Street, including a heritage permit or a building permit but excluding permits for repairs, maintenance and usual and minor works acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:

1. have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such amendment to have been consented to by City Council as determined to the satisfaction of the Chief Planner and Executive Director, City Planning, and to have been allowed by the Ontario Municipal Board and to have come into full force and effect;
2. provide building permit drawings for the specific phases of work for which the permit is being sought, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2.a.2 above, including a description of materials and finishes to be prepared by the project architect and qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services; and
3. 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 Preservation Services to secure all work included in the approved Conservation Plan and the Interpretation Plan; and

d. prior to the release of the Letter of Credit required in Recommendation 2.c.3 above, the owner shall:

1. have obtained final site plan approval for the subject properties, issued by the Chief Planner and Executive Director, City Planning;
2. provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work has been completed in accordance with the approved Conservation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
3. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

2. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 19 Duncan Street in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

3. 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 19 Duncan Street.

Summary

The property at 19 Duncan Street was included on the City's Heritage Register, adopted by City Council on June 16, 2005.

On July 12, 13, 14 and 15, 2016, City Council stated its intention to designate the property at 19 Duncan Street under Part IV of the Ontario Heritage Act. The property was designated under Part IV of the Ontario Heritage Act by By-law No. 597-2017, enacted by City Council on May 26, 2017.

An application to amend the Zoning By-law to permit a 58-storey mixed-used building on the property was submitted to the City in 2015.

At the May 24, 25 and 26, 2017 meeting, City Council adopted MM29.37 and requested the Senior Manager, Heritage Preservation Services to report to the June meeting of the Toronto Preservation Board on the proposed alterations to the heritage property at 19 Duncan and City Council directed that such report and the decision of the Toronto Preservation Board proceed directly to the July, 2017 meeting of City Council. This report responds to the request.

A Request for Directions report is also on the agenda of the July meeting of City Council as requested by MM29.37 adopted by City Council on May 24, 25 and 26, 2017.

Background Information (City Council)

Member Motion MM31.48

(June 21, 2017) Report from the Chief Planner and Executive Director, City Planning on Alterations to a Designated Heritage Property - 19 Duncan Street

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105564.pdf>)

Transmittal from the Toronto Preservation Board (MM31.48a)

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105573.htm>)