



**STAFF REPORT
ACTION REQUIRED**

**Alterations to a Designated Heritage Property and
Authority to Enter into a Heritage Easement Agreement
– 158 Sterling Road**

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| Date: | May 8, 2015 |
| To: | Toronto Preservation Board Toronto and East York Community Council |
| From: | Director, Urban Design, City Planning |
| Wards: | Ward 18 - Davenport |
| Reference Number: | P:\2015\Cluster B\PLN\TEYCC\TE15071 |

SUMMARY

This report recommends that City Council approve the proposed alterations to the designated heritage property at 158 Sterling Road and give authority for the City to enter into a Heritage Easement Agreement (HEA) with the owner. The property at 158 Sterling Road is designated under Part IV of the Ontario Heritage Act.

At its meeting of September 2, 2014, The Committee of Adjustment considered a request to obtain consent to sever the property at 158 Sterling Road into two lots. The Committee consented to the severance with several conditions, including that the owner enter into an HEA and that the owner provide building permit drawings and obtain a heritage permit under Section 33 of the Ontario Heritage Act prior to any building permit being issued for the property.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the alterations to the heritage property at 158 Sterling Road, in accordance with Section 33 of the Ontario Heritage Act, to allow for the alterations to the existing heritage building on the lands known municipally in the year 2015 as 158 Sterling Road, with such alterations substantially in accordance with the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc.,

dated November 26, 2014, and on file with the Manager, Heritage Preservation Services; and the Heritage Window Package prepared by ERA Architects Inc., dated April 22, 2015 and date-stamped received April 29, 2015, all subject to and in accordance with a Conservation Plan satisfactory to the Manager, Heritage Preservation Services and subject to the following additional conditions:

- a. That prior to the issuance of a Certificate of Consent for the severance of the property at 158 Sterling Road the owner shall:
 - i. Enter into a Heritage Easement Agreement with the City for the property at 158 Sterling Road in accordance with the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc., dated November 26, 2014, and on file with the Manager, Heritage Preservation Services; and the Heritage Window Package prepared by ERA Architects Inc., dated April 22, 2015 and date-stamped received April 29, 2015, all subject to and in accordance with an approved Conservation Plan, all to the satisfaction of the Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;
 - ii. Provide a Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 158 Sterling Road, prepared by ERA Architects Inc., dated November 26, 2014; and with the Heritage Window Package prepared by ERA Architects Inc., dated April 22, 2015 and date-stamped received April 29, 2015, to the satisfaction of the Manager, Heritage Preservation Services;
- b. That prior to the issuance of any permit for all or any part of the property at 158 Sterling Road, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Manager, Heritage Preservation Services:
 - i. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.ii in the report May 8, 2015 from the Director, Urban Design, City Planning Division, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services;
 - ii. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Manager, Heritage Preservation Services, to secure all work included in the approved Conservation Plan;

- c. That prior to the release of the Letter of Credit required in Recommendation 1.b.ii in the report May 8, 2015 from the Director, Urban Design, City Planning Division the owner shall:
 - i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;
 - ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Manager, Heritage Preservation Services.
2. City Council authorize the City Solicitor to enter into a heritage easement agreement under Section 37 of the Ontario Heritage Act with the owner of 158 Sterling Road in a form and content satisfactory to the Chief Planner and City Solicitor.
3. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into a heritage easement agreement for the property at 158 Sterling Road.

Financial Impact

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

DECISION HISTORY

The property located at 158 Sterling Road was listed on the City of Toronto's Heritage Register on September 4, 1984. The property was designated by City Council by By-Law 969-2005 on November 24, 2005.

On June 28, 2011 Castlepoint Studio Partners Limited filed an application to amend the Official Plan by converting the Employment Areas designated site to allow for residential and commercial uses at 158, 164, 181 and 200 Sterling Road. The application also proposed to amend the zoning By-law to permit 73,700 square metres of commercial space, 717 residential units, a park, connections to the railpath and renovation of the building on the designated property on the site for commercial and residential use. The site was proposed to be broken into 6 development blocks with a new public road, 1,244 parking spaces and the realignment of Perth Avenue.

Staff recommended refusal of the application on the grounds that it was not consistent with the City's Official Plan, the Provincial Policy Statement (PPS) or the Growth Plan and that the conversion application would have to be addressed as part of a Municipal Comprehensive Review (MCR) as required by the Growth Plan. In a report to Planning and Growth Management Committee (PGM) dated October 11, 2012 staff recommended that the application be refused. The staff recommendations were adopted by PGM and

subsequently adopted by Council. The applicant appealed the refusal of the Official Plan Amendment and the Zoning Amendment application to the Ontario Municipal Board (OMB).

