

Alterations to a Heritage Property and Authority to Enter into a Heritage Easement Agreement – 164 Bathurst Street

Date: March 2, 2023

To: Toronto Preservation Board

Toronto and East York Community Council

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

Wards: 10 - Spadina-Fort York

SUMMARY

This report recommends that City Council approve the proposed alterations to the designated property at 164 Bathurst Street in connection with the proposed redevelopment of the site and grant authority to enter into a Heritage Easement Agreement for the property.

The subject property is located at the southwest corner of Bathurst Street and Richmond Street West. Oriented towards Bathurst Street, the building's primary component is a two-and-a-half storey building, with a two-storey component along Richmond Street West. Dating to c. 1875, the property is a representative example of a mixed-use commercial building with Italianate style influences that is a significant remnant of the nineteenth-century streetscape to which it has long contributed. The property was designated under the Ontario Heritage Act in 2022 through by-law 68-2022.

In conjunction with an Official Plan and Zoning Amendment Application (21 181257 STE 10 OZ) and Site Plan Application (22 139971 STE 10 SA), the redevelopment proposes an 18-storey mixed-use residential building, with a 6 storey podium and two levels of below-ground parking on the properties located at 152-164 Bathurst Street and 623-627 Richmond Street West. The property at 164 Bathurst Street is proposed to be integrated into the new development with its north and east facades, and returns of the south and west facades, retained in-situ within the new construction. A combination of rehabilitation and restoration is proposed for the exterior and ground floor shopfronts.

This report recommends that City Council approve the proposed alterations for the heritage property at 164 Bathurst Street. Staff are satisfied that the impacts have been appropriately mitigated through the overall proposed conservation strategy and that the

cultural heritage values, attributes and character of the designated heritage property at 164 Bathurst Street will be conserved.

RECOMMENDATIONS

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

1. City Council approve the alterations to the heritage property at 164 Bathurst Street, in accordance with Section 33 of the Ontario Heritage Act, to allow for the construction of an 18 storey mixed-use residential building, with such alterations substantially in accordance with plans and drawings dated February 15, 2023, prepared by Kirkor Architects and Planners, and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment for 164 Bathurst Street dated February 13, 2023 prepared by Goldsmith Borgal & Company Ltd. Architects, and on file with the Senior Manager, Heritage Planning, all subject to and in accordance with a Conservation Plan satisfactory to the Senior Manager, Heritage Planning and subject to conditions as set out below:

a. That the related site specific Official Plan Amendment and Zoning By-law Amendment giving rise to the proposed alterations have been enacted by the City Council and have 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, in consultation with the Senior Manager, Heritage Planning.

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

1. Enter into a Heritage Easement Agreement with the City for the property at 164 Bathurst Street in accordance with the plans and drawings dated February 15, 2023 prepared by Kirkor Architects and Planners, and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment for 164 Bathurst Street dated February 13, 2023 prepared by Goldsmith Borgal & Company Ltd. Architects, and in accordance with the Conservation Plan required in Recommendation 1.b.2 below to the satisfaction of the Senior Manager, Heritage Planning including registration of such agreement to the satisfaction of the City Solicitor.

2. Provide a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 164 Bathurst Street dated February 13, 2023 prepared by Goldsmith Borgal & Company Ltd. Architects, to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to final Site Plan approval for the proposed Official Plan Amendment and Zoning By-law Amendment by City Council, for the property located at 164 Bathurst Street the owner shall:

1. Provide final Site Plan drawings including drawings related to the approved Conservation Plan required in Recommendation 1.b.2 to the satisfaction of the Senior Manager, Heritage Planning.
2. Have obtained 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 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.
4. Provide a Heritage 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 Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Planning.
5. Submit a Signage Plan for the proposed development 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 164 Bathurst 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. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 1.b.2 above 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 Planning.
2. 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 Conservation Plan, Heritage Lighting Plan and Interpretation Plan.

e. That prior to the release of the Letter of Credit required in Recommendation 1.d.2 above, the owner shall:

1. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work, required heritage lighting work, and the required interpretive work has been completed in accordance with the Conservation Plan, Lighting 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 entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 164 Bathurst Street in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

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 164 Bathurst Street.

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on November 24, 2021 authorizing staff to conduct a community consultation meeting with notification given to landowners and residents within 120 metres of the application site. The Preliminary Report is available at:

<https://www.toronto.ca/legdocs/mmis/2021/te/bgrd/backgroundfile-172885.pdf>

On February 3, 2022, Council passed By-Law 68-2022 designating the property at 164 Bathurst Street under Part IV of the Ontario Heritage Act.

