

# **41 - 45 Spadina Road - Alterations to Attributes of a Designated Heritage Property Under Section 33 of the Ontario Heritage Act and Authority to Enter into a Heritage Easement Agreement**

**Date:** July 30, 2024

**To:** Toronto Preservation Board

Toronto and East York Community Council

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

**Wards:** Ward 11 - University - Rosedale

## **SUMMARY**

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This report recommends that City Council approve the alterations under Section 33 of the Ontario Heritage Act proposed for the heritage property at 41-45 Spadina Road in connection with the redevelopment of the site. The site contains Spadina Gardens, a four-and-a-half-storey Edwardian Classical Style apartment building. Constructed between 1905-1906, Spadina Gardens was one of Toronto's first six apartment buildings, and is one of only two of the original six still remaining.

The proposed development involves adding a 10-storey residential tower with a mechanical penthouse, cantilevered above the existing four-and-a-half storey heritage building, supported by two structural columns. The proposed tower is situated towards the back of the existing building, with proposed step backs of 10 metres from the west and 2 to 2.95 metres from the north and south elevations.

The entire building will be conserved through this development strategy as well as the heritage attributes of the properties. The impact of the new development is sufficiently mitigated to be consistent with the existing policy framework.

## RECOMMENDATIONS

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

1. City Council consent to the application to alter the designated property at 41-45 Spadina Road, 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 property being substantially in accordance with the plans and drawings prepared by Architects-Alliance dated April 2024 and on file with the Senior Manager, Heritage Planning; and the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 9, 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 property at 41-45 Spadina Road under Part IV, Section 33 of the Ontario Heritage Act 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 property at 41-45 Spadina Road substantially in accordance with the plans and drawings prepared by Architects-Alliance dated April, 2024 and the Heritage Impact Assessment prepared by ERA Architects Inc. dated May 9, 2024, both on file with the Senior 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 ERA Architects Inc. dated May 9, 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 property at 41-45 Spadina Road, 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 property at 41-45 Spadina Road 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 property located at 41-45 Spadina Road 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 property located at 41-45 Spadina Road 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.

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 41-45 Spadina Road.

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

## **FINANCIAL IMPACT**

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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**

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The properties at 41-45 Spadina Road are designated under Part IV of the Ontario Heritage Act by By-law No. 181-2021, enacted by City Council on December 16, 17 and 18, 2020.

<https://www.toronto.ca/legdocs/bylaws/2021/law0181.pdf>

## **BACKGROUND**

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### **Area Context**

Anchoring the south-east corner of Lowther Avenue and Spadina Road, the property's low-rise scale, architectural detail, and landscaped setting set an important precedent as it increased density while maintaining the character of the surrounding Annex neighbourhood.

The property is included within the boundary of the West Annex Phase 2 Heritage Conservation District (HCD) study area authorized by City Council in 2018 and is west of the West Annex Phase 1 (Madison Avenue) Heritage Conservation District.

Following Spadina Gardens, other three-four story walk-ups were introduced to the neighbourhood typically in corner locations. After World War II, mid-rise blocks began to line the major streets such as St. George Street and Bedford Avenue with an example to the north of Spadina Gardens at 59 Spadina Road. These were followed in the 1960s by high-rise towers and slabs, three of which were designed by Uno Prii, at 485 Huron Street, 44 Walmer Road and to the north-west of Spadina Gardens, 35 Walmer Road, on the former Timothy Eaton estate. On the same corner is a more recent multi-unit housing type, at 50 Spadina Road, which attempts to respond to the original neighbourhood scale with its treed set-back, ground-floor townhouses and four-storey podium clad in red brick with a set back of the upper mid-rise floors. Located at the heart of the West Annex Phase 2 study area, Spadina Gardens represents a significant step in the city's evolution of housing types while maintaining the original 120 year-old Annex character.

## **Heritage Value**

Spadina Gardens has cultural heritage value as an exceptionally well-designed and detailed apartment building in the Edwardian Classical style. The design value includes the interior layouts which provided an enduring alternative to the single family house. Constructed in 1905-6, it represents the historically significant introduction of a new housing type to Toronto which responded to increasing social need for rental housing for a more inclusive range of householder. It has value for its association with the prolific Toronto architect Arthur Richard Denison and numerous prominent residents including Sir Henry Pellatt, Dorothy Stevens, Lionel V. Massey and Maureen Forester. Contextually, its low-rise scale, Edwardian details and landscaped, treed setting supports the character of the surrounding historic Annex neighbourhood. Constructed on the main thoroughfare of Spadina Road at the intersection with Lowther Avenue which connects to the adjacent residential streets of the Annex, Spadina Gardens has been a landmark for over 100 years within the Annex neighbourhood.

