



STAFF REPORT ACTION REQUIRED

Alteration to a Designated Heritage Property and Amendment to a Heritage Easement Agreement - 56 Blue Jays Way

Date:	August 17, 2011
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Acting Director, Policy & Research, City Planning Division
Wards:	Ward 20 – Trinity Spadina
Reference Number:	P:\2011\Cluster B\PLN\HPS\TEYCC\September 12 2011\teHPS14

SUMMARY

This report recommends that City Council consent to the alteration of a designated heritage property, comprised of the temporary relocation, re-installation within a new building permitted by By-law 849-2010 and restoration of an existing historic façade located at 56 Blue Jays Way, subject to a number of conditions, and authorize the amendment of a Heritage Easement Agreement (HEA) currently in force between the City and the property owners to allow for this revised conservation strategy.

The former George Crookshank House (56 Blue Jays Way) was designated by Toronto City Council under Part IV of the *Ontario Heritage Act* on December, 2007 (By-law 1362-2007). A pre-existing HEA was registered on November 21, 1996 that protected the east wall façade of the then listed property, and permitted alterations and development at a compatible scale.

The lands at 56 Blue Jays Way were rezoned in 2007 (By-law 1067-2007) to permit an 18 storey building. The lands were subsequently rezoned in 2010 (By-law 849-2010) to permit a 41-storey mixed use building at 56 Blue Jays Way. Amongst other matters, the rezoning required an amendment to the existing HEA to address the revised proposal and permitted alterations, the submission of a Conservation Plan satisfactory to the Manager, Heritage Preservation Services, and a securing letter of credit for the restoration of the heritage façade.

The proposals in both the 2007 and 2010 rezonings required the heritage façade to be retained intact, *in situ* (in place) and not disassembled during the construction phase of a

new development. However, a recent engineering study prepared by the owner has necessitated a change to the approved conservation strategy which had formed a part of the site's zoning requirements. It is now proposed that the heritage façade be temporarily relocated within the site during construction. The heritage façade will then be returned to its original location, reinstalled within the new building and be fully restored (Heritage Impact Assessment submitted by E.R.A. Architects Inc., dated May 19, 2011). The current requirement that the heritage façade be incorporated into the east wall façade of the proposed building remains unchanged.

Council's consent is required for both the alteration to the designated heritage property under Section 33 of the Ontario Heritage Act and the amendment to the registered HEA that will include necessary changes to the Conservation Strategy and the Letter of Credit together with the updating of certain of the HEA provisions.

This report is being brought forward at the same time as a Supplementary report for the Zoning By-law Amendment from the Director, Community Planning for the subject property.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council consent to the alteration of the designated heritage property at 56 Blue Jays Way, including the temporary relocation, reinstallation and restoration of the heritage façade (east elevation) of the building subject to the following terms and conditions:
 - a. Prior to the introduction of the Bill in Council for the zoning amendment, the owner shall enter into an agreement with the City to amend the existing Heritage Easement Agreement for 56 Blue Jays Way, to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor, with the amended agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor to reflect the changes as described in this report, including a revised Conservation Plan for the temporary relocation and restoration of the east (primary) elevation of the George Crookshank House, in accordance with the Heritage Impact Assessment prepared by E.R.A. Architects Inc., dated May 19, 2011, and an estimate of costs to reflect any increases, both of which shall be satisfactory to the Manager, Heritage Preservation Services.
 - b. Prior to final Site Plan Approval, the owner shall:
 - i. provide site plan drawings to the satisfaction of the Manager, Heritage Preservation Services; and

- ii. provide a Letter of Credit in a form and amount satisfactory to the Manager, Heritage Preservation Services, to secure the temporary relocation, re-installation and all restoration work contained in the approved Conservation Plan.
 - c. Prior to the issuance of any heritage permit pursuant to the Ontario Heritage Act, including a permit for alteration to the building, any structure on the subject property, and including any permit for shoring or excavation on the subject property, or any portion of such property:
 - i. the related zoning by-law amendment shall be in full force and effect;
 - ii. the owner shall have obtained final site plan approval from the Chief Planner and Executive Director, City Planning; and
 - iii. the owner shall submit final plans and drawings to the satisfaction of the Manager, Heritage Preservation Services.
 - d. Prior to the release of the Letter of Credit, the owner shall provide a Letter of Substantial completion for the re-installation and restoration work, signed by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
2. City Council grant authority for the City Solicitor to amend the Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property.
 3. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement.

