

**Construction of a Replacement Structure within the
Queen Street West Heritage Conservation District – 375-
381 Queen Street West**

| | |
|------------------------------|---|
| Date: | March 18, 2013 |
| To: | Toronto Preservation Board Toronto East York Community Council |
| From: | Director, Urban Design, City Planning Division |
| Wards: | Ward 20 - Trinity-Spadina |
| Reference Number: | P:\2013\Cluster B\PLN\HPS\TEYCC\April 9 2013\ teHPS13 |

SUMMARY

This report recommends that City Council refuse the proposed development within the Queen Street West Heritage Conservation District as it is not compatible with the District Guidelines.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the proposed development of the heritage property at 375-381 Queen Street West under Section 42 of the Ontario Heritage Act.
2. If the owner appeals City Council's decision to refuse the application for demolition under Section 42 of the Ontario Heritage Act, Council authorize the City Solicitor and the necessary City staff to attend at the Ontario Municipal Board in opposition to the appeal.

FINANCIAL IMPACT

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

DECISION HISTORY

The property at 375-381 Queen Street West is part of the Queen Street West Heritage Conservation District designated by City Council under By-law 979-2007 on September 27, 2007.

http://www.toronto.ca/heritage-preservation/pdf/hcd_westqueenw_study_bylaw.pdf

City Council approved the demolition of the non-contributing portion of the property at its meeting held February 20, 2013, subject to three conditions. One of the conditions was that the replacement building must conform to the Queen Street West Heritage Conservation District Plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM30.30>

ISSUE BACKGROUND

Policy Framework

Ontario Heritage Act

Under Section 42 of the Ontario Heritage Act (OHA), an owner must obtain a permit from the municipality to demolish or erect a property within a Heritage Conservation District. If Council refuses the application the owner may appeal the decision to the Ontario Municipal Board.

Section 41.2 (1) of the OHA states the following:

"Despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not,

(a) carry out any public work in the district that is contrary to the objectives set out in the plan; or

(b) pass a by-law for any purpose that is contrary to the objectives set out in the plan.

With regard to Section 41.2 (1)(b) of the Ontario Heritage Act, the associated re-zoning application for the subject property cannot be supported by City Council.

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."

Official Plan

Section 3.1.5 of the City of Toronto Official Plan directs that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties; designating properties; entering into conservation agreements with owners of heritage properties; and designating areas with a concentration of heritage resources as heritage conservation districts. The Plan directs the adoption of guidelines to maintain and improve the character of such districts.

Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008 Toronto City Council adopted the Parks Canada document *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.

Queen Street West Heritage Conservation District Plan (QSWHCD Plan)

The QSWHCD Plan was adopted by City Council to be used as a guide to manage property alteration and development with a view to the preservation of the existing architectural character of the District and its streetscape. The Heritage Attributes and District Guidelines (Section 5) of the QSWHCD Plan define the Heritage District Characteristics and set out standards in order to provide guidance for demolition, alteration and new construction.

The Guidelines aim to ensure that development in the district maintains or enhances this portion of Queen Street West, as defined in the Heritage Character Statement. The Guidelines state that buildings that contribute to the unique heritage character of the district not be demolished. They also provide for no buildings to be higher than 16 metres, which is the maximum height permitted under the current Zoning By-law.

COMMENTS

Proposal

This application proposes to redevelop the lands at 375, 375R, and 381 Queen Street West with a 7-storey non-residential building containing retail at grade and office uses above. The applicant's proposal seeks 8,082m² of non-residential gross floor area, resulting in an overall density of 5.33 times the lot area. The overall building height proposed is 36 metres to the top of the mechanical penthouse.

The proposal is intended to function as Phase 2 of the approved 16-storey building located at 364 Richmond Street West and 134 Peter Street. The two phases are proposed to be connected by a building over Jack Cooper lane, at the second floor. The proposal also seeks to span over the eastern portion of the u-shaped lane above the second floor. The proposal also identifies the opportunity for a large exterior amenity space at the roof level. A Heritage Impact Statement was prepared by E.R.A. Architects dated November 7, 2011.

The subject site is zoned MCR T3.0 in Zoning By-law 438-86, as amended. This zoning category permits an overall density of 3 times the lot area. The overall building height permitted on the site is 16 metres.

The owner of the subject property has submitted a re-zoning application to the Planning Division that is incompatible with the QSWHCD Plan. A report from Director of Community Planning on the proposal will be at Toronto and East York Community Council on April 9, 2013.

