



STAFF REPORT ACTION REQUIRED

Alteration to Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement – 129 St. Clair Avenue West (Deer Park United Church)

Date:	January 5, 2012
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Acting Director, Policy & Research, City Planning Division
Wards:	Ward 22 St. Paul's
Reference Number:	P:\2012\Cluster B\PLN\HPS\TEYCC\February 21 2012\te12007

SUMMARY

This report recommends that City Council consent to the alteration of the designated heritage property included in this development project known as 129 St. Clair Avenue West, Deer Park United Church, subject to conditions and authorize the city to enter into a Heritage Easement Agreement with the owner.

This application proposes to alter the existing heritage-designated church, former Deer Park United at 129 St. Clair Ave. West, to adaptively reuse the church for non-residential and residential uses. A new 27-storey residential building and six townhomes fronting onto Foxbar Road are proposed. The alteration of the church includes the removal of the Sunday school wing at the south end.

City Council's consent is required for the alteration to the designated heritage property under Section 33 of the Ontario Heritage Act. This report is being brought forward at the same time as a report on the proposed official plan and zoning by-law amendments from the Director, Community Planning for the subject property. Currently, no site plan application has been submitted.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council consent to the alteration of the designated heritage property located at 129 St. Clair Avenue West (former Deer Park United Church) subject to the following conditions:
 - a. That the alterations to the building be completed in accordance with the Heritage Impact Assessment prepared by E.R.A. Architects Inc., dated December 13, 2010 and the architectural drawings submitted by Diamond and Schmitt Architects dated July, 2010 and re-issued November 16, 2011 for the re-zoning application, and that the retained portion of the designated property be shored, stabilized, kept in-situ and protected during construction of this project.
 - b. Prior to the introduction of the Bill in Council for the zoning by-law amendment, the owner shall enter into a Heritage Easement Agreement for 129 St. Clair Avenue West to the satisfaction of the Manager, Heritage Preservation Services and the City Solicitor, with the agreement to be registered on title to the lands in a manner satisfactory to the City Solicitor.
 - c. Prior to final site plan approval, the owner shall provide the following to the satisfaction of the Manager, Heritage Preservation Services:
 - i. an as-found record of the existing building including photographs keyed to plans and elevations of all the visible exteriors and interiors;
 - ii. a detailed Conservation Plan for the conservation work described in the December 13, 2010 Heritage Impact Assessment prepared by E.R.A. Architects, to be prepared by a qualified heritage consultant, detailing recommended interventions, exterior restoration, estimated costs and a schedule of short and long term maintenance requirements;
 - iii. an Interpretation Plan

- iv. a Heritage Lighting Plan
 - v. site plan drawings in accordance with the approved Heritage Impact Assessment and re-zoning drawings;
 - vi. a final landscape plan that supports the heritage character of the heritage building;
 - vii. a Letter of Credit, in a form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure all restoration and interpretation work included in the detailed Conservation Plan.
- d. Prior to the issuance of any heritage permit pursuant to the Ontario Heritage Act, including a permit for alteration of 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.
- e. Prior to the release of the Letter of Credit, the owner shall provide a Letter of Substantial completion for the 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 enter into a 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 enter into the Heritage Easement Agreement.

Financial Impact

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

DECISION HISTORY

The property at 129 St. Clair Avenue West was included on the City of Toronto Inventory of Heritage Properties in January 2008. Following the listing of the site, staff were advised that representatives of Deer Park United Church were in the process of selling the property and learned there were concerns in the community about the potential redevelopment of the site.

At its meeting of October 29 and 30, 2008, City Council stated its intention to designate the property under Part IV, Section 29 of the Ontario Heritage Act. Following Council's statement of intention to designate the property, the property owners objected to the proposed designation and the matter was referred to the Conservation Review Board. In discussions between the City and the owners' legal representative, it was agreed that minor changes to the Reasons for Designation would address the owners' concerns while preserving the property's cultural heritage values and attributes. At its meeting of January 26 and 27, 2010, Council passed By-law 1052-2010 to amend the designation.

The staff report can be found on the City's website at:

<http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-25924.pdf>

On July 13, 2011, the Committee of Adjustment approved a consent application (B0043/11TEY) to convey an 802 m² parcel of land from 111 St. Clair Ave. West to 129 St. Clair Ave. West. The decision was appealed to the Ontario Municipal Board. The appeal, however, was withdrawn the day of the OMB Hearing (November 14, 2011) and the decision is now final and binding. This subject parcel is generally where the six townhouses are proposed in conjunction with the 129 St. Clair Ave. West application.