Financial Impact

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

DECISION HISTORY

The George Crookshank House (56 Blue Jays Way) was designated by Toronto City Council under Part IV of the *Ontario Heritage Act* on December, 2007 (By-law 1362-2007) (Attachment No.3). A pre-existing Heritage Easement Agreement was registered on November 21, 1996.

The lands at 56 Blue Jays Way were rezoned in 2007 (By-law 1067-2007) to permit an 18 storey building. In 2010 (By-law 849-2010) the lands were rezoned to permit a 41-storey mixed use building at 56 Blue Jays Way.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.TE28.2>

ISSUE BACKGROUND

The George Crookshank House is an important surviving example of an early 19th century house form building designed in the Georgian style in Toronto. The site is associated with George Crookshank (1763-1859), a member of the Legislative Council of Upper Canada who owned extensive property at the west end of the Town of York. The premises were occupied by a series of tenants until 1878, when a private girls' school opened in the building. From 1908 to 1922, it was the headquarters of Dr. Barnardo's Homes in Canada, a charitable organization that settled young British immigrants on Canadian farms. Located in New Town, the property is linked to the evolution of the neighbourhood from its beginnings as a residential enclave in the early 19th century.

The surviving heritage attributes of the George Crookshank House are found on the principal (east) façade, consisting of a three-storey east façade (where the original two-storey wall was extended by an attic storey) with red brick construction and the symmetrical organization of the façade with flat-headed window openings for six-over-six sash windows with stone lintels and sills.

COMMENTS

The revised conservation strategy to remove the heritage façade and temporarily relocate it to the east edge of the site while the new building is constructed differs from the approved Heritage Impact Statement prepared by AREA Ltd. (date stamped and received October 10, 2008) and referenced in the previous re-zoning of the subject property. Section 6.0: Implementation and Monitoring of the AREA report clearly states that for subsequent application processes (including Site Plan Approval and Heritage Permit), the applicant must provide more detailed information as part of a Conservation Plan, including "engineering drawings for bracing and shoring of the retained façade". Compliance with this conservation strategy is referenced in both City Council's decision from October 26, 2009 and the Section 37 Agreement. This approved strategy makes no mention of temporarily moving the heritage façade.

Given that the approved strategy (and in force zoning by-law) identifies retaining the façade and does not make any reference to a strategy that temporarily relocates the facade, Heritage Preservation Services requested that the applicant provide justification, prepared by a qualified engineer, to stipulate why temporarily moving the façade was necessary and that no alternative conservation strategies were available other than the revised strategy outlined in E.R.A.'s Heritage Impact Assessment report dated May, 2011. The requested rationale was required to be related to the technical aspects of conservation and construction, as Heritage Preservation Services would not consider the rationale related to costs or timing as sufficient justification.

The applicant submitted a letter from Jablonsky, Ast and Partners Consulting Engineers dated June 14, 2011 that reviewed the feasibility of maintaining the historical façade in the current location during construction activities and discussed issues of shoring and excavation and concrete formwork of the new structure, along with the potential negative impacts from vibration and deflection on the masonry structure of the heritage façade. As such, Heritage Preservation Services is satisfied with the engineer's recommendation

to temporarily relocate the heritage façade on site during the construction phase of the new building.

Approval by Council under the Ontario Heritage Act is required for the alteration to the designated building and to amend the registered Heritage Easement Agreement that will include necessary changes to the approved Conservation Strategy, a Conservation Plan and estimated costs to be secured in a Letter of Credit. In addition, this report is being brought forward at the same time as a Supplementary report for the related Zoning By-law Amendment for the subject property, from the Director, Community Planning made necessary by the proposed revision to the Conservation Strategy.

