

Alterations to Designated Heritage Property, 2 Valleyanna under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

Date: April 26, 2022

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 15 – Don Valley West

REASON FOR CONFIDENTIAL INFORMATION

This report concerns litigation or potential litigation that affects the City of Toronto.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to seek instruction with respect to an application to alter a property that Council has stated its intention to designate, with that designation being appealed to the Ontario Land Tribunal ("**OLT**") along with an associated application to rezone the site. An OLT hearing has been scheduled for July 11-22, 2022.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the instructions in Confidential Attachment 1 if adopted by City Council, with the balance of the Confidential Attachment 1 to remain confidential as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On November 9, 2021 City Council enacted a by-law designating the property at 2 Valleyanna Drive under Part IV, Section 29 of the Ontario Heritage Act in accordance with an attached statement of Significance. This decision was appealed to the OLT and the matter has been administratively consolidated with the related zoning amendment appeal, although the Tribunal has not made a determination as to how the heritage designation appeal will proceed. The November 9, 2021 decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH27.8>

Related Development Application

A Preliminary Report on the associated zoning by-law amendment application for the site was considered by North York Community Council on September 10, 2020, directing staff to conduct a community consultation meeting. The link to the preliminary report can be found here:

<http://www.toronto.ca/legdocs/mmis/2020/ny/bgrd/backgroundfile-155976.pdf>

A Request for Directions Report, dated May 31, 2021, from the Acting Director, Community Planning, North York District, was considered by City Council at its meeting of July 14, 15, and 16, 2021. City Council directed the City Solicitor and Planning staff to oppose the zoning by-law amendment application. The report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2021/ny/bgrd/backgroundfile-167748.pdf>

At its December 15, 2021 meeting City Council considered a previous confidential report from the City Solicitor, with Council directing the City Solicitor to continue negotiation with the applicant and area residents. That decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC38.12>

The owner and the City have continued discussions on the development application as the OLT process has progressed.

COMMENTS

Area Context

The property at 2 Valleyanna Drive is located on the northeast corner of Bayview Avenue and Valleyanna Drive. The Annandale Gatehouse fronts onto Bayview Avenue, which was originally known as Concession II, Lot 4 in the Township of York, and later renamed Bayview Avenue in the 1930's. Originally built to serve as the entrance to the 100-acre Annandale Estate, the property anchors the northeast corner of Bayview Avenue and Valleyanna Drive. Oriented to respond to the north-south positioning of Bayview Avenue, the property continues to convey its historic link to the tract of land originally known as the Annandale estate.

Heritage Property

The subject site contains the historic Annandale Gatehouse. The property has cultural heritage value as a representative example of a gatehouse building type that is fashioned in the Arts and Crafts and Tudor Revival styles, designed by prolific Toronto architect Eden Smith. Gatehouses were commonly erected on the site of twentieth century country estates at the edge of the property to serve as the visual and functional entryway to the grounds. The property is comprised of a two-storey, L-shaped building. The rectangular-shaped portion of the property fronting Bayview Avenue to the west was constructed from 1920-21 for Dr. Herbert Alexander Bruce to serve as the entryway to his 100-acre "Annandale" estate. The property also contains portions of a surviving low, stone estate wall that define the perimeter and frame the current building's placement upon the property.

In 1956-7, after the Annandale estate house was demolished, the gatehouse property, then called "Uplands," was sold to Frederick E. Fletcher and his wife, Barbara Jean Fletcher. The gatehouse was converted for residential use and was given the address of 2 Valleyanna Drive after Valleyanna Drive was created. The adaptive reuse involved conceptually re-orienting the converted gatehouse to the quieter residential street of Valleyanna Drive by filling in the original carriageway and introducing the front entrance on the east elevation. It also involved conducting interior alterations and adding an octagonal dining room wing at the northeast end of the property, which created its present L-shape plan. The octagonal dining room wing is not identified in the heritage attributes.

2 Valleyanna Drive was listed on the City of Toronto's Heritage Register on September 27, 2006.

The property was designated by City Council on November 9 2021 for its contextual value, historic or associative value, and its design or physical value. Specific attributes are contained in designating by-law 936-2021, which is available at:

<https://www.toronto.ca/legdocs/bylaws/2021/law0936.pdf>

Conservation Strategy

The proposal involves the conservation of the historic Annandale Gatehouse, which is to be retained and restored as part of the redevelopment. The octagonal dining room addition off the northeast corner of the original Gatehouse is proposed to be removed to accommodate the new construction and a connection to it from the Gatehouse. This dining room addition is not listed as a heritage attribute in the property's Statement of Significance. The stone estate wall is proposed to be conserved with minor alterations to accommodate the new residential uses and to address structural damage from the existing trees. The proposed restoration work includes the re-instatement of the historic carriage-way opening, restoration of its iron gates and re-planting of a portion of the cedar-lined driveway, all based on archival documentation. The new views through the carriage-way have been improved through the proposed settlement offer, no longer terminating in the view of a parking area. Other remnant interior features within the Gatehouse are proposed to be retained, including the wood ceilings and historic grease pit.

Alterations

Minor alterations are proposed to the restored Gatehouse to support its adaptive reuse and the overall redevelopment of the site. The stone estate wall is identified as a heritage attribute and it is proposed to be conserved in-situ with the introduction of two openings to allow for pedestrian access into the new residential units from the sidewalk along Bayview Avenue. Through the revised development concept the proposed openings have been sized and positioned to minimize impact to the stone estate wall and to increase preservation of the existing Siberian Elm trees. These trees are to be assessed by Urban Forestry in consultation with Heritage Planning and the developer's arborist. Through consultation and a site review, a tree management plan will be developed. Through future investigation as part of its conservation, the wall may need to be rebuilt and reinforced in some areas to address previous structural damage from the trees.

The Gatehouse is proposed to connect to the new building through a new one-storey corridor at the northeast corner of the building utilizing an original opening on the east elevation, which is identified as a heritage attribute.

Development Proposal

A Zoning By-law Amendment application was submitted for the subject site in March 2020. The application was subsequently appealed to the Ontario Land Tribunal in March 2021.

Following mediation between the applicant and the City a revised application was submitted, which will be the subject of a parallel report from the City Solicitor to City Council for its May 11-12, 2021 meeting. The revised proposal requests a Zoning By-law Amendment to permit a three-storey residential addition with a flat roof. Three new residential units are proposed within the addition. The historic Annandale Gatehouse is proposed to be retained, restored and incorporated as a fourth residential unit. The Annandale Gatehouse will connect to the new addition via a single-storey connection

utilizing an existing opening. The conservation strategy for the historic Annandale Gatehouse largely remains the same as originally submitted prior to the settlement offer. Overall changes proposed through the settlement offer include refinements to proposed openings in the stone estate wall as well as changes to the new building that reduced its lot coverage and parking, and increased the building setbacks and amount of soft landscaping.

Architectural plans are included within the Heritage Impact Assessment (Attachment 1 to this report) at pages 80-89 of the PDF.

This report is about ongoing litigation and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by the Preservation Board **in camera**.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1 – Heritage Impact Assessment for 2 Valleyanna Drive prepared by ERA Architects dated April 11, 2022 (including architectural plans at pages 80-89).

Confidential Attachment 1 – Confidential Report from City Solicitor