



## Toronto Preservation Board

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

PB2.3	ACTION	Adopted		Ward: 10
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### Alterations to Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 15 Duncan Street and 158 Pearl Street

#### 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 properties at 15 Duncan Street and 158 Pearl Street in accordance with Section 33 of the Ontario Heritage Act to allow for the construction of a tower and base building with alterations to the heritage buildings in conjunction with an appeal to the Local Planning Appeals Tribunal (LPAT) and subsequent mediation of the application for a Zoning By-law Amendment comprised of the plans and drawings prepared by Richmond Architects Ltd. dated November 15, 2018 and the Heritage Impact Assessment (HIA) prepared by GBCA Architects dated November 16, 2018, both 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. Prior to issuance of an Local Planning Appeals Tribunal order in connection with the Zoning By-law Amendment appeal for the properties at 15 Duncan Street and 158 Pearl Street the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the properties at 15 Duncan Street and 158 Pearl Street substantially in accordance with plans and drawings prepared by Richmond Architects Ltd. dated November 15, 2018 and the Heritage Impact Assessment (HIA) prepared by GBCA Architects dated November 16, 2018 subject to and in accordance with the approved Conservation Plan required in Recommendation 1.a.2 below, all to the satisfaction of the Senior Manager, Heritage Preservation Services including execution of such agreement to the satisfaction of the City Solicitor;
2. The owner shall 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 15 Duncan Street and 158 Pearl Street dated November 16, 2018 to the satisfaction of the Senior Manager, Heritage Preservation Services.

3. Enter into and register on the properties at 15 Duncan Street and 158 Pearl Street 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 Amendments giving rise to the proposed alterations.

4. Withdraw their appeal(s) of the King-Spadina Heritage Conservation District Plan upon the Tribunal order allowing the appeal in part of the Zoning Amendments, bringing such Bylaws into force, and if not an appellant, but rather a party to such appeals, the owner shall withdraw as a party and not seek any party or participant status on the appeals;

b. Prior to Final Site Plan approval in connection with the Zoning By-law Amendment appeal for the properties at 15 Duncan Street and 158 Pearl Street the owner shall:

1. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.a.2 above to the satisfaction of the Senior Manager, Heritage Preservation Services;

2. Provide an Interpretation Plan for the subject properties, including reference to Upper Canada College formerly situated on the site, 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 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 a detailed Landscape Plan for the subject property 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. Prior to the issuance of any permit for all or any part of the properties at 15 Duncan Street and 158 Pearl Street, including a heritage permit or a building permit, 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 15 Duncan Street and 158 Pearl Street, such amendments to have been enacted by City Council in connection with an Local

Planning Appeals Tribunal Order and to have come into effect in a form and with content acceptable to City Council as determined by the Director, Urban Design, 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 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;

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 15 Duncan Street and 158 Pearl Street including two (2) printed sets of labelled 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 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, 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.

2. City Council state its intention to designate the property at 15 Duncan Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 15 Duncan Street (Reasons for Designation) attached as Attachment 4 to the report (December 20, 2018) from the Director, Urban Design, City Planning.

3. City Council state its intention to designate the property at 158 Pearl Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 158 Pearl Street (Reasons for Designation) attached as Attachment 5 to the report (December 20, 2018) from the Director, Urban Design, City Planning.

4. 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 bills in Council designating the properties under Part IV, Section 29 of the Ontario Heritage Act.

5. 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.
6. 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 designations of the properties.
7. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of for the properties at 15 Duncan Street and 158 Pearl Street in a form and with content satisfactory to the City Solicitor and the Director, Urban Design, City Planning.
8. City Council authorizes the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the properties at 15 Duncan Street and 158 Pearl Street.

## **Origin**

(January 8, 2019) Report from the Senior Manager, Urban Design/Heritage, City Planning

## **Summary**

This report recommends that City Council approve the alterations proposed for the properties at 15 Duncan Street and 158 Pearl Street in accordance with Section 33 of the Ontario Heritage Act to allow for the construction of a 60-storey tower on the properties and per the settlement offer submitted to the City in conjunction with and appeal to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT) and the subsequent mediation of the application for a Zoning By-law Amendment. This report also recommends that City Council state its intention to designate 15 Duncan Street and 158 Pearl Street under Part IV, Section 29 of the Ontario Heritage Act and give authority to enter into a Heritage Easement Agreement for these properties.

## **Background Information**

(January 8, 2019) Revised - Report and Attachments 1-7, from the Senior Manager, Urban Design/Heritage, City Planning - Alterations to Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 15 Duncan Street and 158 Pearl Street

<http://www.toronto.ca/legdocs/mmis/2019/pb/bgrd/backgroundfile-123715.pdf>

(January 8, 2019) Report and Attachments 1-7, from the Senior Manager, Urban Design/Heritage, City Planning - Alterations to Heritage Properties, Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement - 15 Duncan Street and 158 Pearl Street

<http://www.toronto.ca/legdocs/mmis/2019/pb/bgrd/backgroundfile-123441.pdf>

## **Speakers**

Emad Ghattas, GBCA Architects