CONTACT

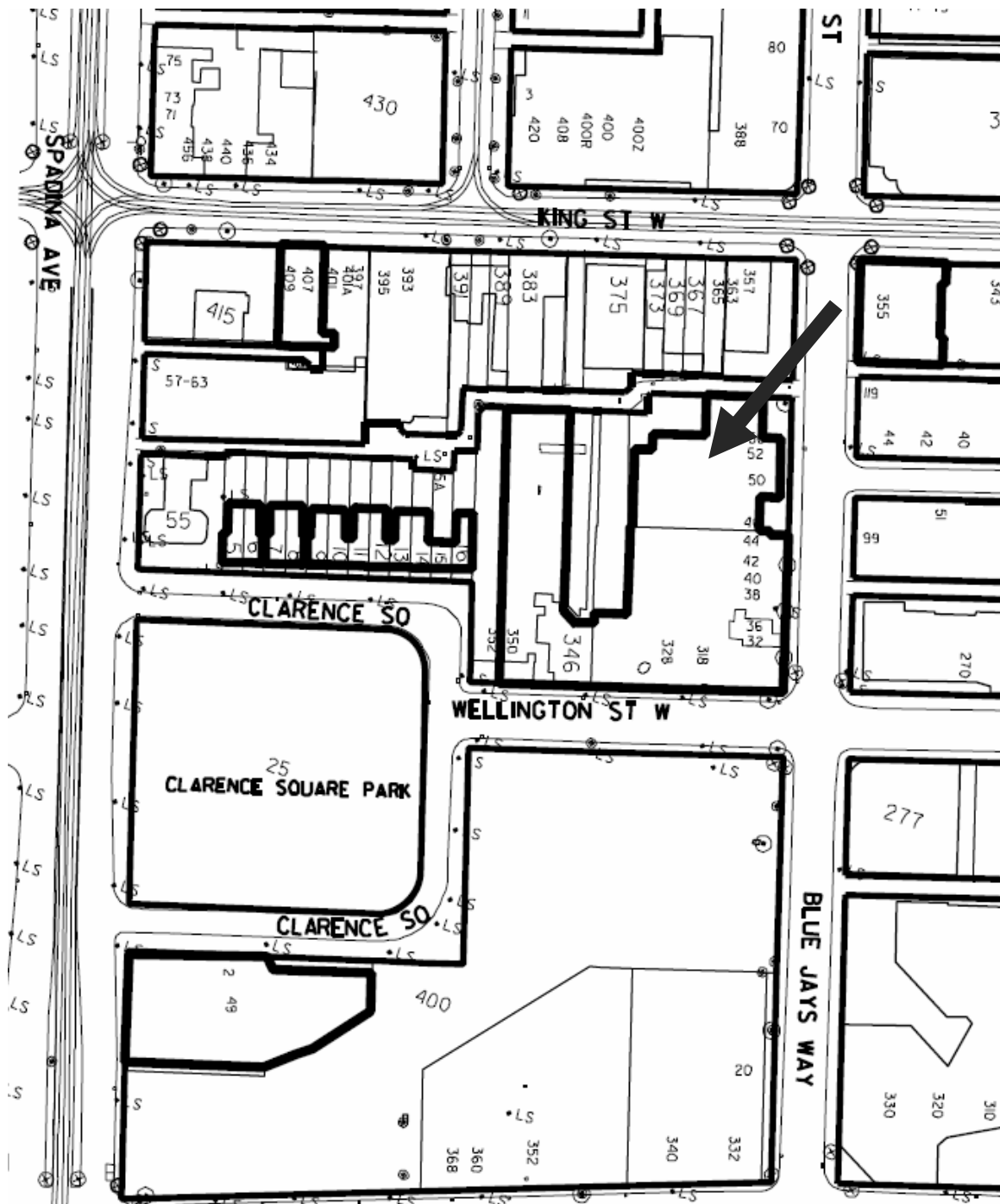
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SIGNATURE

Kerri A. Voumvakis, Acting Director
Policy and Research
City Planning Division

ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Photographs
Attachment No. 3 – Designation By-law



The **arrow** marks the location of the property.

