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VIA EMAIL to: clerk@toronto.ca

Our File No: 132661

Mayor John Tory and Members of Council
Toronto City Hall, 13th Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ulli S. Watkiss, City Clerk

Dear Mayor Tory and Members Council:

**Re: Item EY 14.2 - Intention to Designate under Part IV, Section 29 of the
Ontario Heritage Act – 260 High Park Avenue**

Please be advised that Aird & Berlis LLP has been retained by the owner of lands municipally known as 248 and 260 High Park Avenue, City of Toronto.

At its meeting of May 10, 2016, after lengthy debate, Etobicoke Community Council (EYCC) recommended that City Council state its intention to designate 260 High Park Avenue pursuant to Part IV, Section 29 of the *Ontario Heritage Act* (OHA).

The purpose of this letter is to advise you that our client continues to object to the recommendation, both because of the timing of the staff report and recommendation in favour of designation as well as the unusual recommendation that interior elements of one of the structures be included in the reasons for designation.

The effect of this designation at this time will be to unfairly restrict the review by the City of the associated application for rezoning and site plan to permit the adaptive re-use of the building located on 260 High Park Avenue.

Furthermore, and as is set out below, we believe that the reasons for the designation of certain elements on the property at 260 High Park Avenue is based on a misreading of the Heritage Impact Assessment (HIA) prepared by ERA Architects. Since the May 10th EYCC meeting, ERA has confirmed that it remains supportive of the project and is of the opinion that the proposed adaptive re-use of the vacant church sanctuary building will be undertaken in such a way as to ensure that heritage attributes of the property will be maintained. ERA has also confirmed that the removal of the former school annex building, which is currently attached to the sanctuary, can be supported.

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Accordingly, our client asks that City Council not accept EYCC's recommendation and instead defer the designation of the property at 260 High Park Avenue until our client has been afforded the opportunity to review its development application with staff and to reach a consensus as to how best to maintain the heritage attributes on the property.

Sale of the Property Not a Rationale for Designation

As the March 30, 2016 staff report references, the property at 260 High Park Avenue has been listed on the City of Toronto inventory since 1990. The property was sold last year and is now the subject of a development application by our client, which application also includes the lands to the south at 248 High Park Avenue. The fact of the sale is the rationale provided by staff for proceeding with the designation at this time.

In our respectful submission, nothing which has occurred since the purchase of the site by our client gives rise to an immediate need for designation at this time. To the contrary, our client's responsible actions to date demonstrate their clear recognition of the important heritage resource on the property and the need for consideration of that resource to be paramount in the planning process associated with the restoration and adaptive re-use of the property at 260 High Park Avenue.

Our client consulted with the City prior to filing its applications and with representatives of various community interests thereafter. At the direction of staff, and early in the process, our client retained ERA Architects to undertake an HIA to consider the appropriate approach to redevelopment on the property.

Development Proposal

Our client's development proposal will see the adaptive re-use of the former church sanctuary building located on the property at 260 High Park Avenue. The annex building, a later addition, which was used historically as a "Sunday School" would be removed to permit the development of a 4 storey apartment building with a mix of one, two and three bedroom units. At 4 storeys (12.6m) and only 2.0x the site area the scale and proportion of the proposal maintains the character of the neighbourhood which is a mix of 2-3 storey single and semis and walk-up apartments as well as other comparable examples of residential church conversions. The existing sanctuary building will be preserved and retained and its important location as a prominent building at the southwest corner of High Park Avenue and Annette Street will continue.

Our client proposes to locate the majority of the new construction to the west and south of the existing sanctuary. In our submission, portions of the property can be considerably improved upon particularly, but not limited, to the existing parking lot which has little in the way of a compatible relationship to the adjoining residential properties. Placing the majority of the new development in this area is a sensitive approach to the key heritage

resource on the property while allowing for moderate intensification on an underutilized lot.

HIA for the Property

Our client retained ERA Architects to undertake an HIA of the development proposal on the heritage resources on the property. The HIA, issued February 10, 2016, represents a comprehensive review of the heritage attributes on the property and a complete assessment of the development proposal on those attributes.

At the May 10, 2016 meeting of the EYCC, it became clear that some members of Council and the community had misread the HIA as being unsupportive of the demolition of the annex building. Since that time, ERA has confirmed its supportive position with our client that the replacement of the annex building can be accomplished without negatively impacting the heritage attributes of the property.

The HIA points out that the annex buildings are on the location of the original church, built in 1885 which was subsequently replaced by a second sanctuary building constructed in 1887 and which is located on the property today. The annex or Sunday School building was not constructed until 1924, was designed by a different architect than the sanctuary building and is of a plainer architectural style. It is not of Neo-Gothic Design as stated in the City's present review. Parts of the Sunday School building are noted as being in "poor condition" and the subject of many renovations. The replacement of the Sunday School portion of the site is characterized in the HIA as "...a necessary loss in order to achieve a new use on the site. The new, replacement addition should be considered as part of the natural evolution of the site" and similar to the adaptive re-use of two other vacant churches in the area for residential uses.

The HIA concludes that "the current conditions, unchanged or with minor modifications, would not conserve the heritage value of the property. Indefinite mothballing is not an appropriate means of conservation. The recent period of disuse has already had a negative impact on the building and the church, in its current state, is not contributing to the community".

In our respectful submission, the proposal for the adaptive re-use of the property at 260 High Park Avenue will ensure the community continues to benefit from and enjoy the important heritage resources found on the property. This can only occur if there is a reasonable development opportunity on the property however, the proposed Reasons for Designation seek to unduly restrict redevelopment opportunities on the property. It would not prejudice the City to pause for a short while to allow the various stakeholders to work out a fitting and appropriate plan that all can support and which maintains the heritage recommendations of the HIA report.

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Heritage Attributes Not At Risk

We note that our client has not sought to alter or demolish the building on the property to date and is prepared to provide an undertaking that no such applications will be sought during these early stages of the planning process. Indeed, we would note that as the building is listed pursuant to Part IV of the OHA, no demolition permit would be issued without the City being provided with appropriate notice and an opportunity to bring forward a Notice of Intent to designate. However, as indicated by our client's actions to date, no such actions are anticipated.

Our client's application is very early in the evaluation process having recently received staff feedback. A community consultation is set to be held on June 20, 2016 and our client anticipates that feedback from that meeting would result in further modifications to the proposal.

Setting out the Reasons for Designation now, in our view, is premature in that it prevents a meaningful dialogue with heritage preservation staff and the community with respect to the heritage attributes of the property at 260 High Park Avenue. Our client has committed to be guided by the HIA and its retention of such a well-known and established heritage architectural practice in the City of Toronto so early in the process is a clear indication of the respect which it has for the heritage resources on the property.

At this time, our client objects to the proposed designation, and the Reasons for Designation, due to issues of prematurity, a lack of need as there is no risk to the property as well as specific inclusions of interior elements in the Reasons for Designation. Our client remains committed to working with City staff and the community on the evaluation of the project.

We respectfully request that City Council not proceed with the staff recommendation to designate the property at 260 High Park Avenue pursuant to Part IV of the OHA at this time.

Yours very sincerely,

AIRD & BERLIS LLP



Per: Eileen P.K. Costello
EPKC/lm

c: Client
ERA Architects, Phil Evans