ISSUE BACKGROUND

The property at 129 St. Clair Avenue West was designated under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design, associative and contextual value.

Located on the southeast corner of St. Clair Avenue West and Foxbar Road (see Attachment 1), Deer Park United Church is a significant institution in the Deer Park neighbourhood where it is the oldest surviving church building. The origins of the church date to the late 1800s when a Presbyterian congregation was formed in "Deer Park," the residential community that developed around the intersection of Yonge Street and St. Clair Avenue as the City of Toronto expanded northward. After Deer Park was annexed in 1908, the congregation relocated to a new building on St. Clair Avenue, the main east-west thoroughfare in the neighbourhood. The current church was completed in 1912 and dedicated the following year as Deer Park Presbyterian Church (see Attachment 2). In 1925, the majority of the congregation elected to join the newly-formed United Church of Canada.

Deer Park United Church has design value as a well-crafted example of the Neo-Gothic style, which was popular in the early decades of the 20th century for ecclesiastical and educational buildings (see Attachment 3). Displaying a distinctive corner tower and stone facing, the designs for the church were profiled in the September 1911 issue of Construction magazine, and featured at the Toronto Society of Architects' exhibition in 1912. Alterations to the complex over time, including the expanded Sunday school wing dating to 1931, have respected the original fabric and style of the church.

Contextually, Deer Park United Church is a landmark on St. Clair Avenue West in the Deer Park community. The church anchors the southeast corner of St. Clair Avenue West and Foxbar Road, one block east of Avenue Road, where its iconic architecture is highly visible.

Heritage Attributes

The heritage attributes of Deer Park United Church related to its cultural heritage value as a representative example of Neo-Gothic styling associated with a significant institution in the Deer Park neighbourhood where it is a local landmark are:

- The scale, form and massing
- The materials, including Credit Valley stone, Indiana limestone, terra cotta, slate, metal, glass and wood
- The long rectangular plan with shallow transepts and low side aisles on the east and west elevations
- The steeply-pitched cross-gable roof with brick and stone chimneys, and the shed roofs over the side aisles
- At the northwest corner, the square tower with a flat roof, finials and a pinnacle
- The main entrance, which is placed in a shallow porch on the north façade, with pairs of paneled wood doors and multi-paned transoms
- The secondary entrance on the west face of the tower, and the entrance porch at the north end of the east wall, with wood doors with glazed inserts and blind transoms
- The detailing on the entries, with pointed-arched surrounds, mouldings, quoins, carvings and, on the tower, a roundel
- The window openings, with Tudor-arched, pointed-arched, flat-headed, lancet and clerestory windows
- The window detailing, with stone mullions, tracery, labels and continuous sills
- The applied detailing, with smooth band courses, buttresses, coping along the gables and, on the north façade, a niche with quoins
- The cornerstones from the second Deer Park Presbyterian Church (1888) and the current church (1911)

- The collection of stained glass windows, including commissions by artists Peter Haworth and Yvonne Williams and memorial windows in the sanctuary, transepts and chapel (excluding 13 small panels along the east and west side walls and the lower west transept, and the three-part memorial window on the south wall of the chapel)
- The Sunday School wing at the south end of the church, which complements it with the stone cladding and trim, Neo-Gothic detailing, and combinations of flatheaded and pointed-arched openings
- The interior is not included in the Reasons for Designation

The current proposal to remove a portion of the church and introduce a residential tall building has been analyzed with respect to a variety of provincial and municipal policies as well as the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Community Consultation on the Official Plan and Zoning Amendment Applications

Following a number of pre-application meetings with city staff, throughout which the applicant made substantial changes to their initial plans to respond to concerns raised by Heritage Preservation, Community Planning and Urban Design staff, a community consultation meeting was held in the neighbourhood on March 24, 2011 to discuss two planning applications. One application is the subject of this report and the second application is the neighbouring application at 111 St. Clair Avenue West.