## **Adjacent Heritage Properties**

The Site is considered adjacent to two properties listed on the City of Toronto Heritage Register:

- 37-39 Spadina Road: a listed property as adopted by City Council on July 2, 1974. Located directly south of the site, the property comprises a set of 2.5-storey semi-detached houses built in 1890 (37) and 1893 (39).
- 35 Walmer Road/50 Spadina Road: 35 Walmer Road is a listed property as adopted by City Council on March 1-3, 2004. The property comprises a 15-storey residential apartment named the Vincennes, constructed in 1966 to the designs of architect Uno Prii.

The site is also adjacent to the West Annex Phase I (Madison Avenue) Heritage Conservation District (HCD) designated under Part V of the OHA in 2019. The site is adjacent to four properties in the West Annex Phase I (Madison Avenue) HCD, all of which are identified as contributing properties:

- 34 Madison Avenue: A detached 2.5-storey house built in 1893 in the Annex Style.
- 36 Madison Avenue: A semi-detached 2.5-storey house built in 1889, reflecting both Annex and Bay and Gable Styles.
- 38 Madison Avenue: A semi-detached 2.5-storey house built in 1889, reflecting both Annex and Bay and Gable Styles; and,
- 40 Madison Avenue: A detached 2.5-storey house built in 1889 in the Queen Anne Style.

## **Development Proposal and Conservation Strategy**

The proposal retains Spadina Gardens in situ in its entirety externally and internally and continues its use as a rental apartment building, while also adding 70 new residential units to the site through a 10 storey residential tower cantilevered above the existing building. The proposed development incorporates two structural columns to support the new residential tower (one at the south elevation and one at the rear courtyard), avoiding the need for threading through the heritage building. This approach retains the entire interior layout and principal elevations. The proposed tower includes step backs that position its massing away from the principal elevation of the existing building.

The proposed tower is rectangular in shape and has been designed to be positioned toward the rear of the existing building. Step backs are planned at 10 metres from the principal street facing Spadina Road (west) elevation and between 2 to 2.95 metres from the secondary (north) elevation and south elevation. A four-metre reveal is proposed between the roof of the historic building and the tower to maintain visual separation.

The cantilevered tower design relies on two structural columns. The south column, positioned 1.6 metres from the existing building's south elevation, is planned to include ground-floor bicycle parking and a multi-level stairwell. It is designed to connect to the tower at its first level (sixth storey overall). The north column, situated in the site's rear courtyard, will connect to the existing building via a single-storey ground-floor lobby, which will abut the exterior wall of the existing building's Unit 9. The lobby will provide access to the elevators and stairs within the column. The north column is proposed to be finished with white, light-coloured, or lightly reflective cladding.

The placement of the new lobby within the courtyard structural column, at the rear of the property, will obstruct two of Unit 9's bedroom windows, necessitating its reconfiguration from a three-bedroom unit into a two-bedroom layout (merging two bedrooms at the rear where the two windows are obstructed by the structural column). To facilitate this change, the unit's rear bathroom window on the east façade will be enlarged.

## **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**

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### **Conservation Strategy**

Heritage Planning staff reviewed the Heritage Impact Assessment submitted with the proposal prepared by ERA Architects Inc., dated May 9, 2024, and support the proposed conservation strategy for the property at 41-45 Spadina Road.

### **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. However, this impact is significantly mitigated through full retention of the property with its current apartment layout and use. Also, the 10-metre step back from Spadina Road is generous and in turn enhances perception of the building from the public realm of the property as a three dimensional form.

The two structural columns at the south elevation and east elevation (light court area) are both setback towards and at the rear of the property and would be difficult to discern from the public realm. Their impacts on massing are insignificant.

### **Additional Interventions & Conservation Strategy**

The Conservation Strategy is laudable in terms of full conservation of the property combined with minor alterations to listed attributes. Beyond the above discussed modification to the massing of the property, material changes to attributes are minor. The external alterations will affect three rear windows. Two windows will be removed as a result of the structural column location. One window would be enlarged as a compensation for loss of light. These changes are minor and supportable. Internally, as a result of the loss of light to the two rear windows, two rear bedrooms will be combined in one of the building's units. This change is also supportable.

Additionally, the façade brickwork will be cleaned, restored, and repaired where required and all landscaping will be retained.