<https://www.toronto.ca/legdocs/bylaws/2022/law0068.pdf>

BACKGROUND

Site/Heritage Property

The subject property at 164 Bathurst Street is located at the southwest corner of Bathurst Street and Richmond Street West. Oriented towards Bathurst Street, the building's primary component is a two-and-a-half storey building, with a two-storey component along Richmond Street West. It is adjacent to vacant lots at 160-162 Bathurst Street (demolished due to fire damage) and a row of commercial properties at 152-158 Bathurst Street to the south, and is adjacent to residential properties at 623-627 Richmond Street West to the west, all of which form part of the development proposal, but are not of heritage significance.

The subject development site is adjacent to heritage properties at 159-161 Bathurst Street, located across the street. These properties are listed on the City's Heritage Register and located within the King-Spadina Heritage Conservation District (under appeal).

Cultural Heritage Value

Dating to c.1875, the property at 164 Bathurst Street is a representative example of a mixed-use commercial building from the late nineteenth century. It retains its scale, form, and massing as a two/two-and-a-half-storey brick building with a cross-gable roof, original openings at the upper storey, and details that suggest the influence of the Italianate style, which was popular in Ontario between the 1850s and 1880s. This style typically featured a prominent application of Classical vocabulary, as seen in this property's brick quoins and pronounced wood brackets beneath the eaves. Apart from various alterations at the ground storey, the building's most substantial modification appears to have been a small rear extension in the 1880s to expand the property's commercial capacity along Richmond Street West.

Sited at the corner of Bathurst Street and Richmond Street West, the property is important in maintaining and supporting the character of the surrounding area. The building's location at the intersection of two thoroughfares heightens its position as a historic anchor within an evolved block. The property is also visually and historically linked to its surroundings as one of the oldest mixed-use commercial properties in the immediate area. As the earliest mixed-use commercial building along this portion of Bathurst Street, which was otherwise substantially developed by 1889, the property is a significant remnant of the nineteenth-century streetscape to which it long contributed.

Proposal

In conjunction with an Official Plan and Zoning Amendment Application (21 181257 STE 10 OZ) and Site Plan Application (22 139971 STE 10 SA), the redevelopment proposes an 18-storey mixed-use residential building, with a 6 storey podium and two levels of below-ground parking on the properties located at 152-164 Bathurst Street and 623-627 Richmond Street West.

The heritage property at 164 Bathurst Street is proposed to be integrated into the redevelopment with alterations and used for retail purposes. The entire north and east facades, and returns of the south (800mm) and west (1000mm) facades, will be retained in-situ with the balance of the building and interior removed for excavation and two levels of underground parking.

The interior ground floor plate will be reinstated to accommodate barrier-free access to the building. A mezzanine will be instated at the second floor to maintain the appearance of the original building floor heights as experienced from the exterior along Bathurst Street and Richmond Street West. A demising wall will be constructed to delineate the original southern extent of the heritage building within the interior of the new construction.

The gable roof and its two dormers over the two-and-a-half storey component along Bathurst Street will be reconstructed to its original appearance and proportions. The wooden brackets beneath the eaves will be replaced in-kind. The gable roof over the two-storey component along Richmond Street West will be partially reconstructed to accommodate a second storey residential terrace behind, which will be hidden from the public realm.

A combination of rehabilitation and restoration is proposed for the exterior elevations and ground floor shopfronts. The brick masonry will be repaired and paint removed to restore its original red and buff brick appearance. The existing shopfront along Bathurst Street, and that partially extends to Richmond Street West, is proposed to be restored based on archival documentation and any traces of the original fabric that is uncovered through the removal of the existing shopfront. The existing decorative wooden pilasters will be retained. A compatible, yet distinguishably contemporary, shopfront is proposed to replace the existing altered shopfront along Richmond Street West. All existing windows are non-original and will be replaced with new wood windows consistent with archival documentation.

The new mixed-use residential building incorporates setbacks to reveal the south and west return walls of the heritage building. The new building steps back 6.25m from the heritage building along Bathurst Street, connecting below and behind the roof ridge. A 4.90m stepback is proposed along Richmond Street West. This portion of the new massing is proposed to be glazed to provide a quiet backdrop to the heritage building.

A datum line is established between the heritage building and the retail level of the proposed 6 storey podium. The materials of the podium will be determined as part of the required Conservation Plan and will be compatible with the masonry of the restored heritage building.

Heritage Planning Framework

Provincial Policy Statement and Planning Act

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."

The Provincial Policy Statement 2020 (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."

Growth Plan

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

City of Toronto Official Plan

The Plan provides the policy framework for heritage conservation in the City. Relevant policies include the following:

3.1.6.4 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.

3.1.6.5 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.

3.1.6.26 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.

