

To: Toronto Preservation Board

From: Kathryn Cumming, Board President, Bentley Condominium, 55 Lombard Street; and Jason Cyr, Board President, Spire Condominium, 33 Lombard Street

March 16, 2022

Re: Proposed Alterations, 67 Adelaide Street East

Dear Preservation Board Members:

We live in the two residential buildings closest to 67 Adelaide St. East, so we have carefully read the staff report (dated March 1) before the board. Although the subject building's proposed use — as a shelter for Indigenous men experiencing homelessness — has already been approved by city council, the report elaborates on the urgent need for such a facility; we agree wholeheartedly with the report's analysis.

The report also describes a range of City of Toronto commitments to Indigenous Peoples, aimed at advancing the objectives of Truth and Reconciliation. Based on this discussion, the report lays out a case for a shelter design that reflects "important Indigenous heritage that would also bring value to the neighbourhood"; we agree wholeheartedly with this objective.

However, as the report clearly acknowledges, the particular design it recommends is inconsistent with the applicable policy in the St. Lawrence Neighbourhood Heritage Conservation District (SLNHCD) plan: i.e. the design *"meets the SLNHCD policies....with the exception of policy 5.21.1"*. That policy says that **"cladding materials used on exterior walls that are visible from the public realm shall be physically and visually compatible with the cultural heritage values and attributes of the district"**.

The design recommended in the staff report entails overcladding the entire building with metal panels (see rendering on page 13 of the report). The photos on page 12 clearly show that 67 Adelaide's existing cladding — composed of limestone and brick — is in keeping with its neighbourhood context. As is evident

in the rendering on page 13, the recommended overcladding would not be in keeping with this context.

In our view the Preservation Board should request staff to report on alternative designs that would simultaneously respect Truth and Reconciliation and be consistent with the SLNHCD plan. In such a design, a version of the medicine-wheel fins shown on page 13 of the staff report would be attached to the building with the cladding otherwise left unaltered. (A possible example is outlined later in this communication.) The proposed report could be submitted to the Toronto and East York Community Council for consideration at its April 21 meeting concurrently with the March 1 staff report.

In line with the preceding paragraph, the staff report's current recommendation should be amended to replace "substantially" with "potentially"; it would then recommend that:

1. City Council approve the exterior alterations to the heritage property at 67 Adelaide Street East, in accordance with Section 42 of the Ontario Heritage Act, to allow for the conversion of the existing building into a Municipal Shelter on the lands known municipally in the year 2022 as 67 Adelaide Street East, with such alterations ~~substantially~~ POTENTIALLY in accordance with plans and drawings dated May 14, 2021, prepared by Hilditch Architect Inc. and on file with the Senior Manager, Heritage Planning, subject to the following conditions:
 - a. That prior to the issuance of any permit for all or any part of the property at 67 Adelaide Street East, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the property as are acceptable to the Senior Manager, Heritage Planning, the owner shall:
 1. Provide building permit drawings, including a description of materials and finishes, to be prepared by the project architect to the satisfaction of the Senior Manager, Heritage Planning.

Also, a new Recommendation 2 should be added:

2. That the Senior Manager, Heritage Planning, be requested to report — in consultation with the shelter operator (Na-Me-Res), as well as with the project architect and staff of the Shelter Support and Housing Administration — to the Toronto and East York Community Council regarding design alternatives that would simultaneously respect Truth and Reconciliation and be consistent with the St. Lawrence Neighbourhood Heritage Conservation District plan, such report to appear on the community council's agenda concurrently with the March 1 staff report.

By adopting the amended recommendations, the Preservation Board would give the community council two options; the council could either replace the current design or it could confirm the current design. The report envisaged in Recommendation 2 would assist the council in making the choice.

It is important to recognize that the “owner” cited in Recommendation 1 is the City of Toronto itself. Relying on Section 42 of the Ontario Heritage Act, the recommendation would have the city give itself permission to implement alterations despite their inconsistency with the city's SLNHCD plan. It is also important to recognize that Section 42 allows other property owners in the SLNHCD to appeal to the Ontario Land Tribunal if the city refuses applications for redevelopment due to inconsistency with the plan.

For the SLNHCD plan to succeed it is essential that property owners in the district expect the plan's policies to be enforced. Otherwise, land prices will reflect an expectation that the Ontario Land Tribunal will allow exceptions or even site-specific amendments to the plan. Adopting a plan-consistent design for 67 Adelaide would send an appropriate signal to the land market.

