



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: August 11, 2021

SUBJECT: Application for Draft Plan of Subdivision
7750 Bayview Avenue
McCullagh Estate/Shouldice Hospital
File: PLAN 21 121246

Property/Building Description: McCullagh Estate / Shouldice Hospital, 1937

Use: Commercial-Institutional

Heritage Status: Listed on the Markham Register of Property of Cultural Heritage Value or Interest

Application/Proposal

- An application for plan of subdivision has been received from 7750 Bayview Avenue Limited Partnership (Marco Felice) c/o MHBC Planning Limited (Annie Chung)
- The application proposes to permit a high rise residential development containing 1,287 apartment dwelling units on the subject lands. The project includes three buildings consisting of 5 towers ranging between 18 and 35 storeys in the North Block and retention of the existing Shouldice Hospital in the South Block.
- The plan of subdivision application is focussed on the land area related to the Royal Orchard Blvd road re-alignment (see Attachment 'A').
- Official Plan and Zoning By-law amendment applications are also currently in the planning process (file 20 126269)

Background

- Heritage Markham Committee considered the Official Plan and Zoning By-law Amendments in February 2021 (See Attachment 'B').
- Heritage Markham Committee was made aware of the proposed new road alignment for Royal Orchard Blvd and its impact on the existing Estate greenhouse complex. Heritage Markham indicated no objection to the relocation or removal of the Greenhouse complex subject to it being properly documented and advertised for potential relocation.

- The Committee recommended that the cultural heritage resources on the property be designated pursuant to the Ontario Heritage Act and that as a condition of future development approval for any part of the property, the City should:
 - secure a Heritage Easement Agreement on the portion of the property containing the cultural heritage resources;
 - obtain a Conservation/Restoration Plan for the cultural heritage resources on the property including both maintenance and restoration requirements, with implementation secured through a financial security;
 - require the implementation of a historic landscape plan for the Formal Gardens including reinstating the curved treeline on the northern edge of the Formal Gardens to maintain the existing terminus and views from the Main House;
 - secure commitments from the owners to undertake necessary maintenance on existing cultural heritage resources including repairs to the Gate House, and the proper boarding and low level heating of unoccupied buildings if they are to continue to be left vacant; and
 - secure one or more Markham Remembered plaques to highlight and celebrate the identified cultural heritage resources on the property.

Staff Comment

- The draft plan of subdivision only includes a portion of the overall development site which is related to the new municipal road alignment (Royal Orchard Blvd road extension). The main heritage resource- the Shouldice Hospital – is outside of this boundary. The Gate House and Stables are within the boundary.
- Under the *Planning Act*, the City can impose conditions that “are reasonable, having regard to the nature of the development proposed for the subdivision”, and if the nature of the development for the proposed subdivision affects heritage resources, then it may be reasonable to impose heritage conditions related to the adjacent lands owned by the applicant.
- Given that the draft plan of subdivision is in support of the larger development, and to mitigate the impact on the existing cultural heritage resources, it is recommended that the conditions of draft approval for this plan of subdivision include the standard heritage requirements to address all the cultural heritage resources on the property, including property designation, heritage easement agreement, interpretive plaques, etc.).
- It is anticipated that the consideration of the draft plan of subdivision will be addressed when Council considers the Official Plan and Zoning By-law amendment applications. When the previous applications were reviewed by Heritage Markham in February, staff and the applicant provided commentary on the heritage requirements (see Attachment ‘D’) which included:
 - Staff agreeing with the applicant to initiate the designation process for all the heritage resources when the OPA and ZBA application are brought to Council. The applicant also indicated a preference for a scoped designation by-law excluding certain features (i.e. Gardener’s Cottage, stone pillars/gates).