Approximately 100 members of the public attended the meeting. At this meeting, the applicant presented a 32-storey (104.5 metres tall) proposal, which has since been revised. During the discussion and question period residents in the neighbourhood raised a number of concerns. Issues raised included but were not limited to heritage preservation, the height, siting and scale of the proposed tower, setback and transition of the tower to the neighbourhood, impact on local traffic, access to the site, proposed parking supply, shadow impacts, design of the townhouses, and construction related concerns.

At the meeting the Councillor called for the establishment of a working group to provide a forum for the local community to discuss their concerns about the proposal with the applicant. Four working group meetings were held on, May 16, June 6, June 20 and September 13, 2011. The working group meetings were structured to address issues relating to: tower location; heritage preservation; transportation and vehicular access; and overall tower massing and design.

At the final working group session, the applicants of 129 St. Clair Ave. West presented a revised proposal which was supported by the Foxbar Neighbourhood Association and generally agreed to by the remainder of the working group members present. While the revised proposal was satisfactory to the working group, Planning staff had substantial concerns with the proposed heritage conservation strategy as it does not satisfy provincial

and municipal requirements nor does it adequately conserve the heritage property according to relevant standards which call for minimal intervention.

The development supported by the working group required the tower to be shifted seven metres to the north which encroaches substantially onto the landmark historic resource, removing the Sunday school wing, a portion of the original 1912 building, and the roof, lowers the walls and creates an outdoor courtyard. A portion of the northern part of the church is proposed to be programmed for commercial use.

The owner subsequently chose to submit the proposal which is the subject of this report and not apply to receive approval for the working group supported plan. The revised proposal submitted for staff's final review included a number of features of the working group proposal, while maintaining the heritage preservation strategy found in the original application.

In the event that the official plan and rezoning applications are altered from the proposal, discussed in this report, an additional report under Section 33 of the Ontario Heritage Act will be required.

Planning Act and Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The *Planning Act* and associated *Provincial Policy Statement* guide development in the province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the *Planning Act*. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 directs that "Significant built heritage resources and cultural heritage landscapes shall be conserved. Properties included on the City's Inventory of Heritage Properties are considered to be significant in this context.

In the PPS 2005, "conserved" is defined as "the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment."

The designated property at 129 St. Clair Avenue West has been identified through municipal listed and provincial designation and its heritage values and attributes are

contained, described and defined by the Reasons for Designation adopted by City Council.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The provisions of the Growth Plan are to be read in conjunction with the PPS.

The Growth Plan for the Greater Golden Horseshoe references in Part 4 "irreplaceable cultural heritage sites...that are essential for the long-term economic prosperity, quality of life....These valuable assets must be wisely protected and managed as part of planning for future growth...A balanced approach to the wise use and management of all resources... will be implemented."

Section 4.2.4 of the Growth Plan reads:

"Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:

...e) Cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as *built-up* areas are intensified"

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Policy 3.1.5.2 of the Official Plan states that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved." "Development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes." Development adjacent to properties on the City's *Inventory of Heritage Properties*, will respect the scale, character and form of the heritage buildings and landscapes. The property at 111 St. Clair Avenue west is on the City's Inventory of Heritage Properties.

Policy 3.1.5.8 states that additional gross floor area may be permitted in excess of what is permitted in the Zoning By-law for lands designated as Mixed Use Areas, for a lot containing a conserved heritage building and new development provided that the application includes the conservation of a building or structure designated under the Ontario Heritage Act, and the quality, character and three-dimensional integrity of the conserved building or structure is maintained and additional density will not be granted for the incorporation of facades or historic building elements into new development. Where only a portion of the conserved building or structure is kept, that portion must contain the features of historic and/or architectural value or interest for which the building was designated.

Design Criteria for the Review of Tall Buildings Proposals

With respect to heritage buildings or sites either within or adjacent to the development site, new tall buildings will not visually impede the setting of a listed/designated building. Any new tall building proposal affecting the setting of a listed/designated building should satisfy all requirements of the Official Plan and should demonstrate that the area's character and the appearance or the setting of the listed/ designated building will be preserved and enhanced.

Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada

The Standards and Guidelines for the Conservation of Historic Places in Canada is the document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

The relevant Standards include the following:

- Conserve the *heritage value* of a historic place. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*
- Conserve heritage value by adopting an approach calling for minimal intervention
- Find a use for an historic place that requires minimal or no change to its character-defining elements
- Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention
- Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes
- Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference
- Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place
- Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future

Proposal

The proposal calls for the alteration of the existing heritage-designated church, formerly Deer Park United in order to adaptively reuse the church for non-residential and residential uses. A Heritage Impact Assessment, prepared by E.R.A. Architects Inc., was submitted in support of the applicant's proposal.