If instead the current recommended design is adopted, the unique circumstances of 67 Adelaide's Indigenous occupancy would have to be emphasized by the city to minimize precedent impacts. However, the Ontario Land Tribunal's view of precedent might not accord with the city's view. Later in this communication we comment on how property owners near 67 Adelaide might pursue redevelopment

scenarios that are inconsistent with the plan — scenarios they might ask the OLT to approve based on a precedent established at 67 Adelaide.

Culturally Sensitive Design Consistent with the SLNHCD Plan

As we've noted above, the proposed use of the building at 67 Adelaide Street East — as a shelter for Indigenous men experiencing homelessness — is welcome. Many proposed alterations complement the proposed use, making them worthy of support. These alterations include a new entrance on Church Street, a rooftop patio and minor addition of floor space. Also worthy of support are fins displaying medicine wheel colours that honour Truth and Reconciliation.

Concurrently, the HCD plan views the building's existing appearance as worthy of support: as described in the plan it is one of three post-World War II buildings that *"support and enhance the district's design and physical value through their contextually-sensitive use of materials, massing and articulation"*.¹

The preceding paragraphs suggest a route to culturally sensitive design that maintains the plan's integrity: attach the fins without otherwise altering the facade. The photo below illustrates a potential precedent.



The Indigenous Centre for Innovation and Entrepreneurship² at 200 Dundas Street East is reflected in the fins, a contemporary interpretation of the medicine wheel.

¹ P. 20. The other two buildings are Market Square and the Market Galleria Lofts at 71 Front St. E.

² <https://www.torontocentreprojects.ca/icie>

Hilditch Architect Inc., the firm that devised the overclad design, has cited its alignment with the city's climate policy:

*"The additional insulation (of the overcladding) also means that the building will meet Toronto Green Standard (TGS) Tier-Two as a minimum and ideally Net Zero which will be the mandate for this type of building in the near future."*³

While a net-zero mandate will indeed apply to city-owned buildings, an alternative to overcladding will clearly be essential for heritage buildings such as the city's St. Lawrence Hall. The alternative will rely on internally installed insulation. Best efforts will be deployed to get as close as possible to net-zero, with any shortfall accepted as a consequence of heritage conservation.

As quoted above, Hilditch Architect views the net-zero standard in aspirational terms; overcladding 67 Adelaide might only reach the tier-two level. For its part, internally installed insulation — despite best efforts — might not reach even the tier-two level. However, any shortfall should be accepted as a consequence of heritage conservation — in this case maintaining the SLNHCD plan's integrity.

Precedent Impact of Permitting Alterations that Contravene the SLNHCD Plan

Potential impacts on development elsewhere in the SLNHCD should be considered when evaluating alternative designs. Particular attention should be paid to neighbouring properties on Church Street, where developer interest has been evident for some time.⁴

Next door to 67 Adelaide are the buildings at 80 and 82 Church. These properties have contributing status in the SLNHCD plan, so the buildings are protected from demolition. A development company called the Conservatory Group owns 80-82 Church through an entity known as Marich Developments Inc. The properties have been kept vacant since Conservatory Group acquired them in January 2016.

According to the current Toronto Life cover story, an Ontario Superior Court judge has ordered Conservatory Group's owners to sell the company. Ernst and Young are now in control and are considering whether to list properties separately or as

³ Memo to city staff, January 12, 2022. !

⁴ Although the focus here is on Church Street, it is worth noting that 59-65 Adelaide St. E. (the office building next door to 67 Adelaide St. E.) has a for-sale sign posted above the entrance. !

a group. If 80-82 Church are listed separately, the market will set a price on the SLNHCD plan's credibility.

The next property to the south is (non-contributing) 76 Church, the former youth hostel owned by Auberges de Jeunesse du St. Laurent. They have been approached by developers with offers to purchase, but have leased the property to the city while renovations to Seaton House proceed. All options will be open when the lease expires in April 2026.⁵

The southernmost property on the block is the parking lot at 60-64 Church. The owner, Canada Auto Parks, has informally approached developers to gauge interest, but no development application has been submitted to the city so far.

The picture below, taken in December 2021, shows the buildings on the block and a portion of the parking lot at far left:



The four buildings facing Church Street between Adelaide and Court Streets are seen in this photo

Assembling properties on the block is a possibility, but the city's lease at 76 would preclude comprehensive development for the next four years. Development applications before 2026 would likely be for the parking lot on its own and/or 80-82 Church on its own.

