



**STAFF REPORT
ACTION REQUIRED**

Alteration to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement – 172 Finch Avenue West (Arthur Waine House)

Date:	March 2, 2016
To:	Toronto Preservation Board North York Community Council
From:	Chief Planner & Executive Director, City Planning Division
Wards:	Ward 23 - Willowdale
Reference Number:	P:\2016\Cluster B\PLN\NYCC\NY16033

SUMMARY

This report recommends that City Council approve the alterations to the heritage property at 172 Finch Avenue West under Section 33 of the Ontario Heritage Act as set out in this report.

The application proposes the relocation of the house to the north (rear) portion of the property in conjunction with the redevelopment of the site which includes the adjacent property to the west.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the alteration to the heritage property at 172 Finch Avenue West, in accordance with Section 33 of the Ontario Heritage Act, to allow for the relocation of the historic Arthur Waine House to the rear of the designated property in accordance with the "Schedule 'A' Revised Drawings" dated October 19, 2015, prepared by Quadrangle Architects Limited, attached to the OMB decision issued on October 23, 2015, OMB Case No. PL141059; and substantially in accordance with the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 9, 2013 and on file with the Senior Manager, Heritage Preservation Services, all subject to and in accordance with a Conservation Plan

satisfactory to the Senior Manager, Heritage Preservation Services and subject to the following additional conditions:

- a. That prior to final Site Plan approval for the alteration to the property located at 172 Finch Avenue West the owner shall:
 - i. Enter into a Heritage Easement Agreement with the City for the property at 172 Finch Avenue West in accordance with the plans and drawings dated October 19, 2015, prepared by Quadrangle Architects Limited, attached to the OMB decision issued on October 23, 2015, OMB Case No. PL141059, on file with the Senior Manager, Heritage Preservation Services, and in accordance with the Conservation Plan required in Recommendation 1.a.iii in the report (March 2, 2016) from the Chief Planner and Executive Director, City Planning Division to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor;
 - ii. At its sole cost and expense, register the Heritage Easement Agreement on title to the satisfaction of the City Solicitor;
 - iii. Provide a detailed Conservation Plan prepared by a qualified heritage consultant that includes, but is not limited to, a comprehensive Building Relocation Plan prepared by a qualified engineer and an Interpretation Plan that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 172 Finch Avenue West prepared by ERA Architects Inc. dated May 9, 2013, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - iv. Provide final site plan drawings related to the approved Conservation Plan required in Recommendation 1.a.iii in the report (March 2, 2016) from the Chief Planner and Executive Director, City Planning Division to the satisfaction of the Senior Manager, Heritage Preservation Services;
- b. That prior to the issuance of any permit for all or any part of the property at 172 Finch Avenue West, including a heritage permit or a building permit but excluding permits for repairs, maintenance and usual and minor works acceptable to the Senior Manager, Heritage Preservation Services, 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, including notes and specifications for the relocations, conservation and protective

measures keyed to the approved Conservation Plan required in Recommendation 1.a.iii in the report (March 2, 2016) from the Chief Planner and Executive Director, City Planning Division, including a description of materials and finishes to be prepared by the project architect and qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;

iii. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior 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.iii in the report (March 2, 2016) from the Chief Planner and Executive Director, 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 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 Senior Manager, Heritage Preservation Services;

ii. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Preservation Services;

2. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property at 172 Finch Avenue West in a form and content satisfactory to the Chief Planner and Executive Director and City Solicitor.

3. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at 172 Finch Avenue West.

4. City Council amend By-law No. 1597-2012 under Section 30.1(1) of the Ontario Heritage Act to revise the legal description following the relocation of the Arthur Waine House in accordance with the alterations set out in the report (March 2, 2016) from the Chief Planner and Executive Director, City Planning Division.

Financial Impact

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

DECISION HISTORY

The property at 172 Finch Avenue West is designated by By-law No. 1597-2012, enacted by City Council on November 29, 2012.

<http://www.toronto.ca/legdocs/bylaws/2012/law1597.pdf>

On October 15, 2014, an application was submitted to demolish the building at 172 Finch Avenue West under the Ontario Heritage Act. The Chief Planner and Executive Director exercised delegated authority and refused the application on November 17, 2014.

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=2752d1348d5a9410VgnVCM10000071d60f89RCRD&vgnextchannel=f6a300ad867a0410VgnVCM10000071d60f89RCRD>

At its meeting of September 30, 2015, City Council adopted the staff recommendation in a confidential Request for Directions report to enter into minutes of settlement relating to OMB Case No. PL141059.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM9.48>

ISSUE BACKGROUND

Development Proposal

An application for an Official Plan and Zoning By-law Amendment for the properties at 172, 176 and 180 Finch Avenue West and 1-11 and 23 Grantbrook Street was submitted to the City in 2013. This application included the relocation of the historic Arthur Wayne House at 172 Finch Avenue and the construction of a six-storey building, townhouses and a private road. The applicant appealed the applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the Planning Act.

An application to demolish the building at 172 Finch Avenue West under the Ontario Heritage Act was submitted on October 15, 2014 and was refused by the Chief Planner and Executive Director under delegated authority. The applicant also appealed this refusal to the OMB.

City staff and the applicant negotiated a settlement which was adopted by City Council on September 30, 2015. The settlement includes the relocation of the historic Arthur Wayne House to the north east corner of the heritage property and the construction of a new public road, a new public park, townhouses adjacent to the relocated house, and a six-storey mixed use building. The OMB approved the Minutes of Settlement dated October 19, 2015, directing the applicant to request an adjournment of the appeal of the City's refusal to demolish the designated house pending Council's approval of an application to alter the heritage property under Section 33 of the Ontario Heritage Act in accordance with the Settlement Agreement. The applicant has agreed to withdraw their appeal of the demolition application following Council's approval of the alteration as set out in this report.