A new 27-storey residential tower is proposed at the rear of the church structure, as well as six three-storey townhouses at the southern most point of the property, fronting onto Foxbar Road. The alteration of the church includes the removal of the Sunday school wing at the south end, the removal of the 1961 east narthex addition and the introduction of additional sources of light and entryways, the precise details of which will be determined as part of the site plan approval process.

A 220 square metre non-residential use is proposed at the front portion of the church, along St. Clair Ave. West. This may require some minor alterations which will be addressed during site plan approval. The remainder of the retained church will be adaptively reused as residential units with new entry points introduced around the church. The residential lobby entrance to the tower is proposed to be located off the circular driveway, located off of Foxbar Road.

The overall height of the tower is 87 metres, including the mechanical penthouse. The 27th floor is comprised of the mechanical penthouse and a three bedroom residential unit. The overall density proposed is 6.8 times the area of the lot.

The proposed floor plate of the tower is approximately 750 square metres. The proposed tower is set back 36 metres from St. Clair Ave. West, the north property line; 9 metres from the west property line; between 11 and 21 metres from the south property line (due to the curve in property line and road); and 4.0 metres from the property line to the east. There are 1.8 metre projecting balconies located on the north, west and east sides of the towers. On the south façade the balconies do not project beyond the main wall of the tower.

The six three-storey townhouses are located to the south of the residential tower fronting onto Foxbar Road, with a landscaped edge.

Rehabilitation and proposed mitigation

The rehabilitation of the existing church will include the following measures:

- New residential units will be constructed within the volume of the existing original church building
- Enlarged window openings at the ground floor level will be created along the east and west elevations to provide light and access to the residential units from the exterior

- The east addition will be demolished to allow for better access to light for the new east facing units and allow for at grade terraces and entrances to the ground floor units
- The door openings on the east and west elevations will be modified into increase the glass area within the existing masonry openings
- New window openings will be introduced on the east and west elevations and on the south elevation of the tower to provide light and access to the residential units
- Upper level windows will be modified to provide operable units
- Windows will be reintroduced into the east transept openings, previously in-filled
- New storm windows will be added to existing openings
- New skylights will be introduced into the roof to provide light and access to the residential upper floor units
- Removal of leaded glass from lower lights of church windows and re-glazing with sealed, double glazed units. The upper trefoil lights of the windows will be maintained and protected with interior storm windows. Existing obscured and coloured glazing will be maintained where feasible
- The north entrance doors will be maintained but will access a new egress stair at the interior
- The chancel will be demolished to allow for the construction of the new addition
- A new interior south wall will be constructed in filling the arch of the chancel
- The exterior stone and terra cotta will be repaired to address deficiencies
- The roof will be repaired or replaced with a new slate roof to match existing
- The copper roof on the side isles and flashings and raingear will be repaired or replaced to match existing
- Wall stone will be salvaged and reused in the cladding of the five townhouses on the addition as well as providing stone and terra cotta materials for the repair of the existing church building
- The removal of the east addition will expose the original east façade of the church that remains intact behind the addition construction. The points of connection will be repaired. The addition obscured many features of the original church design on the east elevation
- The removal of the south addition will expose fully the original west transept elevation. The points of connection will be repaired using salvaged materials
- The tower and townhouse addition is located at the south end of the church, thereby preserving the key view of the building from St. Clair Avenue and Foxbar Road
- The new tower has a smaller footprint than the current addition and is set back from Foxbar to match the setback of the church, thereby increasing the visibility of the heritage building

- The increased setback further allows the elimination of surface parking and the introduction of increased landscape area and improvements to the landscape along St. Clair Avenue and Foxbar Road. Refer to the landscape drawing L-101, prepared by Janet Rosenberg + Associates Landscape Architects, dated December 13, 2010.

All heritage work will be completed in accordance with the Parks Canada *Standards and Guidelines for the Conservation of Historic Places*, the Ministry of Culture's *Ontario Heritage Tool Kit* procedures and the *Burra Charter*.

Comments

When a development application is received for lands listed on the City's Inventory of Heritage Properties the applicant is requested to demonstrate that the proposed alterations conserve the values and attributes of the heritage property in order to satisfy provincial and municipal policies. In addition, proposed alterations are considered in relation to the Parks Canada *Standards and Guidelines*.