- Staff recommending that the OPA document include cultural heritage resource policies that would address the protection, conservation and interpretation of these features.
- Staff recommending that as a condition of any future development application approval (such as Site Plan Approval for the new towers, draft plan of subdivision or financial assistance), the City secure a Heritage Easement Agreement on the portion of the property containing the identified heritage features. The applicant indicated the requirement was premature and unnecessary at this time.
- Staff recommending securing a Conservation Plan for the heritage resources as a as a condition of future development approval for any part of the property. The applicant indicated it had no objection to preparing a Conservation Plan, and a landscape plan for the Formal Gardens, as a condition of its Phase 1 development approval.
- It is also suggested that the proponent be requested to immediately undertake repairs to the Gate House and any other vacant building requiring maintenance (Gardener's Cottage).
- Staff also noted that as a condition of future development approval, the City should secure one or more Markham Remembered plaques to highlight and celebrate the identified cultural heritage resources on the property.

Suggested Recommendation for Heritage Markham

THAT Heritage Markham recommends the City secure the standard heritage requirements such as designation of all the cultural heritage resources on the overall development parcel, a heritage easement agreement, conservation plan, interpretive plaques, etc., as a condition of approval of the draft plan of subdivision (PLAN 21 121246)

Attachments

Attachment 'A' - Draft Plan of Subdivision

Attachment 'B' – Proposed Development Plan for Property

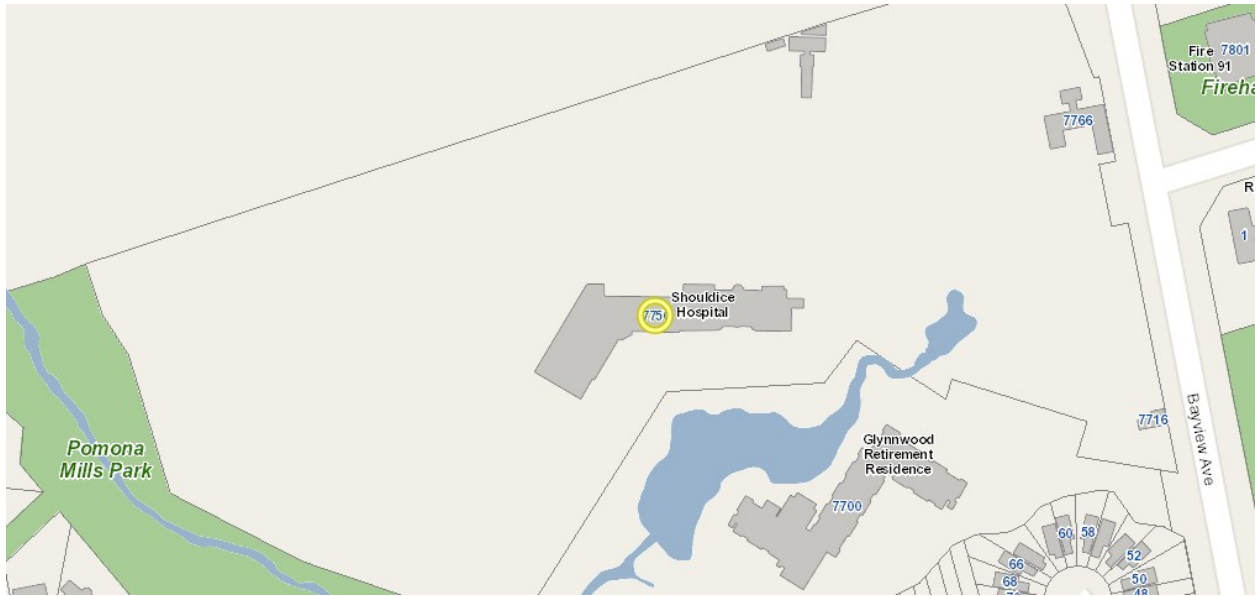
Attachment 'C' – Heritage Markham Extract- February 10, 2021

Attachment 'D' – Staff Comments/Applicants Response Regarding Heritage Requirements from February Heritage Markham Memo

Attachment 'E' - Photos

File:Q:\Development\Heritage\PROPERTY\BAYVIEW AVE\7750\2021 Plan of Subdivision\HM August 11 2021 SUBDIVISION.doc

