



## STAFF REPORT ACTION REQUIRED

### Demolition of a Designated Heritage Property 68- 70 Shuter Street and Demolition of a Listed Heritage Property 64-66 Shuter Street

<b>Date:</b>	May 12, 2014
<b>To:</b>	Toronto Preservation Board Toronto and East York Community Council
<b>From:</b>	Director, Urban Design, City Planning Division
<b>Wards:</b>	Ward 27, Toronto Centre – Rosedale
<b>Reference Number:</b>	P:\2014\Cluster B\PLN\TEYCC\TE14060

#### SUMMARY

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This report recommends that City Council endorse the conservation strategy generally described for the heritage properties located at 64-70 Shuter Street to allow for the construction of a twenty-four storey condominium with retail uses a grade. Staff have determined that the property at 64-66 Shuter Street does not meet the Provincial criteria for designation so staff do not oppose its demolition. The front elevation at 68-70 Shuter Street has severely deteriorated and it cannot be incorporated into the proposed development without first being disassembled. Should Council endorse this strategy the front elevation, chimneys, and portions of the roof and a return wall will be reconstructed and incorporated into the new base building of the residential tower.

#### RECOMMENDATIONS

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##### The City Planning Division Recommends that:

1. City Council approve the request to demolish the heritage building at 68-70 Shuter Street in accordance with Section 34 of the Ontario Heritage Act as proposed in Site Plan Application No. 14 107073 SA substantially in accordance with the Heritage Impact Statement for the subject property at 68-70 Shuter Street prepared by Goldsmith Borgal and Company Limited Architects dated May 6, 2014 and date stamped received by City Planning on May 14, 2014, subject to the following conditions:

- a. Prior to Site Plan Approval the owner shall:
  - i. Complete all pre-approval conditions contained in a Notice of Approval Conditions for Site Plan Control.
  - ii. Provide a Reconstruction Plan prepared by a qualified heritage consultant that is consistent with the strategy set out in the Heritage Impact Statement for 68-70 Shuter Street prepared by Goldsmith Borgal and Company Limited Architects, dated May 6, 2014, to the satisfaction of the Manager, Heritage Preservation Services that describes how the south elevation will be an exact reconstruction.
  - iii. Provide final Site Plan drawings including drawings related to the approved Reconstruction Plan to the satisfaction of the Manager, Heritage Preservation Services.
  - iv. Submit a Lighting Plan that describes how the reconstructed heritage elevation will be sensitively illuminated to the satisfaction of the Manager, Heritage Preservation Services.
  
- b. Prior to the issuance of a any permit under the Ontario Heritage Act for the proposed development the owner shall:
  - i. Have obtained Final Site Plan approval for such property, issued by the Chief Planner and Executive Director, City Planning.
  - ii. Provide full building permit drawings for the proposed development, including notes and specifications for the protective measures and reconstruction work keyed to the approved Reconstruction Plan, including a description of materials and finishes, to be prepared by the project architect and heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.
  - iii. Provide a Commemoration Plan that fully communicates the heritage values and heritage context of the Gillespie Houses and Edward Cooper Houses to the satisfaction of the Manager, Heritage Preservation Services.
  - ii. Provide a Letter of Credit, indexed annually, in a form and amount satisfactory to the Manager, Heritage Preservation Services to secure all work included in the approved Reconstruction Plan and the approved Commemoration Plan.
  - iii. Provide full documentation of the existing heritage properties at 64-66 Shuter Street, and at 68-70 Shuter Street, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Manager, Heritage Preservation Services.

- c. Prior to the release of the Letter of Credit the owner provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that all of the reconstruction and commemoration work has been completed in accordance with the Reconstruction Plan and the Commemoration Plan all to the satisfaction of the Manager, Heritage Preservation Services;
2. City Council authorize the City Solicitor and the appropriate staff to introduce the necessary bill in Council repealing the designation of the property at 68 – 70 Shuter Street under Part IV of the Ontario Heritage Act, as required by Section 34 (3) of the Ontario Heritage Act, following the demolition of the heritage property.

### **Financial Impact**

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

### **DECISION HISTORY**

The properties located at 64-70 Shuter Street were listed on the City of Toronto's Inventory of Heritage Properties in May 1990.

At its meeting of December 18 and 19, 1995, Toronto City Council adopted Zoning By-law amendment By-law No.1996-0064 to permit a site specific development for an approximately 10-storey mixed-use building on the lands known municipally as 64, 66, 68 and 70 Shuter Street. The proposal would have involved the demolition of the heritage building at 64-66 Shuter Street. The building at 68-70 Shuter Street would also have been demolished, but its façade would have been reconstructed slightly south of its current location and incorporated into the new ten storey building. The By-law was enacted, but the building was never built.

