

505 University Avenue – Proposed Designation By-law Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objection

Date: May 6, 2024

To: City Council

From: Interim Chief Planner and Executive Director, City Planning

Wards: 11 - University-Rosedale

SUMMARY

This report recommends that Council affirm its decision of February 6, 2024 (Item PH9.1) stating its intention to designate the property at 505 University Avenue (including entrance address at 136 Edward Street) under Part IV, Section 29 of the Ontario Heritage Act. The City has received an objection on behalf of the property owner to the Notice of Intention to Designate within the statutory timeline.

Located on the northeast corner of University Avenue and Edward Street, the property at 505 University Avenue contains the Shell Oil Building designed by the prominent architectural firm of Marani & Morris. Originally intended to be constructed to a height of 20-storeys, the building was erected in two phases, with the first 13 storeys completed in 1958 and the uppermost 7 storeys added in 1966. Commissioned by Shell Oil, the building served as the global firm's Canadian headquarters from 1958 to 1983.

City Council has until June 9, 2024, 90 days from the date of the end of the objection period, or 120 days from the issuance of the Notice of Intention to Designate, to make a decision on this objection as per the timeline under the Ontario Heritage Act.

Staff have reviewed the objections raised by the owner and are of the opinion that despite these objections, the property meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act, under 6 of 9 possible criteria for its design/physical, historical/associative, and contextual values.

As the property has cultural heritage value or interest and meets the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, this property should be designated. Designation enables Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

RECOMMENDATIONS

The Interim Chief Planner and Executive Director, City Planning recommends that:

1. City Council affirm its decision to state its intention to designate the property at 505 University Avenue (Including entrance address at 136 Edward Street) under Part IV, Section 29 of the Ontario Heritage Act as set out in Council Decision PH9.1 on February 6, 2024.
2. City Council authorize the City Solicitor to introduce the Bill in Council designating the property under Part IV, Section 29 of the Ontario Heritage Act.

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

At its meeting of February 6-7, 2024, City Council stated its intention to designate the property at 505 University Avenue (including entrance address at 136 Edward Street) under Part IV, Section 29 of the Ontario Heritage Act.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH9.11>

BACKGROUND

Council has stated its intention to designate the property at 505 University Avenue (including entrance address at 136 Edward Street) under Part IV, Section 29 of the OHA. Notice of Council's intention to Designate was served on the property owners and the Ontario Heritage Trust, and was published in accordance with the OHA. The objection period ended on March 11, 2024.

A Notice of Objection was received by the City Clerk on behalf of the owners of the property within the required timeframe set out in the OHA. The OHA requires that Council consider and make a decision on an objection within 90 days from the end of the objection period, subject to any permitted exceptions under the OHA. Council may decide to withdraw, amend, or affirm its intention to designate. City Council has until June 9, 2024 to make a decision on the objection.

COMMENTS

Staff have reviewed the Notice of Objection dated March 11, 2024, prepared by McMillan LLP. The Notice of Objection is included as Attachment 1 to this report. Through this letter, the owner outlines several reasons for their objection, which primarily focus on the proposed development advanced through their Planning Act applications. The owner does not object to the property having cultural heritage value.

As part of the Planning Act applications, the applicant submitted a Heritage Impact Assessment (HIA) including a draft Statement of Cultural Heritage Value dated August 15, 2022, prepared by Goldsmith, Borgal & Company Ltd., Architects submitted in support of a Planning Act application for the subject property. A property may be designated under Section 29 of the Act if it meets two or more of the provincial criteria prescribed under Ontario Regulation 9/06 for determining whether it is of cultural heritage value or interest. The HIA concluded that the subject property has cultural heritage value and meets 7 of the 9 possible criteria. These findings are largely in alignment with the 6 of 9 criteria met through Heritage Planning staff's independent evaluation included in Section 3 of the Part IV Designation report dated January 4, 2024.

The owner objects to the notice of intention to designate and requests Council withdraw the designation because the HIA submitted in support of the Planning Act application proposes to demolish the heritage properties, despite their cultural heritage value.

The OHA prescribes the process of designation of a property under Part IV of the OHA. The OHA also prescribes criteria under O. Reg 9/06 required to be evaluated to determine whether a property has cultural heritage value or interest and therefore should be recommended for designation under the OHA. Planning Act applications do not determine the cultural heritage value or interest of a heritage property nor are they included in criteria for the evaluation or determination of cultural heritage value. Instead, Planning Act applications are to be informed by the designation by-laws and cultural heritage value or interest determined under the OHA such that a determination can be made whether the level of intervention and conservation proposed for a designated property is appropriate. To reach this understanding, it is necessary to first understand the cultural heritage value of a property prior to planning for change and considering interventions to the heritage property.