This location map is for information purposes only;
exact boundaries of the property are not shown.



Historic Façade- East Elevation along Blue Jays Way



View of Historic Façade looking south along Blue Jays Way.

**CITY OF TORONTO
BY-LAW No. 1362-2007**

To designate the property at 56 Blue Jays Way (George Crookshank House) as being of cultural heritage value or interest.

WHEREAS authority was granted by Council to designate the property at 56 Blue Jays Way (George Crookshank House) as being of cultural heritage value or interest; and

WHEREAS the *Ontario Heritage Act* authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

WHEREAS the Council of the City of Toronto has caused to be served upon the owners of the land and premises known as 56 Blue Jays Way and upon the Ontario Heritage Trust, Notice of Intention to designate the property and has caused notice of this by-law to be posted on the City's web site for a period of 30 days in accordance with Municipal Code Chapter 162, Notice, Public, Article II, § 162-4, Notice requirements under the *Ontario Heritage Act*; and

WHEREAS the reasons for designation are set out in Schedule "A" to this by-law; and

WHEREAS no notice of objection was served upon the Clerk of the municipality;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The property at 56 Blue Jays Way, more particularly described in Schedule "B" and shown on Schedule "C" attached to this by-law, is designated as being of cultural heritage value or interest.
2. The City Solicitor is authorized to cause a copy of this by-law to be registered against the property described in Schedule "B" to this by-law in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owners of the property at 56 Blue Jays Way and upon the Ontario Heritage Trust and to cause notice of this by-law to be posted on the City's web site for a period of 30 days in accordance with Municipal Code Chapter 162, Notice, Public, Article II, § 162-4, Notice requirements under the *Ontario Heritage Act*.

ENACTED AND PASSED this 13th day of December, A.D. 2007.

GLORIA LINDSAY LUBY,
Deputy Speaker
(Corporate Seal)

ULLI S. WATKISS
City Clerk

SCHEDULE “A”

REASONS FOR DESIGNATION

Description

The property at 56 Blue Jays Way is worthy of designation under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest, and meets the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design, historical and contextual value. Documented in historical records, the three-storey house form building (circa 1834) is located on the west side of Blue Jays Way (formerly Peter Street), south of King Street West. The property was listed on the City of Toronto Inventory of Heritage Properties in 1984, and a Heritage Easement Agreement was registered in 1996. The east façade, identified in the heritage attributes below, has been incorporated in a commercial development on the site.

Statement of Cultural Heritage Value

Architecturally, the George Crookshank House is an important surviving example of an early 19th century house form building designed in the Georgian style in Toronto. The site is associated with George Crookshank (1763-1859), a member of the Legislative Council of Upper Canada who owned extensive property at the west end of the Town of York. The premises were occupied by a series of tenants until 1878, when a private girls' school opened in the building. From 1908 to 1922, it was the headquarters of Dr. Barnardo's Homes in Canada, a charitable organization that settled young British immigrants on Canadian farms. Located in New Town, the property is linked to the evolution of the neighbourhood from its beginnings as a residential enclave in the early 19th century.

Heritage Attributes

The surviving heritage attributes of the George Crookshank House related to its cultural heritage value as a surviving example of Georgian design in New Town are found on the principal (east) façade, consisting of:

- The three-storey east façade (where the original two-storey wall was extended by an attic storey) with red brick construction.
- The symmetrical organization of the façade with flat-headed window openings for six-over-six sash windows and stone lintels and sills.

City of Toronto By-law No. 1362-2007

SCHEDULE “B”

PIN 21413-0081 (LT)

LT 19 PL D263 TORONTO; PT LT 18 PL D263 TORONTO PT 2, 64R15263

City of Toronto and Province of Ontario

Land Titles Division of the Toronto Registry Office (No. 66)

The hereinbefore described land being delineated by heavy outline on Sketch No. PS-2007-294 dated November 27, 2007, as set out in Schedule “C”.