In 2012, the applicant again proposed to rezone the property to allow for the construction of a 28-storey mixed-use building. The applicant appealed the application to the Ontario Municipal Board due to Council's failure to make a decision within the times prescribed by the Planning Act. Community Planning Staff recommended that the application be refused as the application did not conform to applicable policies in the Official Plan that included policies related to Mixed Use Area, Built Form – Tall Buildings, Heritage Resources, as well as Parks and Open Spaces and because the proposal represented over-development of the site.

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60831.pdf>

Heritage Preservation Services staff recommended that the property at 68-70 be designated under Part IV Section 29 of the Ontario Heritage Act. Council passed the notice of intention to designate under the Act at their meeting of October 8, 9, 10 and 11, 2013. City of Toronto By-law 273-2014 designating the property under the Ontario Heritage Act was enacted by Toronto City Council on March 20, 2014.

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60693.pdf>

At their meeting of October 8, 9, 10 and 11, 2013, Toronto City Council directed staff to support the applicant's appeal respecting the zoning by-law amendment with conditions. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.20>

On December 19, 2013 the Ontario Municipal Board ordered in decision No. PL130554 that the appeal of By-law No. 438-86 be allowed in part. The City's Clerk's office has assigned this decision By-law 86-2014 (OMB).

## **BACKGROUND**

### **Development Proposal**

The properties at 64-70 Shuter Street are located on the northeast corner of Shuter Street and Dalhousie Street. They currently function as commercial office space and rental housing. The proposal is to demolish the two heritage properties to allow for the construction of a 24 story residential condominium tower with ground floor retail. The front elevation of the heritage property at 68-70 Shuter Street would be reconstructed and incorporated into the new base building.

### **Policy Framework**

#### **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 the 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 significant 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 2014, "conserved" is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act."

## **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." The policy also states that "Development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

At its meeting of April 3, and 4, 2013, Toronto City Council adopted amendments to the Official Plan heritage policies. By-law 468-2013 enacting these policies has been appealed to the Ontario Municipal Board. While the amendments are not yet in force, HPS has also considered the proposal within the context of these amended policies. Demolition is specifically defined in these policies as "the complete destruction of a heritage structures and property from its site, including the disassembly of structures and properties on the Heritage Register for the purpose of reassembly at a later date."

## **The Standards and Guidelines for the Conservation of Historic Places in Canada**

In 2008 Toronto City Council adopted the Standards and Guidelines for the Conservation of Historic Places in Canada as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. The Standards do not recognize reconstruction as an appropriate conservation strategy.

## **Heritage Resources**

The properties located at 68-70 Shuter Street contain the Edward Cooper Houses. These 3½ Storey Georgian Townhouses were constructed in the 1850s. They meet the Provincial criteria for designation for Design or Physical Value, Historical or Associative Value, and Contextual value.

**Rare Example of a Style and Type** - The properties at 68 and 70 Shuter Street are valued because the Edward Cooper Houses are rare examples of mid 19<sup>th</sup> century urban town houses in Toronto with the Georgian styling that was reserved for the earliest buildings in the City. While this type and style of building was once prevalent in downtown Toronto, the Edward Cooper Houses are valued as rare surviving examples.

**Architect** - Their design is attributed to John Tully, who is significant as one of the first professional architects to practice in Toronto where only a select group of his commissions survive.

**Surroundings** – The properties at 68 and 70 Shuter Street have contextual value because the Edward Cooper Houses are historically linked to their surroundings adjoining Church Street as it developed in the mid 19<sup>th</sup> century as a desirable residential district in Toronto. The Edward Cooper Houses are among the oldest surviving buildings in the neighbourhood and City.

The properties at 64-66 Shuter Street contain the Gillespie Houses. Staff evaluated these properties in 2013 against the Provincial criteria for designation and determined that they do not meet the criteria for designation under the Ontario Heritage Act. Their late 19<sup>th</sup> century design has been negatively impacted by unsympathetic alterations. The building

permit issued in 1893 for the current house form buildings did not identify an architect, and no historical associations with either the property owners or their tenants have been identified at the time of the writing of this report. While they may be described as historically linked to their surroundings to the extent that they are surviving remnants of the Church Street neighbourhood, physical alterations over time have greatly diminished the quality of their contextual value to the point that it can no longer be determined to be significant.

These properties are not located adjacent to any heritage properties included on the City of Toronto's Inventory of Heritage Properties.

## **COMMENTS**

### **Proposed Conservation Strategy**

The applicant is proposing to demolish the listed building at 64-66 Shuter Street, Gillespie Houses. The Heritage Impact Assessment states that the Gillespie Houses have been extensively remodelled and altered since their construction. These alterations have significantly degraded the property's heritage integrity.

The proposed conservation strategy for 68-70 Shuter Street is to dismantle the building, remove it from the property, construct the underground parking garage, and reconstruct the front elevation, a portion of a return wall, the roof, and chimneys. The heritage fabric will be restored while it is in its disassembled state.

The reconstructed front elevation will be incorporated into the base building of the proposed condominium. Residential units with floor heights that relate to the floor heights of the existing heritage building will be constructed behind the heritage elevation. The existing raised residential entrances will continue to serve as the primary residential entrances to serve two, two storey units.

