

414, 416 & 418 Church Street and 79 & 81 Granby Street - Alterations to Attributes of Designated Heritage Properties Under Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement

Date: June 17, 2024

To: Toronto Preservation Board

Toronto and East York Community Council

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

Wards: Ward 13 - Toronto Centre

SUMMARY

This report recommends that City Council approve the alterations under Section 33 of the Ontario Heritage Act proposed for the heritage properties at 414, 416 & 418 Church Street and 79 & 81 Granby Street in connection with the redevelopment of the site. Located in the McGill-Granby Village community, the properties at 414-418 Church Street, known as the Stephen Murphy Houses and Store, contain two house form buildings adjoining a commercial unit. The properties at 79 and 81 Granby Street, known as the Robert Kidney Houses, contain two semi-detached residential house-form buildings.

The proposal involves the construction of a new 32-storey mixed-use development with retail uses at grade and residential uses in the upper storeys. The Stephen Murphy Houses and Store will be altered and rehabilitated for commercial uses while the Robert Kidney Houses will be conserved for residential uses.

The proposed alterations conserve the heritage attributes of the properties, and the impact of the new development is sufficiently mitigated to be consistent with the existing policy framework.

RECOMMENDATIONS

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

1. City Council consent to the application to alter the designated properties at 414, 416 & 418 Church Street and 79 & 81 Granby Street, with conditions, under Part IV, Section 33 of the Ontario Heritage Act to allow for the construction of a new mixed-use building with the alterations to the designated heritage properties being substantially in accordance with the plans and drawings prepared by bKL Architecture Inc. dated March 22, 2024 and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment prepared by GBCA Architects dated March 26, 2024 and on file with the Senior Manager, Heritage Planning, all subject to and in accordance with the Conservation Plan satisfactory to the Senior Manager, Heritage Planning.

2. City Council direct that its consent to the application to alter the designated properties at 414, 416 & 418 Church Street and 79 & 81 Granby Street under Part IV, Section 33 of the Ontario Heritage is also subject to the following conditions:

a. That the related Official Plan Amendment and Zoning By-law Amendment requiring the proposed alterations has been enacted by City Council and has come into full force and effect.

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 properties at 414, 416 & 418 Church Street and 79 & 81 Granby Street substantially in accordance with the plans and drawings prepared by bKL Architecture Inc. dated March 22, 2024 and the Heritage Impact Assessment prepared by GBCA Architects dated March 26, 2024, both on file with the Sr. Manager, Heritage Planning, subject to and in accordance with the Conservation Plan required in Recommendation 2.b.2 below, to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor;

2. Provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment prepared by GBCA Architects dated March 26, 2024, to the satisfaction of the Senior Manager, Heritage Planning.

c. That prior to the issuance of any permit for all or any part of the properties at 414, 416 & 418 Church Street and 79 & 81 Granby 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 of the subject property shall:

1. Have entered into a Heritage Easement Agreement with the City required in Recommendation 2.b.1 for the properties at 414, 416 & 418 Church Street and 79 & 81 Granby Street including registration on title of such agreement, to the satisfaction of the City Solicitor.
2. Have obtained final approval for the necessary Official Plan and Zoning By-law Amendments, and such Amendments to have come into full force and effect.
3. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 2.b.2 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.
4. Provide an Interpretation Plan for the properties located at 414, 416 & 418 Church Street and 79 & 81 Granby Street 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. Provide a Heritage Lighting Plan that describes how the exterior of the properties located at 414, 416 & 418 Church Street and 79 & 81 Granby Street will be sensitively illuminated to enhance their 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.
6. 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 and Interpretation Plan.

d. That prior to the release of the Letter of Credit required in Recommendation 2.c.6 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 and the required interpretive work has been completed in accordance with the Conservation 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.

3. City Council authorize the City Solicitor to introduce the necessary Bill in Council authorizing the entering into a Heritage Easement agreement for the property at 414, 416 & 418 Church Street and 79 & 81 Granby Street.

4. City Council authorize the City Solicitor and City staff to take all necessary actions to implement City Council's decision.