Site Information

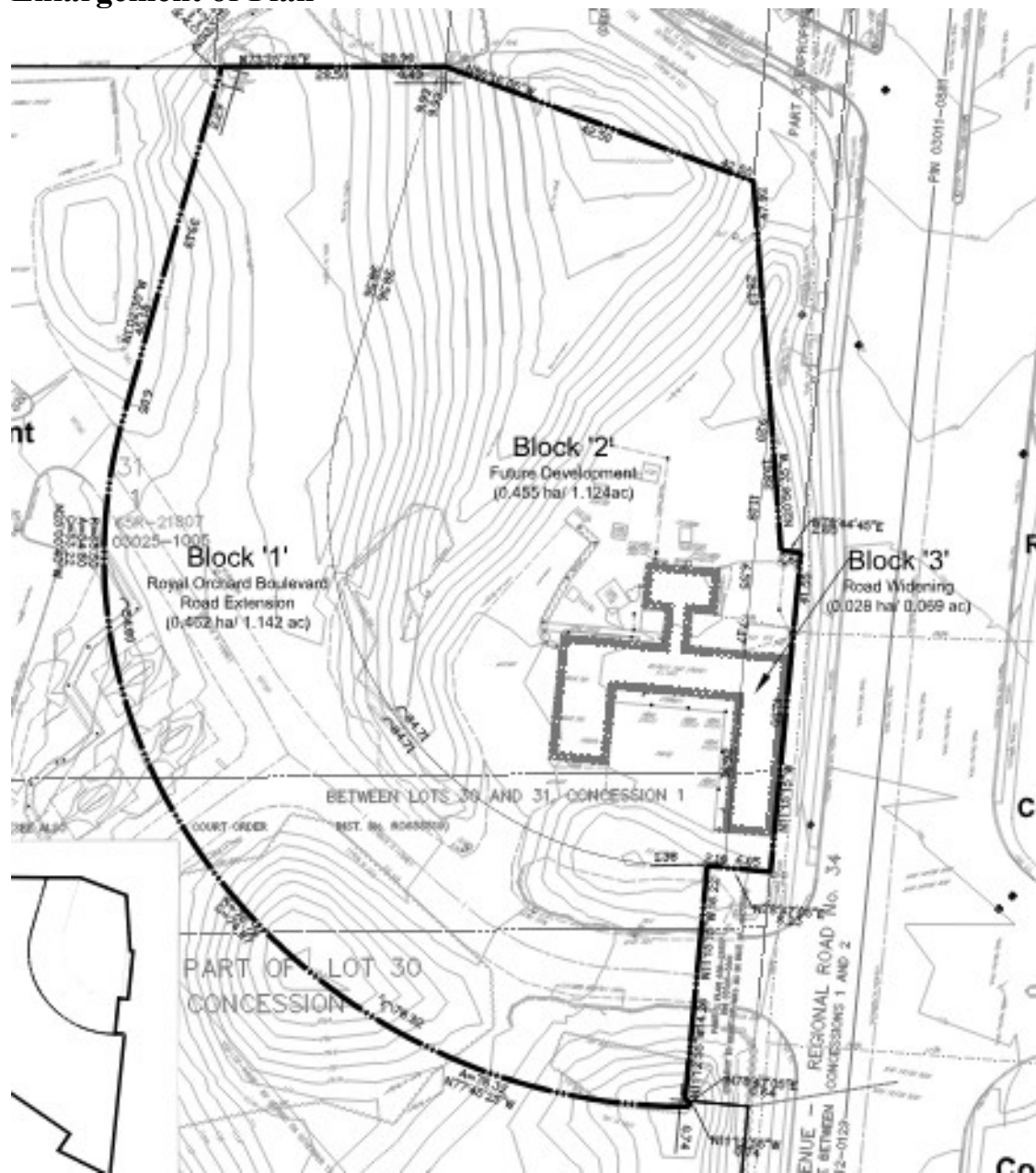


Map from Heritage Impact Assessment (HIA) (ERA Architects Inc)
Cultural Heritage Resources