In an attempt to provide a three dimensional appearance from the street, in addition to reconstructing a portion of the roof and chimneys, a portion of the west return wall will be reconstructed with salvaged brick, or if insufficient heritage material is salvageable, brick to match the historic brick. This return wall will extend into the interior of the two storey residential interior.

The proposed base building has been designed to be sensitive to the adjacent heritage façade context. The new residential lobby will be set back slightly from the heritage elevations making the portion of the reconstructed west return wall visible. The windows on the base buildings will be in line with the datum lines on the heritage building and the size of the individual window units references the historic windows. The base building will be clad in zinc that will weather over time. The scale of the zinc will be broken up by assembling it in panels in reference to the adjacent masonry elevation.

## **Assessment of Heritage Impacts**

### **64-66 Shuter Street, the Gillespie Houses**

Staff concur with the applicant's findings that the property at 64-66 Shuter Street has been significantly altered. As the property does not meet the Provincial criteria for designation staff are not recommending that it be conserved. Policy 12, of Chapter 3.1.5 of the City of Toronto Official Plan states that when all or a significant part of a heritage resource on the City's Inventory of Heritage Properties is to be removed, thorough documentation of the resource should be deposited in the City of Toronto Archives by the owner prior to any demolition. Should Council endorse the proposed conservation strategy thorough documentation of this property is required, and it should be submitted to the City of Toronto Archives to the satisfaction of the Manager HPS, to serve as a permanent public record of the building.

### **68-70 Shuter Street, Edward Cooper Houses**

#### **Building Condition**

The original 1995 proposal for this property would have seen the property completely dismantled and removed from the site. The south elevation would have been reconstructed on the property line approximately two metres south of their current location. This would have necessitated modifying the raised primary residential entrances, a distinctive characteristic of this form of townhouse.

Through a review of the 2012 Rezoning application Heritage Preservation Services staff worked with the applicant to keep the heritage elevation preserved in situ. At the time of the appeal to the OMB, staff were working with the applicant and attempting to assess the potential impact of the proposed cantilever and to improve the relationship between the historic façade and the proposed base building.

The 2012 Rezoning application for the subject property was supported by a Heritage Impact Assessment (HIA) prepared by ERA Architects that included a conservation strategy that described how the front elevation of 68-70 Shuter Street would be conserved in situ during the redevelopment of this site. The unsympathetic porches would have been removed and replaced with appropriate porches and missing heritage fabric would have been restored. The Impact Assessment was supported by a condition assessment and the applicant prepared a sketch and preliminary opinion from Jablonsky, Ast and Partners Consulting Engineers describing how the elevation would be shored in situ during construction.

The applicant for the 2014 Site Plan application engaged Goldsmith Borgal and Company Ltd Architects to undertake a new Heritage Impact Assessment in support of their Site Plan application. This HIA included a new condition assessment that concluded that the south elevation of the building is in extremely poor condition. Over 80% of the elevation has been severely affected by ingress of water with subsequent damage caused by freeze/thaw cycles. The assessment also determined that the outer face of the masonry has kicked out over 38mm in several locations and that the structural integrity of the wall

has seriously deteriorated. This assessment was supported by opinions from both Ojdrovic Engineering and a new opinion from Jablonsky, Ast, and Partners based on the new condition assessment. Despite the poor condition of the building, HPS asked the applicant to continue on with a strategy that retained the elevation in situ during construction, as the dismantling of this elevation, even if it were to be restored and reconstructed on the property, would significantly diminish the property's heritage integrity. Unfortunately, the masonry units are in such poor condition that a viable alternative that would not place the elevation at significant risk of collapse could not be identified.

The Goldsmith Borgal and Company Ltd Architects Heritage Impact Assessment identifies the proposed conservation treatment as Restoration and Rehabilitation. The Standards and Guidelines for the Conservation of Historic Places in Canada define Rehabilitation as the "...the sensitive adaptation of an historic place or individual component for a continuing or compatible contemporary use, while protecting its heritage value." Restoration is defined as "...accurately revealing, recovering or representing the state of an historic place or individual component as it appeared at a particular period in its history, while protecting its heritage value." The applicant's current proposal is to completely dismantle the historic place and then to partially reconstruct a portion of the Edward Cooper Houses. This strategy does not fall within the definitions of Restoration or Rehabilitation. Standard 14 of the Standards and Guidelines explicitly states that reconstruction of an entire historic place is not considered conservation.

Despite the fact the proposal does not conform to the Standards and Guidelines, given the extremely poor condition of the south elevation, staff are recommending that Council endorse the applicant's strategy to dismantle, restore, and reconstruct this elevation provided it is done with exactitude, using as much original heritage fabric as possible. Should Council endorse this strategy the applicant will be required to provide a letter of credit to secure the material while it has been removed from the property and to secure the reconstruction work. Under the Ontario Heritage Act the removal of a heritage building is considered demolition. For this reason, the designating by-law must be repealed once the building has been dismantled and removed from the property.

