

Clause embodied in Report No. 3 of the Toronto South Community Council, as adopted by the Council of the City of Toronto at its Special meeting on April 15 and 16, 2004.

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**Alterations to Heritage Property and
Authority to Enter into Heritage Easement Agreement -
40 Westmoreland Avenue
(Church of St. Mary the Virgin and St. Cyprian)
(Davenport, Ward 18)**

(City Council on April 15 and 16, 2004, adopted this Clause, without amendment.)

The Toronto South Community Council recommends the adoption of the report (February 16, 2004) from the Commissioner of Economic Development, Culture and Tourism:

Purpose:

To approve alterations to the heritage property known as the Church of St. Mary the Virgin and St. Cyprian at 40 Westmoreland Avenue and to obtain Council authority to enter into a Heritage Easement Agreement to provide for the permanent protection of the heritage building.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the alterations to the heritage property at 40 Westmoreland Avenue containing the Church of St. Mary the Virgin & St. Cyprian substantially as shown in the plans and drawings prepared by Ferdinand Wagner Architect, dated January 29, 2004 on file with the Manager, Heritage Preservation Services and generally described in the Heritage Impact Statement prepared by McGillivray Architect dated February 4, 2004 be approved subject to:
 - (a) the owner entering into and registering on title a Heritage Easement Agreement with the City to provide for permanent protection of the heritage building prior to Site Plan approval;
 - (b) the owner submitting a detailed Landscape Plan to the satisfaction of the Manager, Heritage Preservation Services, prior to Site Plan approval;

- (c) the owner providing exterior architectural details to the satisfaction of the Manager, Heritage Preservation Services, prior to Site Plan approval;
 - (d) the owner submitting revised drawings satisfactory to the Manager, Heritage Preservation Services, prior to Site Plan approval;
 - (e) the owner providing a Conservation Plan detailing interventions and conservation work to the satisfaction of the Manager, Heritage Preservation Services, prior to the issuance of any building permit, including permits for demolition, excavation and shoring;
 - (f) the owner providing financial security in an amount and form satisfactory to the Commissioner of Economic Development, Culture and Tourism, to provide for the protection of the heritage building and to implement the Conservation Plan, prior to the issuance of any building permit, including permits for demolition, excavation and shoring;
- (2) authority be granted by City Council for the execution of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of 40 Westmoreland Avenue, 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 Manager, Heritage Preservation Services; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The property is located on the west side of Westmoreland Avenue, north of Bloor Street, between Dufferin Street and Ossington Avenue, as shown in Attachment No.1. The property contains the building known as the Church of St. Mary the Virgin & St. Cyprian. The building, as shown in Attachment No. 2, was constructed in 1913 according to designs of architect W. A. Langton. It is a good example of Neo-Gothic styling and an important structure in the Dovercourt neighbourhood. City Council listed the property in the City of Toronto's Inventory of Heritage Properties on November 21 and 23, 1973.

Comments:

- (a) The Proposal

The City has received an application for an Official Plan and Zoning Amendment and Site Plan (Application No. 03 200562 SHY 18 OZ), prepared by Ferdinand Wagner Architect, to convert the existing church at 40 Westmoreland Avenue into a residential condominium, as shown in Attachment No. 3. The proposal includes the former rectory that will be retained for residential use.

The applicant has retained McGillivray Architect as the heritage consultant on this project. Mr. McGillivray has prepared a Heritage Impact Statement in support of their proposal, as shown in Attachment No. 4.

The proposal involves the retention of the exterior shell of the church building, with removal of selective interior structures and finishes. The building will be renovated and converted into 30 residential units.

The exterior of the building has been little altered since its construction. The strategy is to maintain this appearance and to repair the fabric in accordance with stated heritage principles, while making subtle interventions where necessary to provide light, ventilation and outlook for the new condominium apartments.

The main impacts to the exterior heritage fabric of the building are as follows:

- (i) Installation of skylights in the south slope of the roof, all set within the roof plane;
- (ii) Alteration of the large louvres on the four faces of the tower to provide window for the new apartment;
- (iii) Replacement of the existing slate roof with a replica;
- (iv) Formation of clerestory glass on the north and south side of the main roof, leading to terraces (existing flat roof);
- (v) Extension of the south-west addition;
- (vi) Lowering the main floor by three feet. A sensitive approach to the extension of the interior columns of the church is proposed;
- (vii) Formation of window, door openings and entrance stairs; and
- (viii) Providing parking below grade.

Upgrade changes to the interior will be undertaken as part of the renovation to meet industry standards for residential condominium buildings and the requirements of the Ontario Building Code. The applicant proposes to keep the new floor plates back from the walls or roof to create an opening between floors. The exception will be the third floor, where it is necessary to have a fire separation. Therefore, large part of the interior architectural features will not be changed, preserving the hammer beams and cathedral ceiling. Where changes are proposed, they could be potentially reversible.

