



**STAFF REPORT
ACTION REQUIRED**

Alterations to a Designated Heritage Property and Authority to Amend an Existing Heritage Easement Agreement – 314 Jarvis Street (Dr. Charles Sheard House)

Date:	May 25, 2015
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Director, Urban Design, City Planning
Wards:	Ward 27 -Toronto Centre-Rosedale
Reference Number:	P:\2015\Cluster B\PLN\TEYCC\TE15046

SUMMARY

This report evaluates the impacts of the proposed development application at 308-314 Jarvis Street and 225 Mutual Street on designated heritage properties.

Heritage staff have significant concerns with the proposed development that gives rise to the alterations that are the subject of this report. Those concerns are discussed in this report and in more detail in the Planning report seeking City Council's directions for the OMB hearing respecting the Zoning By-law Amendment No. 12 110573 STE 27 OZ.

In the event City Council decides to support the proposed Zoning By-law Amendment No. 12 110573 STE 27 OZ, this report sets out conditions to which Heritage staff recommend any such decision of Council should be made subject.

RECOMMENDATIONS

In the event City Council decides to support the proposed Zoning By-law Amendment No. 12 110573 STE 27 OZ City Council could:

1. approve the proposed alterations (the Alterations) to the heritage property at 314 Jarvis Street in accordance with section 33 of the Ontario Heritage Act, to allow for the construction of the proposed 43-storey residential building on the lands municipally known in the year 2015 as 308-314 Jarvis Street and 225 Mutual Street (the Development Lands), provided such alterations are substantially in accordance with both the plans and drawings dated July 25, 2012, prepared by Quadrangle Architects Limited, date-stamped received by the City Planning Division August 23, 2012, and on file with the Manager, Heritage Preservation Services, and the Heritage Impact Assessment prepared by Philip Goldsmith Architect, dated June 4, 2013, on file with the Manager, Heritage Preservation Services, (together the "Approved Drawings"), all subject to and in accordance with a Conservation Plan satisfactory to the Manager, Heritage Preservation Services and subject to the following conditions:
 - a. That the related site specific Zoning By-law Amendment for 308-314 Jarvis Street and 225 Mutual Street giving rise to the proposed alterations is supported by City Council, and comes into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Manager, Heritage Preservation Services.
 - b. That prior to any Ontario Municipal Board Order issuing in connection with the Zoning By-law Amendment appeal, the owner shall:
 - i. Amend the Heritage Easement Agreement for the property at 314 Jarvis Street in accordance with the Heritage Impact Assessment (HIA) prepared by Philip Goldsmith Architect, dated June 4, 2013, and plans and drawings dated July 25, 2012, prepared by Quadrangle Architects Limited, date-stamped received by the City Planning Division August 23, 2012 on file with the Manager, Heritage Preservation Services, and 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 against the Development Lands 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 Statement prepared by Philip Goldsmith Architect, dated June 4, 2013 for the property located at 314 Jarvis Street, and that is to the satisfaction of the Manager, Heritage Preservation Services.

- iii. Enter into and register on the properties at at 308-314 Jarvis Street and 225 Mutual Street one or more agreements with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning Division and the Manager, Heritage Preservation Services, to further secure the facilities, services and matters set forth in May 22, 2015 report from the Director, Community Planning , Toronto and East York District, entitled "308-314 Jarvis Street and 225 Mutual Street- Zoning Amendment Application – Request for Directions / Refusal Report", with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations.
- c. That prior to Final Site Plan approval and prior to any permit issuing for the properties at 308-314 Jarvis Street and 225 Mutual Street, including a heritage permit or a building permit but excluding permits for repairs and maintenance of the existing heritage building:
 - i. Provide final Site Plan drawings including drawings for the Development Lands related to an approved Conservation Plan required in Recommendation b.ii. in the report (May 25, 2015) from the Director, Urban Design, City Planning Division, to the satisfaction of the Manager, Heritage Preservation Services.
 - ii. The related Zoning By-law Amendment for 308-314 Jarvis Street and 225 Mutual Street, giving rise to the proposed alterations shall be in full force and effect as required in Recommendation 1a. in the report (May 25, 2015) from the Director, Urban Design, City Planning Division in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Manager, Heritage Preservation Services.
- d. That prior to the issuance of any permit for the properties at 308-314 Jarvis Street and 225 Mutual Street, including a heritage permit or a building permit, but excluding permits for repairs and maintenance of the existing heritage building, the owner shall:
 - i. Obtain final approval for the necessary Zoning By-law amendment for 308-314 Jarvis Street and 225 Mutual Street required for the alterations to the property at 314 Jarvis Street, such amendments to have come into full force and effect in a form and with content acceptable to City Council, as determined by the Chief Planner and Executive Director, City Planning Division, in consultation with the Manager, Heritage Preservation Services.
 - ii. Have obtained final Site Plan approval for such properties, issued by the Chief Planner and Executive Director, City Planning Division.