### **Scale, Form, and Massing**

At the time the application was appealed to the Ontario Municipal Board heritage staff were still in discussions with the applicant in an effort to understand the impact that the proposed cantilevers would have on the heritage building. The City of Toronto does not typically approve cantilevers over heritage buildings as it diminishes their visual integrity as three dimensional buildings when viewed from street level. The applicant was proposing to partially cantilever their new residential tower over the heritage building. Prior to the conclusion of these discussions the zoning envelope for the building was approved by the Ontario Municipal Board. As the envelope has been approved by the Board, staff are not in a position to negotiate a reduction to the proposed cantilever and were unable to persuade the applicant to do so voluntarily.



### **Base Building Design**

Staff have worked with the applicant on the proposed base building design at both the Rezoning and Site Plan stage. The original proposal has been modified, and the proposed base building currently proposed will be more sensitive to the heritage context. It will be compatible with and subordinate to (once the cladding weathers) the reconstructed heritage façade.

### **Additional Recommended Studies**

#### **Reconstruction Plan**

Prior to final Site Plan approval, the applicant will be required to submit a detailed Reconstruction Plan for the work described in the Heritage Impact Assessment prepared by a qualified heritage professional to the satisfaction of the Manager, Heritage Preservation Services. The purpose of this Plan is to detail how the elevation will be recorded and dismantled. It should also address the storage of the heritage fabric off-site and the reconstruction. The proposed reconstruction of the partial return wall, and how it will be extended into the two-storey interior lobby should be detailed along with the reconstruction plans for the chimney, parapet, proposed replacement doors, windows, and reconstructed porches. The Plan must include a schedule of short and long term maintenance requirements, and estimated costs for all of the work.

#### **Commemoration Plan**

Prior to the issuance of a heritage permit for the proposed demolition, the applicant will be required to provide a detailed Commemoration Plan to the satisfaction of the Manager, Heritage Preservation Services that fully communicates the heritage values and heritage context of the Gillespie Houses and Edward Cooper Houses.

#### **As Found Documentation**

Prior to the issuance of a heritage permit for the proposed demolition, the applicant will be required to provide full documentation of the existing heritage properties at 64-66 Shuter Street, and at 68-70 Shuter Street. This documentation will serve to guide the reconstruction of the south elevation of 68-70 Shuter Street and will be deposited with the City of Toronto Archives to serve as record public record of these heritage properties in perpetuity.

## **Lighting Plan**

Prior to the issuance of a heritage permit for the proposed development, the applicant should be required to submit a lighting plan to the satisfaction of the Manager of Heritage Preservation Services. This plan should provide details of how the reconstructed façade of the Edward Cooper Houses will be sensitively lit to enhance the building's heritage character at night.

### **CONTACT**

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### **SIGNATURE**

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Harold Madi  
Director, Urban Design  
City Planning Division

### **ATTACHMENTS**

Attachment No. 1 – Location Plan, 64-70 Shuter Street  
Attachment No. 2 – Photographs, 64-70 Shuter Street  
Attachment No. 3 – Building Condition, 64-70 Shuter Street  
Attachment No. 4 – Proposal, 64-70 Shuter Street  
Attachment No. 5 – Statement of Significance (Reasons for Designation) 68-70 Shuter Street



Arrow marks the location of 64-70 Shuter Street;  
This location map is for information purposes only;  
The exact boundaries of the property are not shown.



Principal (south) façades of the properties at  
64 and 66 Shuter Street (left) and 68 and 70 Shuter Street (right)

(Heritage Preservation Services, 2012)



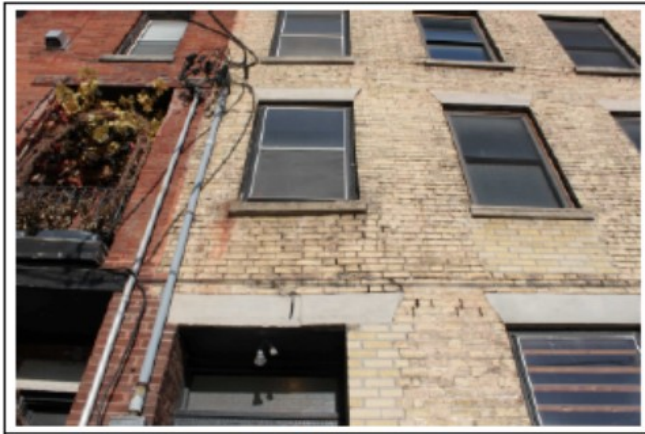
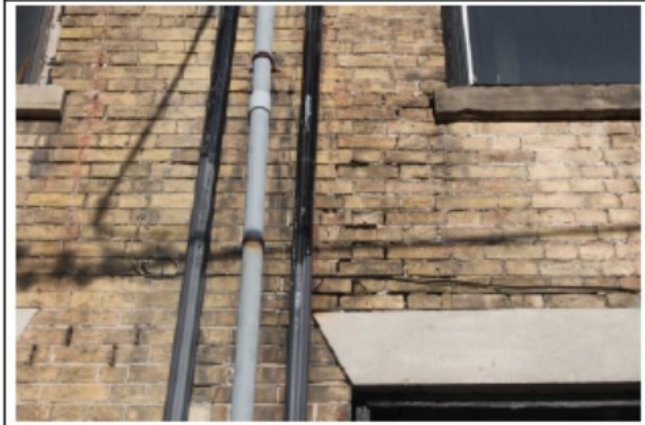
Archival Photograph, Northeast Corner of Shuter and Dalhousie Streets, c.1890: showing the row house at present-day 64 Shuter Street before the alterations made in the later 20th century (Toronto Reference Library)