The sequential approach described above is consistent with the Standards and Guidelines for Historic Places in Canada and is also consistent with the intent of the Provincial Policy Statement (2020), which clarify that determination of the cultural heritage value should be undertaken prior to the application of heritage conservation policies to a particular planning application. Likewise, recent changes to the OHA through Bill 108 requires that municipalities designate properties with cultural heritage value or interest within 90 days of the clerk issuing a notice of complete application for the planning application, unless the timeline is extended or waived by the owner. The appropriateness of proposed interventions to a heritage property within the planning process are then determined through an alteration or demolition application under Section 33 and Section 34 of the OHA. Whether a related planning application will

conserve a heritage property is not a consideration or a determination to be made within the context of a designation by-law under Section 29 of the OHA.

Furthermore, the owner objects to the reference in the Statement of Significance of the building as the Shell Oil Building on account of Shell having vacated the property after approximately 25 years. While not itself a heritage attribute, it is Heritage Planning best practice to acknowledge a significant owner directly associated with a property by way of ascribing a historical name. As the Shell Oil Company was the original owner for whom the subject property was commissioned and purpose-built as its second Canadian Headquarters following its relocation from Montreal in 1958, staff remain of the opinion that the property holds value for its direct association with the Shell Oil Company - one of Canada's largest integrated oil companies, who owned and occupied the building for a quarter of a century. The current owner of the property does not change that associative value. The HIA also supports staff's independent analysis that the reference to "Shell Oil" is appropriate for its direct association with an organization that is significant to a community. At that time, Shell Oil being an important oil company in Canada.

The owner also contends that 1966 alterations to the building have significantly altered the purity of the original building design. As noted in the Designation report and the Statement of Significance, the Shell Oil Building was originally conceived as a taller structure, though ultimately constructed in two phases (13 storeys in 1958 and an additional 7 storeys in 1966). The addition of the final 7 storeys in 1966 is understood as the realization of the original design intent for the property. The realization of this vertical addition is valued as the completion of the original 20-storey design intent for the building and holds additional design value as a recognized engineering feat in high-rise construction at the time. Similarly, as contained in the Draft Statement of Cultural Heritage Value contained on page 19 of the HIA submitted by GBCA and dated August 15, 2022 it recognizes the original building design by stating that, "the building was originally designed with a future extension in mind, where above the 13th storey, used as a mechanical floor, an additional seven storeys were added and topped with a modern looking coffered cornice."

Staff remain of the opinion that the property at 505 University Avenue (including entrance address at 136 Edward Street) meets Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the OHA, on the basis of its design/physical, historical/associative and contextual values.

Should Council affirm its intention to designate, the City Solicitor will introduce a designating by-law to Council under Section 29 of the OHA. Once Council has passed a designating by-law, notice has been provided, and the by-law has been published in accordance with the OHA, an appeal may be made to the Ontario Land Tribunal in accordance with the OHA. The Ontario Land Tribunal Decision is binding.

CONCLUSION

The property at 505 University Avenue (including entrance address at 136 Edward Street) meets 6 of 9 criteria under Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act for its design/physical, historical/associative, and contextual values. As such, and despite the Notice of Objection, this property should be designated.

CONTACT

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SIGNATURE

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City Planning

ATTACHMENTS

Attachment 1 – Letter of Objection – 505 University Avenue
Attachment 2 – Statement of Significance – 505 University Avenue
Attachment 3 - Photograph

STATEMENT OF SIGNIFICANCE**(REASONS FOR DESIGNATION)**

The property at 505 University Avenue (including entrance address at 136 Edward 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 and contextual value.

Description

Located on the east side of University Avenue north of Edward Street and south of Elm Street, the property at 505 University Avenue comprises a 20-storey office building designed by the architectural firm, Marani & Morris, and completed in two phases: 13 storeys (1958); 7-storey vertical addition (1966).

Statement of Cultural Heritage Value

The Shell Oil Building (1958; 1966) has cultural heritage value as a fine representative example of a transitional office building from the post-World War II era designed in the Modern Classical style with the scale, materials and features inspired by and yet challenging the urban design guidelines established for University Avenue in the early twentieth century. Originally conceived as a taller structure, the Shell Oil Building was constructed in two phases (13 storeys in 1958 and an additional 7 storeys in 1966) with this evolution of building height captured in the 13th-storey 'datum line' defined by regularly-spaced rectangular openings filled with decorative metal panels on the west, north and south elevations. Rising 20 storeys above University Avenue where it overlooks the street's landscaped central boulevard by the celebrated landscape architects, Dunnington-Grubb & Stensson, the Shell Oil Building is distinguished today by its fine proportions, its emphasis on verticality with its slender stone fins rising from the second through the nineteenth floors between the openings on the principal (west) elevation fronting onto University Avenue, and the interplay of the Queenston limestone cladding with the regular rhythm of punched window openings across its west, north and south elevations.