Comments

Existing Context

This area of Queen Street contains a significant concentration of heritage resources, and is distinguished by its lower scale built form with retail/restaurant uses at grade. There is a consistency of scale, rhythm, and composition to the 2-4 storey buildings that line the street within the immediate context and within the QSWHCD as a whole. The proposal site is situated on a prominent corner (Attachments 1-2).

Massing

Height and Setback

The guidelines, as they relate to building height, identify that that facades must be a minimum of 2-storeys, and no more than the permitted maximum height of 16 metres, and that the existing Zoning By-law allowing a 16 metre height with a stepback at 13 metres along a 45 degree angular plane is affirmed. In addition, the QWHCD Plan identifies the 16 metre height as a "Valuable Attribute" and within the Plan a bold red line graphically emphasises this point with a 16 metre height line clearly positioned above a composite streetscape of Queen Street West (Attachments 5, 12-14).

The applicant proposes to construct a building with an overall height of 36 metres, which significantly exceeds the permitted height in the Zoning By-law, as well as the height that is upheld by the QSWHCD Plan. Significant height and mass is proposed at the rear of the site (which is within the HCD boundary) that negatively affects the visual coherence of Queen Street's continuous street wall, which is defined by the existing character of building scale, mass, height and proportion.

The project rendering (Attachment 3) underlines the dominance of the massing, especially in comparison with the lower scale of the existing context.

Façade Patterns and Features

QSWHCD guidelines state the following regarding Façade Patterns and Features:

- The horizontal rhythm and visual transitions between floors must be articulated in façade designs.
- New buildings should respect the significant design features and the horizontal rhythm of adjacent Buildings.
- The floor to ceiling height of the ground floor façade must be consistent with the predominant heights of Buildings and respect the scale of adjacent Buildings.
- Replacement windows, doors and architectural components of buildings that contribute to heritage character must respect the original in type, proportion, vertical orientation, and size of elements. Surrounding detail should be maintained. When original windows no longer exist, replacement windows should respect the spirit of the original architecture.

In order to introduce a ground floor to floor height in excess of twenty feet, the applicant has designed fenestration such that ground floor transoms correspond to the second floor windows of the retained building façade, where two floors occupy the same height.

The brick piers as identified in the staff prepared graphic provided to the applicant in August 2012 are an important aspect of respecting the scale of the street and the horizontal rhythm of existing floor to floor heights, and responds to the QWHCD guidelines which state that "punched windows with alternating masonry piers add visual interest and texture."

The expression of the rhythm of bays along Peter and Queen Street represents a reasonable initial approach to mitigating the two storey volume within the context of the lower traditional lower ground floor heights. However, the definition of the second storey punched windows needs to be expressed in masonry with wider solids as the larger windows with metal divisions gives too much dominance to the vertical scale of the ground floor and does not meet the Plan's glazing requirements which, for upper storeys,

is expressed as an overall percentage of the façade (no more than 50% on the second storey) (Attachment 15).

The introduction of second floor masonry piers are critical to maintaining the scale of Queen Street and would help the proposal to comply with the glazing requirements of the guidelines.

Corner Treatment

The QSWHDC Guidelines states that “elements such as cornices, raised parapets and turrets may be introduced at significant locations (such as corner sites and visual termini) to enhance visual prominence.” Instead of providing architectural punctuation with the introduction of a corner treatment, the current proposal features a glass void that employs a scale and contemporary expression (glass and steel) that is incompatible with the prevailing character of the district.

The north/south offset of Peter and Soho Streets increases the intersection's visibility and allows for an even greater opportunity to feature a corner element that employs a compatible form of architecture which would traditionally manifest itself as a more balanced solid to void ratio within the overall composition. In this case, the offset street alignment results in a particular focus to the southwest corner which magnifies the impact of the large scale retail entrance and the glass void. The design of the corner is at odds with the existing character of the commercial heritage district.

The QSWHCD Plan does not support the over-sized, over-scaled glazed storefronts of larger scale retail. However, compatible design is achievable with careful attention to the infill guidelines in terms of scale, rhythm and glazing, as demonstrated by the post-HCD approved large format retail development at Queen and Portland (Attachment 17).

Heritage Impact Statement

A Heritage Impact Statement (HIS) was prepared by E.R.A. Architects, dated November 7, 2011. The HIS conclusion is that “All buildings in the proposed development conform to the Queen Street West Heritage Conservation Plan.” City heritage staff do not concur with this assessment for the reasons stated above.

Appendix 6 of the same document makes the misleading claim that “Maintaining a certain building height is not a stated objective of the HCD.” Heritage staff do not concur with this statement as the HCD objectives specifically relate to maintaining the existing heritage character, described throughout the document as relating to specific built form, height and massing (Attachment 11).