Archival Photograph, 64-70 Shuter Street, 1973: showing the Gillespie Houses (left) and the neighbouring Edward Cooper Houses at 68 and 70 Shuter Street (right) (Toronto Historical Board)



BUILDING CONDITION: 64-70 SHUTER STREET ATTACHMENT 3

	<p>The façade wall at the west end of the building has settled. In addition, the stone lintel over the door of 68 Shuter Street has cracked. Judging by the previous repointing and reopened joints, it appears that the settling process is an ongoing one. It could be caused by foundation settlement or deterioration.</p> <p>The rebuilding of the west third of the wall of 68 Shuter Street would be required before any move or retention in situ.</p>
	<p>Some minor settlement of the stone lintel over the door of 70 Shuter Street is evident. Please note the poor quality of brick face, eroded by freezing and thawing of sand-blasted brick. The staining indicates substantial water infiltration and almost certain complete deterioration of mortar within the wall.</p>

Select photographs and notes illustrating the deteriorated condition of 68-70 Shuter Street from a report by Ojdrovic Engineering, CAHP (Heritage Impact Assessment of 64-70 Shuter Street prepared by Goldsmith Borgal and Company Ltd. Architects dated May 6, 2014).

BUILDING CONDITION: 64-70 SHUTER STREET ATTACHMENT 3

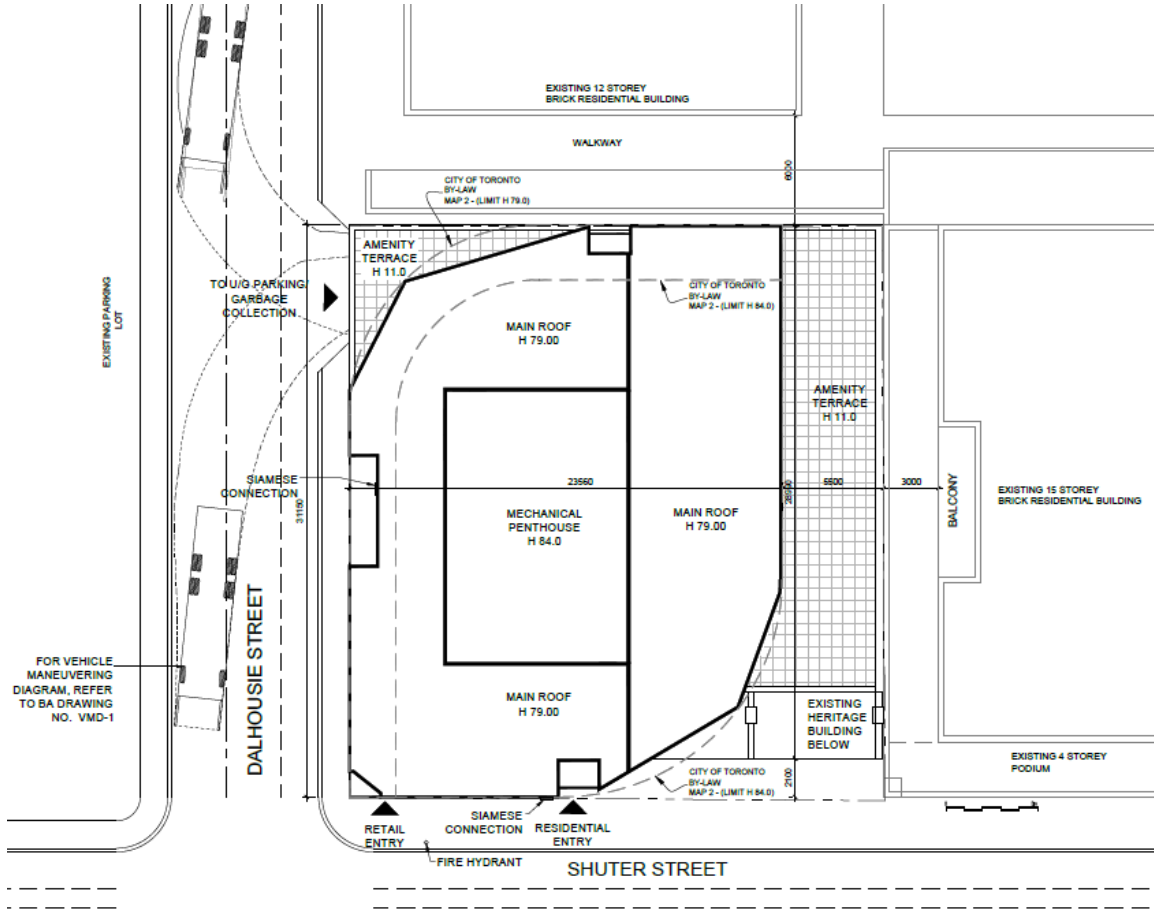


Assessment of the existing condition of the south elevation prepared by Goldsmith Borgal and Company Ltd. Architects. Areas of deterioration are identified.