3.1.6.27 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.

3.1.6.28 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.

Parks Canada Standards and Guidelines for Conservation of Historic Places in Canada

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

<http://www.historicplaces.ca/en/pages/standards-normes.aspx>

COMMENTS

Conservation Strategy

Heritage Planning staff have reviewed the Heritage Impact Assessment submitted with the proposal prepared by Goldsmith Borgal & Company Ltd. Architects, dated February 13, 2023, and are supportive of the proposed conservation strategy for the building at 164 Bathurst Street.

The primary north and east facades, and returns of the south side and west rear facades, will be retained in-situ to conserve the property's three-dimensional integrity. The balance of the building and interior will be removed. A demising wall will be constructed to delineate the original southern extent of the heritage building within the interior of the new construction. The interior ground floor plate will be reinstated to accommodate barrier-free access to the building. The removal of the existing, non-original, stepped entrance will have no impact. A mezzanine will be instated at the second floor to maintain the appearance of the original building floor heights as experienced from the exterior along Bathurst Street and Richmond Street West. A comprehensive rehabilitation and restoration program is proposed for the exterior and ground floor shopfronts, considerably improving its appearance from the public realm.

The conservation strategy would retain and restore the original appearance of the heritage attributes that contribute to the building character and appearance as a representative example of a mixed-use commercial building from the late nineteenth century with Italianate style influences. The details will form part of a forthcoming Conservation Plan that will be secured through this development application.

Staff are satisfied that the impacts have been appropriately mitigated through the overall proposed conservation strategy and that the cultural heritage values, attributes and character of the designated heritage property at 164 Bathurst Street will be conserved.

New Construction

The new mixed-use residential building has been designed to allow the heritage building to remain a prominent anchor at the corner of Bathurst Street and Richmond Street West, conserving its scale, form and massing. Setbacks are proposed to reveal the south and west return walls of the heritage building. The stepbacks and use of glazing above the retained facades along both Bathurst Street and Richmond Street West allow the new construction to appear visually subordinate and distinguishable from the heritage building. The new building is considered acceptable given the extent of conservation and restoration works proposed as part of this development.

The proposal conserves the cultural heritage value of the adjacent listed heritage properties, located across the street at 159-161 Bathurst Street. Any new shadows caused by the proposed new building will be transient, and heritage attributes of these buildings will not be unduly impacted.

Conservation Plan

Should Council approve the proposed conservation strategy, prior to the issuance of the first permit for the development, the owner should be required to submit a Conservation Plan for the work described in the Heritage Impact Assessment prepared by a qualified heritage professional to the satisfaction of the Senior Manager, Heritage Planning. The Conservation Plan should detail all of the recommended interventions and conservation work including any recommended restoration work, a detailed plan describing how the heritage building will be protected during construction, a schedule of short and long-term maintenance requirements and estimated costs for all conservation work.

Interpretation Plan

Should Council approve the proposed conservation strategy, prior to final Site Plan approval, the applicant will be required to submit an Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning.

Heritage Lighting Plan

The Heritage Lighting Plan should provide details of how the heritage features of the building at 164 Bathurst Street will be lit so that its unique heritage character is highlighted.

Signage Plan

The recommended Signage Plan should provide details of the signage strategy for the property at 164 Bathurst Street including the appropriate type, scale, location and number of signs.

Heritage Easement Agreement

Staff is recommending that the owner enter into a Heritage Easement Agreement to secure the long-term protection of 164 Bathurst Street included in the development site.

CONCLUSION

Staff are supportive of the proposal to alter the property at 164 Bathurst Street to allow for the construction of an 18 storey mixed-use building that incorporates the north and east facades, and returns of the south and west facades, in-situ within the new construction and proposes to rehabilitate and restore the exterior and ground floor shopfronts. Staff support the proposed conservation strategy and alterations and are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes and character of the heritage property. As such, staff are satisfied the proposed conservation strategy outlined in the revised proposed development meets the intent of the Planning Act, and the heritage policies in the Provincial Policy Statement, the Growth Plan (2020) and the City of Toronto's Official Plan in conjunction with the Standards and Guidelines for the Conservation of Historic Places in Canada.