- iii. Provide full building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation b.ii. in the report (May 25, 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, all to the satisfaction of the Manager, Heritage Preservation Services.
 - iv. Provide a Lighting Plan that describes how 314 Jarvis Street will be sensitively illuminated to enhance its heritage character, to the satisfaction of the Manager, Heritage Preservation Services.
 - v. Provide an Interpretation Plan for 314 Jarvis Street, to the satisfaction of the Manager, Heritage Preservation Services.
 - vi. Provide a Letter of Credit, including provision for upward 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 and the approved Lighting Plan and Interpretation Plan required in Recommendations b.ii. and d.iv. and d.v. in the report (May 25, 2015) from the Director, Urban Design, City Planning Division.

- e. That prior to the release of the Letter of Credit required in Recommendation 1.d.vi. in the report dated May 25, 2015 from the Director, Urban Design City Planning Division:
 - i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation 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;

- f. authorize the City Solicitor to amend the existing Heritage Easement Agreement registered on the title for the heritage property at 314 Jarvis Street on January 29, 1990 (CA 70417), and amended March 31, 1992 (CA 18352), including that such agreement shall apply to the Development Lands, in a form and with content satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning Division;

- g. authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement currently registered on the title for the heritage property at 314 Jarvis Street.

Financial Impact

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

DECISION HISTORY

The heritage property at 314 Jarvis Street was listed on the City's Inventory of Heritage Properties on May 30, 1988. In the late 1980s and early 1990s the heritage property at 314 Jarvis Street was the subject of a rezoning application for a six-storey apartment building to be attached to the back of the heritage house. The proposal was eventually approved by Council and the OMB, the house designated under Part IV of the Ontario Heritage Act (By-law No. 81-90) and a Heritage Easement (the "HEA") registered on title (January 12, 1990 (CA 70417), amended March 31, 1992 (CA18352)). The HEA allows for the demolition of the rear "tail" or extension and conservation of the main front portion of the house in the context of the approved development. Aside from the approved alterations to construct the six- storey apartment building, under the provisions of the Heritage Easement Agreement, the owner cannot undertake or permit any demolition, construction, alteration, remodelling or any other act which would materially affect the features or construction of the building as set out in the Reasons for Identification and as may be depicted in the photographs, drawings and other documents attached to the HEA or that would affect the reasons for designation, without the permission of Council.

In a March 26, 2012 report from the Director, Urban Design, City Planning Division, "Removal of a Designated Heritage Property Under the Ontario Heritage Act – 314 Jarvis Street", staff recommended that City Council refuse the removal of the designated property under section 34 of the Ontario Heritage Act as proposed by the applicant in an earlier submission of the subject Zoning Amendment application.

Consideration of the March 26, 2012 report and a March 28, 2012 report from the Director, Community Planning, Toronto and East York District entitled "308-314 Jarvis Street and 225 Mutual Street – Zoning Amendment Application – Refusal Report", were deferred by TEYCC at their May 15, 2012 meeting to their September 11, 2012 meeting. In advance of the September meeting of the TEYCC the applicant submitted revised drawings. Community Planning staff submitted a supplementary report to the September 11, 2012 TEYCC and recommended deferral of the application until staff had evaluated the revised proposal. TEYCC deferred both the March 26, 2012 and the March 28, 2012 report at their meeting of September 11, 2012.