There is no apparent rationale to why the consultant has focused on the overall objectives of the Plan to the exclusion of other valuable attributes described in numerous sections within the Plan. Unfortunately the consultant's report does not provide an accurate interpretation of the clearly quantifiable measures found with the QSWHCD Plan and

disregards character defining and prescribed height limits, setbacks and façade treatments.

CONCLUSION

The proposal in its current form ignores fundamental and clearly stated aspects of the Queen Street West HCD including the protection of the scale, character and massing of the Queen Street West Heritage Conservation District. This report recommends that City Council refuse the proposed development for the designated heritage properties at 375-381 Queen Street West as it is incompatible with the District Plan and the heritage character of this protected portion of Queen Street West.

The proposed seven storey building has a disparate character and form from the existing context and exceeds the prescribed density and heights contained in the existing Zoning By-law and the Queen Street West Heritage Conservation District Plan.

Under Section 41.2 (1)(b) of the Ontario Heritage Act, the associated re-zoning application for the subject property also cannot be supported by City Council.

CONTACT

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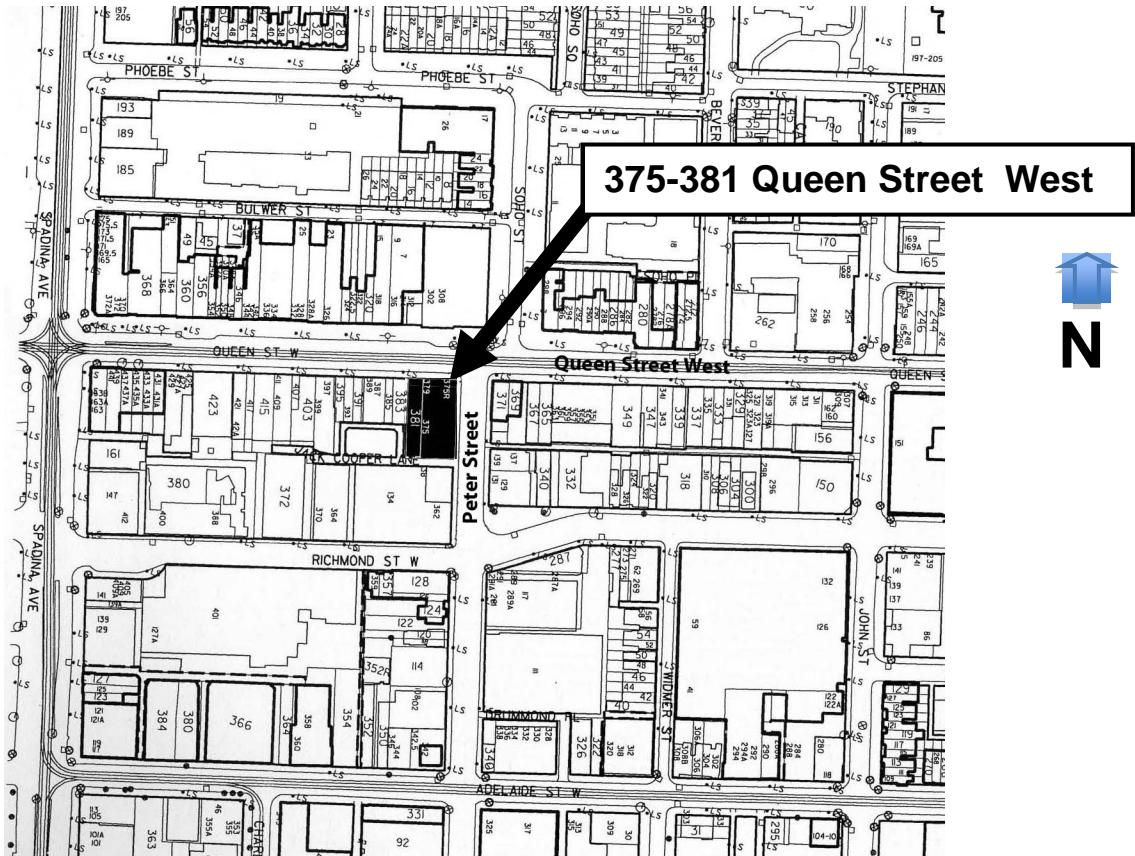
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Robert Freedman
Director Urban Design
City Planning Division