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SIGNATURE

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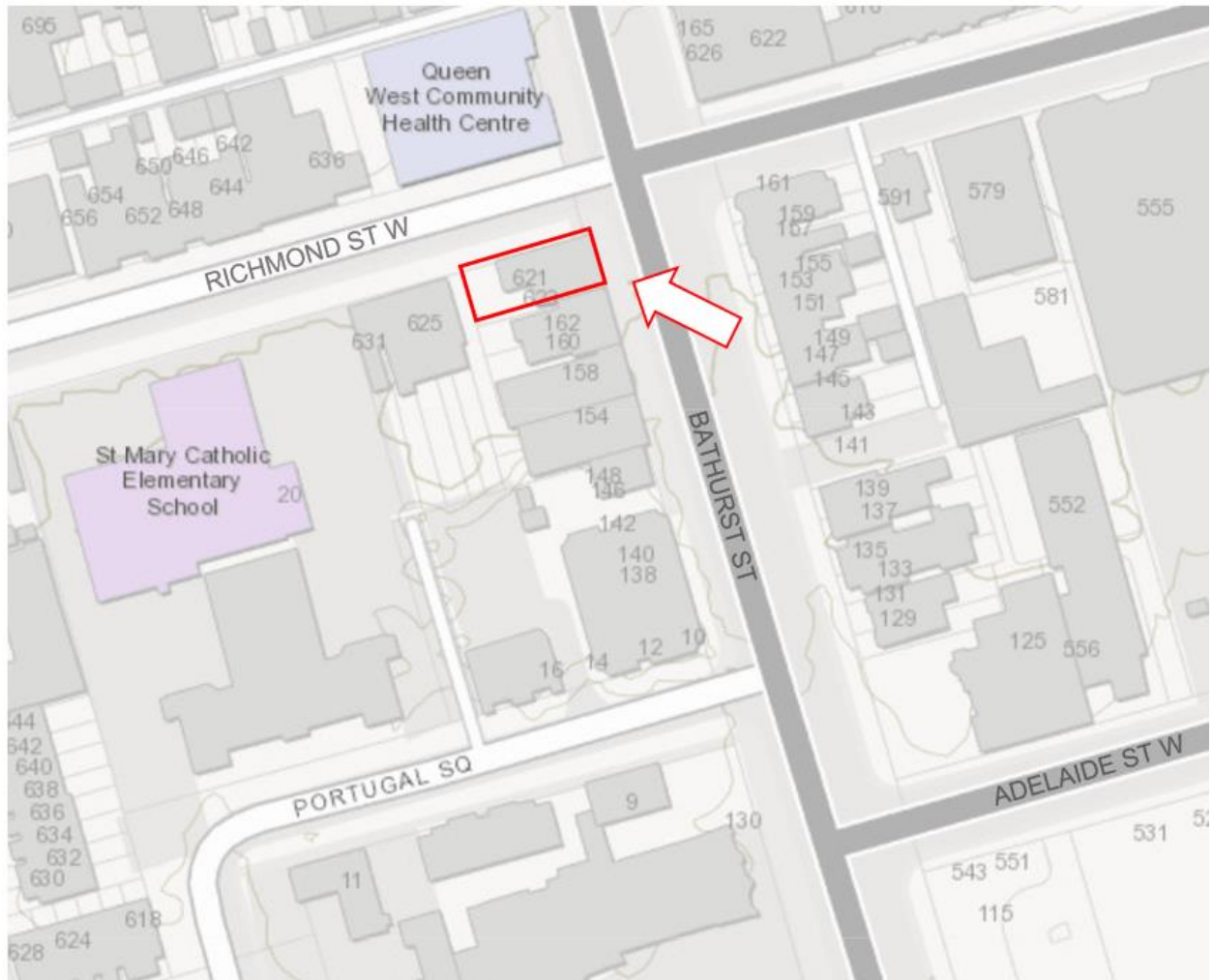
ATTACHMENTS

Attachment 1 - Location Map
Attachment 2 - Photographs
Attachment 3 - Statement of Significance
Attachment 4 - Plans and Drawings
Attachment 5 – Renderings

LOCATION MAP

ATTACHMENT 1

164 Bathurst Street



Map showing the subject property's location outlined in red at 164 Bathurst Street. This location map is for information purposes only; the exact boundaries of the property are not shown (City of Toronto Mapping).

164 Bathurst Street



Principal (east) elevation of 164 Bathurst Street (Heritage Planning, 2021).



North elevation of 164 Bathurst Street, along Richmond Street West (Heritage Planning, 2021).



North and rear (west) elevation of 164 Bathurst Street, along Richmond Street West (Google Streetview, 2020).



South elevation of 164 Bathurst Street (Google Streetview, 2020).

164 Bathurst Street

The property at 164 Bathurst Street is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, under the categories of design/physical value and contextual value.

Description

The property at 164 Bathurst Street, dating to c.1875, is a mixed-use building with commercial use at the ground floor and residential use above. Having served various commercial occupants since its construction, including a hotel, grocery stores, and "box lunch" shops, it currently houses a restaurant. Oriented towards Bathurst Street, the building's primary component is a two-and-a-half storey structure, with a two-storey rear portion along Richmond Street West.

