

City Council

Motion without Notice

MM47.82	ACTION			Ward: 13
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Reopening and Amending Item TE33.12 Regarding 353-355 Sherbourne Street and 157 Carlton Street - by Councillor Robin Buxton Potts, seconded by Councillor Mike Layton

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
* This Motion is subject to a re-opening of Item TE33.12. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

Recommendations

Councillor Robin Buxton Potts, seconded by Councillor Mike Layton, recommends that:

1. City Council delete its previous decision on Item 2022.TE33.12 regarding 353-355 Sherbourne Street and 157 Carlton Street and adopt instead the following new recommendations:

1. City Council approve the alterations to the designated heritage property at 353-355 Sherbourne Street and 157 Carlton Street, in accordance with Section 42 of the Ontario Heritage Act, for the construction of a new 12-storey mixed use building with alterations to the designated property consistent with the plans and drawings dated February 18, 2022 prepared by KPMB Architects and the Heritage Impact Assessment dated March 17, 2022 prepared by ERA Architects Inc., all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning, Urban Design, City Planning and subject to the following conditions:

a. the related site-specific Zoning By-law Amendment permitting the proposed alterations has been enacted by City Council and has come into full force and 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 Planning, Urban Design, City Planning;

b. prior to Final Site Plan approval in connection with the Zoning By-law Amendment for the property at 353-355 Sherbourne Street and 157 Carlton Street, the owner shall:

1. provide final site plan drawings including drawings related to the required and approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;

2. provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning and thereafter

shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;

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 Planning, Urban Design, City Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;

4. provide a Signage Plan for the proposed development to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning; and

5. provide a detailed Landscape Plan for the subject property, satisfactory to the Senior Manager, Heritage Planning, Urban Design, City Planning;

c. prior to the issuance of any permit for all or any part of the property at 353-355 Sherbourne Street and 157 Carlton 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 building as are acceptable to the Senior Manager, Heritage Planning, Urban Design, City Planning, the owner shall:

1. enter into a Heritage Easement Agreement with the City for the property at 353-355 Sherbourne Street and 157 Carlton Street substantially in accordance with plans and drawings dated February 18, 2022 prepared by KPMB Architects and the Heritage Impact Assessment dated March 17, 2022 prepared by ERA Architects Inc., subject to and in accordance with the approved Conservation Plan, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning 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 353-355 Sherbourne Street and 157 Carlton Street prepared by ERA Architects Inc., dated March 17, 2022, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning;

3. provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan 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 Planning, Urban Design, City Planning; and

4. 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 Planning, Urban Design, City Planning to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Interpretation Plan; and

d. prior to the release of the Letter of Credit required in 1.c.4 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 and Interpretation Plan and

that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning; and

2. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.

2. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 353-355 Sherbourne Street and 157 Carlton 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 City Council authorizing the entering into of a Heritage Easement agreement for the property at 353-355 Sherbourne Street and 157 Carlton Street.

Summary

This Motion will amend the previous Council authority of June 15 and 16, 2022 (Item 2022.TE33.12), which approved alterations to the heritage property at 353-355 Sherbourne Street and 157 Carlton Street in accordance with Section 42 of the Ontario Heritage Act and authorized the entering into of a Heritage Easement Agreement.

This Motion will delete and replace the previously approved City Council's decision for the purpose of revising the timing for entering into of a Heritage Easement Agreement, and providing a Conservation Plan. This will allow the City to secure the Section 37 community benefits associated with the related Official Plan and Zoning By-law Amendment application, which will be considered by City Council on July 19 and 20, 2022 in Item 2022.TE34.49.

REQUIRES RE-OPENING:

Item TE33.12 (June 15 and 16, 2022 City Council meeting).

Background Information (City Council)

Member Motion MM47.82