⁵ <https://www.toronto.ca/wp-content/uploads/2021/05/9794-Final76-ChurchPublicEventPresentationAODA.pdf>

The site area of 80-82 Church is too small for a tall building, but an owner might propose a smaller development that contravenes the HCD plan—possibly entailing demolition of the heritage buildings. While the city would no doubt reject such an application, an appeal to the Ontario Land Tribunal (OLT) would likely ensue. The applicant’s case would be strengthened if city council approves alterations to 67 Adelaide that are inconsistent with the HCD plan.

As for the parking lot, a tall building could conceivably be built there since the site area approximates the site area of 89 Church where a 46-storey tower is under construction. The parking lot’s proximity to St. James Cathedral — one of 10 buildings with Landmark status in the plan — warrants detailed consideration of HCD plan policies with relevance to the parking lot.

The plan has two policies that preclude development of a tower on the parking lot in particular: the shadow policy and the views policy. Turning first to the shadow policy, subsection 5.18 observes that:

“The shadow policy aims to mitigate the potential negative impact of shadows on the cultural heritage values of the District, and focuses on specific areas where shadows would have a direct negative impact on specific properties and areas.

“St. James Cathedral is an important and defining landmark of the District. Additional shadows on the building would negatively impact the reading of the spire and the stained glass windows.”

The relevant policy for non-contributing properties (e.g., the parking lot) is stated in subsection 5.18.1:

“New development and/or additions to non-contributing properties shall limit net new shadows on St. James Cathedral and St. James Park.”⁶

In June and July, sunlight crosses the parking lot toward the cathedral in late afternoon and early evening. The picture below was taken at 6:34 pm on June 12, 2021.

⁶ Policies in the plan quoted here are in bold font (as in the plan itself). Other quotations from the plan are in italic font.



Early Evening Sunlight Illuminates St. James Cathedral in Late Spring / Early Summer

The sun's low angle during those hours means that a tall building on the parking lot would not just fail to limit net new shadows, it would block the sun from reaching all of the nave and much of the spire. A professional shadow study would be needed to determine the height limit needed for consistency with the plan, but 8-9 storeys would be a plausible estimate given the angles involved.

While the shadow policy restricts height, view policies restrict the floorplate of a potential building on the parking lot.

Policy 6.11.1 states that:

“Identified views from the public realm, as shown on Maps 8 and 9, shall be conserved and shall not be obstructed.”

Among the views identified on Map 9 is “*the view east from Courthouse Square to St. James Cathedral Park*”. Given the context, “St. James Cathedral Park” refers to the park area between the cathedral and Church Street. The view from Courthouse Square to that area crosses the parking lot.

Policy 6.12.1 states that:

“Urban parks, gardens and public squares should be conserved and the introduction of new development in the St. Lawrence Neighbourhood HCD

should be undertaken to be compatible with these sites and important views of these areas, as identified on Map 9.”

As was noted above, one of the views identified on Map 9 is from Courthouse Square to St. James Cathedral Park—a view that crosses the parking lot.

Paragraphs that elaborate on Policy 6.12.1 include paragraph (c), which cites a view to the cathedral itself:

“Visual relationships are significant components of St. James Cathedral and Park, Berczy Park, the Sculpture Garden, Courthouse Square and Market Lane Park and should be conserved by.....designing new development to respect these historic and evolved visual relationships. Representative views that express these relationships include the following:

- *View east from within Courthouse Square to St. James Cathedral.”*

The entire cathedral is visible from some locations within Courthouse Square. This spectacular view will be significantly impaired if OLT-enabled development occurs on the parking lot. To realize the plan’s intent, the parking lot should be acquired by the city so that Courthouse Square can be extended to Church Street.

However, the funding required to acquire the parking lot may not be available. In that case the parking lot will remain in private hands. If a development application contravening the SLNHCD plan comes forward, it will end up at the OLT where relief from the shadow and view policies will be sought. The case for this relief will be strengthened if the city approves alterations to 67 Adelaide that are inconsistent with the SLNHCD plan.

Conclusions

Permitting the proposed overcladding of 67 Adelaide would signal property owners in the SLNHCD — and the Ontario Land Tribunal — that the city is willing to permit exceptions to the SLNHCD plan. The result could be increased likelihood of successful appeals for relief from the plan’s development constraints. If the city nevertheless proceeds with the overcladding, it should seek to limit precedent impacts by emphasizing the unique circumstances associated with Indigenous occupancy. Hopefully, efforts crafted along these lines would be effective to some degree.

Sincerely, \$

Kathryn Cumming

Kathryn Cumming
President, Board of Directors
MTCC 596 – The Bentley

A handwritten signature in black ink, appearing to read "Jason Denis Cyr" with a stylized flourish.

Jason Denis Cyr
President, Board of Directors
TSCC 1864 - The Spire