

Toronto Preservation Board

Meeting No.	22	Contact	Tanya Spinello, Committee Administrator
Meeting Date	Friday, September 20, 2024	Phone	416-397-4592
Start Time	9:30 AM	E-mail	hertpb@toronto.ca
Location	Video Conference	Chair	Julia Rady

PB22.1	ACTION	Amended		Ward: 13
--------	--------	---------	--	----------

111 and 115 Berkeley Street - Alterations to Heritage Properties 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 heritage properties at 111 Berkeley Street and 115 Berkeley Street, with conditions, under Section 33 of the Ontario Heritage Act, to allow for the construction of a 45-storey (plus mechanical penthouse) mixed-use building, with such alterations to the designated properties being substantially in accordance with the plans and drawings prepared by Sweeny&Co Architects, dated April 13, 2023, and revised October 6, 2023, February 23, 2024, and July 3, 2024, and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, and the Heritage Impact Assessment prepared by MHBC, dated October 2023, revised May 31, 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 that its consent to the application to alter the designated properties at 111 Berkeley Street and 115 Berkeley Street under Section 33 of the Ontario Heritage Act is also subject to the following conditions:
 - a. the related Zoning By-law Amendment requiring the proposed alterations have been enacted by the City Council and have come into full force and effect;
 - b. prior to the introduction of the Zoning By-law Amendment bill to City Council, the owner shall:

1. 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 for 111 Berkeley Street and 115 Berkeley Street, prepared by MHBC, dated October 2023, revised May 31, 2024, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning; and

2. enter into a Heritage Easement Agreement with the City for the properties at 111 Berkeley Street and 115 Berkeley Street substantially in accordance with the plans and drawings prepared by Sweeny&Co Architects, dated April 13, 2023, and revised October 6, 2023, February 23, 2024, and July 3, 2024, and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, and the Heritage Impact Assessment prepared by MHBC, dated October 2023, revised May 31, 2024, subject to and in accordance with the Conservation Plan required in Recommendation 2.b.1 above 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;

c. prior to the issuance of any permit for all or any part of the properties at 111 Berkeley Street and 115 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 Condition 2.b.2 above for the properties at 111 Berkeley Street and 115 Berkeley Street including registration on title of such agreements, to the satisfaction of the City Solicitor;

2. have obtained final approval for the necessary Zoning By-law Amendment, and such Amendment has 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 2.b.1 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 a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their 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;

5. provide an Interpretation Plan for the subject properties, 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. submit a Signage Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning; and

7. 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; and

d. prior to the release of the Letter of Credit required in Recommendation 2.c.7 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; and

2. provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, 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 111 Berkeley Street and 115 Berkeley Street.

4. 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

The Toronto Preservation Board:

1. Requested the Senior Manager, Heritage Planning, Urban Design, City Planning to consider the following when reviewing the Conservation Plan:

a. request the applicant undertake additional research to confirm any original porch designs and restore the features if documentary evidence is available;

b. match mismatched bricks where appropriate; and

c. employ heritage sensitive door and window designs based on documentary evidence or period specific designs.

Neil MacKay, Heritage Planner, Heritage Planning, Urban Design, City Planning gave a presentation on 111 and 115 Berkeley Street - Alterations to Heritage Properties and Authority to Enter into a Heritage Easement Agreement.

Origin

(August 28, 2024) Report from the Senior Manager, Heritage Planning, Urban Design, City Planning

Summary

At its meeting on September 20, 2024 the Toronto Preservation Board considered Item [PB22.1](#) and made recommendations to City Council.

Summary from the report (August 28, 2024) from the Senior Manager, Heritage Planning, Urban Design, City Planning.

This report recommends that City Council approve the alterations proposed for the designated heritage properties at 111 Berkeley Street and 115 Berkeley Street under Section 33 of the Ontario Heritage Act in connection with the development of the subject site, and that Council grant authority to enter into a Heritage Easement Agreement.

Located on the southeast corner of Richmond Street East and Berkeley Street, the subject site contains two heritage properties designated under Part IV, Section 29 of the Ontario Heritage Act for their cultural heritage value. Constructed in 1881, 111 Berkeley Street contains a two-and-a-half-storey Bay-and-Gable style semi-detached house-form building with fine Gothic Revival styling and details. The adjacent house-form building at 115 Berkeley Street, flanking Richmond Street East, represents a rare, surviving pre-Confederation era residence completed in 1845 by local brick mason, builder and City Councilman, Sheldon Ward.

On December 22, 2023, a Zoning By-law Amendment application was made to permit a new 45-storey mixed use building on the subject site. A Heritage Impact Assessment (HIA), prepared by MacNaughton Hermsen Britton Clarkson Planning Urban Design & Landscape Architecture (MHBC), dated October 2023 and revised May 31, 2024, was submitted to support the development application. The proposed alterations conserve the onsite and adjacent heritage buildings and are consistent with the existing policy framework. The heritage impacts of the development proposal are appropriately mitigated through the overall conservation strategy.

Background Information

(August 28, 2024) Report and Attachments 1 to 4 from the Senior Manager, Heritage Planning, Urban Design, City Planning on 111 and 115 Berkeley Street - Alterations to Heritage Properties and Authority to Enter into a Heritage Easement Agreement
(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-248502.pdf>)
Staff Presentation on 111 and 115 Berkeley Street - Alterations to Heritage Properties and Authority to Enter into a Heritage Easement Agreement
(<https://www.toronto.ca/legdocs/mmis/2024/pb/bgrd/backgroundfile-248888.pdf>)

Communications

(September 17, 2024) Presentation from Vanessa Hicks, MHBC and Gabriel Didiano, Sweeny & Co Architects Inc. (PB.Main.PB22.1)
(<https://www.toronto.ca/legdocs/mmis/2024/pb/comm/communicationfile-182755.pdf>)

Speakers

Vanessa Hicks, Associate, MHBC

Gabriel Didiano, Architect, Sweeny & Co Architects Inc.