Community Planning staff has since conveyed their concerns with the revised proposal to the applicant and requested that further revisions be made. The applicant appealed its Zoning By-law Amendment application on March 25, 2015 to the Ontario Municipal Board due to Council's failure to make a decision within the time prescribed by the Planning Act. The full hearing of the appeal has been scheduled for ten days commencing Feb 29, 2016.

A report dated May 22, 2015 from the Director, Community Planning , Toronto and East York District, entitled "308-314 Jarvis Street and 225 Mutual Street- Zoning

Amendment Application – Request for Directions / Refusal Report", will be considered by Toronto and East York Community Council at its meeting on June 16, 2015.

ISSUE BACKGROUND

Proposal

The proposal is for a 43 storey residential condominium tower (44 including mechanical) that consists of nine storey podium, a 34-storey tower, and a one storey mechanical penthouse with an overall height of 136.5 metres. The proposed nine storey podium steps back at the fourth, sixth, eighth and tenth floors along Jarvis Street. The tower is setback 12 metres from Mutual Street and 33 metres from Jarvis Street.

The application contains 470 residential units including four three-storey townhouses proposed on Mutual Street. In addition, 314 vehicle and 500 bicycle parking spaces are proposed for the site, with access and servicing from Jarvis Street. The heritage property at 314 Jarvis Street that forms part of the development site is proposed to be retained in its original location and on its original foundation with the rear wing of the house to be demolished. The house is proposed to be used as amenity space for the new residential tower.

Heritage Property

The property at 314 Jarvis Street is designated under Part IV of the Ontario Heritage Act for its historical and architectural significance. Originally built in 1865, it was altered in 1901 for Dr. Charles Sheard following the designs of his brother, architect Matthew Sheard. The Sheards were a prominent family in Toronto. The father, Joseph Sheard, was an architect and served as Mayor of Toronto. Matthew Sheard was a successful architect practicing in Toronto, Ottawa and the United States. Dr Charles Sheard was the City's Chief Medical Officer and also served as a Member of Parliament, 1917-1925. His wife Vera Stanton Sheard was a famous poet.

The house is a good example of Beaux Arts classicism, as applied to residential design and is important as a rare survivor on Jarvis Street, which was once the street where Toronto's elite families built their mansions, on what was known in the late 1870s as "the handsomest avenue in Toronto."

Contextually, the property at 314 Jarvis Street is historically linked to other surviving buildings and properties dating to the time when Jarvis Street was a premier neighbourhood, including house form buildings listed on the City's Heritage Register at 288-290 Jarvis Street and the two listed churches at the intersection of Jarvis and Gerrard; the Jarvis Street Baptist Church (1875) at 130 Gerrard Street and Saint Andrews Presbyterian Church (1878) at 383 Jarvis Street. Across Jarvis Street from the subject property is Allan Gardens, which is designated under Part IV of the Ontario Heritage Act by By-Law No.1091-2013 (amending the former designation By-law No. 481-86).

Site and Surrounding Area

The site is located just south of the intersection of Carlton Street and Jarvis Street with the municipal address of 308-314 Jarvis Street and 225 Mutual Street. It is an irregularly shaped lot that contains the former Sheard Mansion. The rest of the site is vacant and operating as a parking lot.

North: To the north of the site is McClear Place, a narrow laneway. The laneway is privately owned, and the registered land owner is Samuel Peters Jarvis, registered in 1814. Directly north of the lane is the Primrose Hotel (21-storeys) and low-rise (predominantly three storey) commercial and retail buildings including a listed heritage property at 93 Carlton Street.

East: Directly to the east of the site is St. Andrew's Latvian Lutheran Church, a listed heritage property and Allan Gardens designated under Part IV of the Ontario Heritage Act. Founded in 1858 and named after former Mayor George William Allan, Allan Gardens contains six greenhouses with local, tropical and desert plants in addition to the thirteen acre park itself.

South: To the south of the property is the Ramada Plaza Hotel at 300 Jarvis Street. Formerly the Frontenac Arms Hotel built in 1930, it is designated under Part IV of the Ontario Heritage Act and protected by a Heritage Easement Agreement with the City. Further south and completing the block are three commercial buildings ranging from one to three -storeys (280 and 288-290 Jarvis Street are listed heritage properties).