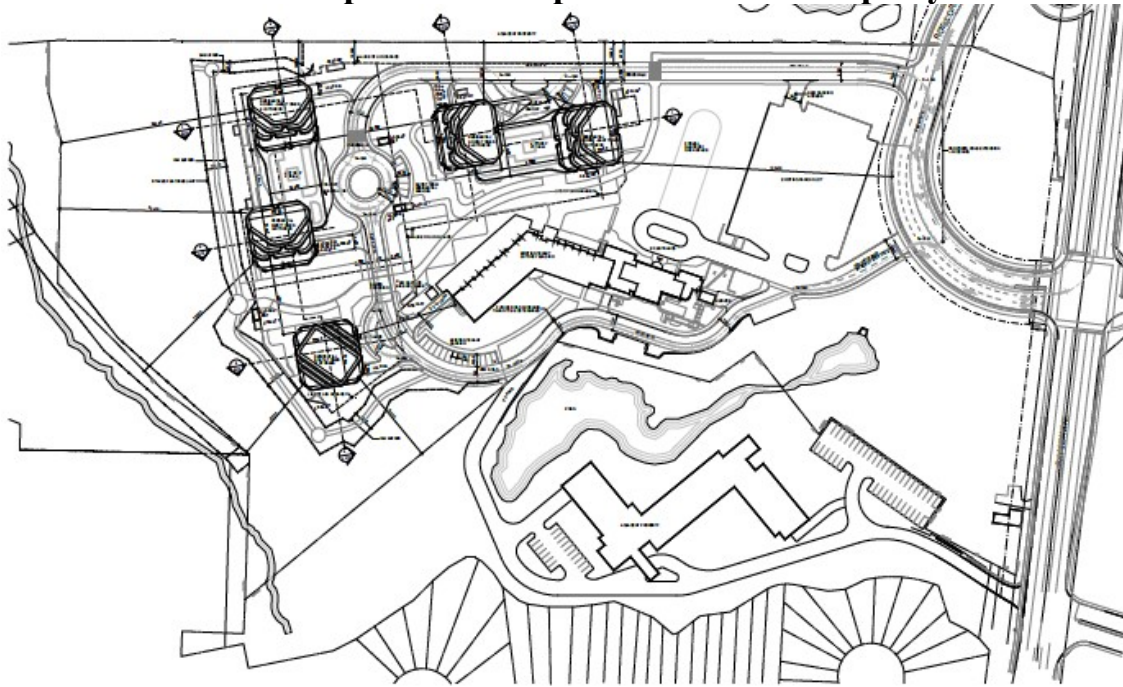


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Enlargement of Plan

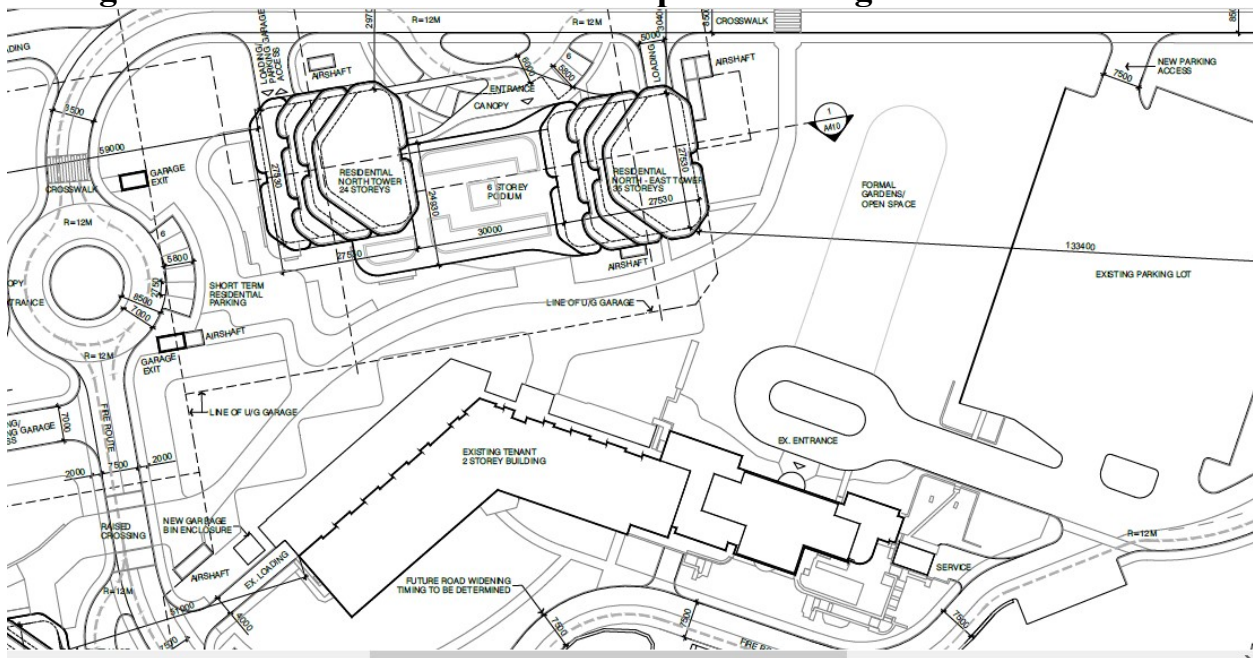


Attachment 'B' – Proposed Development Plan for Property



Site Plan (WZMH, 2020).

Enlargement of Plan near Shouldice Hospital building



Attachment ‘C’ -

**HERITAGE MARKHAM
EXTRACT**

DATE: February 10, 2021

TO: R. Hutcheson, Manager of Heritage Planning
R. Cefaratti, Senior Planner, Planning and Urban Design

EXTRACT CONTAINING ITEM #6.1 OF THE SECOND HERITAGE MARKHAM
COMMITTEE MEETING HELD ON FEBRUARY 10, 2021.

6.1 OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS

7750 BAYVIEW AVENUE

PROPOSED HIGH DENSITY DEVELOPMENT

**7750 BAYVIEW AVENUE LIMITED PARTNERSHIP C/O LIBERTY
DEVELOPMENT CORPORATION**

MCCULLAGH ESTATE /SHOULDICE HOSPITAL (16.11)

FILE NUMBER:

20 126269

Extracts:

R. Hutcheson, Manager, Heritage Planning

R. Cefaratti, Senior Planner, Planning and Urban Design

Regan Hutcheson, Manager of Heritage Planning presented the staff memorandum on the Application for Official Plan and Zoning By-Law Amendments for 7750 Bayview Avenue (McCullough Estate/Shouldice Hospital). Staff are recommending the heritage designation and retention of the key cultural heritage resources on the property. There is some disagreement between staff and the Applicant in regards to which resources should be designated, specifically in regards to the stone pillar gate, Curvilinear Driveway, and the Gardener's Cottage.

