



**STAFF REPORT
ACTION REQUIRED**

**Alterations to a Designated Heritage Property and
Authority to Enter Into a Heritage Easement Agreement
– 175 Jones Avenue**

Date:	March 2, 2016
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Chief Planner & Executive Director, City Planning Division
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	P:\2016\Cluster B\PLN\TEYCC\TE16040

SUMMARY

This report recommends that City Council approve the proposed alterations to the designated heritage property at 175 Jones Avenue, formerly known as St. Clement's Anglican Church, which is designated under Part IV of the Ontario Heritage Act. The applicant is proposing to rehabilitate and adaptively reuse the existing church building and construct a new 4-storey condominium building to the south of the church at 169 Jones Avenue.

City Council’s approval of the proposed alterations to the heritage property at 175 Jones Avenue and authority to enter into a Heritage Easement Agreement is required under the Ontario Heritage Act.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the alterations to the heritage property at 175 Jones Avenue, in accordance with Section 33 of the Ontario Heritage Act, to allow for the alterations to and adaptive re-use of the existing church building on the lands known municipally in the year 2016 as 175 Jones Avenue, with such alterations substantially in accordance with plans and drawings dated February 5, 2016, prepared by Open Architects Inc., date-stamped received by Heritage Preservation Services February 26, 2016, and on file with the Senior Manager, Heritage

Preservation Services; and the Heritage Impact Assessment (HIA), prepared by Architects Rasch Eckler Associates Ltd., dated July 31, 2015, date-stamped received by City Planning on September 30, 2015, 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 175 Jones Avenue the owner shall:
 - i. Enter into a Heritage Easement Agreement with the City for the property at 175 Jones Avenue in accordance with the plans and drawings dated February 5, 2016, prepared by Open Architects Inc., date-stamped received by Heritage Preservation Services February 26, 2016, and on file with the Senior Manager, Heritage Preservation Services, and in accordance with the Conservation Plan required in Recommendation 1.a.ii 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. 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 175 Jones Avenue, prepared by Architects Rasch Eckler Associates Ltd., dated July 31, 2015, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - iii. Provide final site plan drawings related to the approved Conservation Plan required in Recommendation 1.a.ii 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;
 - iv. Provide a Lighting Plan that describes how the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan 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 175 Jones Avenue, including a heritage permit or a building permit, but excluding permits for interior work not affecting the heritage attributes of the property, repairs and maintenance and usual and minor works for the

existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services:

- 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 conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.a.ii 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 an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - iv. 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.iv 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 175 Jones Avenue 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 175 Jones Avenue.

Financial Impact

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

DECISION HISTORY

In 2010 a development application for the property at 175 Jones Avenue was submitted for the rehabilitation and adaptive re-use of the existing church building and a new 4-storey condominium building to the south of the church building. On July 6, 2010, City Council adopted staff's recommendations to approve the alterations to the heritage property at 175 Jones Avenue, to state its intention to designate the property under Part IV, Section 29 of the Ontario Heritage Act, and to grant authority to enter into a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE35.9>

This application was appealed to the Ontario Municipal Board (OMB) by adjacent property owners due to privacy concerns, however these concerns were ultimately mitigated through a proposed landscape plan produced in evidence before the Board on November 8, 2010. The property was then designated by City Council under Part IV of the Ontario Heritage Act on December 16, 2010 by By-law 33-2011. The 2010 proposal was never implemented and the Heritage Easement Agreement never executed.

BACKGROUND

Development Proposal

The application proposes to convert the existing church building into 14 residential units with townhouses proposed to the south. Proposed exterior alterations to the church include the installation of new dormer balconies and new window openings on the north and south elevations, and the retrofit of the existing Gothic windows with thermo-pane glazing. The application also includes an extensive landscape plan between the existing church and the new townhouses. (Attachment Nos. 3-4)

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 PPS guide development in the Province and they include provincial interests regarding heritage resources as described in the PPS 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 PPS. The PPS provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

PPS 2.6.1 reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

Official Plan

The revised heritage policies in the City of Toronto's Official Plan provide the policy framework for heritage conservation in the City. The following Official Plan policies apply to the proposed alterations:

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 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."

