

# TORONTO STAFF REPORT

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June 5, 2002

To: Toronto East York Community Council

From: Joe Halstead, Commissioner Economic Development, Culture and Tourism

Subject: 102 – 110 Shuter Street – Walnut Hall – Authority to Enter into an Heritage Easement Agreement (HEA)  
Toronto Centre-Rosedale - Ward 27

Purpose:

To request City Council authority to enter into an Heritage Easement Agreement with the owner of 102 – 110 Shuter Street – Walnut Hall, which includes alterations to a Designated Heritage Property.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) authority be granted by Toronto City Council for the execution of a HEA under Section 37 of the *Ontario Heritage Act* with the owner of 102-110 Shuter Street, using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Commissioner of Economic Development, Culture and Tourism and that the HEA be registered prior to the issuance of any building permits on the site;
- (2) the alterations substantially as shown in Attachment No.4, (Proposed Alterations & Addition) be approved by City Council;
- (3) that the owner provide a Conservation Plan prior to the issuance of any building permits, regarding the selective removal of heritage fabric, stabilization of the structure and the

exterior conservation of the heritage building, prepared by a conservation architect, that meets with the satisfaction of the Manager of Heritage Preservation Services;

- (4) that the owner provide record of the as-found condition of the buildings on the site prior to the issuance of any building permits, that meets with the satisfaction of the Manager of Heritage Preservation Services;
- (5) that the owner post a Letter of Credit prior to the issuance of any building permits, for the implementation of the Conservation Plan, that meets with the satisfaction of the Manager of Heritage Preservation Services; and
- (6) that the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The Toronto Preservation Board, at its meeting held on April 25, 2002, endorsed the staff recommendations as noted above.

Walnut Hall, located at 102-110 Shuter Street, shown in Attachment No.1 (Location Plan) and Attachment No. 2 (Site Plan), was on the first list of buildings of architectural significance that were selected for inclusion on the City of Toronto's Inventory of Heritage Properties in June 1973. It was designed by John Tully, Architect, constructed in 1856, and experienced various alterations from the end of the 19<sup>th</sup> century through to 1949, when the southeast corner was altered to become a storefront.

The heritage building is architecturally significant both locally and nationally, having been evaluated in 1983-4, by the Federal Heritage Review Office, and determined to be a "Recognized" Federal Heritage Building. Its features are depicted in photographs (Attachment No. 3), and represent a rare 3 ½ storey Georgian style terrace residential complex, whose exterior is characterized by buff brick and stone detailing, six-over-six sash windows, stone lintels and sills, parapet fire walls, and paired dormers creating an articulated gable roofscape.

In the 1980's, the heritage building was abandoned, and in 1996, a private developer with the intention of incorporating it into a new development purchased the property. After the property became privately owned, Toronto City Council designated Walnut Hall under Part IV of the *Ontario Heritage Act*, in 1997.

In 1999, the City's Chief Building Official issued an Order to Comply with identified deficiencies, which caused the owner to have the building's condition evaluated by Quaile Engineering Ltd. The report recommended "that immediate steps be taken to demolish this building", and was followed by meetings between the owner and the city that set out a strategy for selective stabilization intervention to address masonry deterioration and the partial collapse of the rear wall.

Since 1973, the heritage building has been the subject of development and redevelopment proposals, ranging from its complete demolition for the construction of a parking facility, to the current residential development scheme.

Joe Jonatan, President of The Lofts of Walnut Hall Inc., (the owner) proposes to rehabilitate the heritage structure and construct a seven-storey addition to the north for residential condominiums, as substantially shown in Attachment No. 4 (Proposed Alterations & Addition). Three of the seven storeys would be situated on top of the heritage structure, north of the existing gable-roof ridge. Conservation of the heritage structure will include treatments such as localized reconstruction, preservation, stabilization, repair, and rehabilitation.