ATTACHMENTS

- Attachment No. 1 – Location Map
- Attachment No. 2 – Existing Context
- Attachment No. 3 – Project Rendering
- Attachment No. 4 – Proposed Context Plan and North Elevation
- Attachment No. 5 – QSWHCD Height and Setback
- Attachment No. 6 – Project Section
- Attachment No. 7 – East Elevation (Peter Street)
- Attachment No. 8 – West Elevation
- Attachment No. 9 – Detailed Building Elevation (Peter Street)
- Attachment No. 10 – Detailed Building Elevation (Queen Street)
- Attachment No. 11 – QSWHCD Objectives
- Attachment No. 12 – QSWHCD Guidelines
- Attachment No. 13 – QSWHCD Guidelines
- Attachment No. 14 – QSWHCD Guidelines
- Attachment No. 15 – QSWHCD Guidelines
- Attachment No. 16 – Inventory Pages
- Attachment No. 17 – New Large Format Retail

LOCATION MAP: 375-381 QUEEN STREET WEST



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

EXISTING CONTEXT: 375-381 QUEEN STREET WEST



North side of site (Queen Street facade)



Aerial view

EXISTING CONTEXT



North-east corner of site (looking south-west)



East side of the site (looking west)

EXISTING CONTEXT



Queen Street West (looking east)



Queen Street West (looking west)