The 7-storey vertical addition to the Shell Oil Building in 1966 represents a recognized engineering feat for high-rise construction in Toronto with the modification of existing mobile crane capabilities for hoisting structural steel with respect to height, extension and stabilization. The realization of this vertical addition is valued as the completion of the original 20-storey design intent for the building.

Completed in 1958 and including a 7-storey vertical addition completed in 1966, the property has associative value as the purpose-built Canadian headquarters for the Shell Oil Company, one of Canada's largest integrated oil companies, who occupied the building for 26 years. Shell Oil is a global company based in London, UK and its Canadian subsidiary is an important oil company in Canada whose corporate interest and investment in high quality architecture and design is also evident in the 1955 Shell

Oil Tower (later Bulova Tower), a landmark modernist structure in Toronto's architectural history that was located at Exhibition Place until its demolition in the mid-1980s.

The value of the property at 505 University Avenue is also linked to its association with the prolific Toronto partnership of Marani & Morris (including its successor firms), recognized as "one of the leading architectural firms in the country". The firm was responsible for innumerable commercial buildings in Toronto during the post-World War II era, including five properties along University Avenue, with the adjacent Maclean-Hunter Building (1961, 481 University Avenue), the Bank of Canada Building (1958, 250 University Avenue), the Dominion General Insurance Company of Canada Building (1962, 165 University Avenue) and the Metro Toronto Court House (1966, 361 University Avenue). With more commissions than any other firm for projects along this prominent thoroughfare, the design aesthetic of Marani & Morris is distinguished as a defining part of the University Avenue streetscape today.

Contextually, the Shell Oil Building is valued for its role in defining, maintaining and supporting the character of the University Avenue Precinct, one of Toronto's major streets and a significant ceremonial avenue that is home to a collection of significant buildings associated with important institutions in Toronto's history and constructed during the twentieth century following the adoption of the University Avenue By-law (1931) that established guidelines directing the scale, materials and appearance of commercial and institutional buildings along the ceremonial boulevard leading to Queen's Park.

The Shell Oil Building at 505 University Avenue is physically, historically and visually linked with its surroundings where it contributes to the group of custom-designed buildings characterizing University Avenue, including the Canada Life Building (1931, 330 University Avenue), the Bank of Canada Building (1958, 250 University Avenue), the Maclean-Hunter Building (1961, 481 University Avenue), the Sun Life Assurance Company Building (1961, 200 University Avenue), and the Metro Toronto Court House (1966, 361 University Avenue), which are all recognized heritage properties in the city. The Shell Oil Building is also linked to the design of University Avenue, whose modernist landscape designed by the office of Dunnington-Grubb & Stensson was completed between 1960 and 1962.

Heritage Attributes

Design and Physical Value

Attributes that contribute to the value of the property at 505 University Avenue as representative of the Modern Classical architectural style include:

- The placement, setback and orientation of the building at the northeast corner of University Avenue and Edward Street
- The scale, form and massing of the 20-storey building on a T-shaped plan that includes the ground-storey podium set parallel to University Avenue and perpendicular to the tower
- The materials, with the Queenston limestone cladding and stone, metal and glass detailing

- The flat roof of the tower with its deep, coffered stone cornice on the underside
- The one-storey, glazed mechanical penthouse atop the tower roof with its lozenge-shaped form and surmounted by a gently-curved roof
- The organization of the principal (west) tower elevation fronting on University Avenue with its twelve bays of evenly spaced, punched openings alternating with limestone spandrels between the second and nineteenth storeys
- The raised and attached stone "fins" both framing the fenestration on the principal (west) tower elevation and vertically delineating each of the twelve bays of fenestration within the raised stone frame
- On the north and south elevations, the regular rhythm of the evenly-spaced punched window openings between the second and nineteenth storeys
- On the west, north and south elevations, the tall, rectangular openings on the thirteenth storey (mechanical level) which are distinguished by their decorative metal screens
- At ground level on the principal (west) elevation, the location of the main entrance centred in the one-storey podium clad in Norwegian Blue Granite
- At ground level, the north and south returns of the one-storey podium, also clad in Norwegian Blue Granite

Attributes that contribute to the value of the property at 505 University Avenue as demonstrating high technical achievement include:

- The 7 uppermost storeys plus the 1-storey rooftop penthouse, whose vertical addition in 1966 to the 1958 building was enabled by the development of a novel ground-located tower crane capable of hoisting the necessary structural steel up to 300ft above grade

Contextual Value

Attributes that contribute to the contextual value of 505 University Avenue as maintaining and supporting the character of the University Avenue precinct, and as being historically and visually linked to its surroundings include:

- The placement, setback and orientation of the building at the northeast corner of University Avenue and Edward Street with its primary entrance on University Avenue
- The materials, with the Queenston limestone cladding and stone, metal and glass detailing

505 UNIVERSITY AVENUE