FINANCIAL IMPACT

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

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

The properties at 414, 416 and 418 Church Street are designated under Part IV of the Ontario Heritage Act by By-law No. 1051-2010, enacted by City Council on August 27, 2010. <https://www.toronto.ca/legdocs/bylaws/2010/law1051.pdf>

The properties at 79 and 81 Granby Street are designated under Part IV of the Ontario Heritage Act by By-law No. 1240-2022, enacted by City Council on September 28, 2022. <https://www.toronto.ca/legdocs/bylaws/2022/law1240.pdf>

BACKGROUND

Area Context

The development site at 412-418 Church Street and 79-81 Granby Street is situated at the south-west corner of Church and Granby Streets. The property within the development site at 412 Church Street is currently a parking lot. In 1983, the City passed By-law No. 283-83 declaring the McGill-Granby neighbourhood (between Carlton, Gerrard, Yonge and Jarvis Streets) an "Area of Special Identity" within the burgeoning downtown core and where "Council will promote the conservation and stability of the Area of Special Identity by encouraging the preservation of house-form buildings and their continued use for housing".

Heritage Value

414, 416 & 418 Church Street

The cultural heritage value of the Stephen Murphy Houses and Store is related to their Second Empire design, popularized in the late 19th century and identified by the mansard roof.

The cultural heritage value of the properties is also linked to their contribution to the evolution of the Church Street neighbourhood as the centre of gay culture in Toronto.

Beginning in the early 1990s, the buildings were occupied by the Barn and Stables, a popular gay nightclub.

The context of the properties contributes to their cultural heritage value. The Stephen Murphy Houses and Store are prominent local features and visible corner buildings that, in appearance and scale, relate to the adjoining residential neighbourhood along Granby Street and McGill Street.

79-81 Granby Street

The pair of semi-detached dwellings at 79 and 81 Granby Street are valued as a representative example of semi-detached Victorian-era dwellings whose design is typical of the Bay-n-Gable style. They form part of an important collection of five Victorian-era buildings in the McGill-Granby neighbourhood including the heritage properties at 414-418 Church Street, which were originally completed in 1891 by the same owner, local merchant and real estate developer Robert Kidney.

The properties at 79 and 81 Granby Street also comprise part of a broader collection of surviving representative examples of this early period of land development in the McGill-Granby community that continue to define and maintain the character of the community's late-19th century streetscape today, including the adjacent heritage properties at 77 Granby Street (1884) and 76-84 McGill Street (1889).

Development Proposal and Conservation Strategy

The proposal seeks to redevelop the properties at 412-418 Church Street and 79-81 Granby Street and integrate the buildings on the subject heritage properties into a new 32-storey mixed-use building with retail at grade and residential uses in the upper storeys.

The surface parking lot at 412 Church Street will be replaced with a new base building structure which is partially set back to reveal the south wall of the Stephen Murphy House at 414 Church Street. The south wall currently contains a mural and the east portion will be retained in situ while the remainder of the wall, beyond the roof ridge, will be reconstructed to its full depth, with new artwork. The tower above is proposed to be stepped back 5 metres from Church Street, behind the roof ridge of the Stephen Murphy Houses.

The Church Street facades of the Stephen Murphy Houses and Store, including the front roof slope and dormers, will be retained in situ and integrated into the new development behind. In addition, these buildings will be rehabilitated for new commercial uses with the corner building restored to its early 20th century appearance based on archival documentation and physical evidence.

The width of the Granby Street elevation of the building at 418 Church Street is proposed to be shortened by removing approximately 1.8 metres of the westernmost portion of the north wall to allow for vehicular access to service the site which requires a minimum of 6 metres in width. Two options for this strategy have been provided - the first is to remove the westernmost 1.8 metres of the wall and infill the vertical row of

windows directly next to the cut or, second, to remove a 1.8 metre-wide portion of the wall containing the last vertical row of windows and rebuild the end wall as a blank wall.

The Robert Kidney Houses at 79-81 Granby Street are proposed to be fully conserved in situ including their interiors and roofs, for use as private dwellings. A small portion of the tower, which is stepped back from the Granby property line approximately 4 metres, will project over these houses. The buildings on these two properties will be subject to both preservation and restoration treatments in an effort to better represent their late 19th century appearance.