PROJECT RENDERING: 375-381 QUEEN STREET WEST

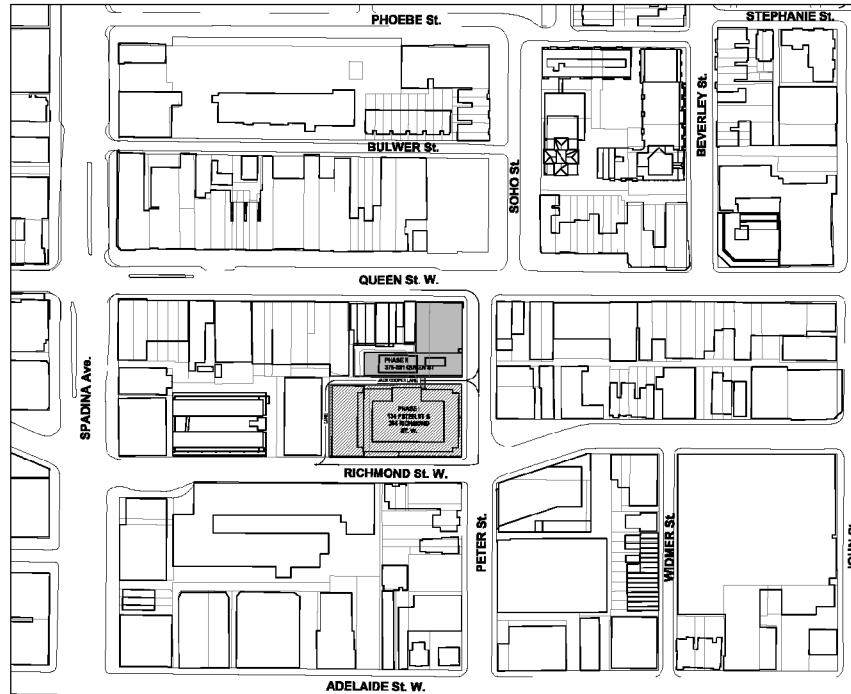


Proposed



Existing

PROPOSAL CONTEXT PLAN & NORTH ELEVATION



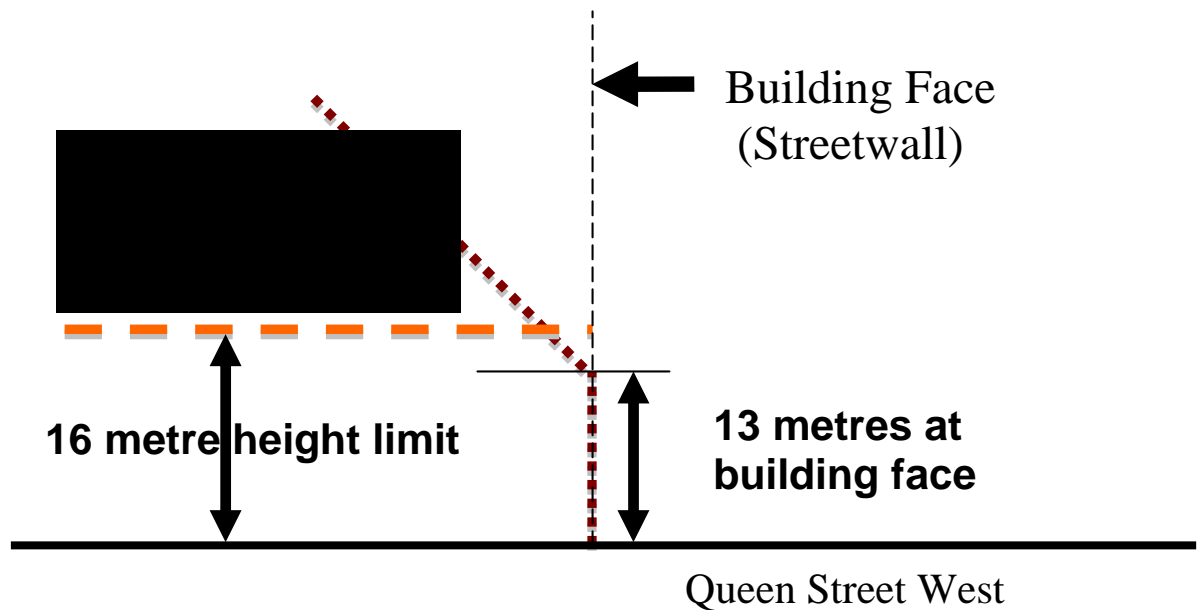
Context Plan

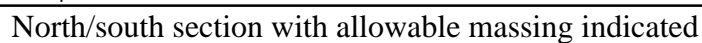
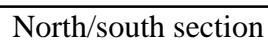


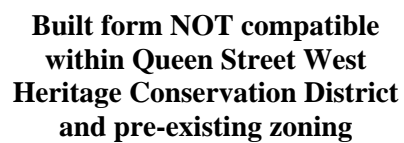
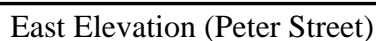
North Elevation

QUEEN STREET WEST HCD HEIGHT AND SETBACK:

Heritage Conservation District defined 45 degree angular plane from 13 metre height at building face with an overall 16 metre height limit

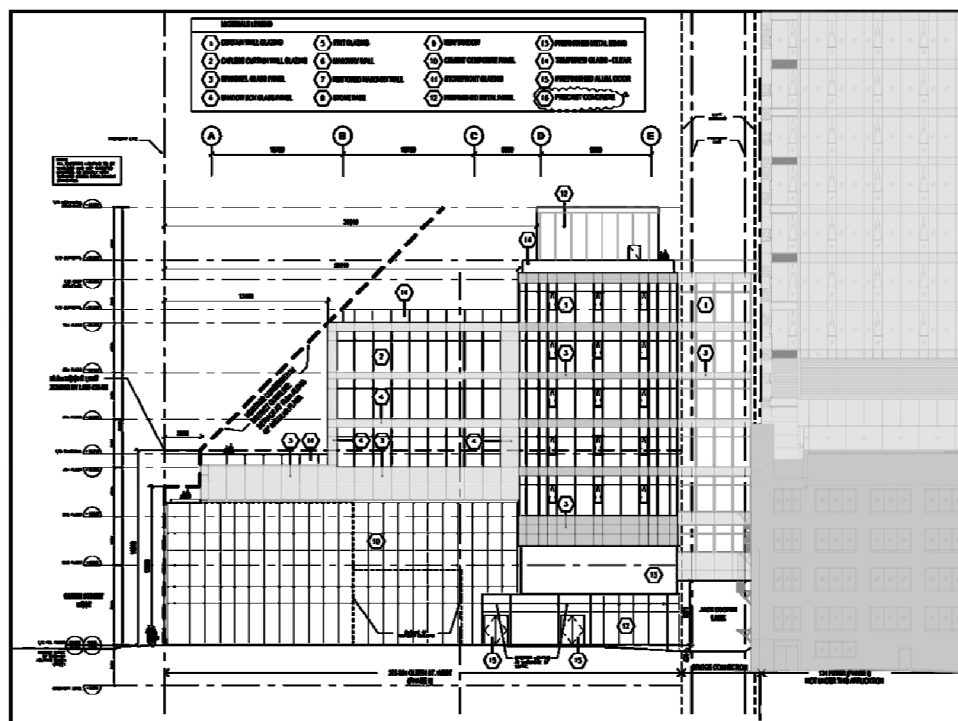






East Elevation (Peter Street) with allowable massing indicated

WEST ELEVATION: 375-381 QUEEN STREET WEST



West Elevation

DETAILED BUILDING ELEVATIONS



East elevation (Peter Street)



East elevation against HCD guidelines

DETAILED BUILDING ELEVATIONS:



North elevation (Queen Street)

QUEEN STREET WEST HCD OBJECTIVES

4. Heritage Conservation District

4.1. Heritage Conservation District – Objectives

The purpose of the proposed Heritage Conservation District is to:

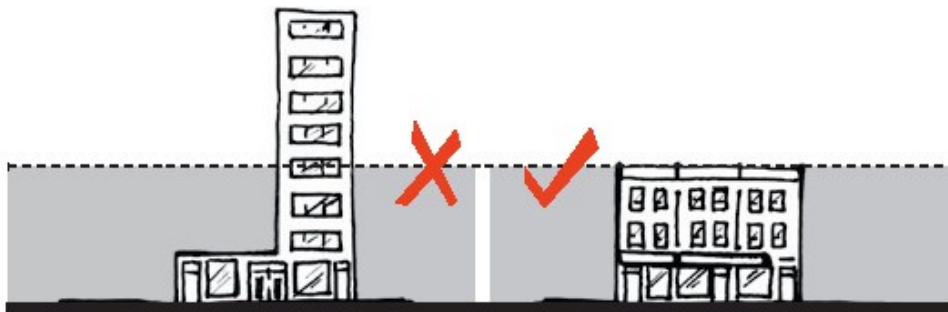
1. maintain and enhance the unique heritage character of Queen Street West;
2. preserve significant buildings and building features, and ensure new designs contribute to the Queen Street West heritage character;
3. ensure that changes to Contributing Buildings enhance the Queen Street West Heritage Conservation District;
4. maintain Queen Street West's identity as both a neighbourhood Main Street and a city-wide destination;
5. support pedestrian amenities by maintaining human-scaled development, connections to adjacent neighbourhoods, and a welcoming, interesting sidewalk environment;
6. encourage the redevelopment and revitalization of underutilized sites to enhance Queen Street West's heritage character; and,
7. involve area residents, property and business owners, and interested individuals in the ongoing evolution of the District.

QUEEN STREET WEST HCD GUIDELINES (PAGE 56)



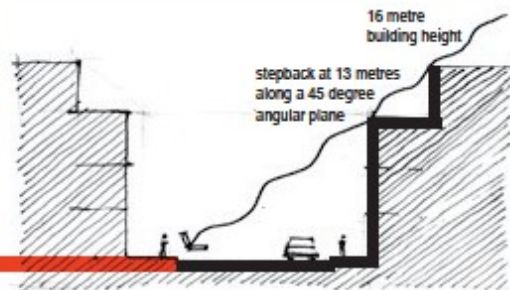
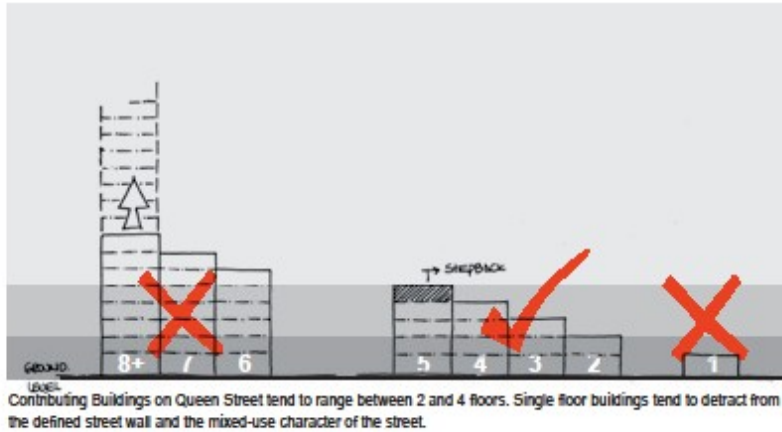
Example of a building that contributes to the district heritage character, through massing, rhythm of solids and voids, significant architectural features, and high quality materials.

Example of a non-Contributing Building, resulting from the commercial façade given in part to the scale, relationship with the street, and extent of blank walls.

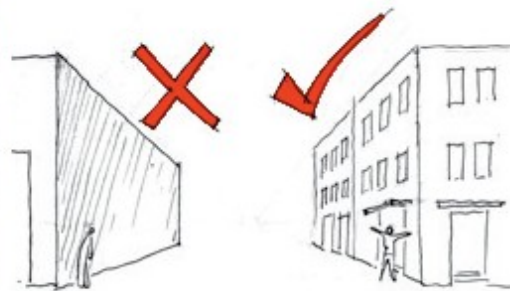


New and renovated buildings must be designed to be sympathetic to the district heritage attributes. For example, a one-storey podium with a high rise building is not part of the street character, whereas a continuous street wall of 3 to 5 stories is.

QUEEN STREET WEST HCD GUIDELINES (PAGE 62)



The existing Zoning By-Law (allowing a 16 metre building height with a stepback at 13 metres along a 45 degree angular plane) maintains sunlight on the northern sidewalk during large portions of the day.



Blank façades detract from the active and engaging character of the street where people frequently enter (and look into) buildings through multiple doors and windows fronting directly onto Queen Street West.

