



## Toronto Preservation Board

<b>Meeting No.</b>	2	<b>Contact</b>	Ellen Devlin, Committee Administrator
<b>Meeting Date</b>	Monday, January 21, 2019	<b>Phone</b>	416-392-7033
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	teycc@toronto.ca
<b>Location</b>	Committee Room 2, City Hall		

PB2.1	ACTION	Amended		Ward: 10
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### 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 - 49 Spadina Avenue

#### Board Decision

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 49 Spadina Avenue, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of a 14-storey commercial office building on the lands known municipally in the year 2019 as 49 Spadina Avenue, with such alterations being substantially in accordance with plans and drawings dated May 31, 2018, prepared by Sweeny & Co Architects, and on file with the Senior Manager, Heritage Preservation Services; and in conformity with the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc., dated December 18, 2018, and 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 additional conditions:

a. That prior to the City Solicitor advising the Local Planning Appeal Tribunal that their Order may issue in connection with the Zoning By-law Amendment appeal for the property at 49 Spadina Avenue the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the property at 49 Spadina Avenue in accordance with the plans and drawings dated May 31, 2018, prepared by Sweeny & Co Architects, and on file with the Senior Manager, Heritage Preservation Services, the Heritage Impact Assessment prepared by ERA Architects Inc., dated December 18, 2018, and in accordance with the Conservation Plan required in Recommendation 1.a.2 below 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 consistent with the conservation strategy set out in the Heritage Impact Assessment for at 49 Spadina Avenue prepared by ERA Architects Inc., dated December 18, 2018, to the satisfaction of the Senior Manager, Heritage Preservation Services; and

3. Enter into and register on the property at 49 Spadina Avenue one or more agreements with the City pursuant to Section 37 of the Planning Act 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.

b. That prior to final Site Plan approval, for the development contemplated for 49 Spadina Avenue in the Local Planning Appeal Tribunal case no. PL170820 the owner shall:

1. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 1.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 come into full force and effect;

3. Provide a Heritage Lighting Plan that describes how the exterior of 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;

4. 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; and

5. Have given further consideration to location, massing and design of the proposed rooftop penthouse on the existing heritage building to minimize its visual impact.

c. That prior to the issuance of any permit for all or any part of the property 49 Spadina Avenue, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are 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 come into full force and effect;

2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.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; 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 approved Interpretation Plan.

d. That prior to the release of the Letter of Credit required in Recommendation 1.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 and the required interpretive work has been completed in accordance with the Conservation 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; and

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

2. City Council state its intention to designate the property at 49 Spadina Avenue under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 49 Spadina Avenue (Reasons for Designation) attached as Attachment 4 to the report (January 9, 2019) from the Senior Manager, Urban Design/Heritage, City Planning.

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 property 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 designation to the Conservation Review Board.

5. If the designation is 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 entering into of a heritage easement agreement under Section 37 of the Ontario Heritage Act with the owner of 49 Spadina Avenue in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

7. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a heritage easement agreement for the property at 49 Spadina Avenue.

### **Origin**

(January 9, 2019) Report from the Senior Manager, Urban Design/Heritage, City Planning

### **Summary**

This report recommends that Toronto City Council approve the alterations proposed for the heritage property located at 49 Spadina Avenue, the "Steele Briggs building" in connection with the a proposed development of the subject property, that Council state its intention to

designate the property under Part IV, Section 29 of the Ontario Heritage Act, and that Council grant authority to enter into a Heritage Easement Agreement for the Subject property.

### **Background Information**

(January 9, 2019) Report and Attachments 1-5 from the Senior Manager, Urban Design/Heritage, City Planning - 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 - 49 Spadina Avenue

<http://www.toronto.ca/legdocs/mmis/2019/pb/bgrd/backgroundfile-123725.pdf>

(January 8, 2019) Report from the Senior Manager, Urban Design/Heritage, City Planning - 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 - 49 Spadina Avenue - Notice of Pending Report

<http://www.toronto.ca/legdocs/mmis/2019/pb/bgrd/backgroundfile-123440.pdf>

### **Speakers**

Julie Tyndorf, ERA Architects

John Gillanders, Principal, Sweeny and Co. Architects