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
- protecting people, property and community resources by directing development away from natural or human-made hazards, and
- 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."

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.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation.

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. 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:

3.1.6.4: "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 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."

3.1.6.6: "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."

3.1.6.26: "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 façades alone is discouraged."

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 Parks Canada 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

Heritage Planning staff reviewed the Heritage Impact Assessment submitted with the proposal prepared by GBCA Architects dated March 26, 2024 and support the proposed conservation strategy for the properties at 414, 416 & 418 Church Street and 79 & 81 Granby Street.

Massing

The scale, form and massing of the onsite heritage resources will be impacted both physically and visually by the introduction of a tower on the site, particularly the Stephen Murphy Houses and Store at 414-418 Church Street. The impact, however, is mitigated by setting the tower back behind the roof ridge of the two houses and allowing the full south wall of 414 Church to be visible from both the public realm and the interior of the new development which will maintain their three-dimensional appearance.

The houses at 79-81 Granby Street will be conserved as whole buildings with the tower massing above set back and extending over those buildings minimally. It is worth noting that the heritage resources at 79-81 Granby Street were originally proposed to be demolished in this application.

Additional Interventions & Conservation Strategy

Significant restoration and rehabilitation efforts will be employed for the properties at 414-418 Church Street as they have been subject to substantial alterations over the years. The buildings' exteriors are proposed to be restored to their early 20th century appearance through the removal of stucco, front additions, paint and other non-original interventions as well as the conservation of all metal and wood cornices and masonry. The house-form buildings at 414-416 Church Street will have new openings at ground level to support new commercial uses. The commercial storefront at 418 Church Street will be restored based on 1907 archival documentation.

Along the Granby Street elevation of 418 Church Street, a 1.8 metre portion of the westernmost end of the north wall is proposed to be removed to allow for vehicular access to service the site. All other access options were explored by the applicant and none were satisfactory due to the one-way streets and other transportation and traffic issues. Two options have been offered by the applicant and are described in the Heritage Impact Assessment. Staff will continue to work with the applicant during preparation of the Conservation Plan on the best option for this partial removal.

Originally proposed for demolition, the Robert Kidney Houses at 79 and 81 Granby Street will be retained in full including exterior walls, interior structure and the roofs. Their original use as residences will be maintained. The building at 79 Granby Street has undergone significant alterations in past years with changes to the cladding, windows and entrances to both houses. The proposal will remove the stucco from the house at 79 Granby Street and restore the arched window and conserve the masonry, woodwork and other element of both properties.

Glass railings are proposed to be installed on the roofs of the Granby Street houses and the corner building at 418 Church Street. Staff will continue to work with the applicant to ensure minimal visibility of the railings from the public realm and on all aspects of the proposed conservation work prior to finalization of the Conservation Plan.

CONCLUSION

Staff are supportive of the proposal to alter the designated heritage properties at 414, 416 and 418 Church Street and 79-81 Granby Street to permit the development of a 32-storey mixed use development.

Staff support the proposed alterations to the properties under Section 33 of the Ontario Heritage Act which includes a significant amount of building restoration. Staff are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes, and character of the subject heritage properties. As such, staff are satisfied that the proposed conservation strategy outlined in the HIA 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.