### **Conservation Plan**

Should Council approve the proposed conservation strategy, 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 the recommended interventions and conservation work, including the recommended restoration work. It should also include 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, the applicant should be required to submit an Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning. The Interpretation Plan should communicate the cultural heritage value of the property as described in the Statement of Significance.

### **Heritage Lighting Plan**

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

## **CONCLUSION**

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Staff are supportive of the proposal to alter the designated heritage property at 41-45 Spadina Road to permit the development of a 10-storey residential addition at the site.

Staff support the proposed alterations to the properties under Section 33 of the Ontario Heritage Act. Staff are of the opinion that the proposal has been designed to conserve the cultural heritage values, attributes, and character of the subject heritage property. 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.

## **CONTACT**

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## **SIGNATURE**

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Anne Fisher, MCIP, RPP, MRTPI, CAHP  
Acting Senior Manager, Heritage Planning  
Urban Design, City Planning

## **ATTACHMENTS**

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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

### 41-45 Spadina Road



41- 45 Spadina Road: Location and approximate boundaries with the building footprint

This location map is for information purposes only; the exact boundaries of the properties are not shown. North is at the top of the map.

## AERIAL VIEW

### 41-45 Spadina Road

## ATTACHMENT 2



Aerial View of the Property at 41-45 Spadina Road. (Google Maps, 2020)



## PHOTOGRAPHS

## ATTACHMENT 3

### 41-45 Spadina Road



41-45 Spadina Road - West Façade at Spadina Road



41-45 Spadina Road - Entrance at North Side of West Façade along Spadina Road

## PHOTOGRAPHS

### 41-45 Spadina Road



41-45 Spadina Road at Lowther Avenue Façade with North Rear Elevation in View



## PROPOSAL RENDERINGS

41-45 Spadina Road

## ATTACHMENT 4



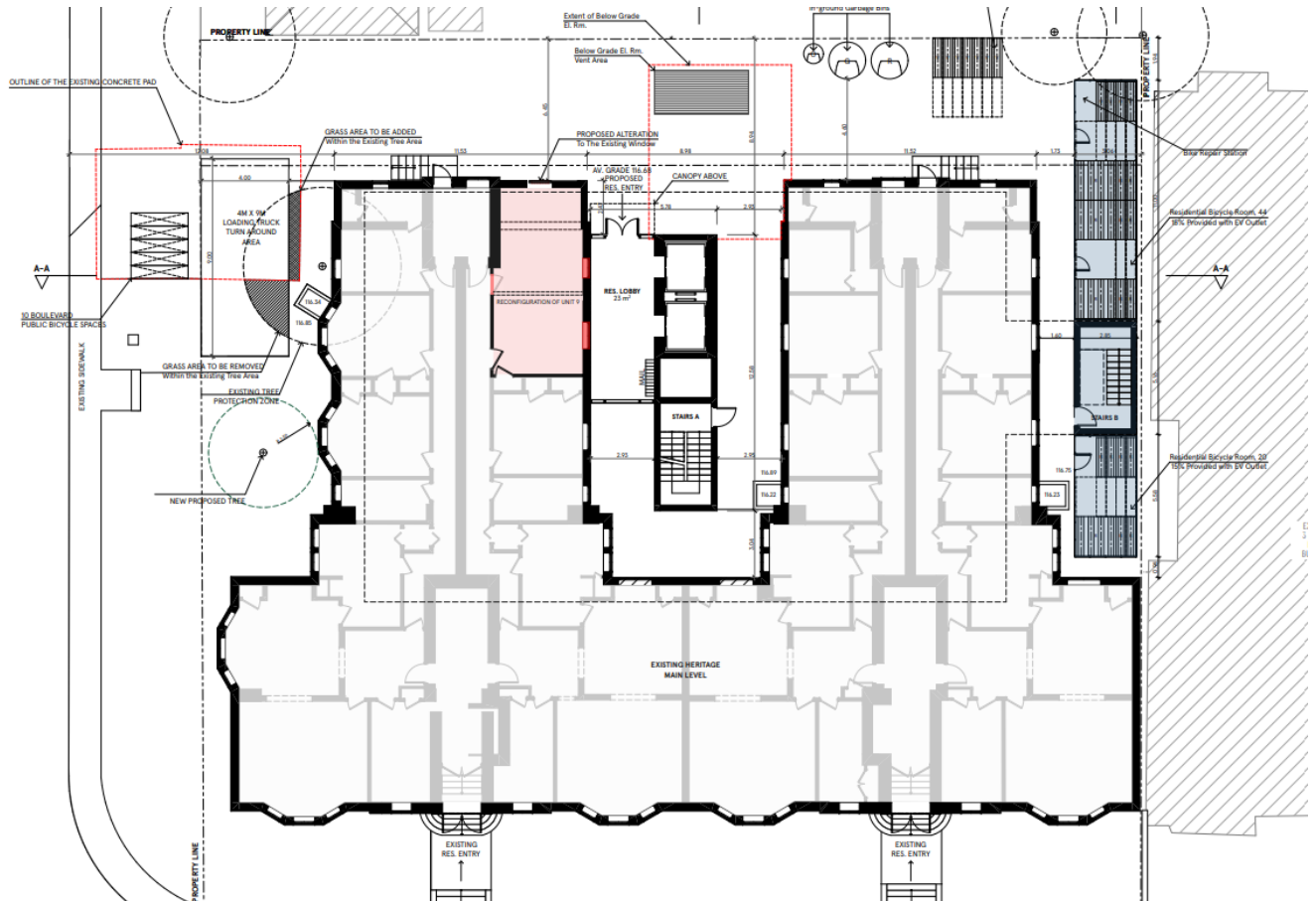
(Source: architects-Alliance)