In support of the proposal, the owner will be submitting an application to the Committee of Adjustment for variances to the Zoning By-law and an application for Site Plan Approval. In addition, there are policies applicable to the site (known in 1994 as 102-108 Shuter Street and 224-244 George Street) in the Official Plan that permit buildings having a gross floor area in excess of that otherwise permitted by the Plan provided:

- a) *the exterior of the heritage buildings at 102-108 Shuter Street, included on the City of Toronto Inventory of Heritage Properties, known as the 'O'Donohoe Row' is wholly retained in any new development;*
- b) *Council is satisfied that the relationship between the heritage buildings and the proposed development will be such that the quality, character, and three-dimensional integrity of the heritage buildings at 103-108 Shuter Street will be maintained;*
- c) *Council does not enact such by-laws unless the detailed plans as required under Section 41 of the Planning Act for the new development, in buildings at 102-108 Shuter Street, are approved concurrently;*
- d) *The additional gross floor area permitted does not exceed the gross floor area of the heritage buildings at 102-108 Shuter Street retained in the new development; and*
- e) *The retention, maintenance and use of the heritage buildings at 102-108 Shuter Street is secured by the City by appropriate legal agreements.*

Comments:

Staff of Economic Development, Culture and Tourism support the proposal, largely as set out in Attachment No. 4, for heritage preservation benefits while acknowledging that the proposal cannot “wholly” retain the heritage buildings as anticipated in the Official Plan.

For two decades, attempts at revitalizing Walnut Hall have not materialized leaving the abandoned building vulnerable to material and structural deterioration. Economic Development, Culture and Tourism is encouraged by the prospects of rejuvenating Walnut Hall and believes that its rehabilitation will be a significant asset to the Downtown neighbourhood and city.

Staff have reviewed overall and specific interventions that impact on the Reasons for Designation and the buildings' heritage character.

The overall approach to the Building Structure, Brick and Stone Masonry, and Windows and Doors of the heritage building as discussed in the Heritage Strategy Report is acceptable. With regard to specific interventions such as the proposed removal of the storefront in order to reconstruct this portion of the building to its original appearance, staff is supportive of an accurate reconstruction based on appropriate documentation.

The construction of the underground parking will require the careful and selective removal of heritage fabric as substantially shown in the Attachment No. 4 (Proposed Alterations & Addition) and the stabilization, shoring, and preservation of the fire walls (shown highlighted on the Ground Floor plan); all facades except the north (rear) façade; and the southern half of the roof along with its associated dormers and features (shown on the Site Plan) insitu.

Staff of Economic Development, Culture and Tourism acknowledge that the addition portion of the development proposal as it relates to the heritage building creates a significant impact on its heritage character. In negotiations between the applicant and City staff, the maximum number of storeys recommended to the applicant was six. However, the applicant determined that, to make the project feasible by constructing sufficient floor area, a seven-storey addition is required. Staff acknowledges that the seventh storey will have considerable impact on the overall character of the heritage building, but will be continuously set back 4'-0" from the sixth floor along Shuter Street.

Staff of Economic Development, Culture and Tourism seek to balance the preferred massing relationship with the importance of achieving a timely rescue and a conservation strategy that will include permanent protection of this resource, through an Heritage Easement Agreement (HEA).

Due to the nature and extent of intervention proposed, the owner will be require to fully document the existing heritage buildings in their as-found condition prior to the alteration, disturbance, or removal of any heritage fabric, and prior to the issuance of any permits for the site. Since alterations made to the building over years (particularly in 1949) may have gained significance over time, it is essential that the heritage buildings and all of their visible and known changes be thoroughly and sufficiently documented in the form of detailed drawings, stereophotography, written descriptions, and historical evidence, as deemed appropriate.

In addition to the requirement for the preparation of record, a Conservation Plan will be required that addresses issues of stabilization and protection during construction; and specify the materials, methods, and implementation procedures of the overall rehabilitation work. The implementation of the Detailed Conservation Plan will be secured by the requirement for a Letter of Credit.

Conclusions:

Joe Jonatan of The Lofts of Walnut Hall Inc. purchased the property at 102-110 Shuter Street, an architecturally significant but abandoned heritage structure, for its incorporation into a new residential development. The owner proposes to substantially rehabilitate and construct a seven-storey addition to the north of the ridgeline of the existing building, to accommodate approximately 55 residential units. The owner has agreed to enter into a HEA.

Staff of Economic Development, Culture and Tourism support the proposed development, subject to the registration of a Heritage Easement Agreement, receiving a Conservation Plan, documentation of the as-found condition, and a Letter of Credit related to the implementation of the rehabilitation work.

It is appropriate at this time that the City Council grant authority to enter into a HEA with the owner of 102-110 Shuter Street.

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List of Attachments:

Attachment No.1	Location Plan
Attachment No. 2	Site Plan
Attachment No. 3	Photographs
Attachment No. 4	Proposed Alterations & Addition