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SIGNATURE

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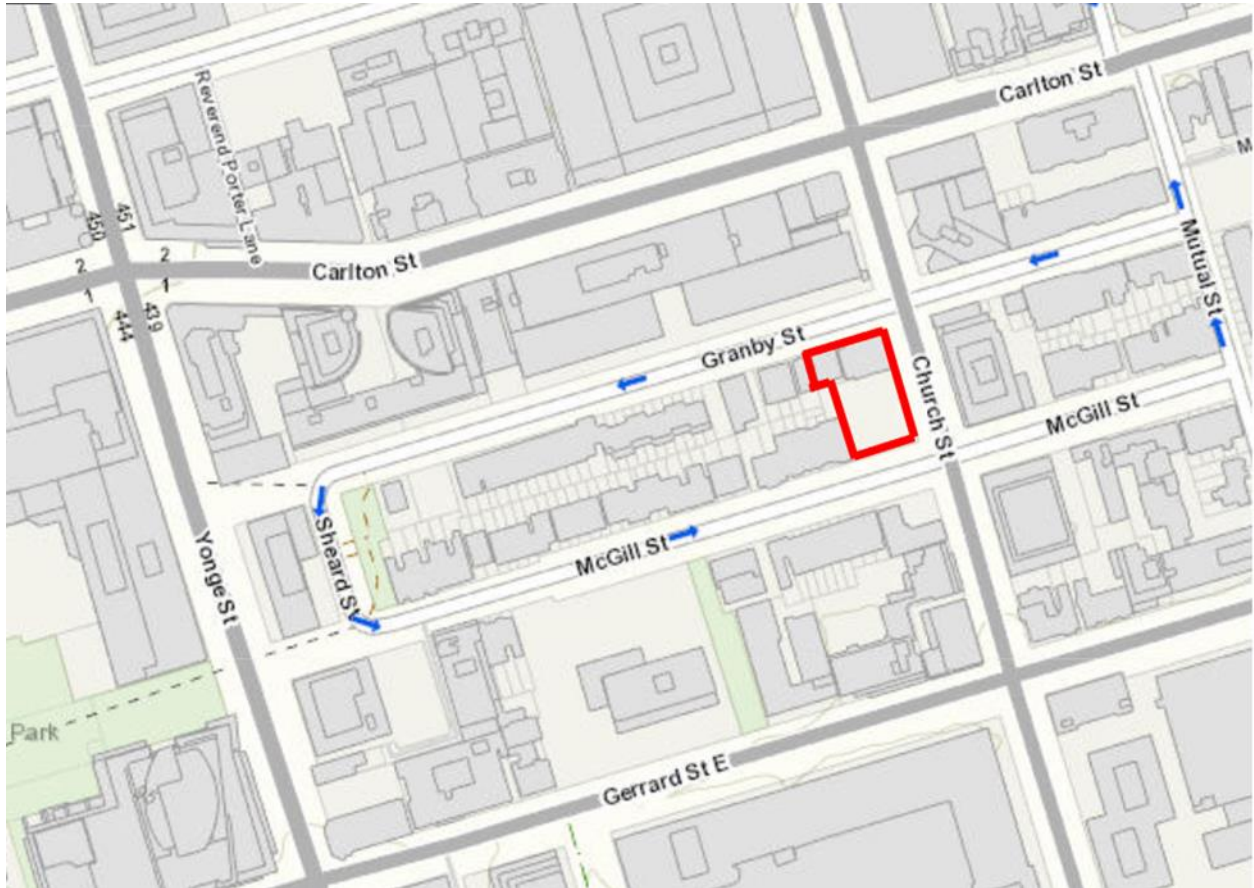
ATTACHMENTS

Attachment 1 - Location Plan
Attachment 2 - Aerial View
Attachment 3 - Photographs
Attachment 4 - Proposal Renderings
Attachment 5 - Proposal Plans and Drawings