# PROPOSAL PLANS & DRAWINGS

# ATTACHMENT 5

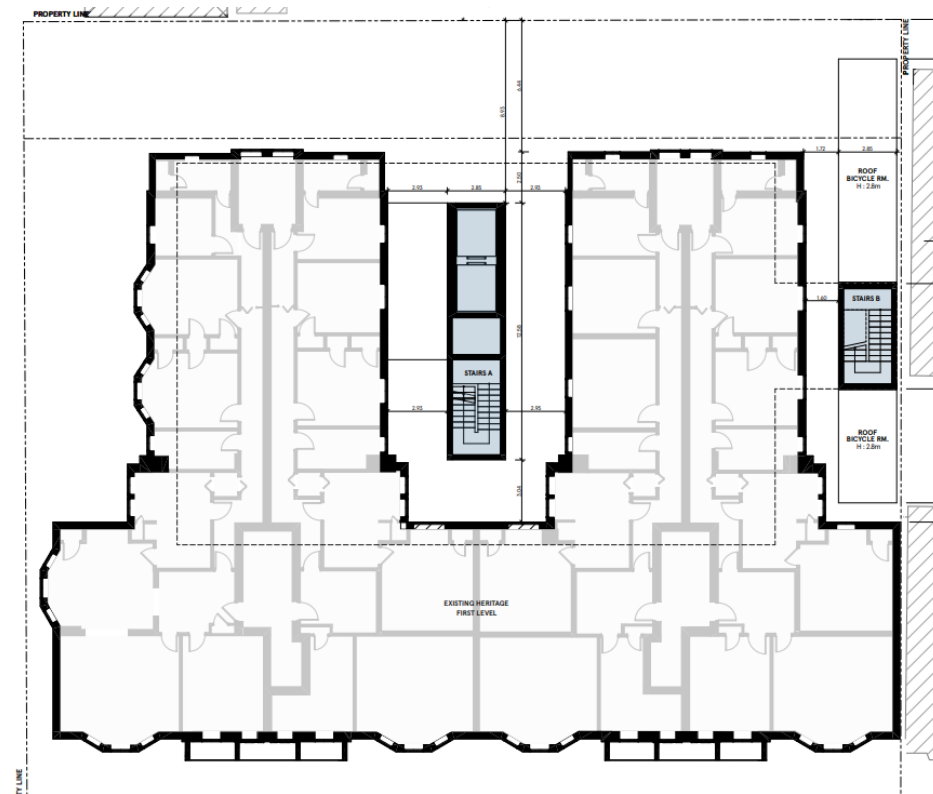
## 41-45 Spadina Road



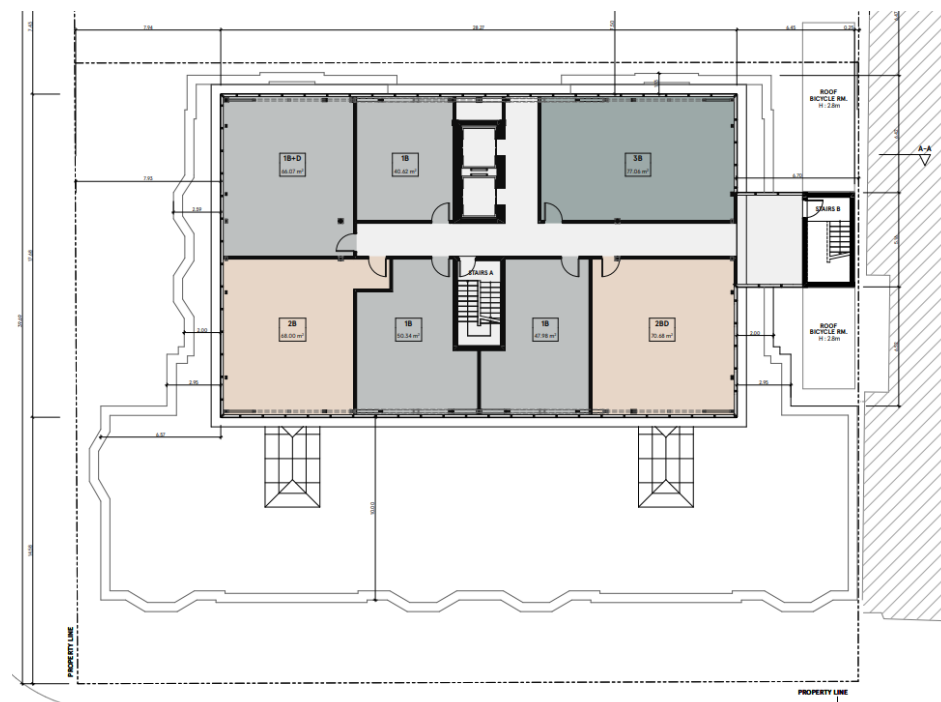
Ground Level: See shaded area; removal of two windows at Unit 9 for new rear residential lobby, combining of two bedrooms at Unit 9 and enlargement