



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

415 Broadview Avenue - Alterations to and Demolition of Heritage Attributes of a Designated Property and Authority to Enter into a Heritage Easement Agreement - Request for Directions

Date: March 4, 2024

To: Toronto Preservation Board and City Council

From: City Solicitor

Wards: Ward 14 - Toronto-Danforth

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On January 20, 2022, an Official Plan and Zoning By-law amendment application was submitted for the subject property seeking permission to construct a 10-storey building with 60 residential units adding to, and modifying, the existing heritage church building onsite.

On August 15, 2022, the applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame in the *Planning Act*.

On August 18, 2023, the City of Toronto received applications to alter and demolish heritage attributes of the property at 415 Broadview Avenue under Sections 33 and 34 of the *Ontario Heritage Act* ("OHA") to allow for the construction of a modified development application comprised of a seven-storey mixed-use building with commercial units at grade and residential units above. The revised proposal involved the demolition of the Sunday School wing, demolition of a portion of the church's gable roof and alterations to the retained portion of the church. Staff recommended refusal as the submitted heritage permit was incomplete and therefore did not demonstrate satisfactory conservation of the heritage resources. The report was deferred by City Council and no decision was made.

On January 17, 2024, the applicant submitted a with prejudice settlement offer (the "Settlement Offer") for a six-storey addition containing residential units. The offer included sufficient information for Heritage Planning to evaluate the *OHA* applications.

An OLT hearing is scheduled for June 10, 2024, with procedural filing dates occurring in spring 2024. The City Solicitor requires further directions for upcoming OLT proceedings relating to the Official Plan and rezoning appeal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the Confidential Recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On September 30 and October 1, 2009, City Council adopted the recommendation to include the property at 415 Broadview Avenue on the City of Toronto's Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.TE27.101>

On May 26, 2022, a Preliminary Report was adopted by Toronto and East York Community Council. Toronto and East York Community Council adopted a motion which, in addition to requiring staff to schedule a Community Consultation Meeting, also required planning staff to pursue the inclusion of long-term affordable housing and to take all necessary measures to conserve the heritage attributes of the property over the long term.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE33.27>

On November 23, 2022, City Council stated its intention to designate the property at 415 Broadview Avenue under Part IV, Section 29 of the *OHA*.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC1.5>

On December 14, 2022, City Council considered a Request for Direction Report from Community Planning in which it was recommended that City Council authorize staff to attend the OLT in opposition to the applications as filed. Those recommendations also included direction that no heritage permits be issued until a satisfactory Conservation Plan had been provided and that the owner had entered into a Heritage Easement Agreement with the City. The recommendations were adopted by Council.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE1.6>

In a report dated September 18, 2023, the Senior Manager, Heritage Planning, Urban Design reported to the Toronto Preservation Board, Toronto and East York Community Council, and subsequently City Council, on applications under the *OHA* to alter and demolish heritage attributes on the site. On December 13, 2023, City Council deferred consideration of the *OHA* applications.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE9.30>

COMMENTS

The Settlement Offer proposes a revised built form that will be the subject of a separate report to City Council with respect to the Official Plan and Zoning By-law Amendment, whereas this report will consider the implementing heritage applications pursuant to the *OHA*.

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

Existing Property

Anchoring the northeast corner of Broadview Avenue and Simpson Avenue in the Riverdale neighbourhood and located directly across from the Don Jail (a property designated under Part IV of the *OHA*), the property at 415 Broadview Avenue contains a Place of Worship completed in 1907 for the congregation of St. John's Presbyterian Church. The church was designed by the Glasgow School of Art-trained Scottish architect Andrew Sharp, who built numerous early-20th century heritage churches across Toronto. The property is directly linked to the founding of the Scott Mission, which continues to provide important social outreach programs and services. Today, St. John's Presbyterian Church is valued as a local landmark.

The property at 415 Broadview Avenue is designated under Part IV, Section 29 of the *OHA* through by-law 137-2023.

St. John's Presbyterian Church includes a main body (constructed in 1907) and a southeast addition to the Sunday School wing at the rear (constructed in 1914). The main body of the church is composed of two areas: a gabled nave including tower with bays, and apse with hipped roof and a flat roof surround. The main body of the church and the Sunday School wing are clad with red brick with additional detailing in stone and wood.