LOCATION PLAN

ATTACHMENT 1

414, 416 and 418 Church Street and 79-81 Granby Street



AERIAL VIEW

ATTACHMENT 2

414, 416 and 418 Church Street and 79-81 Granby Street



414, 416 and 418 Church Street and 79-81 Granby Street



414-418 Church Street - east (Church St.) elevation



418 Church Street - north (Granby St.) elevation



79 (right) and 81 (left) Granby Street



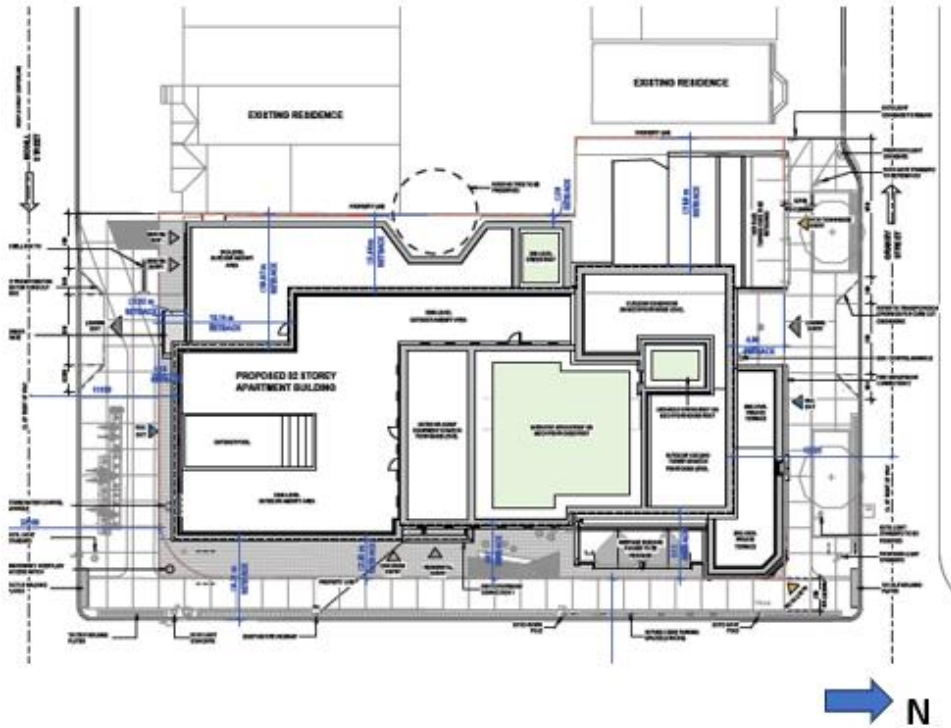
414, 416 and 418 Church Street and 79-81 Granby Street



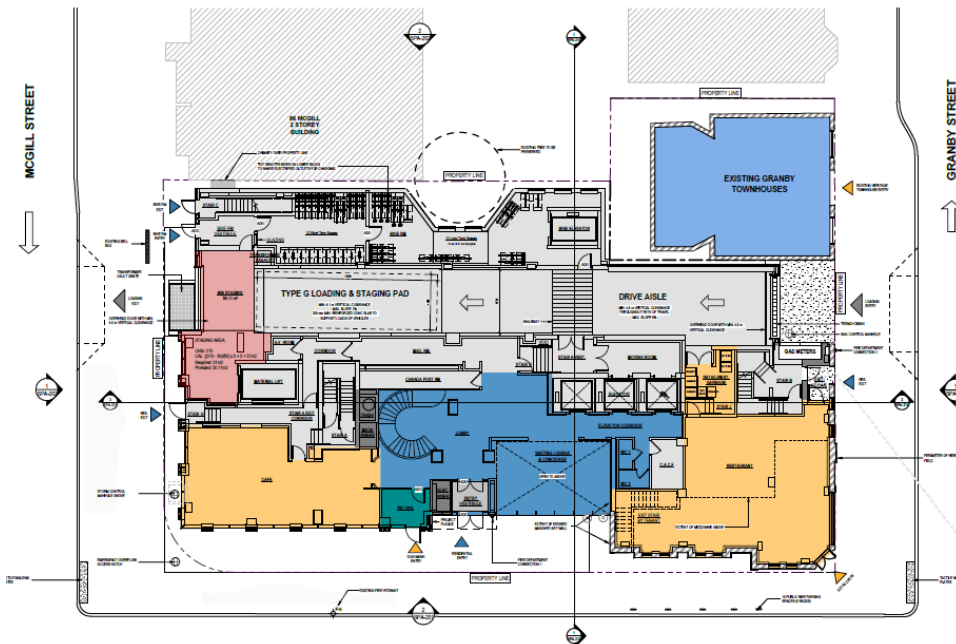
Renderings of proposal along Church Street



