

Alterations to a Designated Heritage Property and Amendment of a Heritage Easement Agreement - 314 Jarvis Street

Date: January 12, 2021

To: Toronto Preservation Board
Toronto East York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Toronto Centre - Ward 13

SUMMARY

This report recommends that City Council approve the alterations proposed for the Dr. Charles Sheard House at 314 Jarvis Street (designated under Part IV of the Ontario Heritage Act), in connection with the development of the subject property and that Council grant authority to amend the existing Heritage Easement Agreement for the subject property.

The Dr. Charles Sheard House was damaged extensively by two fires. The remaining portions of the building will be retained and the missing portions will be reconstructed. A rear addition will connect the heritage building to a 34-storey mixed-use building to the west with a ten-storey base fronting onto Jarvis Street.

RECOMMENDATIONS

The Senior Manager, Heritage Planning, Urban Design, City Planning recommends that:

1. City Council approve 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 a new mixed-use development incorporating the heritage building on the lands known municipally in the year 2021 as 308, 310, 312, 314 Jarvis Street and 225 Mutual Street, with such alterations substantially in accordance with plans and drawings dated August 21, 2020, prepared by Turner Fleischer Architects Inc., and on file with the Senior Manager, Heritage Planning and the Reconstruction Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated December 2, 2020, and on file with the Senior Manager, Heritage Planning, all satisfactory to the Senior Manager, Heritage Planning and subject to the following conditions:

a. That the related site specific Zoning By-law Amendment giving rise to the proposed alterations has been enacted by the City Council and has come into full force and effect 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 Senior Manager, Heritage Planning.

b. That prior to the introduction of the bills for such Zoning By-law Amendment by City Council, the owner shall:

1. Amend the existing Heritage Easement Agreement for the property at 314 Jarvis Street in accordance with the plans and drawings dated August 21, 2020, prepared by Turner Fleischer Architects Inc., and on file with the Senior Manager, Heritage Planning and in accordance with the Reconstruction Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated December 2, 2020, and on file with the Senior Manager, Heritage Planning, all to the satisfaction of the Senior Manager, Heritage Planning including registration of such amending agreement to the satisfaction of the City Solicitor.

c. That prior to final Site Plan approval for the Zoning By-law Amendment by City Council, for the property located at 308, 310, 312, 314 Jarvis Street and 225 Mutual Street the owner shall:

1. Provide final site plan drawings substantially in accordance with the approved Reconstruction Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated December 2, 2020, and on file with the Senior Manager, Heritage Planning, satisfactory to the Senior Manager, Heritage Planning.

2. Obtain final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect.

3. Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

4. Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning.

5. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.

6. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning.

d. That prior to the issuance of any permit for all or any part of the property at 314 Jarvis Street, 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 Planning, the owner shall:

1. Obtain final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect.

2. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Reconstruction Plan prepared by Goldsmith Borgal & Company Ltd. Architects, dated December 2, 2020, and on file with the Senior Manager, Heritage Planning, to the satisfaction of the Senior Manager, Heritage Planning.

3. 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 Planning to secure all work included in the approved Reconstruction Plan, Lighting Plan and Interpretation Plan.

4. Provide full documentation of the existing heritage property, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning.

e. That prior to the release of the Letter of Credit required in 1.d.3, the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Reconstruction Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning.

2. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.

2. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement, registered on the title for the heritage property at 314 Jarvis Street, Instrument No. CA70417, dated January 12, 1990 and amended Heritage Easement Agreement, Instrument No. CA183852, dated March 31, 1992 and on file with the Senior Manager, Heritage Planning.

3. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement.

FINANCIAL IMPACT

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

DECISION HISTORY

A Zoning By-law Amendment application was submitted for these lands on January 23, 2012 for a 50-storey tower. The application was revised on August 23, 2011, seeking permission for a 43-storey mixed-use building consisting of a nine-storey base building and a 34-storey tower at 308-314 Jarvis Street and 225 Mutual Street.

