



**STAFF REPORT  
ACTION REQUIRED**

**Alterations to a Heritage Property, Intention to Designate Under Part IV, Section 29 of the Ontario Heritage Act, and Authority to Enter into a Heritage Easement Agreement – 10 Buchan Court**

<b>Date:</b>	September 20, 2016
<b>To:</b>	Toronto Preservation Board North York Community Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Ward 33 - Don Valley East
<b>Reference Number:</b>	P:\2016\Cluster B\PLN\NYCC\NY16095

**SUMMARY**

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This report recommends that City Council approve the alterations to the heritage property located at 10 Buchan Court (Frederick Connell House). The applicant proposes to rehabilitate and adaptively re-use the existing property by constructing a two-storey addition to replace the existing north service wing and garage, with alterations to the front entrance to provide universal accessibility and alterations to the landscape on the south side of the property.

In addition, staff recommend that the subject property be designated under Part IV, Section 29 of the Ontario Heritage Act and that the property owner enter into a Heritage Easement Agreement with the City to ensure the long-term protection of the heritage property.

## RECOMMENDATIONS

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### The City Planning Division Recommends that:

1. City Council approve the alterations to the heritage property at 10 Buchan Court, in accordance with Section 33 of the Ontario Heritage Act, to allow for alterations to the existing building and landscape on the lands known municipally in the year 2016 as 10 Buchan Court, with such alterations substantially in accordance with architectural plans and drawings A1.01, A1.03, A1.05, A1.06, A1.07, A1.10, A1.11, A1.12, A2.01, A2.02, A2.03, A2.05, A4.01, A4.02, A5.01 dated February 19, 2016, revised September 9, 2016, and SG1 ("Site Grading Plan") dated February 25, 2016, revised September 9, 2016, prepared by Montgomery Sisam Architects Inc., date-stamped received by the City Planning Division September 12, 2016, and on file with the Senior Manager, Heritage Preservation Services; landscape plans and drawings L001, L002, L101, L900, L901, L902, L903, L904 ("Landscape Plans") dated June, 2015, revised September 9, 2016 prepared by Scott Terrance Landscape Architect Inc., date-stamped received by the City Planning Division September 12, 2016, and on file with the Senior Manager, Heritage Preservation Services; landscape plans and drawings L100 and L102 ("Landscape Plans") dated June, 2015, revised September 15, 2016 prepared by Scott Terrance Landscape Architect Inc., date-stamped received by the City Planning Division September 16, 2016, and on file with the Senior Manager, Heritage Preservation Services; and the Heritage Impact Assessment (HIA), prepared by ERA Architects Inc., dated February 2, 2016, revised September 9, 2016, date-stamped received by the City Planning Division on September 12, 2016 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 alterations to the property located at 10 Buchan Court, the owner shall:
    - i. 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 10 Buchan Court prepared by ERA Architects Inc., dated February 2, 2016, revised September 9, 2016, and the Landscape Plans prepared by Scott Terrance Landscape Architect Inc., dated June 25, 2015, revised September 15, 2016, to the satisfaction of the Senior Manager, Heritage Preservation Services;
    - ii. Provide final site plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.a.i. in the report (September 20, 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 10 Buchan Court, 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 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 Division;
    - ii. 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.i in the report (September 20, 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 a 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 and the approved Landscape Plans;
  - c. That prior to the release of the Letter of Credit required in recommendation 1.b.iii. in the report (September 20, 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;
2. City Council state its intention to designate the property at 10 Buchan Court under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 10 Buchan Court (Reasons for Designation) attached as Attachment No. 6 to the report (September 20, 2016) from the Chief Planner and Executive Director, City Planning Division.

3. If there are no objections to the designation in accordance with Section 29(6) of the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the bill in Council designating the property at 10 Buchan Court under Part IV, Section 29 of the Ontario Heritage Act.
4. If there are objections in accordance with Section 29(7) of the Ontario Heritage Act, City Council direct the City Clerk to refer the designation of the property at 10 Buchan Court to the Conservation Review Board.
5. If the designation is referred to the Conservation Review Board, City Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision on the designation of the property at 10 Buchan Court.
6. City Council authorize the entering into of a heritage easement agreement under Section 37 of the Ontario Heritage Act with the owner of 10 Buchan Court in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning Division.
7. 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 10 Buchan Court.