Discussions between the City and the applicant resulted in a number of changes to the proposal, including a reduction in the residential portion of the development, the reconfiguration of the public road, the establishment of a buffer between the employment uses to the south and the residential uses to the north of the site and the adaptive re-use of the heritage building at 158 Sterling Road for exclusively employment uses. The parties agreed to a settlement of the OPA and Zoning amendment application and a settlement hearing was held by the OMB on May 27, 2014. The OMB endorsed the settlement with the parties agreeing to finalize the final form of the OPA and Zoning By-law.

The parties agreed that the heritage building at 158 Sterling could be severed from the larger property in order to facilitate the adaptive re-use of that building, which is currently vacant. At its meeting of September 3, 2014, The Committee of Adjustment considered the request to obtain consent to sever the property at 158 Sterling Road into two lots. The Committee decision to approve the severance of the property included the following conditions of approval:

The owner shall comply, to the satisfaction of the Manager, Heritage Preservation Services, City Planning Division, with the following:

- (i) Enter into a Heritage Easement Agreement with the City of Toronto; and
- (ii) File an undertaking to submit building permit drawings, including plans, elevations and details and obtain a heritage permit under the provision of Section 33 of the Ontario Heritage Act, prior any building permit being issued for the designated heritage property.

ISSUE BACKGROUND

The subject property is located on the west side of Sterling Road, south of Bloor Street West and east of the West Toronto Rail Path. The site includes the 10-storey Northern Aluminum Company Building, which the applicant is proposing to rehabilitate. The proposed use for the heritage property is commercial.

Policy Framework

Provincial Policy Statement and Planning Act

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 reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

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."

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 was appealed to the Ontario Municipal Board. These appeals have been settled and an oral decision of approval by the Ontario Municipal Board has been issued. HPS also considered the proposal within the context of these amended policies.

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

In 2008 Toronto City Council adopted the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

The Heritage Impact Assessment submitted in support of this application identifies the proposed conservation treatment for 158 Sterling Road as rehabilitation, which in the Standards and Guidelines is defined as the action or process of making possible a continuing or compatible contemporary use of a historic place or an individual component, while protecting its heritage value. For this reason the General Standards (1-9) and the Standards for Rehabilitation (10-13) apply to this project.

Heritage Resource

The property at 158 Sterling Road is designated under Part IV of the Ontario Heritage Act for its cultural value or interest. The industrial building was completed in 1920 for the Northern Aluminium Company which produced cooking utensils, and was used as an aluminum foundry and manufacturing plant until 2006. It is an early example in Toronto of a high rise industrial building with exposed concrete structure framing, and is a highly visible neighbourhood landmark.

The heritage attributes of the property at 158 Sterling Avenue are found on the exterior walls and roof. Rising 10 stories, the structure features flat slab construction with the concrete exposed on the north façade. A classically detailed penthouse rises from the flat roof. The tripartite organization of the walls incorporates a two-storey base (currently re-clad), a shaft with exposed concrete columns and brick infill, and an attic storey with a concrete cornice with dentils and a band course. Flat-headed openings mark all the elevations.

COMMENTS

Heritage Preservation Services (HPS) has reviewed the Heritage Impact Assessment prepared by ERA Architects Inc. The HIA finds that the proposed adaptive re-use of the building presents an opportunity to re-occupy the building and ensure its continued maintenance. All exterior alterations are minimal and conserve the heritage value of the site. The HIA also addresses the scope of conservation work proposed, details of which will be addressed in the Conservation Plan required in Recommendation 1a.ii of this report.

The existing wooden bi-fold doors on the ground floor of the building will be rehabilitated with frameless glass storefront windows to be installed in front of them. Where the original doors are missing, new doors will be constructed to replicate the originals based on archival documentation. The windows on the first and second storeys will be replaced with new steel windows to match the profile and dimensions of the original steel windows.

New window openings are proposed on the third and fourth stories of the west elevation of the heritage building. The new windows will be made legible by not having the brick soldier course that surrounds the existing windows on the upper stories of each elevation. Original openings on the upper stories of the building will be reinstated and all existing windows will be replaced with new aluminum windows to match the historic dimensions and profile of the original steel windows with divided lights. The HIA also indicates that the existing saw-toothed window projections (skylights) that extend above the roof are in poor condition and will be rebuilt to match the original appearance. Staff will be reviewing the Conservation Plan to ensure the accurate replication of the windows, doors and skylights.

This proposal will rehabilitate a building that has been unoccupied and has deteriorated for almost a decade. The restoration of original windows and doors and the introduction of legible window openings will allow this property to be adaptively re-used for commercial purposes and bring life back to the heritage building. Staff are supportive of the applicant's efforts to preserve this heritage property and recommend that City Council approve the proposed alterations to the property.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1 – Location Map: 158 Sterling Road
Attachment 2 – Photographs: 158 Sterling Road
Attachment 3 – Proposed West Elevation: 158 Sterling Road
Attachment 4 – Proposed East Elevation: 158 Sterling Road
Attachment 5 – Proposed South Elevation: 158 Sterling Road
Attachment 6 – Proposed North Elevation: 158 Sterling Road