Heritage Preservation Services staff have reviewed the potential impact of the proposed development on 129 St. Clair Ave. West and the adjacent heritage properties at 111 St. Clair Ave. West, and *St. Michael's Cemetery Mortuary Vault at 1414 Yonge Street* and concur with the conclusions of the Heritage Impact Assessment prepared by E.R.A. Architects (dated December 13, 2010) that the proposed development, which includes the rehabilitation and adaptive reuse of the original church structure that retains and respects the values and attributes of the heritage building.

The proposal is consistent with the Provincial Policy Statement and related Official Plan heritage policies that "Significant built heritage resources and cultural heritage landscapes shall be conserved," in that the heritage property has been identified and designated and through this development application is proposed to be protected, used and managed in such a way that its heritage values, attributes and integrity (which have been defined by City Council through provincial designation) have all been retained with one exception, the 1931 Sunday School addition. While the 1931 Sunday school wing is to be removed, the proposed development mitigates the demolition and provides for the rehabilitation and adaptive re-use of the entire original church structure. The design and placement of the tower and its elements allows the church to retain its landmark presence and the introduction of the townhouses allows for appropriate contextual support of the church's scale and mass.

This proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe in that the proposed conservation strategy supports cultural heritage conservation within the site's intensification and demonstrates that a high degree of conservation for this significant landmark heritage resource is feasible relative to other growth plan goals.

The heritage building, which is currently vacant, will be repaired and adapted for a new residential condominium use that will ensure continuing maintenance and occupancy of the building; a key aspect of the conservation of heritage places. The new addition and

the improved landscape context will ensure an appropriate setting for the retained heritage building. The proposal successfully addresses the *Standards and Guidelines for the Conservation of Historic Places in Canada* and satisfies all provincial and municipal requirements.

CONTACT

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SIGNATURE

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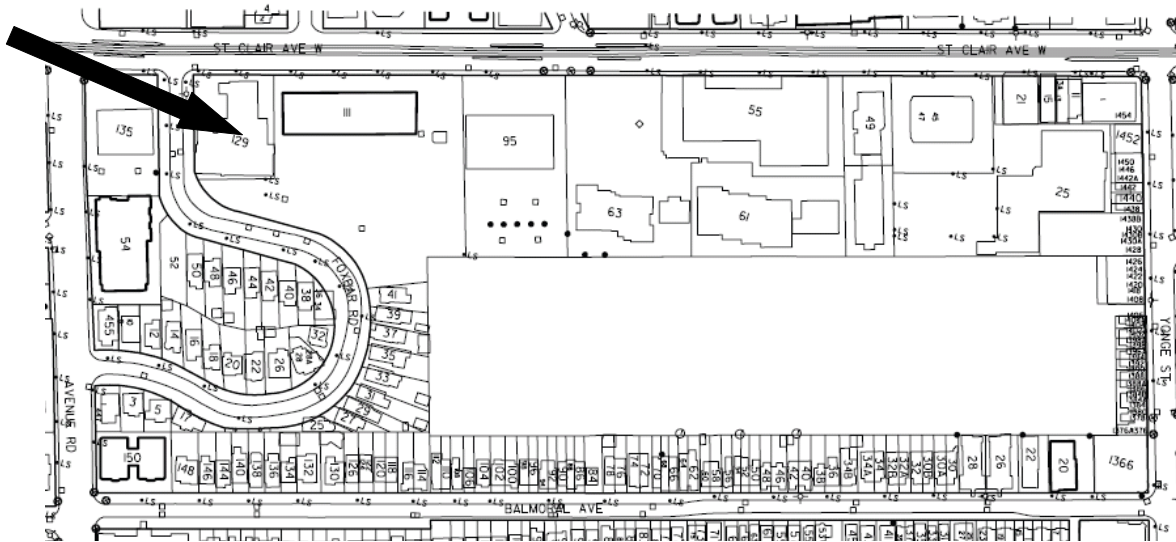
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ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Archival Photographs
Attachment No. 3 – Photograph
Attachment No. 4 – Aerial View
Attachment No. 5 – Proposal Site Plan
Attachment No. 6 – Proposal Rendering
Attachment No. 7 – Proposal Ground Floor Layout
Attachment No. 8 – Proposal West Elevation
Attachment No. 9 – Proposal North Elevation
Attachment No. 10 – Proposal East Elevation