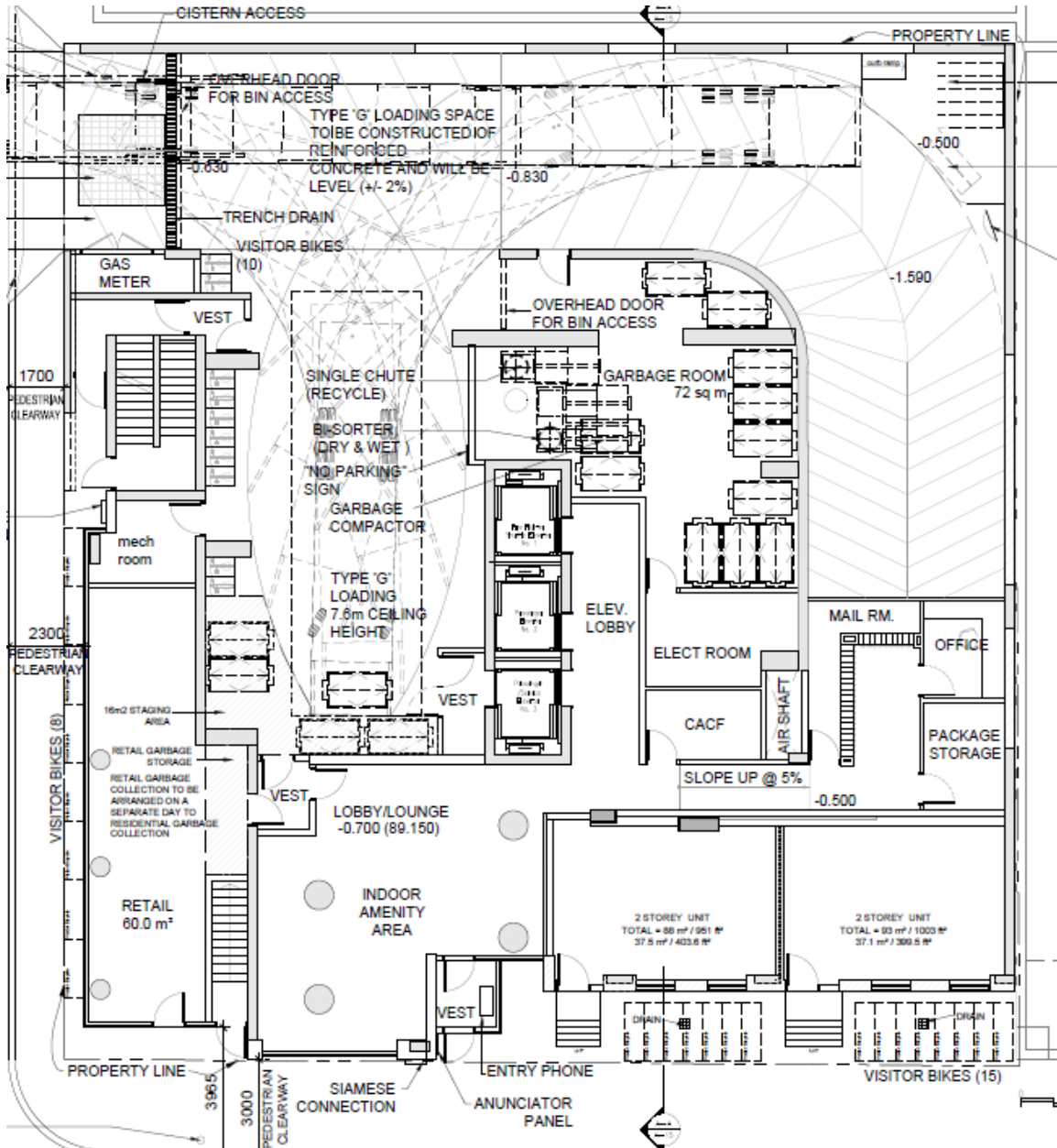


Rendering of the proposed development showing the reconstructed elevation at 64-70 Shuter Street on the bottom right