of one rear window. No changes at other floor levels of heritage property. (Source: architects-Alliance)

# PROPOSAL PLANS & DRAWINGS

## 41-45 Spadina Road



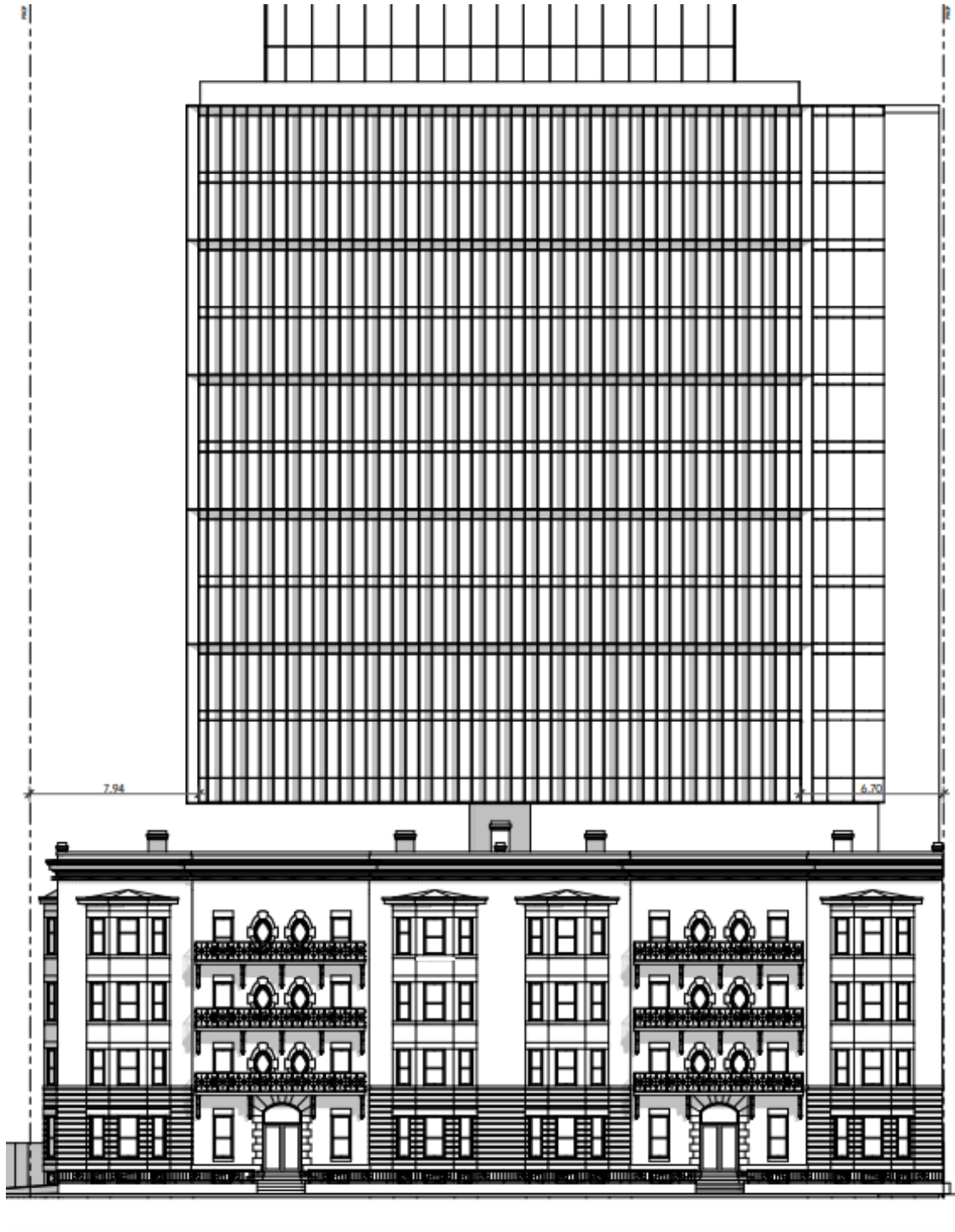
Floors 2 to 5 Typical. No Material Change to Heritage Property. (Source: architects-Alliance)