LOCATION MAP:
129 St. Clair Avenue West

ATTACHMENT NO. 1

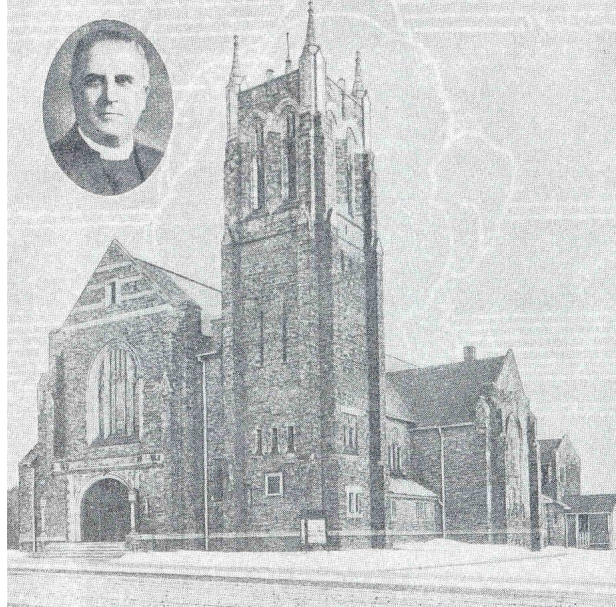


The **arrow** marks the location of the property.

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

ARCHIVAL PHOTOGRAPHS:
129 St. Clair Avenue West

ATTACHMENT NO. 2



Archival views showing Deer Park United Church in 1931 (above) and after the addition of the Sunday school wing in 1931 (below).



PHOTOGRAPH:
129 St. Clair Avenue West

ATTACHMENT NO. 3



View of Deer Park United Church on the southeast corner
of St. Clair Avenue West and Foxbar Road.

AERIAL VIEW:
129 St. Clair Avenue West

ATTACHMENT NO. 4



Aerial photograph of the subject property
(Source: Google Maps, supplied courtesy of ERA Architects)

