



Decision Letter

Toronto Preservation Board

Meeting No.	9	Contact	Ellen Devlin, Committee Administrator
Meeting Date	Monday, September 23, 2019	Phone	416-392-7033
Start Time	9:30 AM	E-mail	teycc@toronto.ca
Location	Committee Room 2, City Hall	Chair	Sandra Shaul

PB9.1	ACTION	Amended		Ward: 10
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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

Board Decision

Should City Council accept the offer of settlement for the related Zoning By-law Amendment and should the Local Planning Appeal Tribunal issue a decision and issue an Order to that effect, the Toronto Preservation Board recommends that the Toronto East York Community Council place the following conditions on the project to secure the heritage matters:

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 in Attachment 3 attached to the report (September 10, 2019) from the Senior Manager, Heritage Preservation Services, 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 Appeals Tribunal ("LPAT") and subsequent mediation of the application for Zoning By-law Amendment, 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 or otherwise revised in accordance with a settlement offer or Local Planning Appeal Tribunal Order, subject to and in accordance with the approved Conservation Plan required in Recommendation 7.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. 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 or otherwise a conservation strategy revised in accordance with a settlement offer or Local Planning Appeal Tribunal Order, 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 Director, Urban Design, 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.

4. Provide for the withdrawal of the appeal of the King-Spadina Heritage Conservation District plan which was approved by Council for intent to designate under Part V of the Ontario Heritage Act.

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 above.
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, 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.

9. City Council require the applicant to introduce an additional setback of the lower floors of the proposed building at 135 and 137 Portland Street, including locating the proposed balconies behind the ridge line of the heritage properties.

Origin

(September 10, 2019) Report from the Senior Manager, Heritage Preservation Services, Urban Design, City Planning

Summary

This report recommends that City Council approve the proposed alterations for the heritage properties 139, 141 and 143 Portland Street, in connection with the redevelopment of the site and in conjunction with an appeal to the Local Planning Appeals Tribunal and subsequent mediation of the application for Zoning By-law Amendment. This report also recommends that City Council state its intention to designate 139, 141 and 143 Portland Street under Part IV, Section 29 of the Ontario Heritage Act and give authority to enter into a Heritage Easement Agreement for this property.

The conservation strategy is for the heritage properties at 139-143 Portland Street to be retained in situ with their street facing facades integrated into the new construction. The tower component of the project will be stepped back 3 metres from the roof ridge of the property, constituting an overall step back of approximately 9 metres from the front street facing facades of the properties. The existing form of the buildings behind the retained street facing façade would be rebuilt in-kind and the uses within each of the houses would continue to be residential. Further, the conservation strategy proposes rehabilitation and restoration of these

heritage properties to their period of significance (time of construction) based on archival information.

Background Information

(September 10, 2019) Report and Attachments 1-4 from the Senior Manager, Heritage Preservation Services, Urban Design, City Planning - 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/pb/bgrd/backgroundfile-137448.pdf>)

Speakers

Philip Evans, ERA Architects

Emma Colhmeyer, ERA Architects