Floors 6 to 14 (Source: architects-Alliance)

## PROPOSAL PLANS & DRAWINGS

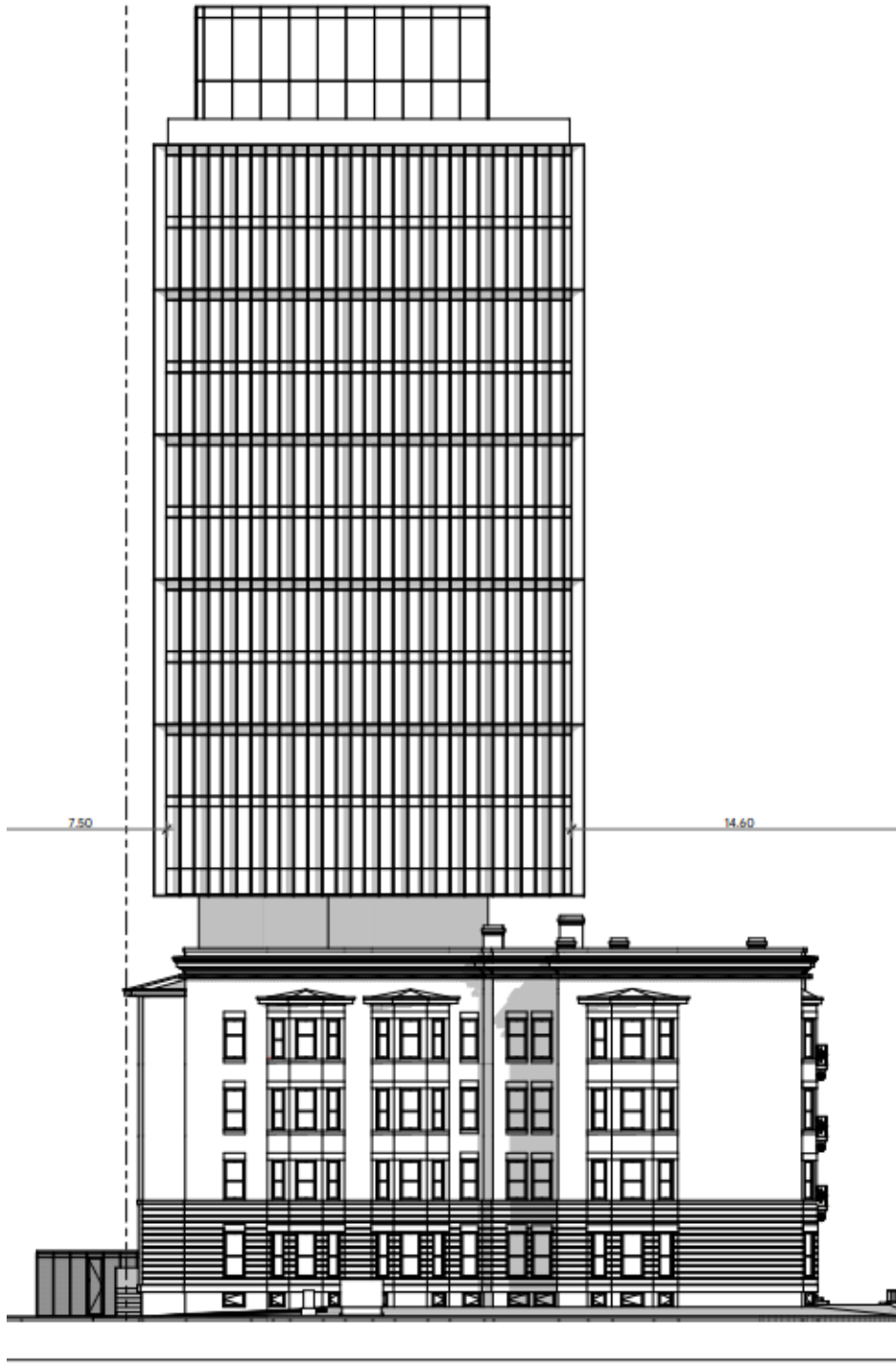
### 41-45 Spadina Road



West Elevation at Spadina Road (Source: architects-Alliance)

