



Decision Letter

Toronto Preservation Board

Meeting No.	21	Contact	Tanya Spinello, Committee Administrator
Meeting Date	Monday, August 19, 2024	Phone	416-397-4592
Start Time	9:30 AM	E-mail	hertpb@toronto.ca
Location	Video Conference	Chair	Julia Rady

PB21.1	ACTION	Amended		Ward: 11
--------	--------	---------	--	----------

41 - 45 Spadina Road - Alterations to Attributes of a Designated Heritage Property Under Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

Board Decision

The Toronto Preservation Board recommends that:

1. City Council consent to the application to alter the designated property at 41-45 Spadina Road, with conditions, under Part IV, Section 33 of the Ontario Heritage Act to allow for the construction of a new mixed-use building with the alterations to the designated heritage property being substantially in accordance with the plans and drawings prepared by Architects-Alliance dated April 2024 and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning; and the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 9, 2024 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.
2. City Council direct the Senior Manager, Heritage Planning, Urban Design, City Planning to consider the following when reviewing the Conservation Plan:
 - a. Including a Vibration Impact Study and Construction Impact Study to ensure that appropriate mitigation measures be put in place to protect the heritage property from damage during and after construction.
 - b. Exploring an alternative exterior placement of the columns in the courtyard and sideyard.
 - c. Strongly consider the restoration of the lost Flemish-inspired parapet as presented in the original architectural drawings.

d. Further attention be given to the design of the proposal to ensure that the materiality and placement of the new construction be made more compatible with the heritage property.

3. City Council direct that its consent to the application to alter the designated property at 41-45 Spadina Road under Part IV, Section 33 of the Ontario Heritage is also subject to the following conditions:

a. That the related Official Plan Amendment and Zoning By-law Amendment requiring the proposed alterations has been enacted by City Council and has come into full force and effect.

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

1. Enter into a Heritage Easement Agreement with the City for the property at 41-45 Spadina Road substantially in accordance with the plans and drawings prepared by Architects-Alliance dated April, 2024 and the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 9, 2024, both on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, subject to and in accordance with the Conservation Plan required in Recommendation 3.b.2 below, 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 consistent with the conservation strategy set out in the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 9, 2024, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning.

c. That prior to the issuance of any permit for all or any part of the property at 41-45 Spadina Road, 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 of the subject property shall:

1. Have entered into a Heritage Easement Agreement with the City required in Recommendation 3.b.1 above for the property at 41-45 Spadina Road including registration on title of such agreement, to the satisfaction of the City Solicitor.

2. Have obtained final approval for the necessary Official Plan and Zoning By-law Amendments, and such Amendments to have come into full force and effect.

3. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 3.b.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 Planning, Urban Design, City Planning.

4. Provide an Interpretation Plan for the property located at 41-45 Spadina Road 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.

5. Provide a Heritage Lighting Plan that describes how the exterior of the property located at 41-45 Spadina Road 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.

6. 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 and Interpretation Plan.

d. That prior to the release of the Letter of Credit required in Recommendation 3.c.6 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 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.

4. City Council authorize the City Solicitor to introduce the necessary Bill in Council authorizing the entering into a Heritage Easement agreement for the property at 41-45 Spadina Road.

5. City Council authorize the City Solicitor and City staff to take all necessary actions to implement City Council's decision.

Decision Advice and Other Information

Dan DiBartolo, Senior Heritage Planner, Heritage Planning Urban Design, City Planning gave a presentation on 41-45 Spadina Road - Alteration to Attributes of a Designated Heritage Property under Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement.

Origin

(July 30, 2024) Report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on August 19, 2024 the Toronto Preservation Board considered Item [PB21.1](#) and made recommendations to City Council.

Summary from the report (July 30, 2024) from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning:

This report recommends that City Council approve the alterations under Section 33 of the Ontario Heritage Act proposed for the heritage property at 41-45 Spadina Road in connection with the redevelopment of the site. The site contains Spadina Gardens, a four-and-a-half-storey Edwardian Classical Style apartment building. Constructed between 1905-1906, Spadina Gardens was one of Toronto's first six apartment buildings, and is one of only two of the original six still remaining.

The proposed development involves adding a 10-storey residential tower with a mechanical penthouse, cantilevered above the existing four-and-a-half storey heritage building, supported by two structural columns. The proposed tower is situated towards the back of the existing building, with proposed step backs of 10 metres from the west and 2 to 2.95 metres from the north and south elevations.

The entire building will be conserved through this development strategy as well as the heritage attributes of the properties. The impact of the new development is sufficiently mitigated to be consistent with the existing policy framework.

Background Information

(July 30, 2024) Report and Attachments 1 to 5 from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning on 41 - 45 Spadina Road - Alterations to Attributes of a Designated Heritage Property Under Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-247955.pdf>)

Staff Presentation on 41-45 Spadina Road Alteration to Attributes of a Designated Heritage Property under Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-248097.pdf>)

Communications

(August 14, 2024) E-mail from Jamie Rock (PB.New)

(August 14, 2024) E-mail from Casey Rock (PB.New)

(August 15, 2024) Letter from Sandra Shaul, Annex Residents' Association (PB.New)

(<https://www.toronto.ca/legdocs/mmis/2024/pb/comm/communicationfile-182588.pdf>)

(August 15, 2024) E-mail from Patricia Johnston (PB.New)

(August 15, 2024) Letter from Dalton Road Residents Group (PB.New)

(August 15, 2024) Letter from Jill Fraser (PB.New)

(August 15, 2024) E-mail from Lynn DiStefano (PB.New)

(August 15, 2024) E-mail from Rebecca Erlich (PB.New)

(August 15, 2024) E-mail from Louise Dennys (PB.New)

(August 15, 2024) E-mail from Ana Moseres Masestre and Max Todd Davidek (PB.New)

(August 16, 2024) E-mail from Charlotte Mickie (PB.New)
(August 16, 2024) E-mail from Bobbi Speck (PB.New)
(August 16, 2024) E-mail from Sarah Imrisek (PB.New)
(August 16, 2024) E-mail from Eric Levitt (PB.New)
(August 16, 2024) E-mail from Neil MacDonald (PB.New)
(August 17, 2024) E-mail from Lorne and Marc Wise (PB.New)
(August 18, 2024) E-mail from Virginia Van Vliet (PB.New)
(August 18, 2024) E-mail from Mary Young Leckie (PB.New)
(August 18, 2024) E-mail from Cameron Moneo (PB.New)
(August 19, 2024) Letter from Adam Wynne, Toronto and East York Community Preservation Panel (PB.New)
(<https://www.toronto.ca/legdocs/mmis/2024/pb/comm/communicationfile-182583.pdf>)

Speakers

Shelley Ludman, ERA
Charlotte Mickie