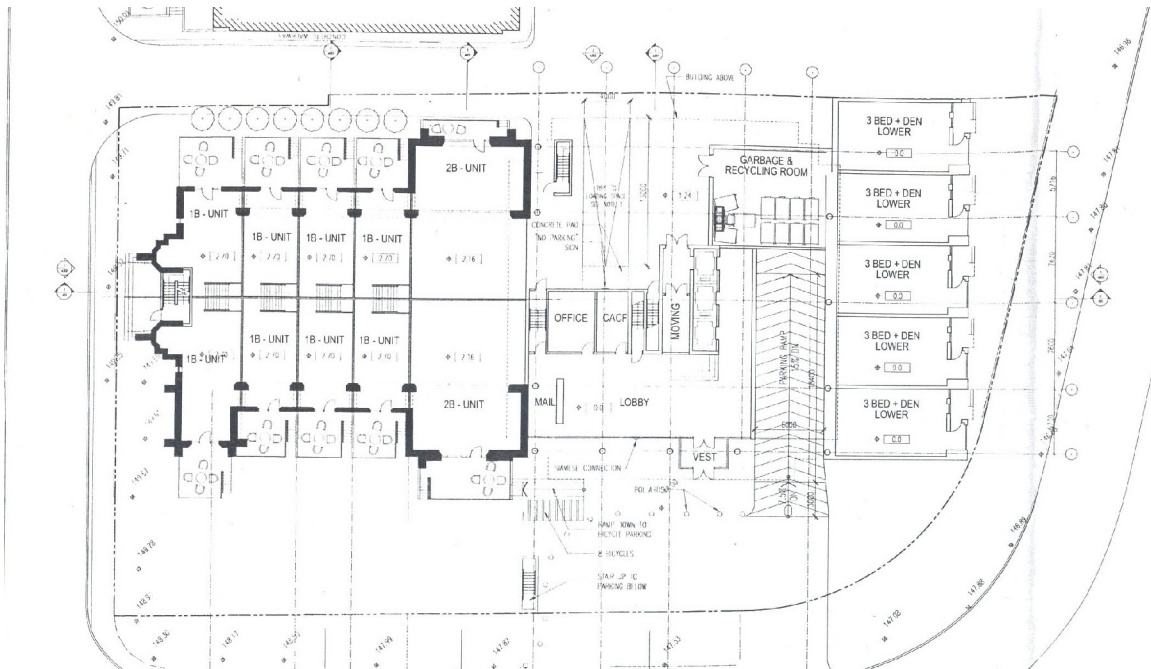
ATTACHMENT NO. 5





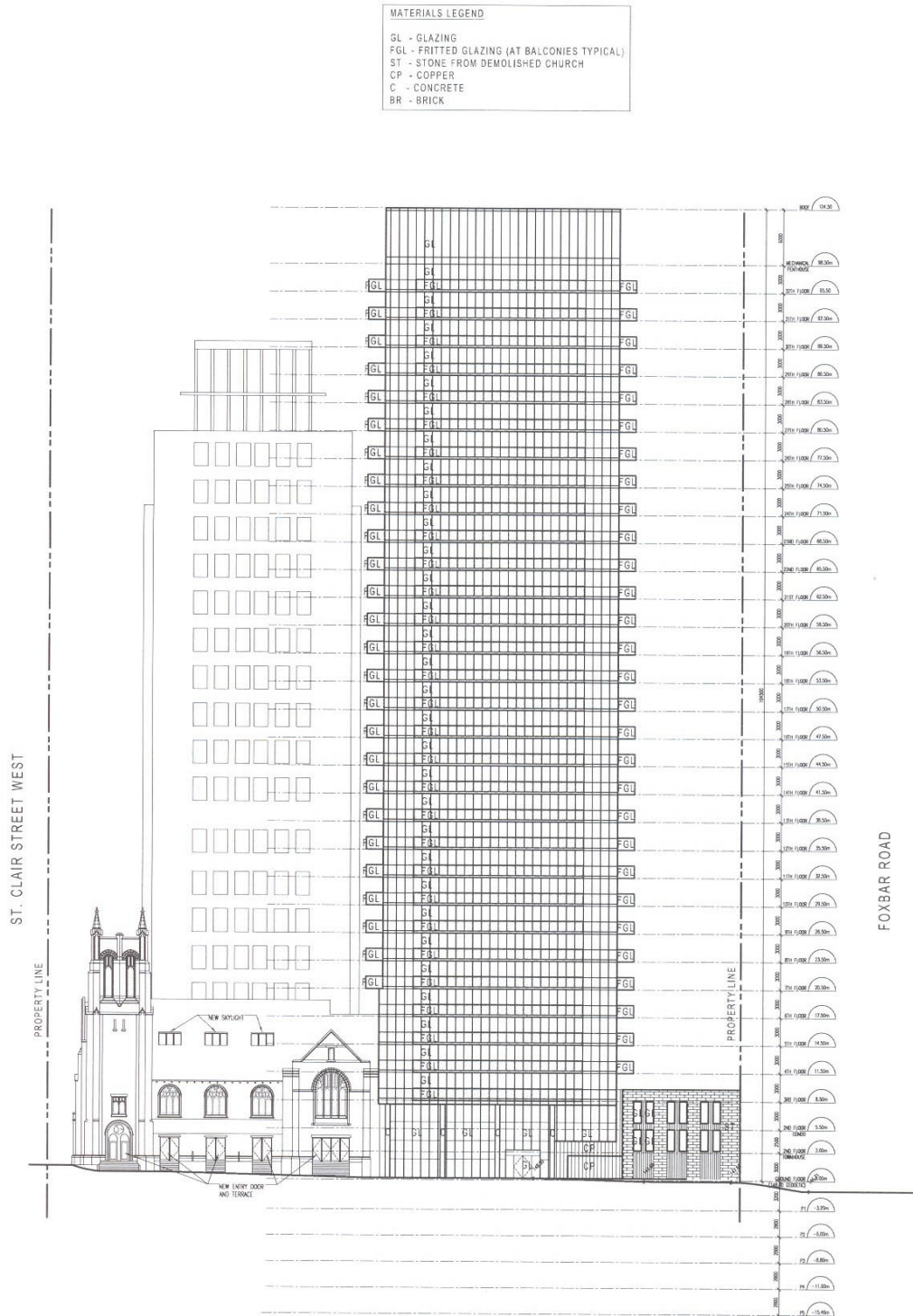
PROPOSAL GROUND FLOOR LAYOUT:
129 St. Clair Avenue West