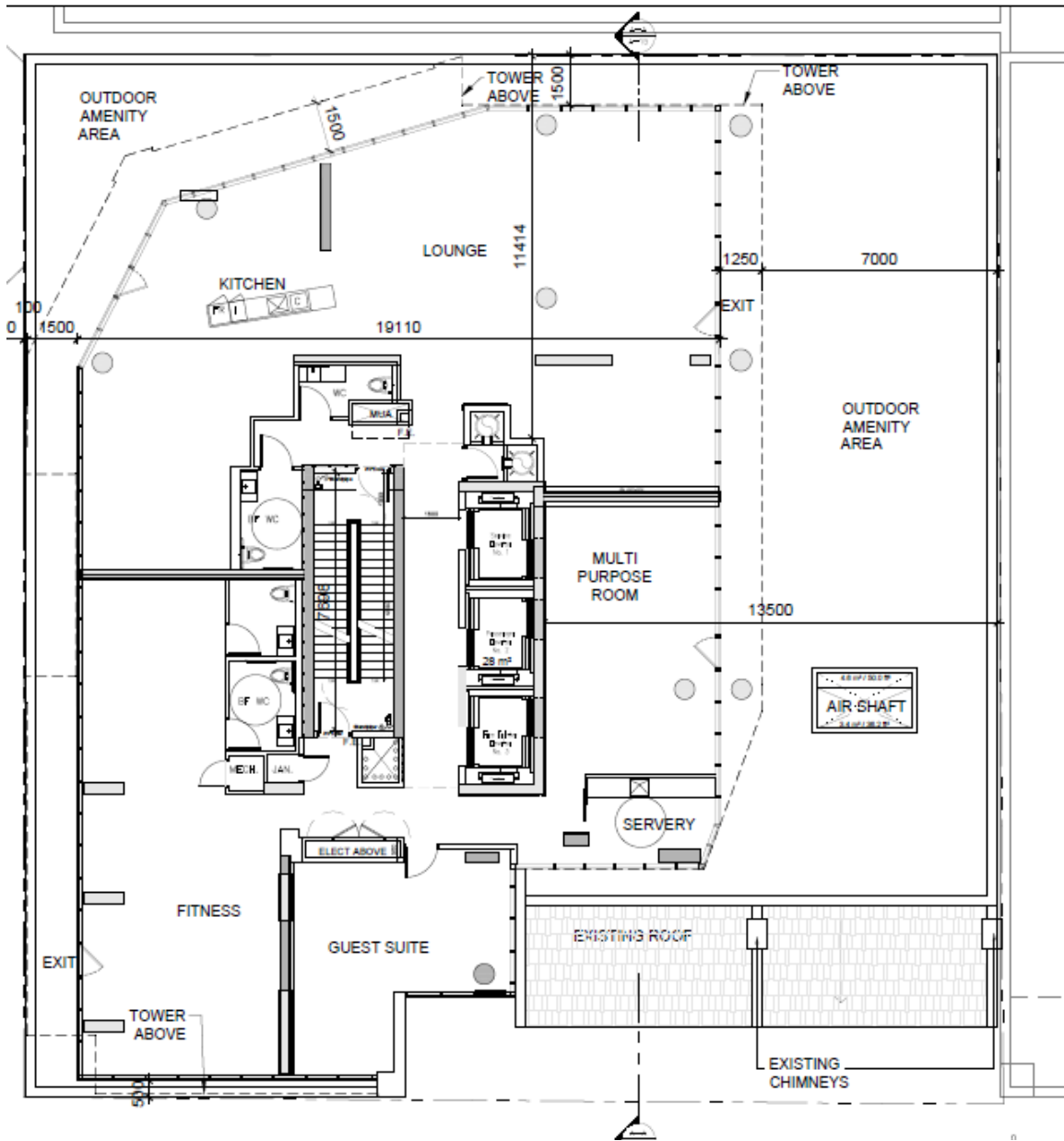




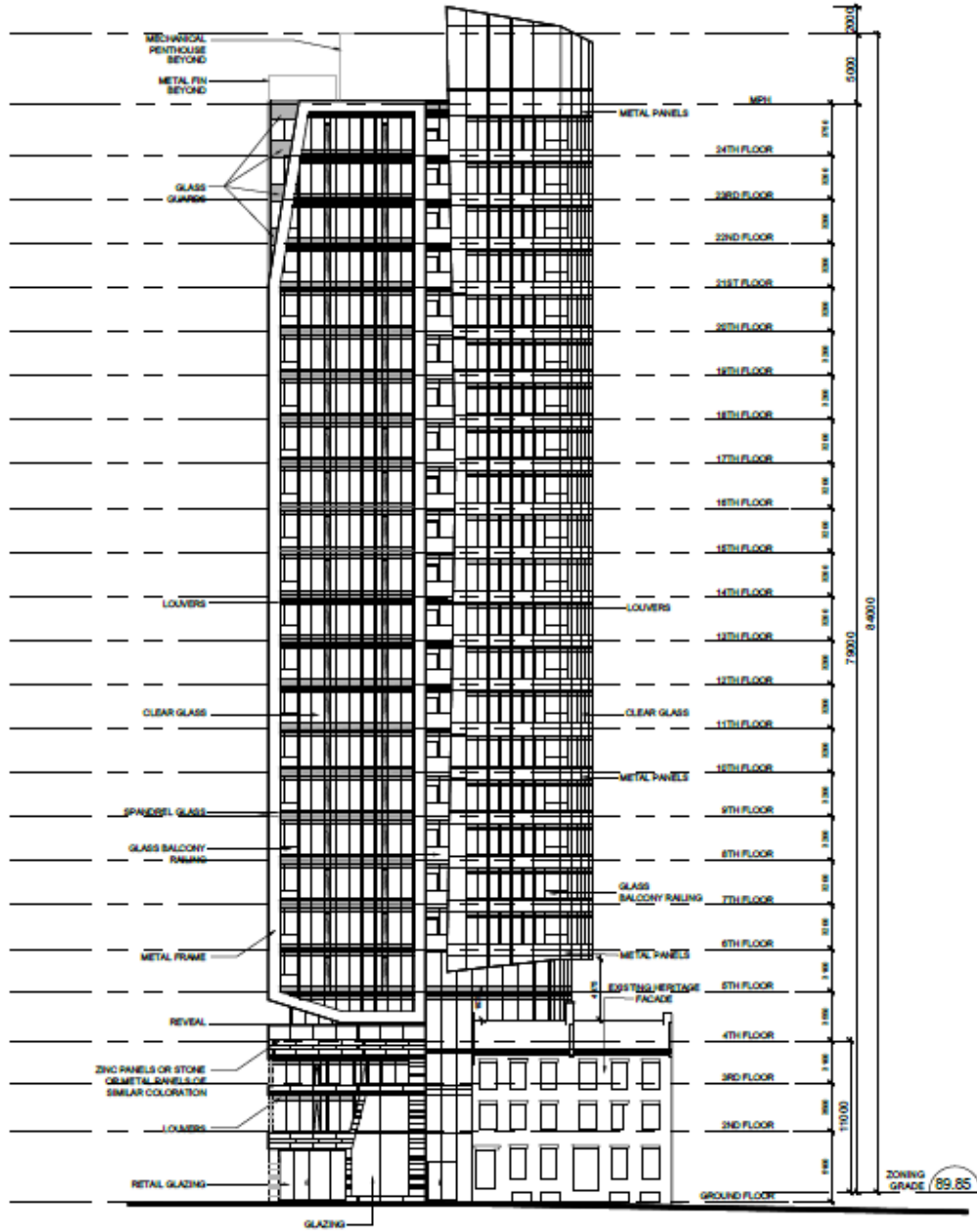
Proposed site plan



Proposed ground floor plan



Proposed fourth floor plan showing the partially reconstructed heritage roof and chimneys



**SOUTH ELEVATION**  
NOTE: SEE SHEET A16 FOR EXTERIOR MATERIALS

Proposed south elevation



Detail of proposed south elevation showing the reconstructed heritage elevation and the proposed base building for the new residential building.

## STATEMENT OF SIGNIFICANCE: 68-70 SHUTER STREET ATTACHMENT NO. 5 (REASONS FOR DESIGNATION)

### Edward Cooper Houses

#### Description

The properties at 68 and 70 Shuter Street are worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for their cultural heritage value, and meet the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design, associative and contextual values. Located on the north side of Shuter Street in the short block between Dalhousie and Mutual Streets, the Edward Cooper Houses (1850) are 3½-storey house form buildings. The sites were listed on the City of Toronto Inventory of Heritage Properties in 1990.

#### Statement of Cultural Heritage Value

The Edward Cooper Houses at 68 and 70 Shuter Street are valued because they are rare examples of mid 19<sup>th</sup> century urban town houses in Toronto with the Georgian styling that was reserved for the earliest buildings in the city. While this type and style of building was once prevalent in downtown Toronto, the Edward Cooper Houses are valued as rare surviving examples. Their design is attributed to John Tully, who is significant as one of the first professional architects to practice in Toronto where only a select group of his commissions survived.

The properties at 68 and 70 Shuter Street have contextual value because the Edward Cooper Houses are historically linked to their surroundings adjoining Church Street as it developed in the mid 19<sup>th</sup> century as a desirable residential district in Toronto. The Edward Cooper Houses are among the oldest surviving buildings in the neighbourhood and city.

#### Heritage Attributes

The heritage attributes of the properties at 68 and 70 Shuter Street are:

- The buildings known historically as the Edward Cooper Houses
- The scale, form and massing on 3½-storey plans
- Above raised stone bases with window openings, the buff brick cladding with brick, stone and wood trim
- The gabled roofs with firebreaks with chimneys on the east and west ends and between the two units
- The principal (south) facades, which are symmetrically organized with entrances in the left (west) bays and flat-headed window openings with stone lintels and sills in all three stories
- The entries, which are recessed and have wood doors with transoms beneath stone lintels
- The placement, setback and orientation of the structures on the north side of Shuter Street