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 proposal to remove the designated property under Section 34 of the Ontario Heritage Act to permit the development of a tower on the site.

Toronto and East York Community Council at its September 11, 2012 meeting deferred 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."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE18.13>

The Zoning By-law amendment application was appealed to the former Ontario Municipal Board ("OMB") on January 9, 2015 due to a lack of decision by the City within the statutory timeframe.

On May 28, 2015, the Toronto Preservation Board considered a report (May 25, 2015) from the Director, Urban Design, City Planning, regarding, "Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement – 314 Jarvis Street (Dr. Charles Sheard House)." The Toronto Preservation Board provided its recommendation to City Council, noting with concern the impact of the development on the adjacent heritage designated Allan Gardens and recommended to the Toronto and East York Community Council that City Council refuse the alterations to

the heritage property at 314 Jarvis Street as proposed in staff report (May 25, 2015) from the Director, Urban Design, City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PB5.5>

At its meeting of July 7, 8 and 9, 2015 Council authorized the City Solicitor together with appropriate staff, to attend the Ontario Municipal Board hearing to, among other matters, oppose the zoning by-law amendment appeal and in the event that the appeal was allowed in whole or in part, to secure appropriate section 37 Planning Act facilities, services and matters.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.17>

At the same meeting, Council also refused the alterations to the heritage property at 314 Jarvis Street as proposed in the report (May 25, 2015) from the Director, Urban Design, City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE7.18>

On February 27, 2018, the Ontario Municipal Board issued a decision allowing the appeal in part and approving the zoning by-law amendment application to permit the proposed settlement subject to conditions.

<http://www.omb.gov.on.ca/e-decisions/pl150016-Feb-27-2018.pdf>

BACKGROUND

Proposal

The original Zoning By-law Amendment application was for a 50-storey building and it was revised subsequently to a 43-storey building prior to the filing of the appeal to the former Ontario Municipal Board (OMB). The City and the appellant reached an agreement on a settlement, following Board assisted mediation. Consistent with the settlement agreement, the current proposal is to construct a 34-storey mixed-use building, including a ten-storey base. The proposal involves the retention in situ, reconstruction and conservation of the Dr. Charles Sheard House at 314 Jarvis Street and a rear addition that connects the heritage building to the new development.

The Dr. Charles Sheard House was twice damaged by fire. It is currently stabilized but significant reconstruction is required to return it to its original condition. This reconstruction will be completed as part of the redevelopment of the site.

Heritage Property

The property at 314 Jarvis Street, known as the Dr. Charles Sheard House, is designated under Part IV of the Ontario Heritage Act by City of Toronto By-law 1990-0081 (Reconstruction Plan, Appendix 1). The property has cultural heritage value for its architecture, history and support of the context. A good residential example of Beaux-

Arts classicism built in 1865, the house was home to Dr. Charles Sheard, a prominent physician and Toronto's Medical Officer of Health, and his wife, Virna Stanton Sheard, an important Canadian poet. The two-and-a-half storey brick house has a stucco finish, symmetrical design and regular fenestration pattern. The heritage attributes of the property include the raised stone foundation, the fenestration pattern, the stone details, the moulded cornice and the chimneys. Other significant elements are the verandah, ceiling design and cornice, the main entrance, and the roof with dormer windows.

Adjacent Heritage Properties

The following heritage properties are adjacent to the development site (Attachment 1, Heritage Impact Assessment, p. 16).

300 Jarvis Street

The property at 300 Jarvis Street is immediately south of the development site and contains the Frontenac Arms Hotel, later the Essex Park Hotel. Joseph Austin Thatcher designed this ten-storey Art Deco building and it was constructed in 1930. This property is designated under Part IV of the Ontario Heritage Act by City of Toronto By-law 0223-1988. The property is subject to a Heritage Easement Agreement with the City of Toronto.

93 Carlton Street/231 Mutual Street

The property at 93 Carlton Street/231 Mutual Street is immediately north of the rear portion of the development site and contains a two-and-a-half storey red brick mansion built in 1887. This property is listed on the City's Heritage Register.