ATTACHMENT NO. 7



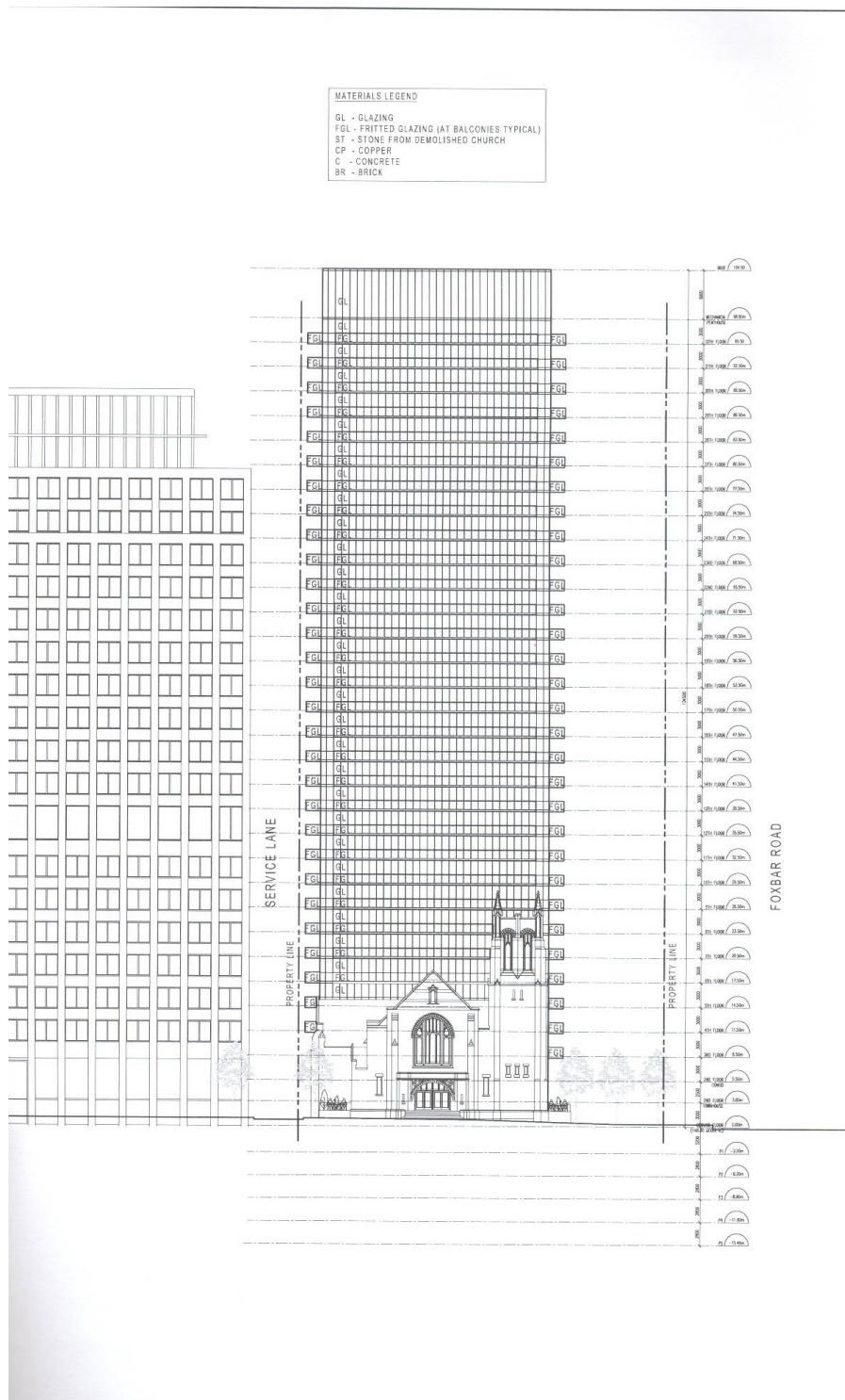
PROPOSAL WEST ELEVATION:
129 St. Clair Avenue West

ATTACHMENT NO. 8



PROPOSAL NORTH ELEVATION:
129 St. Clair Avenue West

ATTACHMENT NO. 9



PROPOSAL EAST ELEVATION:
129 St. Clair Avenue West

ATTACHMENT NO. 10