Statement of Cultural Heritage Value

Dating to c.1875, the property at 164 Bathurst Street is a representative example of a mixed-use commercial building from the late nineteenth century. It retains its scale, form, and massing as a two/two-and-a-half-storey brick building with a cross-gable roof, original openings at the upper storey, and details that suggest the influence of the Italianate style, which was popular in Ontario between the 1850s and 1880s. This style typically featured a prominent application of Classical vocabulary, as seen in this property's brick quoins and pronounced wood brackets beneath the eaves. Apart from various alterations at the ground storey, the building's most substantial modification appears to have been a small rear extension in the 1880s to expand the property's commercial capacity.

Sited at the corner of Bathurst Street and Richmond Street West, the property is important in maintaining and supporting the character of the surrounding area. The building's location at the intersection of two thoroughfares heightens its position as a historic anchor within an evolved block. The property is also visually and historically linked to its surroundings as one of the oldest mixed-use commercial properties in the immediate area. As the earliest mixed-use commercial building along this portion of Bathurst Street, which was otherwise substantially developed by 1889, the property is a significant remnant of the nineteenth-century streetscape to which it long contributed.

Heritage Attributes

Design and Physical Value

The following heritage attributes contribute to the cultural heritage value of the property at 164 Bathurst Street as a representative example of a mixed-use commercial building from the late nineteenth century:

- The property's scale, form, and massing, with a two-and-a-half-storey component along Bathurst Street and a two-storey component along Richmond Street West, both with gabled roofs
- The property's brick construction with brick and wood exterior details
- The primary (east) elevation's composition in four bays with original openings at the upper storeys
- Segmentally arched brick surrounds at the upper storey windows
- Two dormers on the east elevation with a starburst pattern in their gable ends and small wood brackets
- The property's architectural features that suggest the influence of the Italianate style, including brick quoins and pronounced wood brackets beneath the eaves
- Two original or early decorative wood pilasters, one on the east elevation and one on the north elevation

Contextual Value

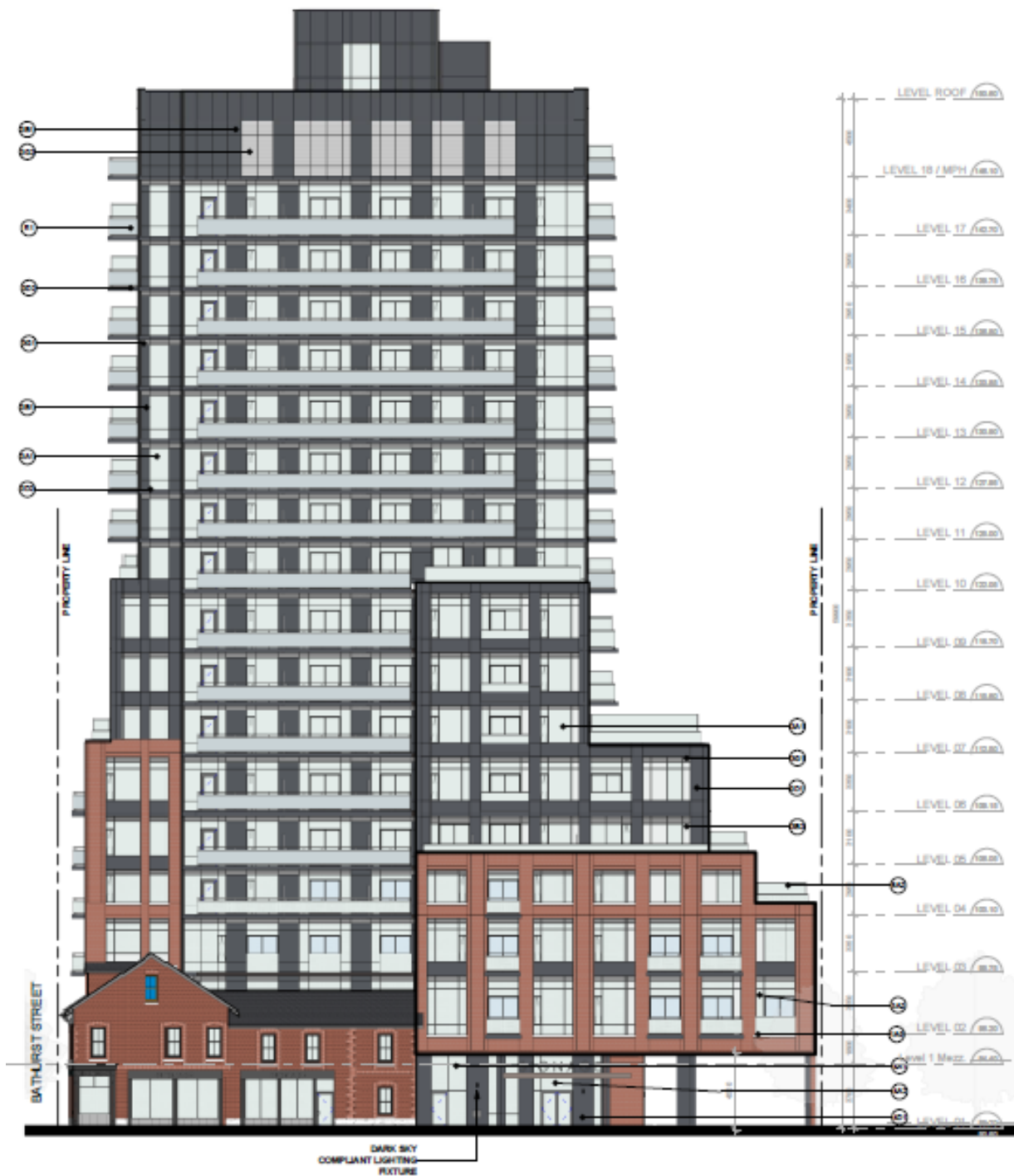
The following heritage attribute contributes to the cultural heritage value of the property at 164 Bathurst Street as a historic anchor within its block and a significant remnant of a nineteenth-century streetscape:

- The property's siting and orientation at the southwest corner of Bathurst Street and Richmond Street West, with a primary elevation along the former and a secondary elevation along the latter

164 Bathurst Street



East elevation. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



North elevation. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



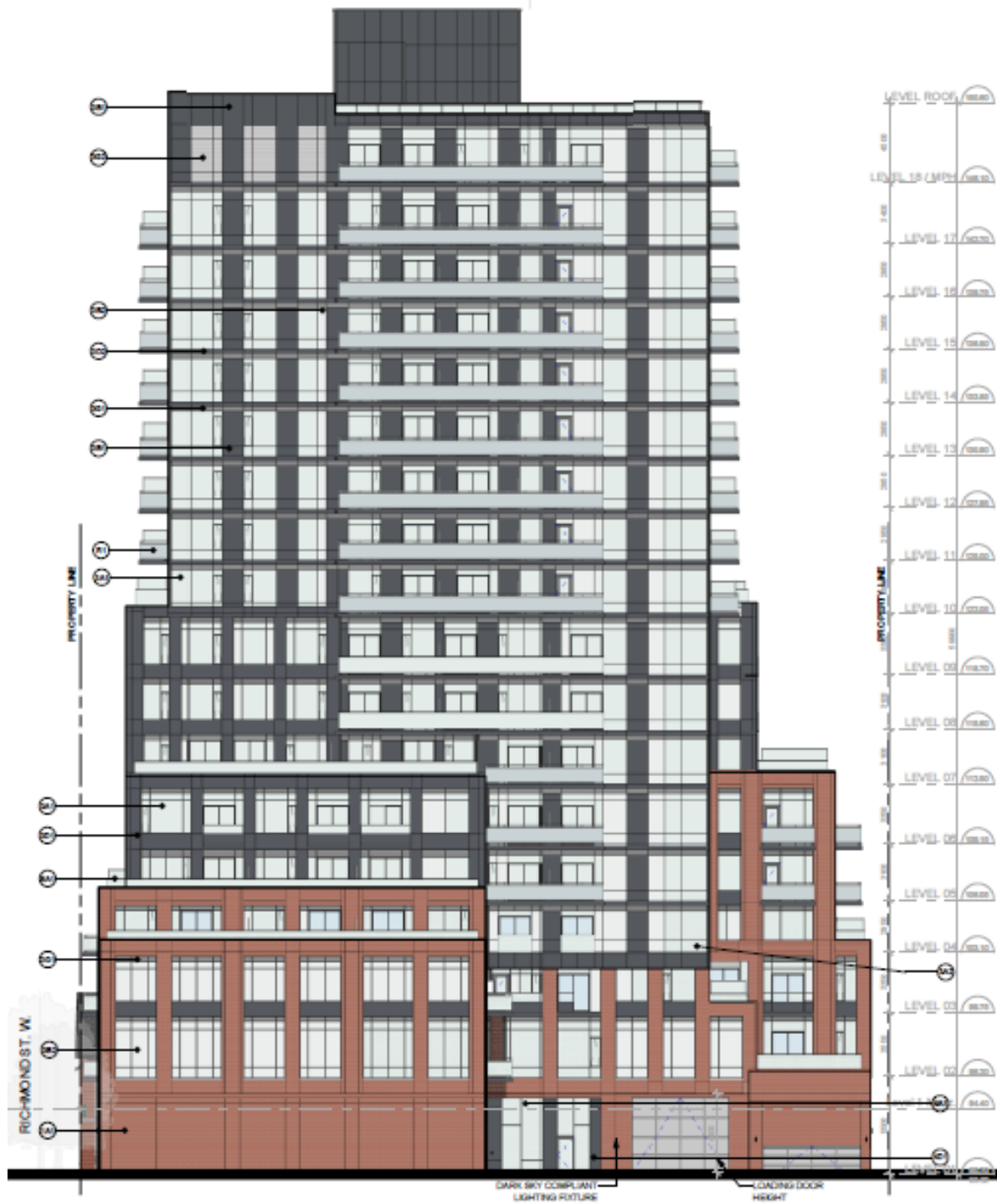
Detailed view of East elevation. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