Mark Noskiewicz, Goodmans LLP., representing Liberty Developments advised that there are no proposed alterations to the Gardeners Cottage or stone gate and pillar features at this time. The curvilinear driveway will be impacted by the Council supported initiative to extend Royal Orchard, as it will become part of the public road. However, it may be possible that the portion of the driveway that extends to the house be included in the designation. The Applicant is open to discussing the heritage designation of the stone gate and pillars, but does not think that the Gardener's Cottage warrants a heritage designation. Committee provided the following feedback on the proposed Official Plan and Zoning By-Law amendments for 7750 Bayview Avenue (McCullough Estate/Shouldice Hospital):

- Suggested there be a more sensitive transition between the northwest tower and the heritage resources;
- Noted that the Heritage Assessment was very well done, but did not think it appropriately addressed the preservation of the western view;
- Expressed concern that the western view would be altered;
- Suggested re-configuring the location of the buildings to improve the western view;
- Supported the preservation of the Gardener's Cottage, and suggested that it be relocated to a location where people would better understand its purpose;
- Supported staffs recommendation to include the curvilinear driveway, the stone gates and pillars, and the Gardener's Cottage;
- Recommended that the heritage easement be on the entire property and that the Pomona Valley lands also be protected as culture heritage resources;
- Noted that the archeological findings included in the December Agenda package did not support any historical human habitat on this site;
- Inquired if there would be a wind study conducted for this development.