(b) Heritage Evaluation

Culture Division staff supports the general nature of the proposed development. Since the proposed use will have visual impacts on the heritage building, exterior architectural details of the development must be resolved prior to Site Plan approval.

The roof plane, roof line and roofing material are very important heritage elements. The introduction of clerestory glass and skylights in the roof plane have an impact, particularly on the south and north elevation. However, Culture Division staff understands that the alterations are required to respond to the Building Code and related regulations. Such alterations may be permitted provided they are sensitive to and respect the heritage attributes of the building.

In order to provide permanent protection for the heritage building at 40 Westmoreland Avenue, Culture Division staff is requesting as a condition of development approval that the owner enter into and register on title a Heritage Easement Agreement (HEA) prior to Site Plan approval.

A detailed Landscape Plan, satisfactory to the Manager, Heritage Preservation Services, will be required prior to any Site Plan approval.

Revised drawings, that respond satisfactorily to issues raised by City staff, will be required prior to Site Plan approval. The set of drawings should include: Site Plan, Floor Plans, Roof Plan, 4 Elevations and Sections.

As the development involves interventions in the heritage building, a Conservation Plan, satisfactory to the Manager, Heritage Preservation Services, will be required prior to the issuance of any building permit. This plan will provide detailed drawings and specifications designed to mitigate the impact of interventions in the heritage building, in accordance with generally accepted conservation principles. The Conservation Plan must provide a structural analysis of the proposed interior structures. The Plan should also address the long-term conservation and maintenance requirements of the building and be substantially in accordance with the plans contained in Attachment No. 3. To ensure fulfilment of the conservation plan and protection of the heritage building during construction, financial security from the owner, satisfactory to the Commissioner of Economic Development, Culture and Tourism, will be required.

The applicant has provided Heritage Preservation Services with two (2) copies of the required photographs for inclusion in the Heritage Easement Agreement and documented the building, particularly the interior.

Conclusions:

The heritage church at 40 Westmoreland Avenue is proposed to be adaptively reused for a residential condominium. This development will require alterations to and have impacts on the heritage building although Culture Division staff consider such alterations to be acceptable. It is appropriate at this time to grant authority to enter into a Heritage Easement Agreement to provide for the permanent protection of the Church of St. Mary the Virgin & St. Cyprian and to approve alterations consistent with plans and drawings prepared by Ferdinand Wagner Architect and generally described in the Heritage Impact Statement prepared by McGillivray Architect.

Contact:

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(Copies of attachments referred to in the report were forwarded to all Members of the Toronto South Community Council with the agenda for its meeting on April 7, 2004, and copies are on file in the office of the City Clerk.)

The Toronto South Community Council also submits the communication (February 26, 2004) from the City Clerk, Toronto Preservation Board:

Recommendation:

The Toronto Preservation Board recommended to the Toronto South Community Council, and Council, the adoption of the report (February 16, 2004) from the Commissioner of Economic Development, Culture and Tourism.

Background:

The Toronto Preservation Board at its meeting held on February 26, 2004, had before it a report (February 16, 2004) from the Commissioner of Economic Development, Culture and Tourism recommending that:

- (1) the alterations to the heritage property at 40 Westmoreland Avenue containing the Church of St. Mary the Virgin and St. Cyprian substantially as shown in the plans and drawings prepared by Ferdinand Wagner Architect, dated January 29, 2004, on file with the Manager, Heritage Preservation Services and generally described in the Heritage Impact Statement prepared by McGillivray Architect dated February 4, 2004, be approved, subject to:
 - (a) the owner entering into and registering on title a Heritage Easement Agreement with the City to provide for permanent protection of the heritage building prior to Site Plan approval;
 - (b) the owner submitting a detailed Landscape Plan to the satisfaction of the Manager, Heritage Preservation Services, prior to Site Plan approval;
 - (c) the owner providing exterior architectural details to the satisfaction of the Manager, Heritage Preservation Services, prior to Site Plan approval;
 - (d) the owner submitting revised drawings satisfactory to the Manager, Heritage Preservation Services, prior to Site Plan approval;

- (e) the owner providing a Conservation Plan detailing interventions and conservation work to the satisfaction of the Manager, Heritage Preservation Services, prior to the issuance of any building permit, including permits for demolition, excavation and shoring;
 - (f) the owner providing financial security in an amount and form satisfactory to the Commissioner of Economic Development, Culture and Tourism, to provide for the protection of the heritage building and to implement the Conservation Plan, prior to the issuance of any building permit, including permits for demolition, excavation and shoring;
- (2) authority be granted by City Council for the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 40 Westmoreland Avenue, 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 Manager, Heritage Preservation Services; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The following persons appeared before the Toronto Preservation Board in connection with the foregoing matter:

- Mr. Greg Bonser, Lux Group Inc.;
- Ms. Mary Glendinning, McGillivray Architect; and
- Mr. Ian McGillivray, McGillivray Architect.