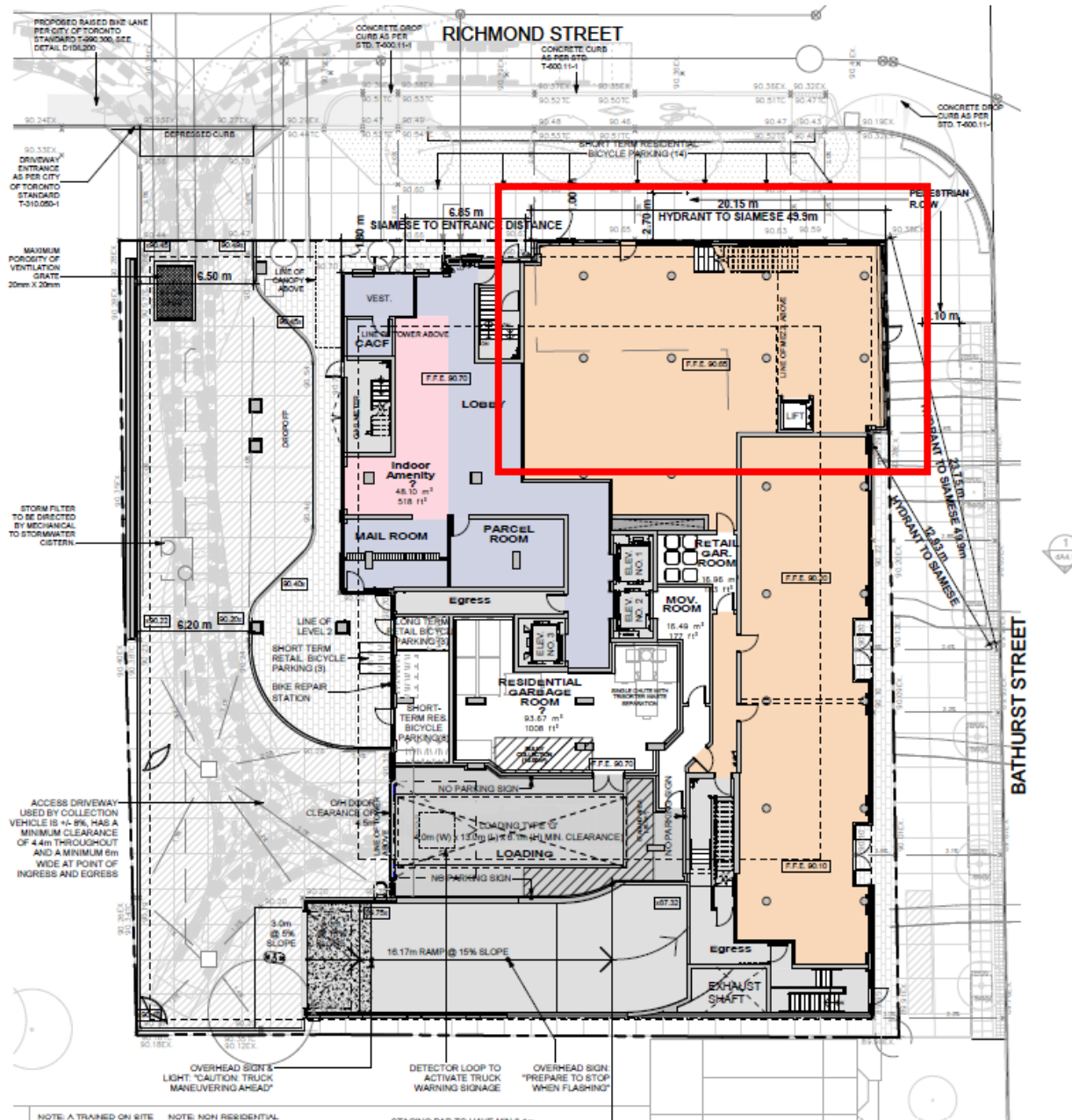
Detailed view of North elevation. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