QUEEN STREET WEST HCD GUIDELINES (PAGE 63):

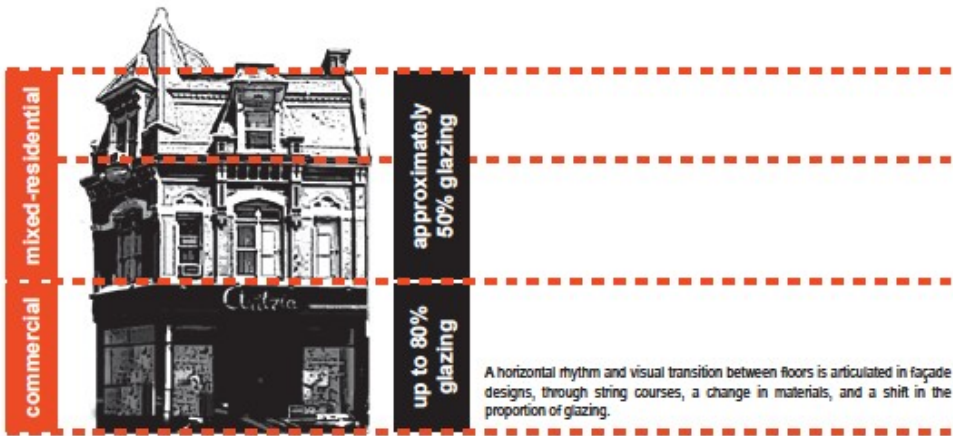
5.4. Building Heights

| Heritage Attributes | Guidelines |
|--|--|
| <ul style="list-style-type: none">• Building heights typically range between 2 to 4 storeys.• Upper levels interact with the street, through windows and active uses accessible at grade. | <ul style="list-style-type: none">• Façades must be a minimum of 2 storeys and no more than the permitted maximum height of 16 metres.• Blank façades are not permitted facing Queen Street West or side streets (excluding lanes), without exception. |
| Other Valuable Attributes | |
| <ul style="list-style-type: none">• A 16 metre height (approximately 5 floors) with a stepback at 13 metres is currently permitted by the Zoning By-law.• Existing building heights allow sunlight to reach the north side of Queen Street West.• The north sidewalk of Queen Street West is afforded sunlight for much of the day and during most seasons, particularly in spring, summer and fall. | <ul style="list-style-type: none">• The existing Zoning By-Law (allowing a 16 metre height with a stepback at 13 metres along a 45 degree angular plane) is affirmed.• Setbacks and stepbacks are not permitted under 13 meters of building height.• The shadow impact of new buildings outside the Heritage District should not result in greater shadowing on Queen Street West than what is permitted by this plan. |



Queen Street West Heritage Conservation District Plan

QUEEN STREET WEST HCD GUIDELINES (PAGE 64):


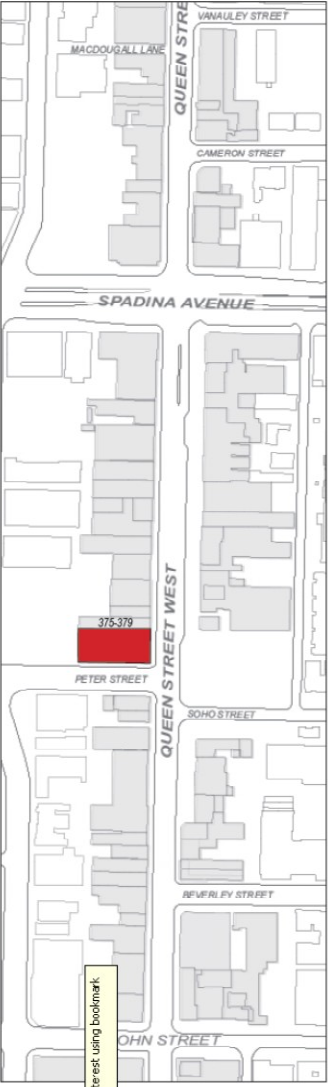


A wide variety of quality materials is present on the street. These are characterized by their durability and include stone, brick, slate, cast iron and copper.







Contributing Buildings on Queen Street West present a wide range of windows, doors and architectural types that contribute to heritage character through their proportion, orientation, and size and scale of elements. Architectural detailing provides a 3-dimensional texture that creates a play of light and shadows on façades.