Proposed Development

The design of the proposed development in the Settlement Offer has been revised from a ten-storey addition to a six-storey addition containing residential units at the rear (eastern portion) of the existing heritage church. As the new construction is now proposed at the rear of the property only, the proposed development involves the conservation of St. John's Presbyterian Church for continued use by the congregation as a place of worship.

The proposed new addition is rectilinear in form and massing. Reflective glass is proposed on the west elevation of the proposed new addition to enhance the prominence of heritage attributes including the church tower and turret. The south, east and north elevations of the proposed new addition will be clad with a panelized system (fiber cement board or precast panel) in colours compatible and sympathetic to the brick colour of the existing church. The proposed new addition allows the retained portions of the church to remain visually prominent as experienced at the pedestrian level.

The proposed residential units will be accessed through an entrance on Simpson Avenue, while the principal entrance fronting Broadview Avenue will continue as the main entry for the St. John's Presbyterian Church. An underground parking system will be accessed from the rear (east elevation) of the proposed new addition.

In communication with the City the applicant has indicated a willingness to discuss the delivery of 3 affordable units as part of the proposal, with those units to be delivered through an in-kind community benefits contribution agreement or by other means.

Conservation Strategy

The conservation strategy for the proposed development involves the in-situ retention of the principal (west) elevation of the St. John's Presbyterian Church, as well as the south and north elevations of the heritage church to a depth of approximately 28.1 metres. Exterior heritage attributes noted in the Designation By-law for the property, including the church's transept bays, square tower with corner buttresses and octagonal turret, main (west) entrance, segmental-arched transoms above the doors between the narthex and the nave, carved stone dedication plaque, and type and arrangement of window openings and wood tracery are proposed to be conserved. A conservation scope of work is proposed for the retained portion of the building, including masonry cleaning, maintenance, and repairs (as needed), and restoration of fenestration elements (stained glass, leaded glass, and wood tracery) on select windows throughout the building.

In the original proposal, the massing of the new construction was located above the church; however, it is now set back from the principal façade and the church tower to ensure the tower remains visually prominent and to maintain the building's legibility and composition as a typological turn-of-the-century neighbourhood church. A portion of the gable roof above the nave will be conserved to a depth of approximately 12.4 metres.

The Sunday School wing at the east end (including its 1914 eastern addition), the hexagonal apse, and the central vestry office and its diamond-patterned leaded glass window are proposed to be replaced with a multi-storey mixed-use building. Within the context of this development proposal, the removal of the rear of the heritage church allows the new construction to occur on a portion of the property while conserving the set-back, placement and orientation of the building on a corner lot where it is viewed from Broadview Avenue, Gerrard Street East, and Simpson Avenue.

The proposed development also involves the removal of interior attributes including the raised chancel area with rood screen and centred, high pulpit with carved wooden detailing including trefoil- and segmental-arched motifs which are not clearly visible from the public realm. The church pews are also proposed to be replaced with chairs to provide the St. John's Presbyterian Church congregation with more flexible spaces, which is a direct request from the congregation. The pews at the west end under the gallery are proposed to be removed to accommodate a new community room and administrative office layout. Further, the reconfiguration of the interior chancel provides an opportunity to design a contemporary performance platform and feature wall at the request of the congregation to better serve their contemporary programmatic needs. The heritage consultant has stated that the opportunities for salvage should be explored for interior heritage attributes proposed to be altered.

Adjacencies

415 Broadview Avenue is adjacent to the Don Jail at 550 Gerrard Street East, a property designated under Part IV of the *OHA*. The east elevation of the original 1864 Don Jail became visible from the site across Broadview Avenue when the modern wing of the Jail was demolished in 2014. The subject property is also adjacent to the Riverdale Public Library at 370 Broadview Avenue, a property which was listed on the City's Heritage Register on November 21, 1977.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Covering email from Goodmans LLP dated January 17, 2024, which describes the revised proposal
2. Public Attachment 2 - Location Map
3. Public Attachment 3 - Photographs
4. Public Attachment 4 - Plans and Drawings
5. Public Attachment 5 - Renderings
6. Confidential Attachment 1 - Confidential Information