## PROPOSAL PLANS & DRAWINGS

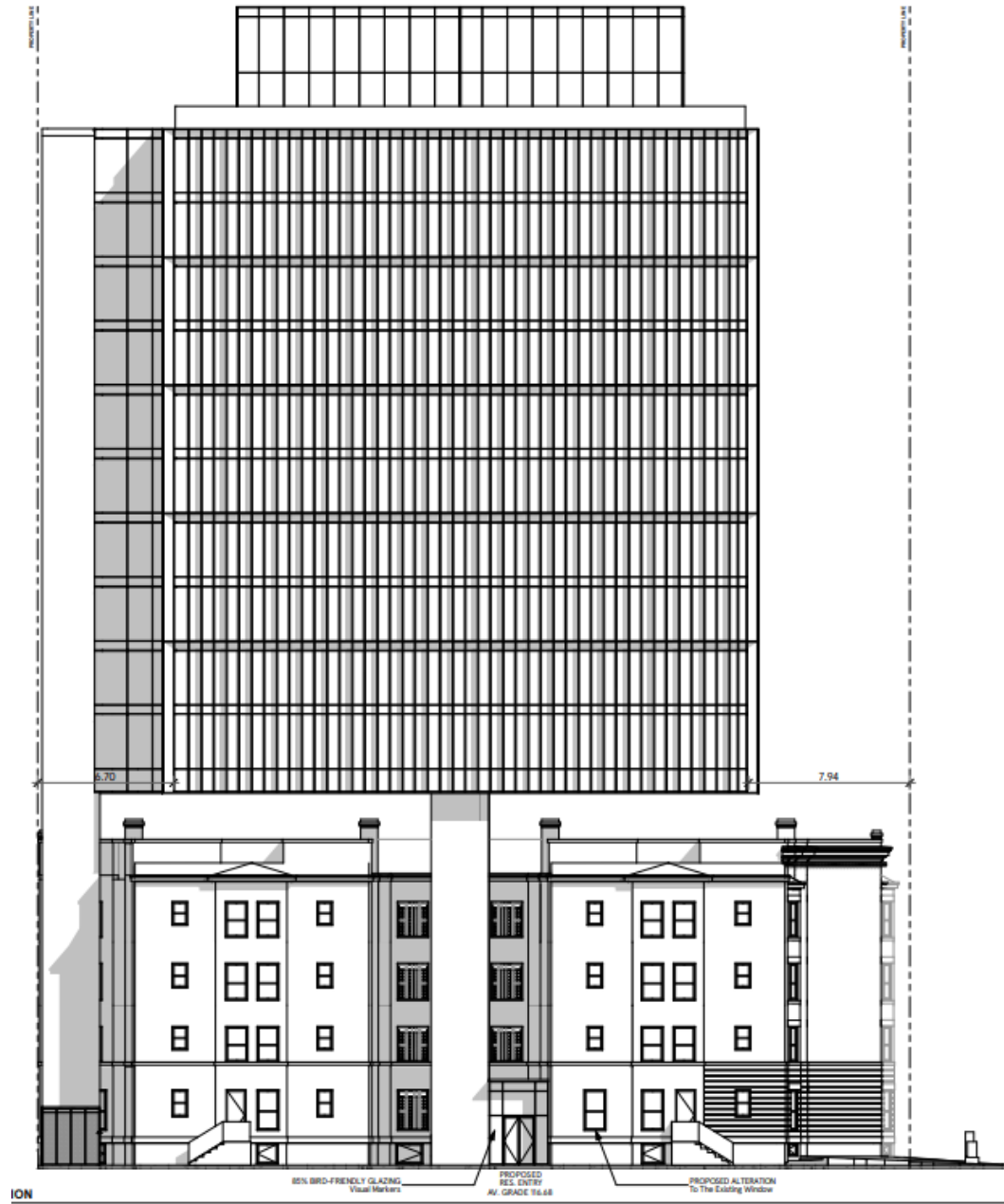
41-45 Spadina Road



Lowther Avenue North Elevation (Source: architects-Alliance)