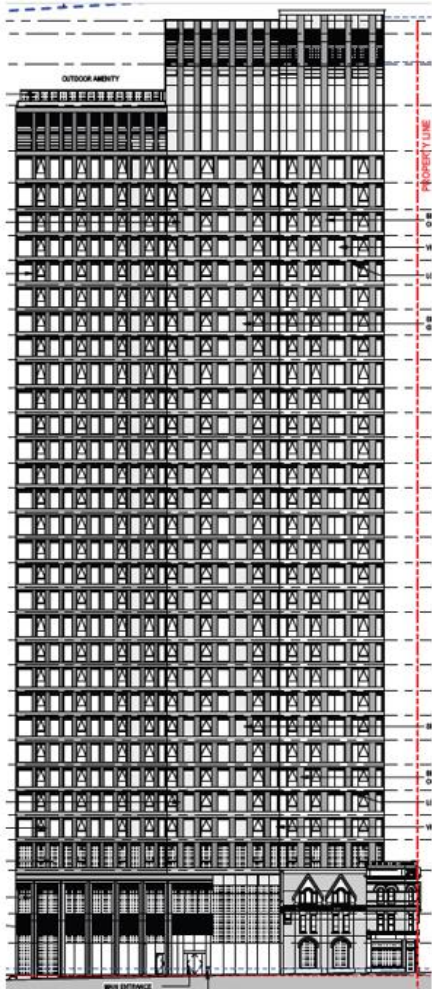
Rendering of proposal along Granby Street