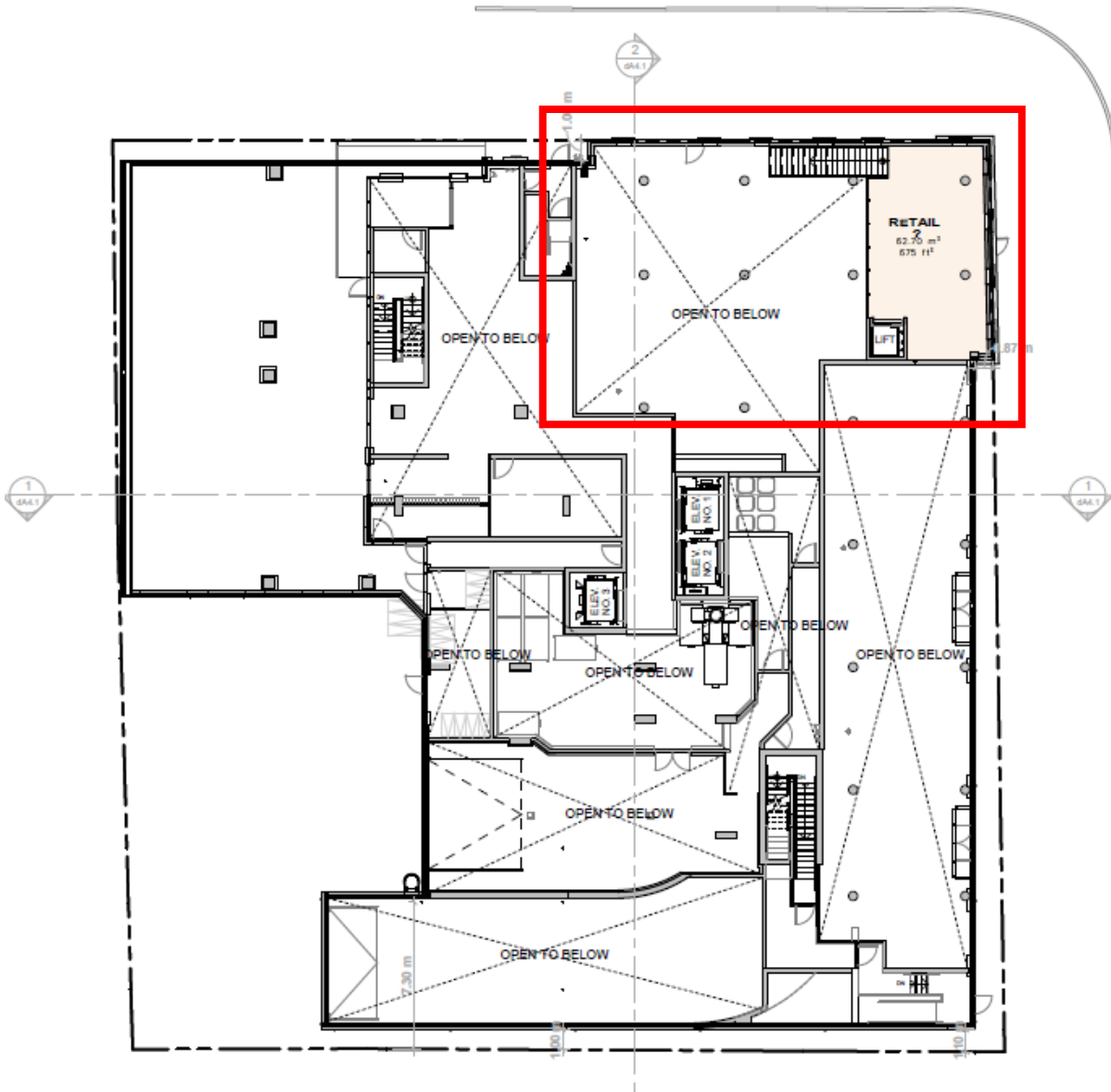
South elevation. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



West elevation. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



Level 1 Floor Plan with the heritage property at 164 Bathurst Street highlighted in red. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



Mezzanine Floor Plan with the heritage property at 164 Bathurst Street highlighted in red. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).

164 Bathurst Street



Rendering from Bathurst St and Richmond St W. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



Rendering from Richmond St W towards Bathurst Street. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).



Rendering of 164 Bathurst Street. For the complete drawing set, please visit the [Application Information Centre](#) (Kirkor Architects and Planners, February 15, 2023).