### **Financial Impact**

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

### **DECISION HISTORY**

The property located at 10 Buchan Court was listed on the City of Toronto's Heritage Register on September 27, 2006.

### **ISSUE BACKGROUND**

#### **Heritage Property**

Staff has completed the attached Heritage Property Research and Evaluation Report for the property at 10 Buchan Court (Attachment No. 6) and determined that the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under all three categories of design, associative and contextual value.

The Frederick Connell House is a well-crafted example of a country house with Georgian Revival styling inside and out, which was designed by the notable Toronto architects, Mathers and Haldenby, commissioned by Canadian mining executive Frederick Connell, and afterward owned for two decades by Canadian military veteran and noted industrialist and financier, Colonel W. Eric Phillips. Located on property associated historically with the Mulholland family, pioneers in North York's Oriole community, the Frederick Connell House is physically, historically and visually related to its surroundings in the area northeast of Sheppard Avenue East and Leslie Street where it is

placed in its original setting with landscaped open space and views between the south elevation of the building and the garden.

The Statement of Significance for 10 Buchan Court (Attachment No. 5) comprises the Reasons for Designation, which are the Public Notices of Intention to Designate and will be advertised on the City of Toronto's web site in accordance with the City of Toronto Act provisions and served on the property owners and the Ontario Heritage Trust according to the provisions of the Ontario Heritage Act.

## **Development Proposal**

The proposed application for the rehabilitation of the Frederick Connell House and its grounds will provide a centralized ambulatory and transitional mental health services centre for children, adolescents, young women and their families. This proposal is fully funded by community support through the North York General Foundation and will bring together onto one site the adolescent eating disorders program, the child and adolescent day hospital and child and adolescent outpatient mental health services. The proposal as a whole will provide a family orientated home-like experience for patients and their families.

The applicant is proposing to construct a two-storey addition to replace the existing north service wing (north wing) and garage. With the exception of the north wing and garage, the existing building will be retained in situ. The new addition will be connected by a glazed link to the existing building.

The main entrance on the north elevation will be altered to provide universal access. The entrance door will be replaced with a new glazed door. The existing entrance stairs will be removed and replaced with a concrete ramp and glazed guardrail. The grades on either side of the entrance and along the two front bays will be raised slightly to accommodate this use.

The landscape garden on the south side of the house will be rehabilitated with some original landscape features restored. A free-standing canopy and trellis will be constructed on the south terrace.

## **Policy Framework**

### **Planning Act and Provincial Policy Statement**

The Planning Act and the associated Provincial Policy Statement guide development in the Province. The 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 (PPS) issued under the authority of Section 3 of the Planning Act 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; and protecting public health and safety. The Planning Act requires that City Council's decisions affecting land use planning matters "be consistent with" the Provincial Policy Statement.

Policy 2.6.1 of the PPS 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. "Conserved" is defined in the PPS 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."

Policy 2.6.3 of the PPS 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."

### **City of Toronto Official Plan**

The heritage policies in the City of Toronto's Official Plan provide the policy framework for heritage conservation in the City. Relevant policies include:

3.1.5.3 Heritage properties of cultural heritage value or interest, including Heritage Conservation Districts and archaeological sites that are publicly known will be protected by being designated under the Ontario Heritage Act and/or included on the Heritage Register.

3.1.5.4 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.

3.1.5.5 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. Where a Heritage Impact Assessment is required in Schedule 3 of the Official Plan, it will describe and assess the potential impacts and mitigation strategies for the proposed alteration, development or public work.

3.1.5.6 The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

3.1.5.26. New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.

3.1.5.27. Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of façades alone is discouraged.

3.1.5.28. The owner of a designated heritage property will be encouraged to enter into a Heritage Easement Agreement where the City considers additional protection beyond designation desirable due to the location, proposed alteration, and/or the nature of that property.

3.1.5.43. Potential *cultural heritage landscapes* will be identified and evaluated to determine their significance and cultural heritage values. *Significant cultural heritage landscapes* will be included on the Heritage Register and/or designated under either Part IV or Part V of the Ontario Heritage Act.

## **COMMENTS**

Heritage Preservation Services (HPS) has reviewed the Heritage Impact Assessment (HIA) submitted by ERA Architects Inc. for conformity with the Planning Act, Provincial Policy Statement and the City's Official Plan heritage policies. Below are comments from staff pertaining to this application.