## PROPOSAL PLANS & DRAWINGS

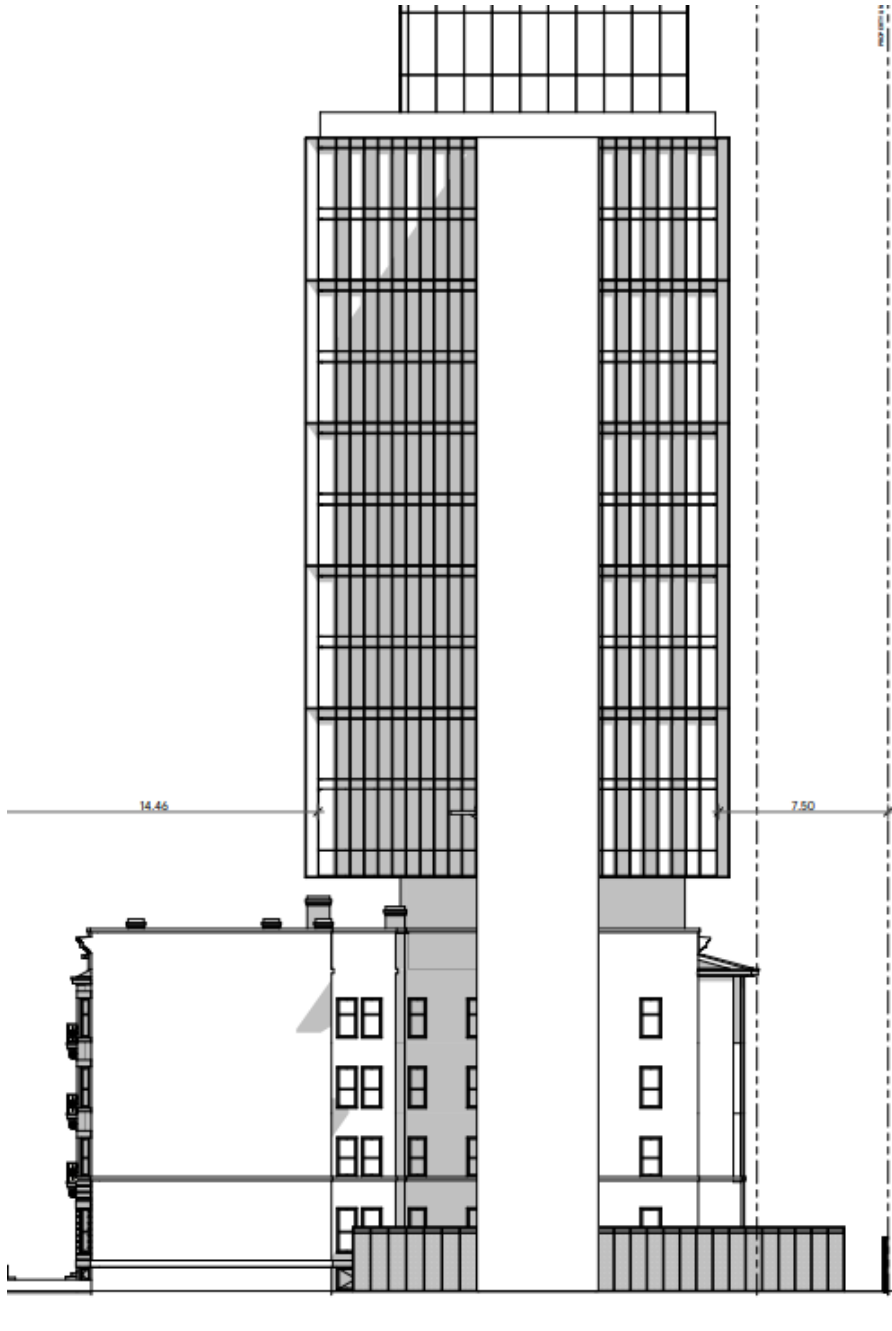
### 41-45 Spadina Road



Rear East Elevation: Note Structural Column (Source: architects-Alliance)

## PROPOSAL PLANS & DRAWINGS

### 41-45 Spadina Road



South Elevation: Note Structural Column (Source: architects-Alliance)