121 Carlton Street/160 Gerrard Street East (Allan Gardens)

Allan Gardens, a historic public park, is located across the street from the development site at 121 Carlton Street/160 Gerrard Street East. The first park pavilion opened in September 1860; in 1888, the Toronto Horticultural Society deeded the property and buildings to the City of Toronto. In 1901, the park was named Allan Gardens. The Palm House within Allan Gardens is designated under Part IV of the Ontario Heritage Act by City of Toronto By-laws 0481-1986 and 1091-2013. Allan Gardens is located within the Garden District Heritage Conservation District, which was adopted by City Council and is currently under appeal to the Local Planning Appeals Tribunal.

Heritage Planning Policy Framework

The Planning Act

The Planning Act guides development in the Province of Ontario. It 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" and 2(r) "to a built form that is well designed and provides for a sense of place."

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure
- ensuring the sufficient provision of housing to meet changing needs including affordable housing
- ensuring opportunities for job creation
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards
- conservation of cultural heritage and archaeology

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

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, management and use 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 states 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."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on May 16, 2019 and was amended through an Order in Council that came into effect on August 28, 2020. This plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that "Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan. The Plan provides 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."

3.1.5.16: "Properties on the Heritage Register and publicly known archaeological sites and artifacts will be promoted through educational programs, museums, local celebrations and other programming opportunities."

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."

3.1.5.32: "Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved. This assessment will be achieved through a Heritage Impact Assessment, consistent with Schedule 3 of the Official Plan, to the satisfaction of the City."

3.1.5.33: "Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans."

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Standards and Guidelines

The Standards and Guidelines for the Conservation of Historic Places in Canada (the "Standards and Guidelines") is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) the Standards for Rehabilitation (10-12), and the Standards for Restoration (13-14) apply to this project.

The Standards and Guidelines can be accessed here:
<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

COMMENTS

Conservation Strategy

The Dr. Charles Sheard House was heavily damaged by fire in January 2016, and a second fire on September 1, 2019 destroyed a significant portion of the remaining heritage building. Following the second fire Heritage Planning staff approved an Emergency Fire Mitigation Plan. The Emergency Fire Mitigation Plan involved the removal of some portions of the exterior walls to address immediate life-safety concerns and to stabilize the building (Attachment 2, Reconstruction Plan, p. 3). This work was secured through a Letter of Credit and has been completed.

Given the extent of the damage, a Reconstruction Plan (Attachment 2) was required by staff rather than the standard Conservation Plan. The proposed conservation strategy detailed in the Reconstruction Plan involves the reconstruction of the entire building based on historic and photographic documentation and the incorporation of the remaining portions of the original exterior walls (Attachment 2, Reconstruction Plan, p. 5). Key elements to be reconstructed include the exterior walls, the raised stone foundation, front wrap-around porch, windows and doors, roofs (including dormers), and chimneys. Compatible contemporary exterior entrance steps and handrails will be installed. A small rear addition will connect the heritage building to the new construction.

Rear Addition

The proposed rear addition is a small connection that will link the Dr. Charles Sheard House to the new tower located to the rear and to the west. Small reveals of the west rear wall of the heritage building help to convey the three-dimensional integrity of the building. The rear addition connects to the heritage building below the rear eave line and it is predominantly glazed with a simple design that is contemporary and compatible with the heritage architecture (Attachment 3, Drawing No. SPA314A). The clean design of the addition creates an appropriate transition between the heritage architecture and the design of the new development, which comprises a masonry base and a predominantly glazed tower.

Tower and Base

A 34-storey tower is proposed to be constructed to the west of the Dr. Charles Sheard House with a ten-storey base to the south fronting on Jarvis Street (Attachment 2, Reconstruction Plan, Appendix III, No. A004). No new construction is proposed above the heritage building and the tower to the rear does not cantilever over the heritage building. A small outdoor amenity space is located to the south of the Dr. Charles Sheard House, separating it from the ten-storey base, so the south side wall of the heritage building can be easily viewed from the perspective of Jarvis Street looking northwest, which helps to retain the prominence of the heritage building. The east elevation of the base has a larger stepback than the heritage building, further enhancing its prominence and visibility.