INVENTORY PAGE: 375-381 QUEEN STREET WEST

| 1 | | 375-379 QUEEN ST. WEST | | Toronto | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>All images: FGMAA (unless otherwise noted)</p>  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 0.0 IDENTIFICATION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Name of building | | Gap (375); Coopers Office Furniture (379). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Civic Address | | 375-379 Queen Street West (sw corner at Peter) Ward 20 (original address 321-325, then 361-365 Queen Street West) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Heritage Status | | n/a | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.0 ARCHITECTURE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Height | | 3 storeys | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Stylistic Influences | | 375: Edwardian 379: Italianate | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| FLAT | SLOPED | SLATE | METAL | SHINGLE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ● | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Significant Elements | | <ul style="list-style-type: none"> • 375: original double hung windows with divided lights at upper sash at 3d storey • 379: decorative brick cornice and window hoods at 3d storey • storefronts have characteristic recessed entries; storefront heights are typical | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Current Use | | <ul style="list-style-type: none"> • 2nd storey: retail; 3d storey offices / storage for retail • retail (clothing and furniture) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Comments | | <ul style="list-style-type: none"> • triple width of storefront at 375 is atypical • modifications to cornice level, addition of steel beam and modification and/or blocking of windows at 2nd storey, variety of materials and poor repair at cornice detract from heritage character | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FOURNIER ROSOVITZ MOSS ET ASSOCIÉS ARCHITECTES + OFFICEFORURBANISM inventory sheet 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

INVENTORY PAGE: 375-381 QUEEN STREET WEST

| 2 | 375-379 QUEEN ST. WEST | Toronto | | | | |
|--|---|-------------------|--------------|------------------|---|---|
| All images: FGMAA (unless otherwise noted) | | | | | | |
|  <p>Close-up 375</p> | | | | | | |
|  <p>Close-up 379</p> | | | | | | |
|  <p>View from north-east</p> | | | | | | |
|  <p>View from north-east</p> | | | | | | |
| <h3>2.0 ENVIRONMENT</h3> | | | | | | |
| Contextual | <p>Contributes through its built form to the continuity or dominant character of the street, neighbourhood or area.</p> <table border="1"> <thead> <tr> <th>CONTRIBUTING</th> <th>NON-CONTRIBUTING</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">●</td> <td></td> </tr> </tbody> </table> | | CONTRIBUTING | NON-CONTRIBUTING | ● | |
| CONTRIBUTING | NON-CONTRIBUTING | | | | | |
| ● | | | | | | |
| Setting | <p>Contributes through its placement on site and / or the landscaping to the character of the street, neighbourhood or area.</p> <table border="1"> <thead> <tr> <th>CONTRIBUTING</th> <th>NON-CONTRIBUTING</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">●</td> <td></td> </tr> </tbody> </table> | | CONTRIBUTING | NON-CONTRIBUTING | ● | |
| CONTRIBUTING | NON-CONTRIBUTING | | | | | |
| ● | | | | | | |
| Landmark | <p>Significance as a conspicuous or familiar feature of the street, neighbourhood or area.</p> <table border="1"> <thead> <tr> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">●</td> </tr> </tbody> </table> | | YES | NO | | ● |
| YES | NO | | | | | |
| | ● | | | | | |
| Heritage Character | <table border="1"> <thead> <tr> <th>CONTRIBUTING</th> <th>NON-CONTRIBUTING</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">●</td> </tr> </tbody> </table> <p>Establishes the building as contributing or non-contributing to Queen Street HCD</p> | | CONTRIBUTING | NON-CONTRIBUTING | | ● |
| CONTRIBUTING | NON-CONTRIBUTING | | | | | |
| | ● | | | | | |
| <h3>3.0 HISTORY</h3> | | | | | | |
| Date of Construction | <p>Bet. 1851-1858 (M3, M4): 1st building on site</p> | | | | | |
| Associated Persons | <p>1818(M1): land owned by John McDonnell 1837(M2a): land owned by Hon. George Crookshanks 1900 (AR): George Whewes, owner, Margaret Hewett hotel; Thomas Stafford, sculptor, John Jewell, harness maker</p> | | | | | |
| Original Description/ Use | <p>1892 (M6): 2-storey, wood on roughcast, 361; hotel, 363; office, 365; store</p> | | | | | |
| Original / Modifications | <p>Existing building is probably original with major modifications</p> | | | | | |
| Significant Events | | | | | | |
| <h3>4. BIBLIOGRAPHY</h3> | | | | | | |
| <p>M1: 1818, Lands and Forests M2: 1842, Cane M2a: 1837, Bonnycastle M3: 1851, Fleming M4: 1858, Boulton M5: 1884, Goad M6: 1892, Goad Assessment Roll 1880, 1890 St. Andrew's Ward, 1900, Ward 4, Division 1</p> | | | | | | |
| FOURNIER GERSOVITZ MOSS ET ASSOCIÉS ARCHITECTES + OFFICEFORURBANISM | | inventory sheet 2 | | | | |

NEW LARGE FORMAT RETAIL: 585 QUEEN STREET WEST



585 Queen Street West