West: Directly to the west of the property is the McGill-Granby Neighbourhood. A designated *Neighbourhood Area* in the Official Plan, it is comprised of mainly two to three-storey townhouse and semi-detached dwellings.

COMMENTS

Policy Framework

Planning Act and Provincial Policy Statement 2014

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. Key objectives include: building strong communities; wise use and management of resources including heritage 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.

The Planning Act states that municipalities must have regard for matters of provincial interest. Section 2(d) specifically refers to "the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest."

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 Heritage Register 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."

Provincial Policy Statement 2.6.3 directs that "planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will 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." 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 was appealed to the Ontario Municipal Board. These appeals have been settled and an oral decision by the OMB has been issued. Staff considered the subject proposal within the context of the amended OP heritage policies.

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 Heritage Impact Assessment prepared by Philip Goldsmith Architect, dated June 4, 2013 submitted in support of this application identifies the proposed conservation treatment for the Dr. Charles Sheard House as restoration. Staff agree with this assessment. For this reason the General Standards (1-9) and the Standards for Restoration (13-14) apply.

COMMENTS

Assessment of Development Impact

Dr. Charles Sheard House (314 Jarvis Street)

The Heritage Impact Assessment for 314 Jarvis Street prepared by Philip Goldsmith Architect dated June 4, 2013 summarizes the heritage attributes of the property in accordance with Designation By-law 81-90 as follows:

1. It is a good example of Beaux-Arts classicism as applied to residential design.
2. It is an important building in its context along Jarvis Street as a reminder of the significant residential history of Jarvis Street.
3. Although designed in 1865, the alterations of 1901 are significant as they relate to the evolution of the house and street, and relate to the prominent owners of the period.
4. The form of the house: free standing two and one half storey brick house with stucco finish, largely symmetrical design and regular fenestration including the raised stone foundation, window arrangements, chimneys and the roof structure with dormer windows.
5. Period design elements: the elaborate verandah with handsome columns, porch ceiling design, and cornice, the main entrance with partially glazed double doors, stone surround and a semi-elliptical leaded glass transom window sash, stone window surrounds, sills and heads, stone band courses, moulded eave cornice.

The proposed development conserves the entire front pavilion of the house including its foundation in its original location. The house is not connected to the larger development and remains a free standing building. All of the period features of the house are proposed to be restored including the bandshell porch that wraps around the southeast corner of the house. Only the rear 1901 addition is proposed to be removed to provide for additional circulation space within the site. While the rear addition is a heritage attribute, staff is satisfied that retention in situ and restoration of the main and highly visible portion of the house is a reasonable conservation strategy for this property.

Previously the applicant had proposed to demolish the rear addition and move the house to another location on the development site during below grade parking construction. The house would then have been moved back to a location approximately 1.7 metres south of its original location and restored, with salvaged stones from the original raised foundation used as cladding for a new concrete foundation set on the roof of the underground parking garage. The current proposal greatly reduces this impact by retaining the house in situ and eliminating the need to excavate below it for parking. The proposed underground parking garage now wraps around the heritage house allowing more original fabric of the

building to be retained, including the raised stone foundation that is an attribute of the property.

The proposed development further mitigates its impact on the heritage property in the following ways. The tower is held behind the heritage house and rests on a podium base that begins as a three storey frontage on Jarvis Street adjacent to the heritage house and terraces back as it rises to a full podium height of nine storeys. This creates a street elevation that is compatible in height and scale to the Sheard House. The podium is setback to generally align with the heritage house while allowing for a view from the south to the large verandah of the heritage house. This important feature of the house is also made visible by the proposed location of the entrance driveway to the development on the south side of the heritage house.

Frontenac Arms Hotel (300 Jarvis Street)

The Ramada Plaza Hotel (formerly the Frontenac Arms Hotel) is designated under Part IV of the Ontario Heritage Act and protected by a Heritage Easement Agreement. Built in 1930 and designed by Toronto architect Joseph A. Thatcher, the building is a well – executed example of a 1930s apartment house. The front section of the building is the most significant part and is a well-proportioned symmetrical façade with a two-storey five bay smooth cut stone base. A moulded stone cornice visually separates the base from the rest of the building.