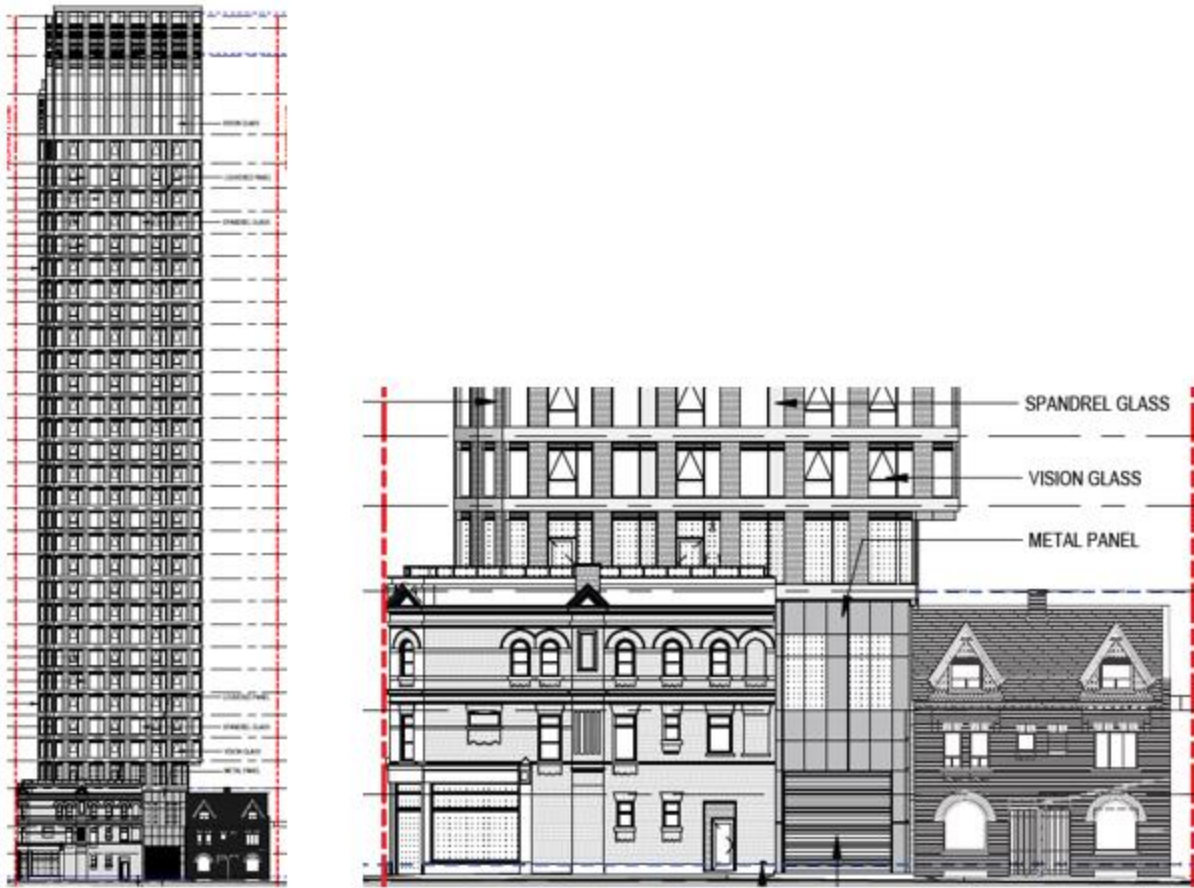
Site Plan



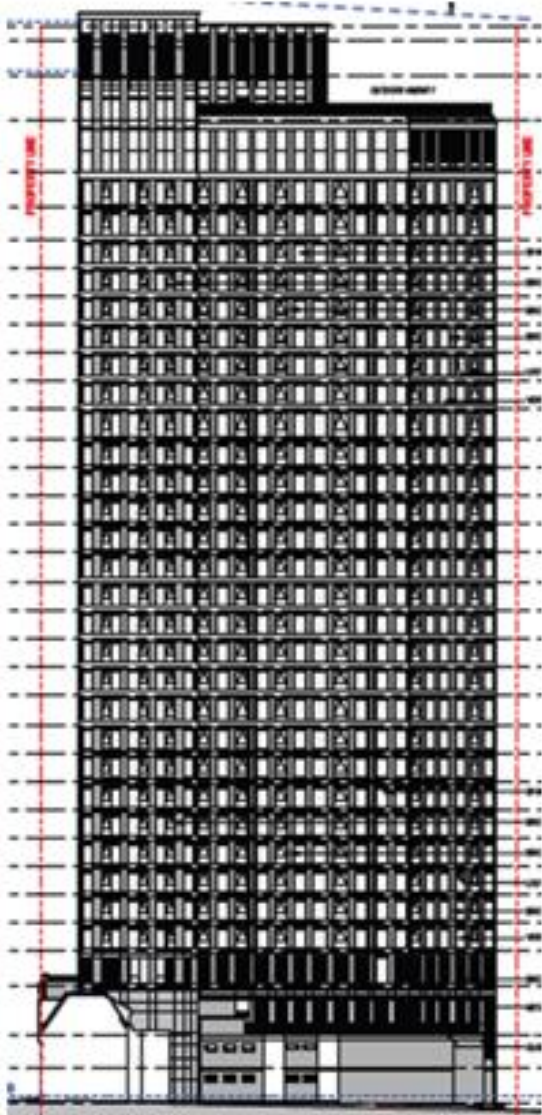
Ground level plan



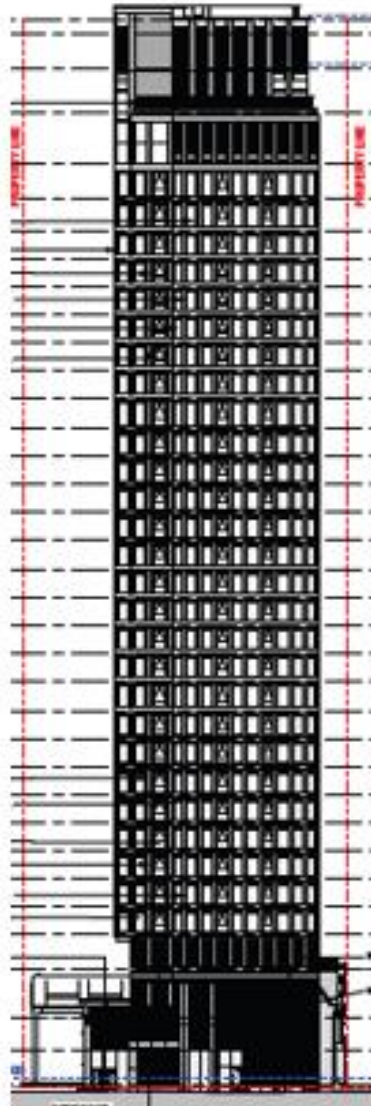
Proposed east (Church St.) elevation & detail



Proposed north (Granby St.) elevation & detail



Proposed west elevation



Proposed south elevation