David Nesbitt requested to see the Archaeological Assessment. Regan Hutcheson advised that this document is not typically shared with the public, but that he will look into whether it can be shared.

Marco Filice, Senior Vice President, Liberty Developments thanked the Committee for its feedback and advised they would take their comments back for consideration.

Regan Hutcheson responded to inquiries from the Committee. The Pomona Valley Lands will be protected by the Toronto Region and Conservation Area (TRCA), therefore, do not necessarily need to be protected as a heritage cultural resource. Moreover, Staffs' recommendation to animate the base means to design it so that there is a gradual and interactive transition between the buildings, the garden and heritage features, and its recommendation to reduce the height of the buildings does not specify by how much. Furthermore, staff are not requesting that the configuration of the buildings be changed. However, staff are recommending that the Gardener's Cottage be designated as a heritage culture resource so that it can be protected and moved in the future if required. Similarly, the City's Urban Design Staff will request a wind study if required. Lastly, the Applicant will provide a more detailed drawings when the Site Plan Application is submitted, but the resolution has been created to communicate the City's future expectation in regards to the preservation of the heritage features on the site.

Recommendation:

THAT the Heritage Markham Committee has the following comments and recommendations concerning the Official Plan and Zoning By-law Amendments in support of the redevelopment of the property (7750 Bayview Avenue):

- a) The property has cultural heritage value which includes the following features: the Main House, Gate House, Stable Building, Gardener's Cottage, Forecourt, Formal Gardens, Stone Gates and Pillars, Pomona Creek Valley land within the Western Grounds, and Curvilinear Driveway;
- b) The identified cultural heritage resources should be protected through designation under Part IV of the Ontario Heritage Act, including interior features of value in the Main House such as decorative plaster details, wood mouldings and trim, original windows, doors and hardware, and the ornate curved processional black granite staircases on each level;
- c) Given the proposed road configuration, there is no objection to the relocation or removal of the Greenhouse complex subject to it being properly documented and advertised for potential relocation;
- d) The Official Plan Amendment should include cultural heritage policies that address the protection, conservation and interpretation of these features; and,
- e) For the proposed new tower building immediately northwest of the Shouldice Hospital/Formal Gardens, the applicant should give consideration to a lower multi-storey building with a more animated base to provide a more sensitive transition to the adjacent existing cultural heritage resources/landscapes.

THAT the proponent be requested to undertake necessary maintenance on the existing cultural heritage resources including repairs to the Gate House, and the proper boarding and low level heating of unoccupied buildings if they are to continue to be left vacant;

AND THAT as a condition of future development approval for any part of the property, the City should:

- secure a Heritage Easement Agreement on the portion of the property containing the cultural heritage resources ;
- obtain a Conservation/Restoration Plan for the cultural heritage resources on the property including both maintenance and restoration requirements, with implementation secured through a financial security;
- require the implementation of a historic landscape plan for the Formal Gardens including reinstating the curved treeline on the northern edge of the Formal Gardens to maintain the existing terminus and views from the Main House;
- secure commitments from the owners to undertake necessary maintenance on existing cultural heritage resources including repairs to the Gate House, and the proper boarding and low level heating of unoccupied buildings if they are to continue to be left vacant;

- secure one or more Markham Remembered plaques to highlight and celebrate the identified cultural heritage resources on the property.

