

City Council**Motion without Notice**

MM10.32	ACTION			Ward: 11
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Alterations to Designated Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 139, 141 and 143 Portland Street - by Councillor Joe Cressy, seconded by Councillor Mike Layton

** 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 on this Item (MM10.32a with recommendations).

Recommendations

Councillor Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council adopt the following recommendations in the report (September 30, 2019) from the Chief Planner and Executive Director, City Planning:

1. City Council state its intention to designate the properties at 139, 141 and 143 Portland Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance (Reasons for Designation) – 139-143 Portland Street (Attachment 3) attached to the report (September 30, 2019) from the Chief Planner and Executive Director, City Planning.

2. 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.

3. 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(s) to the Conservation Review Board.

4. 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(s) of the properties.

5. City Council authorize the entering into Heritage Easement Agreement(s) under Section 37 of the Ontario Heritage Act with the owner of 139, 141 and 143 Portland Street in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

6. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into Heritage Easement Agreement(s) for the properties at 139, 141 and 143 Portland Street.

7. City Council approve the alterations to the designated heritage properties at 139, 141 and 143 Portland Street, in accordance with Section 33 of the Ontario Heritage Act, for the construction of a new 16 storey residential tower and podium with alterations to the designated buildings at 139, 141 and 143 Portland Street in conjunction with an appeal to the Local Planning Appeal Tribunal comprised of the plans and drawings prepared by Core Architects, submitted with the Heritage Impact Assessment prepared by ERA Architects Inc., dated August 16, 2019, all on file with the Senior Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Preservation Services and subject to the following conditions:

a. Prior to issuance of an Local Planning Appeal Tribunal order in connection with the Zoning By-law Amendment appeal for the properties at 139, 141 and 143 Portland Street, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the properties at 139, 141 and 143 Portland Street substantially in accordance with plans and drawings prepared by Core Architects, submitted with the Heritage Impact Assessment prepared by ERA Architects Inc., dated August 16, 2019, subject to and in accordance with the approved Conservation Plan required in Recommendation 7.a.2, all to the satisfaction of the Senior Manager, Heritage Preservation Services including execution 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 139, 141 and 143 Portland Street, prepared by ERA Architects Inc., dated August 16, 2019, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

3. Enter into and register on the properties at 139, 141 and 143 Portland 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 properties at 139, 141 and 143 Portland Street, the owner shall:

1. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 7.a.2 in the report (September 10, 2019) from the Senior Manager, Heritage Preservation Services.
2. Provide an Interpretation Plan for the subject properties, 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.
3. Provide a Heritage Lighting Plan that describes how the heritage properties will be sensitively illuminated to enhance their 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.
4. Provide a detailed Landscape Plan for the subject properties satisfactory to the Senior Manager, Heritage Preservation Services.
5. Submit a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Preservation Services.

c. That prior to the issuance of any permit for all or any part of the properties at 139, 141 and 143 Portland Street, including a heritage permit or a building permit, or a demolition permit for 135 Portland Street, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage buildings as are acceptable to the Senior Manager, Heritage Preservation Services, the owner shall:

1. Obtain final approval for the necessary by-law amendments required for the alterations to the properties at 139, 141 and 143 Portland Street, such amendments to have been enacted by City Council in connection with a Local Planning Appeal Tribunal Order and to have come into 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 Senior Manager, Heritage Preservation Services.
2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 7.a.2 above including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services.
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, Heritage Lighting Plan, Landscape Plan, and Interpretation Plan.

4. Provide full documentation of the existing heritage properties at 135, 139, 141 and 143 Portland Street, 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 Senior Manager, Heritage Preservation Services.

d. That prior to the release of the Letter of Credit required in Recommendation 7.c.3. above the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Lighting Plan, Landscape Plan, and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services.

8. City Council request staff to continue to work with the applicant on a more compatible base building design that better responds to the heritage properties, including the overall streetscape context of the development site and the introduction of a distinctly residential landscape context to the heritage properties at 139, 141 and 143 Portland Street to be reviewed at Site Plan Approval.

Summary

An appeal regarding a Zoning By-law Amendment for the property at 139 - 143 Portland Street had been scheduled to be heard by Local Planning Appeal Tribunal beginning October 8, 2019.

On July 16, 17 and 18, 2019, City Council adopted the recommendations contained in the report (July 15, 2019) from the City Solicitor recommending Council accept the settlement offer. Normally such proposals would be reviewed by the Toronto Preservation Board before being considered by City Council. In this case, that was not possible as the Settlement could not be reviewed by Toronto Preservation Board until September 23, 2019.

The Ontario Heritage Act requires that the Toronto Preservation Board are consulted regarding proposals to designate properties, to alter designated properties and to enter into Heritage Easement Agreements. The only method of complying with this requirement and going to Council before the Local Planning Appeal Tribunal hearing date was for the Toronto Preservation Board to consider the proposal at their September 23, 2019 meeting and for this report to then be sent straight to City Council for the October 2 and 3, 2019 meeting.

The Toronto Preservation Board considered the report from the Senior Manager, Heritage Preservation Services, Urban Design, City Planning on September 23, 2019. They supported the recommendations that Toronto City Council state its intention to designate properties at

139, 141 and 143 Portland Street and include it in the City's Heritage Register. The Toronto Preservation Board also supported proposals to alter the designated properties in connection with a Settlement submitted by the applicant and they supported seeking Council's authority to enter into a Heritage Easement Agreement.

It is urgent as Council's support of the settlement strategy that is outlined in the accompanying report is required before the Local Planning Appeal Tribunal hearing scheduled for October 8, 2019.

Background Information (City Council)

Member Motion MM10.32

(September 30, 2019) Report from the Chief Planner and Executive Director, City Planning on Alterations to Designated Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 139, 141 and 143 Portland Street

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-138539.pdf>

(September 26, 2019) Transmittal from the Toronto Preservation Board on Alterations to Designated Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 139, 141 and 143 Portland Street (MM10.32a)

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-138565.pdf>