The design of the 34-storey tower and ten-storey base is compatible with and differentiated from that of the Dr. Charles Sheard House (Attachment 3, Detailed

Elevation Drawings, No. SPA301). The design of the base references the horizontal datum lines of the heritage building and the narrow vertical rhythm created by the fenestration pattern. The solid-to-void ratio of the base is compatible with that of the heritage building and the masonry cladding is compatible with the stuccoed masonry of the Dr. Charles Sheard House. The tower to the rear is predominantly glazed and was designed to create a simple, quiet backdrop to the heritage building. The two-storey portion of the tower fronting on McClear Place is lower than the heritage building, it references horizontal datum lines and is clad in masonry.

Adjacency

The proposal conserves the cultural heritage value of the adjacent heritage properties at 300 Jarvis Street, 93 Carlton Street/231 Mutual Street and 121 Carlton Street/160 Gerrard Street East (Allan Gardens).

The ten-storey base along Jarvis Street relates harmoniously to the height and materiality of the Part IV designated Frontenac Arms Hotel, later the Essex Park Hotel, located at 300 Jarvis Street, to the south of the development site (Attachment 3, Detailed Elevation Drawings, No. SPA331). The division of the proposed base into upper, middle and lower portions also references the design of the adjacent hotel.

The development includes townhouses along Mutual Street that reference the height, house-form design and red brick of the listed heritage building at 93 Carlton Street/231 Mutual Street, to the north of the rear portion of the development site (Attachment 3, Detailed Elevation Drawings, Drawing No. SPA332).

The view of the development from Allan Gardens, located across the street from the development site at 121 Carlton Street/160 Gerrard Street East, is appropriate (Attachment 3, Detailed Elevation Drawings, Drawing No. SPA802). The proposal is not expected to negatively impact the Part IV designated Palm House with unacceptable additional shadow and the tower's base is designed to fit compatibly into the surrounding heritage context, which provides a sense of enclosure for the park.

Heritage Easement Agreement and Additional Plans

Reconstruction Plan

The owner has submitted a Reconstruction Plan (Attachment 2) for the work described in the Heritage Impact Assessment (Attachment 1) prepared by a qualified heritage professional to the satisfaction of the Senior Manager, Heritage Planning. The Reconstruction Plan includes work not anticipated by the Heritage Impact Assessment (HIA) because the heritage building was significantly damaged by fire following the completion of the HIA. The Reconstruction Plan details the work needed to restore the remaining portions of the building and reconstruct the missing exterior walls, roof, verandah and other features.

Interpretation, Lighting Plan, and Signage Plan

Should Council approve the proposed conservation strategy, prior to final site plan approval for the proposed development, the applicant should be required to submit a

signage plan, heritage lighting plan and a heritage interpretation plan to the satisfaction of the Senior Manager of Heritage Planning. The lighting plan should provide details of how the heritage building will be lit so that its unique heritage character is highlighted. The interpretation plan should serve to communicate the cultural heritage values of the property to users and visitors of the property.

Heritage Easement Agreement

Should Council approve the proposed conservation strategy, staff are recommending that the owner amend the existing Heritage Easement Agreement to secure the long-term protection of the heritage property at 314 Jarvis Street.

CONCLUSION

Staff are supportive of the proposal to alter the Dr. Charles Sheard House to allow for the development of a 34-storey tower with a ten-storey base. The extensively damaged heritage building will be reconstructed in its entirety and connected to the new development through a rear addition. Staff are supportive of the proposed alterations in the context of the conservation and mitigation strategies proposed for the site and are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes and character of the heritage property.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment No. 1 - Heritage Impact Assessment - 314 Jarvis Street
Attachment No. 2 - Reconstruction Plan - 314 Jarvis Street
Attachment No. 3 - Detailed Elevation Drawings - 308-314 Jarvis Street and 225 Mutual Street