Carried

Attachment 'D' – Staff Comments/Applicants Response Regarding Heritage Requirements from February Heritage Markham Memo

- It is recommended that as part of any approval consideration for the OPA and ZBA applications, the City designate the portion of the property containing the identified heritage features, including interior features of value in the Main House such as decorative plaster details, wood mouldings and trim, original windows, doors and hardware, and the ornate curved processional black granite staircases on each level. Staff do not anticipate including the modern addition to the Shouldice Hospital in the designation by-law.
- Applicant's Response (Scope of Designation):
 - *Our client agrees that a portion of the property has cultural heritage value. The Heritage Impact Assessment prepared by ERA Architects, and submitted with our client's official plan amendment and rezoning application (the "ERA HIA"), concludes that the site is a candidate for designation under Part IV of the Ontario Heritage Act (the "Act"). The ERA HIA notes that the Main House, Forecourt and Formal Gardens are to be conserved as key features of the site. It also notes that any future proposed alterations to the eastern portion of the site will require further assessment, and will need to have regard to the Region's proposed 6 metre widening of Bayview Avenue. The ERA HIA concludes that the proposed Phase 1 development will allow for the introduction of new residential uses, while conserving the site's cultural heritage value.*
 - *The heritage designation by-law should apply only to the portion of the South Block containing the Main House, Forecourt and Formal Gardens and the portion of the East Block containing the Gatehouse and Stables. The ERA HIA notes that significant portions of the property have been altered since the initial development of the 1936 McCullagh Estate Plan. These altered lands and the westerly valley lands should not be included in the heritage designation by-law. It is appropriate to include the Main House, Forecourt and Formal Garden, the site's key features, in the designation by-law. The Gatehouse and Stables are less significant, and not key features of the site, and their conservation may be affected by the Region's proposed widening of Bayview Avenue and/or future redevelopment of the East Block; however, their inclusion in the designation by-law will ensure that any future demolition or alterations proposed for these buildings will be considered as part of an application under the Act.*
 - Staff Comment – the above responses do not reflect what the applicant's HIA report identifies as the significant cultural heritage resources in the Statement of Cultural Heritage Value or the Heritage Attributes in Section 4.2 of the report. Missing features include the curvilinear driveway, Gardener's Cottage, stone pillars with Gates, designed landscape features (stone steps, bridge over lake)
- Applicant's Response (Processing)
 - *Our client does not object to the designation of part of the property, as listed above, under Part IV of the Act. It would be appropriate for the City to*

process and enact the designating by-law in conjunction with its review and approval of our client's official plan amendment and rezoning application.

- Staff Comment – staff had agreed in recent discussions to bring the designation by-law forward at the time Council addresses the OPA and ZBA applications unless directed by Senior Staff or Council to bring it forward sooner. However, given the applicant does not support designating all the heritage features, designation could be initiated immediately by Council – and any appeal would be to the Conservation Review Board which is not binding on Council (as opposed to changes to the Heritage Act not yet in force in which the appeal goes to LPAT for the final decision).
- It is recommended that the Greenhouse complex not be included in any designation of the property and the City support its future removal after the building is documented. There also may be interest in relocating the building elsewhere and it should be advertised by the proponent as a condition of any removal approval.
- Applicant's Repose
 - *Our client has no concerns with recommendation c), which indicates that there is no objection to the relocation or removal of the Greenhouse complex, subject to it being properly documented and advertised for potential relocation.*
- It is recommended that the Official Plan Amendment document include cultural heritage resource policies that address the protection, conservation and interpretation of these features. Suggested policies:
 - To recognize the property's significant cultural heritage resources by designating the heritage features and attributes under Part IV of the Ontario Heritage Act;
 - To retain and conserve significant cultural heritage resources in their original locations within the property and to promote the integration of these resources into new development proposals in their original use or an appropriate adaptive re-use;
 - That where it has been demonstrated to the City that retention and conservation of a significant cultural heritage resource in its original location is neither appropriate nor viable, the City will determine whether the resource can be relocated in its entirety to another site within the property or within Markham, or be demolished subject to appropriate mitigation measures;
 - To protect, conserve and interpret significant cultural heritage resources within the property by imposing conditions of approval on development or site alteration containing a cultural heritage resource itself and adjacent lands, including but not limited to, the following:
 - a) Obtaining designation of the property pursuant to the Ontario Heritage Act (if not previously secured);
 - b) Securing a Heritage Easement Agreement on the property;
 - c) Obtaining site plan approval and Site Plan Agreement (or other form of Agreement) for the conservation and restoration cultural heritage resources;