The alteration to the Arthur Wayne House includes the stabilization and the careful removal of the non-contributing rear addition. A new foundation will be prepared at the

north east corner of the heritage property and the house and front porch will be lifted and towed to its new location. The conservation scope of work includes the restoration of the cedar shingle roof, the wood cladding and trim, stairs, porch, front door, and masonry, and the replacement of the wood windows to match the original in material and design. A new two-storey rear addition is proposed which will not impact the heritage attributes or character of the property.

In its new location, the Arthur Waine House will be located at the northern end of the new public road. The historic house will be separated from the new townhouses to the west by a 7.0 metre side yard setback. Following its relocation the designation by-law will be amended under section 30.1(1) to change the legal description of the heritage lot.

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 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

The newly revised heritage policies in the City of Toronto Official Plan provides the City's policy framework for heritage conservation in the City. Policy 4 states that, "Properties on the Heritage Register will be *conserved* and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and as adopted by Council". Policy 5 states that, "Proposed *alterations*, development, and/or public works on or *adjacent* to, a property on the Heritage Register will ensure that the *integrity* of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City". Policy 26 states that, "New construction on, or *adjacent* to, a property on the Heritage Register will be designed to *conserve* the cultural heritage values, attributes and characters of that property and to mitigate visual and physical impact on it. Policy 29 indicates that a heritage building may be relocated within its property or development site where it meets a set of six established criteria:

- a. the heritage building or structure is not attached to or adjoining another building or structure;
- b. the location, orientation, situation or view of the heritage building is not identified in the Official Plan or as a cultural heritage value or attribute of the property, and/or the proposed relocation will not negatively affect the cultural heritage values or attributes of the property;
- c. the portion of the heritage building or structure that contains the identified cultural heritage values and attributes is being conserved in its entirety and will not be demolished, disassembled and/or reconstructed;
- d. the relocation on site does not conflict with any applicable Heritage Conservation District plans;
- e. a Heritage Property Conservation Plan is submitted that demonstrates that the removal and relocation of the building or structure within its existing property will not pose any physical risk to the heritage building and/or structure, its cultural heritage values and attributes, to the satisfaction of the City; and
- f. these and any other related conditions are secured in a Heritage Easement Agreement prior to removal and relocation on site.

Heritage Resource

The property at 172 Finch Avenue West is designated under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value. The Arthur Edward Waine House is a representative example of the Bungalow style popularized in the early 1900s.

Historically, this property yields information that contributes to an understanding of the development of North York, when the creation of the Township in 1923 coincided with the construction of this residence. This was the second dwelling on the property built by Arthur Edward Waine, an English immigrant who acquired the site after his marriage in 1920, and is purportedly the oldest surviving house on Finch Avenue West. Contextually, the Arthur Edward Waine House is reminiscent of the early 20th century character of Finch Avenue West.

The heritage attributes of the property are as follows:

- The 1½-storey plan above a raised base with window openings
- The wood structure, originally clad with clapboard and currently covered with synthetic siding (the siding is not identified as a heritage attribute)
- The medium-pitched gable roof, originally clad with cedar shingles (the current roof cladding is not identified as a heritage attribute), with extended and flared eaves, a gabled dormer with a three-part window opening on the south slope, and a brick chimney on the north slope

- The principal (south) façade, with a central entrance flanked by a diminutive window opening on the west and larger three-part flat-headed window openings on either side of the entry
- The raised open verandah, which protects the south façade, with stone posts and wood columns and railings
- The side (north and south) walls of the house with flat-headed window openings in the first floor and half-storey above

COMMENTS

Heritage Preservation Services (HPS) has reviewed the plans and drawings dated October 19, 2015, prepared by Quadrangle Architects Limited, attached to the OMB approved Minutes of Settlement issued on October 23, 2015, OMB Case No. PL141059, and the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 9, 2013.

While the location of the Arthur Waine House is not identified as an attribute of the property in the designation by-law, the relocation of the house to the north east corner of property will require the reconstruction of portions of the front porch that is a heritage attribute. Best efforts will be made to ensure the move can be done without damage to the house but there is an element of risk associated with moving any heritage building. As such, staff feel it reasonable to require Council approval for these alterations under the provisions of Section 33 of the Ontario Heritage Act. Staff are satisfied that the settlement agreement for the development application includes a conservation strategy for the heritage house that includes its restoration and continued used as a residential property. With its orientation to Finch Avenue West maintained, the new public road to be constructed as part of the development will allow for a direct and unimpeded view of the Arthur Waine House from Finch Avenue. The adjacent new three-storey townhouses will be separated from the historic house by a 7.0 metre side yard setback that allows the house to sit independently on its own lot with adequate separation from the new construction.

Along with the conservation of the Arthur Waine House, the applicant has agreed to provide an Interpretation Plan and to enter into a Heritage Easement Agreement with the City for the heritage property.

CONCLUSION

It is recommended that City Council approve the proposed alteration to 172 Finch Avenue West as set out in the report. Staff consider the conservation strategy for the Arthur Waine House to be acceptable given the scope of the restoration work to be

completed following the relocation of the heritage house. The relocation of the heritage building within the development site complies with tests set out in Policy 29 of the City's Official Plan Heritage Policies and all conditions will be secured with a Heritage Easement Agreement.

CONTACT

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SIGNATURE

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Chief Planner & Executive Director
City Planning Division

ATTACHMENTS

Attachment 1 – Location Map
Attachment 2 – Photographs
Attachment 3 – Proposed Site Plan
Attachment 4 – Proposed Elevation Drawing