



Decision Letter

Toronto Preservation Board

Meeting No.	4	Contact	Ellen Devlin, Committee Administrator
Meeting Date	Thursday, March 23, 2023	Phone	416-392-7033
Start Time	9:30 AM	E-mail	hertpb@toronto.ca
Location	Video Conference	Chair	Sandra Shaul

PB4.6	ACTION	Adopted		Ward: 13
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72 - 78 Berkeley Street - Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement

Board Decision

The Toronto Preservation Board recommends to the Toronto and East York Community Council that:

1. City Council consent to the application to alter the designated properties at 72 - 78 Berkeley Street, with conditions, under Part IV, Section 33 of the Ontario Heritage Act for the reasons stated in the report (March 2, 2023) from the Senior Manager, Heritage Planning, Urban Design, City Planning and with such alterations substantially in accordance with the plans and drawings dated October 31, 2022, prepared by architectsAlliance and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning and the Heritage Impact Assessment prepared by ERA Architects Inc., dated October 31, 2019, revised February 21, 2023, and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, all subject to and in accordance with the Conservation Plan satisfactory to the Senior Manager, Heritage Planning, Urban Design, City Planning and subject to the following conditions:

a. That 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. That prior to the introduction of the bills for such Zoning By-law Amendment by City Council, the owner shall:

1. Enter into a Heritage Easement Agreement with the City for the properties at 72 - 78 Berkeley Street substantially in accordance with the plans and drawings dated October 31, 2022, prepared by architectsAlliance and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, the Heritage Impact Assessment prepared by ERA Architects Inc., dated October 31, 2019, revised February 21, 2023, subject to and in accordance with the Conservation Plan required in Recommendation 1.b.2, 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 the properties at 72 - 78 Berkeley Street prepared by ERA Architects Inc., dated October 31, 2019, revised February 21, 2023, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.

c. That prior to Site Plan approval for the proposed Zoning By-law Amendment for the properties located at properties at 72 - 78 Berkeley Street, the subject owner shall:

1. Provide final Site Plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 1.b.2 to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.

2. 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 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 detailed Landscape Plan for the subject property, satisfactory to the Senior Manager, Heritage Planning, Urban Design, City Planning.

4. 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.

d. That prior to the issuance of any permit for all or any part of the properties at 72 - 78 Berkeley 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. Have entered into a Heritage Easement Agreement with the City required in Recommendation 1.b.1.

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.b.2, 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.

3. Provide a Letter of Credit, including provision for upward 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.

e. That prior to the release of the Letter of Credit required in Recommendation 1.d.3, 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, Heritage 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.

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 the properties at 72 - 78 Berkeley 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 Council authorizing the entering into of a Heritage Easement Agreement for the properties at 72 - 78 Berkeley Street.

Decision Advice and Other Information

Kristen Flood, Planner, Heritage Preservation, Urban Design, City Planning gave a presentation on 72 - 78 Berkeley Street - Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement.

Origin

(March 2, 2023) Report from the Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on March 23, 2023, the Toronto Preservation Board considered Item [PB4.6](#) and made recommendations to City Council.

Summary from the report (March 2, 2023) from the Senior Manager, Heritage Planning, Urban Design, City Planning:

This report recommends that City Council approve the alterations proposed for the heritage properties at 72-78 Berkeley Street (designated under Part IV of the Ontario Heritage Act) in connection with the development of the subject site.

The property at 72-78 Berkeley Street contains a two-and-a-half-storey row of four attached Bay-and-Gable type house-form buildings that were completed together in 1883. The properties at 72-78 Berkeley Street are designated under Part IV, Section 29 of the Ontario Heritage Act and meet Ontario Regulation 9/06, the criteria prescribed for municipal designation, under all three categories of design and physical, historical and associative, and contextual values.

The Zoning By-law Amendment application proposes three mixed-use buildings of 11, 39 and 44 storeys, retention of the heritage row houses at 72-78 Berkeley Street, an east-west midblock connection, and a 581 square metre public park along Berkeley Street. The taller, higher density portions of the development are located at the southwest portion of the site, away from the heritage row. The retained row is proposed to be restored to its original appearance based on historic documentation and physical evidence. A comprehensive conservation scope of work is proposed to mitigate the impact of the development. Immediately to the north of the row, new townhouses are proposed along Berkeley Street that complement the heritage buildings and maintain the low-scale character of the street.

The proposed alterations conserve the heritage properties and are consistent with the policy framework. The heritage impacts of the development proposal are appropriately mitigated through the overall conservation strategy.

Background Information

(March 2, 2023) Report and Attachments 1 - 4 from the Senior Manager, Heritage Planning, Urban Design, City Planning on 72-78 Berkeley Street - Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement

(<https://www.toronto.ca/legdocs/mmis/2023/pb/bgrd/backgroundfile-234878.pdf>)

Staff Presentation - 72 - 78 Berkeley Street - Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement

(<https://www.toronto.ca/legdocs/mmis/2023/pb/bgrd/backgroundfile-235166.pdf>)

Communications

(March 17, 2023) Submission from Dan Eylon, Senior Associate, ERA Architects Incorporated (PB.Supp)

(<https://www.toronto.ca/legdocs/mmis/2023/pb/comm/communicationfile-166534.pdf>)

Speakers

Dan Eylon