The Jarvis Street frontage of the proposed development provides an appropriate height in its adjacency to the heritage property at 300 Jarvis Street. The podium height is compatible both at the Jarvis Street frontage in its relationship to the height of the stone base of 300 Jarvis Street, and further west at the nine storey level in its relationship to the total height of the hotel. The proposed tower component is setback 27 metres from the property line of 300 Jarvis Street providing adequate separation distance.

Allan Gardens

In 2012 City Council granted authority to amend former By-law No. 481-86 being a bylaw designating Allan Gardens under Part IV, Section 29 of the Ontario Heritage Act, by amending the Reasons for Designation and adding a schedule of key views. The amended By-law No. 1091-2013 describes in detail the heritage attributes of Allan Gardens comprised of: expansive landscaped grounds with a pathway system that has evolved over time; the interconnected complex of eight horticultural buildings as well as a monument to Robert Burns; the collection of nearly 300 trees ranging in age from 50-150 years and representing nearly 47 species; the extensive plant collection both outside and under glass in the greenhouses; archaeological resources; and key views both inside and out of the park.

The cultural heritage value of Allan Gardens meets the provincial criteria prescribed for municipal designation under the three categories of design, associative and contextual values.

From a design perspective, Allan Gardens contains a unique collection of greenhouses associated with a public garden that illustrates the evolution of glass technology from the Edwardian era to the later 20th century. The iconic palm house that stands as the centrepiece on the grounds is purported to be the oldest surviving structure of its kind in Canada, and one of a select few remaining in North America.

From an associative perspective, Allan Gardens is a rare surviving example of a botanical garden and public park founded by and named for George William Allan, a noted property owner, land developer, politician and philanthropist who donated the nucleus of the present site to the Toronto Horticultural Society "to promote the interest of horticulture and at the same time prove a new source of healthful recreation".

Contextually, Allan Gardens stands as a landmark in Toronto where the open space, iconic structures and special features reflect the history of horticulture in the City.

The tower component of the proposed development creates significant shadow impact on Allan Gardens, including on the greenhouses that house the indoor plant collections. Any reduction in sunlight on a city park is concerning. In the case of Allan Gardens, staff is of the opinion that shadowing on the park will permanently impact the cultural heritage value of this important resource now and into the future. This impact includes: potential decline in the health and vigor of existing plant collections; diminished quality in the public's experience and enjoyment of the park including the greenhouses; and limiting opportunities for Allan Gardens to develop to its full potential as a horticultural destination for its residents and tourists visiting the City.

Staff is of the opinion that the proposed new shadow on Allan Gardens is a significant negative impact on this cultural heritage resource and must be considered in the context of reviewing the subject Zoning by-law Amendment application that gives rise to the proposed alterations to the heritage property at 314 Jarvis Street discussed in this report. A report dated May 22, 2015 from the Director, Community Planning, Toronto and East York District, entitled "308-314 Jarvis Street and 225 Mutual Street- Zoning Amendment Application –Request for Directions / Refusal Report", to be considered by Toronto and East York Community Council at its meeting on June 16, 2015 provides a discussion of the significant concerns of City Planning staff with the subject rezoning application as pertaining to its impact on Allan Gardens and other land use planning matters.

CONCLUSION

In accordance with the recommendations of this report, staff is of the opinion that any decision of Council with regard to the proposed alterations to the heritage property at 314 Jarvis Street that are the subject of this report, should only be made in the context of Council's full consideration of the negative impact of Zoning By-law Amendment Application No. 12 110573 STE 27 OZ (308-314 Jarvis Street and 225 Mutual Street) on the significant heritage resource at 160 Gerrard Street East (Allan Gardens).

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SIGNATURE

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ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Photos of the Charles Sheard House – 314 Jarvis Street
Attachment No. 3 – Site Plan
Attachment No. 4 – North Elevation
Attachment No. 5 – East Elevation
Attachment No. 6 – South Elevation
Attachment No. 7 - West Elevation