- d) Securing satisfactory financial and/or other guarantees to repair, restore or reconstruction a cultural heritage resource that is to be retained, but is damaged or demolished as a result of the new development;
 - e) Requiring notice provisions of the cultural heritage resource through a heritage notice in offers of purchase and sale affecting the cultural heritage resource;
 - f) Requiring commemoration of the cultural heritage resource(s) that is existing or one that has been lost through the acquisition and installation of an interpretive plaque for the heritage resource(s) in a publicly visible location on the property as part of the Markham Remembered Program;
 - g) Requiring a Heritage Impact Assessment and/or a Conservation Plan, when requested by the City; and
 - h) Requiring development that directly affects a significant cultural heritage resource itself and adjacent lands, to be designed, sited or regulated so as to protect and mitigate or minimize negative visual and/or physical impacts on the heritage attributes of the resource.
- It is recommended that as a condition of any future development application approval such as Site Plan Approval for the new towers, the City secure a Heritage Easement Agreement on the portion of the property containing the identified heritage features. The HE Agreement would provide additional protection for cultural heritage resources.
- Applicant's Response (HE Agreement)
 - *It is premature and unnecessary to require a Heritage Easement Agreement at this time. No demolition or alterations which would affect the property's heritage attributes are currently being proposed. Once a portion of the property is designated as proposed above, an application under Sections 33 or 34 of the Act will be required for any demolition or alterations proposed for the portions of the property that include the Main House, Forecourt and Formal Gardens, or the Gatehouse and Stables, and the need for a Heritage Easement can be appropriately considered in conjunction with such application. The City's template Heritage Easement Agreement sets forth Permitted Alterations, and any Permitted Alterations to such portions of the property are most appropriately determined when any demolition or alterations are proposed.*
 - Staff Comment – A HE Agreement is typically obtained as a condition of development approval (i.e. Site Plan Approval, Draft Plan of Subdivision) or as a condition of financial assistance. It should be secured as a condition of approval for the first development application approved on the entire property (and not as the applicant has proposed).
- **Conservation of the Cultural Heritage Resources**
 - It is recommended that as a condition of future development approval for any part of the property, the City

- secure a Heritage Easement Agreement on the portion of the property containing the identified heritage features;
 - obtain a Conservation Plan for the cultural heritage resources on the property including both maintenance and restoration requirements. Secure its implementation through a financial security;
 - implement a historic landscape plan for the Formal Gardens including reinstating the curved treeline on the northern edge of the Formal Gardens to maintain the existing terminus and views from the Main House;
 - Secure commitments from the owners to undertake necessary maintenance on existing cultural heritage resources.
- Applicant's Response
 - *Our client has no objection to preparing a Conservation Plan, and a landscape plan for the Formal Gardens, as a condition of its Phase 1 development approval. The Conservation Plan and landscape plan can be required and secured as a condition of site plan approval.*
- It is also suggested that the proponent be requested to immediately undertake repairs to the Gate House and any other vacant building requiring maintenance (Gardener's Cottage). As per the HIA report comments on the Gate House, consideration should be given to covering the ground floor windows and doors with ventilated exterior grade plywood to add an additional layer of security to the building. It's unclear if the interior is currently being heated, or if adequate ventilation is being provided to the interior spaces, which would discourage the buildup of moisture and accumulation of mold inside the building.
- **Interpretation of the Cultural Heritage Resources**
 - As a condition of future development approval, the City should secure one or more Markham Remembered plaques to highlight and celebrate the identified cultural heritage resources on the property.

Attachment ‘E’ – Photos of Property
(from the applicant’s Heritage Impact Assessment report)
Images (from HIA Report)



Main House – front above with forecourt, rear below





Stable Building (unoccupied)



Gate House (to the north of the Stable Building)



Gardener's Cottage



Greenhouse



Shouldice Hospital Interior- Reception Area