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 facades 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 due to the location, proposed alteration, and/or the nature of that property."

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 as the official document guiding planning,

stewardship and conservation approach for all listed and designated heritage properties within the City of Toronto.

The Heritage Impact Assessment submitted in support of this application identifies the proposed conservation treatment for 175 Jones Avenue as rehabilitation and adaptive reuse. For this reason, the General Standards (1-9) and the Standards for Rehabilitation (10-13) apply to this project. The Standards for Restoration (13-14) apply specifically to the proposed restoration work.

Heritage Resource

The property at 175 Jones Avenue is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design, associative and contextual values. The Reasons for Designation for the property can be found attached to this report (Attachment No. 5).

COMMENTS

Proposed Conservation Strategy

Heritage Preservation Services (HPS) has reviewed the Heritage Impact Assessment (HIA) prepared by Architects Rasch Eckler Associates Ltd. (AREA). The HIA finds that the proposed alterations to 175 Jones Avenue are appropriate and that the proposal will rehabilitate the heritage resource while conserving identified heritage attributes. The proposed scope of conservation work includes masonry restoration, the removal and replacement of asphalt shingles on the roof, and replacement of glazing in the existing gothic windows on the side elevation of the church building.

The HIA also addresses the proposed townhouses to the south of the church. It finds that the new townhouses will preserve the south-west street view of the church building and will provide a buffer with a landscaped courtyard between the new construction and existing church.

Assessment of Heritage Impacts

The application as proposed includes minimal alterations to the heritage building and preserves the identified heritage attributes of the properties. The proposed alterations will allow the church to be adaptively re-used as residential units.

The second and third floors proposed within the church building will be recessed to create a three-storey high living area which will prevent new floor levels intersecting with the existing gothic windows on the north and south elevations. To provide amenity space, natural light and ventilation to the fourth storey, new dormers with balconies are proposed for both the north and south elevations of the heritage building. The balconies will meet code requirements for an egress door to serve as an area of refuge. The dormers will have gable roofs which will complement the gable roof of the existing church, and through the use of glazing and materials the visual impact of the dormers will be reduced.

The original mosaic windows on the north and south elevations were removed by the church prior to the sale and transfer of the property at 175 Jones Avenue. The application proposes to maintain the existing window frames in place and install new thermopane units in place of the existing glazing. New wood-framed awning windows are proposed directly beneath the existing sill of the gothic windows to provide ventilation to these units and allow views to the exterior from the interior. The new awning windows will be inset to the depth of the existing windows thus reducing their impact on the elevation. The location of these windows will allow the original window sill above to be fully maintained.

The location and setback (15m) of the proposed townhouses adjacent to the heritage building will allow south-west views from Jones Avenue to the south elevation of the church to be preserved. The townhouses will be a similar height to the neighbouring properties and will be subordinate to the church building as seen from Jones Avenue. The proposed landscaped court between the new townhouses and church building provides a buffer between old and new while preserving views to the south elevation of the church.

Additional alterations to the heritage building include the removal of two chimneys and a new terrace on the east vestry at the rear of the building, all of which are not identified heritage attributes of the property.

CONCLUSION

Staff are supportive of the applicant's efforts to conserve the heritage property at 175 Jones Avenue and concur that much of the original heritage fabric of the church building will be maintained as part of this application and that the proposed alterations will have minimal impact on the heritage attributes. The application meets the objectives of the heritage policies of the Official Plan and conserves the values and attributes of the heritage property at 175 Jones Avenue. Staff recommend that City Council approve the proposed alterations and enter into a Heritage Easement Agreement with the owner of the property.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment No. 1: Location Map – 175 Jones Avenue

Attachment No. 2: Photographs – 175 Jones Avenue

Attachment No. 3: Proposed Site Plan – 175 Jones Avenue

Attachment No. 4: Proposed Elevations – 175 Jones Avenue

Attachment No. 5: Proposed Window Detail – 175 Jones Avenue

Attachment No. 6: Reasons for Designation – 175 Jones Avenue