### **New Addition**

The proposal is to retain a large portion of the Frederick Connell House in situ. The north wing and garage are proposed to be demolished to construct a two-storey addition. A glazed link will also be constructed to connect the addition and the existing house. The existing 1½-storey north wing is identified as a heritage attribute in the Reasons for Designation (Attachment No. 5). Staff considered this impact based on Official Plan Policies 3.1.5.4 (the Standards and Guidelines) and 3.1.5.27. Specifically, Standard 1 in the Standard and Guidelines states: "Conserve the heritage value of an historic place. Do not remove, replace or substantially alter intact or repairable character-defining elements."

This alteration does not fully meet Standard 1 in the Standards and Guidelines. Staff has been working extensively with the applicant to find alternate design solutions to retain the north wing and meet intended needs of the new use. However, retention of the north wing creates several major issues. The construction of a 2 storey addition along the west elevation with retention of the north wing creates setback issues to the west property boundary. Retention of the existing 1½-storey north wing also presents significant challenges in accommodating universal accessibility and providing connectivity between the existing house and the proposed addition as the ground and second floors of the existing house and north wing do not align. As this is a fully funded community project, there are also budget constraints to accommodate the existing north wing into the new use. Taking these reasons into consideration staff is supportive with the alterations and on balance, it meets the intent of Official Plan Policy 3.1.5.27 as substantial portions of the Frederick Connell House will be retained.

## **Universal Accessible Entrance**

In continuing to use the historical main entrance, the applicant is proposing alterations to the entrance to provide universal accessibility. This includes replacement of the existing door and widening the existing door frame to replace with a new glazed door. The existing entrance stairs will be removed and replaced with a concrete ramp and glazed guardrail. The current approach improves upon the original submission which proposed to combine the existing entrance and window opening west of the entrance for a new entrance. The revised approach allows for greater retention of the existing heritage attributes.

As part of this use, the applicant is proposing to raise the grades along the two bays on the front elevation and on either sides of the main entrance. Staff has been working with the applicant at length to develop a design that minimizes grade changes along the north elevation. The grade changes in the initial proposal truncated the three bays along the north elevation and visually impacting the heritage attributes on the north elevation. Staff feel that the revised approach is less impactful as it maintains the relationship of the building grade with existing window sills and the symmetrical form of the three-bay frontispiece on the north elevation.

## **Landscape Garden**

The applicant is proposing to rehabilitate the existing landscape garden with construction of a free-standing canopy and trellis on the existing south terrace. The existing mature trees, stone retaining walls and steps will be restored. The north-south stone pathway will be reinstated in reference to the original landscape.

The freestanding canopy and trellis are in keeping with Standard 11 as they will not have a significant visual impact and will be distinct from and compatible with the heritage resource. Both are reversible interventions and will not impair the heritage resource if removed in the future. The proposed alterations to the landscape garden as a whole will be in keeping with Standard 3 as they minimized the amount of intervention required to conserve the heritage resource.

Should Council approve the alterations staff are recommending that the applicant provide a final conservation plan that enhances the heritage character of the Frederick Connell House and its grounds as required by Recommendation 1.a.i of this report (September 20, 2016).



## **CONCLUSION**

Heritage Preservation Services staff has been working extensively with the applicant to find design solutions that best conserve the heritage resource while meeting programmatic needs of the intended new use. Staff feel that the adaptive re-use of this site presents great opportunities to provide ambulatory and transitional health services for children, adolescents, young women and their families. Staff has reviewed the proposed alterations for the heritage property at 10 Buchan Court and is satisfied the proposal meets the intent of the City of Toronto's Official Plan heritage policies and the Standards and Guidelines for the Conservation of Historic Places in Canada.

## **CONTACT**

Sherry Pedersen, Program Manager  
Heritage Preservation Services  
Tel: 416-338-1089; Fax: 416-392-1973  
E-mail: [speders@toronto.ca](mailto:speders@toronto.ca)

## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

- Attachment No. 1 – Location Map
- Attachment No. 2 – Photograph – North and South Elevation
- Attachment No. 3 – Proposed North and South Elevation Drawing
- Attachment No. 4 – Proposed South Elevation Rendering
- Attachment No. 5 – Statement of Significance – Reasons for Designation
- Attachment No. 6 – Heritage Property Research and Evaluation Report
- Attachment No. 7 – The Standards in the Standards and Guidelines for the Conservation of Historic Places in Canada