



**STAFF REPORT  
ACTION REQUIRED**

**10-14 Prince Arthur, Alteration of Designated Heritage Property and Demolition of Unrated Property in Conjunction with Replacement Structure within the East Annex Heritage Conservation District**

<b>Date:</b>	April 3, 2009
<b>To:</b>	Toronto Preservation Board Toronto and East York Community Council
<b>From:</b>	Acting Manager, Heritage Preservation Services, Policy & Research, City Planning Division
<b>Wards:</b>	Trinity-Spadina – Ward 20
<b>Reference Number:</b>	

**SUMMARY**

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This report recommends the refusal of alterations to the contributing building at 10 Prince Arthur Avenue, as well as refusal of the proposed demolition of the existing building at 14 Prince Arthur in conjunction with the erection of a new eight storey commercial and residential development at 10-14 Prince Arthur Avenue.

The subject site contains two structures and is located on the north side of Prince Arthur Avenue (Attachment No.1) just west of Avenue Road.

The properties at 10 and 14 Prince Arthur Avenue are included within the East Annex Heritage Conservation District (HCD) designated under the *Ontario Heritage Act* by By-law #520-94 and enacted by City Council on July 26, 1994.

The property at 10 Prince Arthur Avenue was individually listed on the City of Toronto Inventory of Heritage Properties by City Council on September 7, 1989.

The project would relocate the individually listed heritage building at 10 Prince Arthur Avenue to the south east corner of the site. Also, the unrated structure at 14 Prince Arthur Avenue would be demolished in order to build out the remaining frontage with a two storey commercial base element that sequentially steps up and back to an eight-  
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storey residential building consisting of contemporary curtain wall construction broken with masonry spandrels.

## **RECOMMENDATIONS**

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### **This City Planning Division recommends that**

1. City Council refuse the application for alterations to the designated building at 10 Prince Arthur Avenue and refuse the demolition of the non-contributory designated building at 14 Prince Arthur Avenue within the East Annex Heritage Conservation District.
2. City Council authorize the City Solicitor and City Staff to attend the Ontario Municipal Board hearing, should Council refuse this application and the refusal be appealed to the Board.

### **FINANCIAL IMPACT**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

The applicant submitted an application for a nine storey building to Community Planning on June 17, 2008 for an Official Plan and Zoning By-law Amendment (Application Number: 08 171665 STE 20 OZ) and for Site Plan Approval (Application No. 08 171673). A revised application for an eight storey building was submitted on April 7, 2009. The OPA/ZBL/SP report is expected to be heard concurrently at the TEYCC meeting with this report.

The original application included a Heritage Impact Statement (HIS) prepared by ERA Architects, dated June 9, 2008 and submitted June 23, 2008. A revised Heritage Impact Assessment has not been provided.

The property at 10 Prince Arthur Avenue was listed on the City of Toronto Inventory of Heritage Properties by City Council on September 7, 1989.

The properties at 10 and 14 Prince Arthur Avenue are included within the East Annex Heritage Conservation District (HCD) designated under the *Ontario Heritage Act* by By-law #520-94 and enacted by City Council on July 26, 1994.

In designating the district, Council also endorsed a set of Guidelines with regards to alterations, demolitions and new construction within the district.

## **Policy Framework**

### **Official Plan**

Section 3.1.5 of the City of Toronto Official Plan directs that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties; designating properties; entering into conservation agreements with owners of heritage properties; and designating areas with a concentration of heritage resources as heritage conservation districts. The Plan directs the adoption of guidelines to maintain and improve the character of such districts.

### **Ontario Heritage Act**

In reference to the Province of Ontario's 2005 Provincial Policy Statement (PPS), Section 2.6.1 states that "Significant built resources shall be conserved". "*Conserved*", is defined in the PPS as "identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained."

Under Section 42 of the Ontario Heritage Act, an owner must obtain a permit from the municipality to alter or demolish a designated property in an HCD. If Council refuses the application the owner may appeal the decision to the Ontario Municipal Board.

### **East Annex Heritage Conservation District Study (EAHCD Study)**

The EAHCD Study was adopted by City Council to be used as a guide to manage property alteration and development with a view to the preservation of the existing architectural character of the district and its streetscape. The General Guidelines (Section 0.3) of the EAHCD Study set out standards in order to provide guidance to alterations and new development that will complement the existing district heritage character.

The EAHCD Guidelines focus primarily on reviewing alterations that are visible from a public vantage point. All exterior alteration and development visible from the street within the district will require prior approval of Heritage Preservation Services, and in some cases City Council (EAHCD Study, Section 4).

### **Standards and Guidelines for the Conservation of Historic Places in Canada**

On March 3, 4 and 5, 2008, City Council adopted Parks Canada's "Standards and Guidelines for the Conservation of Historic Places in Canada" as the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City (Decision Document Item PG 13.5

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-03-03-cc17-dd.pdf>).

## **ISSUE BACKGROUND**

### **Existing Built Form**

The building at 10 Prince Arthur Avenue is evaluated in the East Annex Heritage Conservation Study with the description “B/L”. This rating refers to “Properties which are noteworthy for their overall quality and have city wide importance” and notes that the building was listed prior to the Part V Designation. (Attachment No. 2)

The building at 14 Prince Arthur Avenue is evaluated in the East Annex Heritage Conservation Study with the description “X”. This rating refers to “Properties which are not in the original character”. (Attachment No. 2) Demolition of “X” rated buildings is permitted contingent on the submission of an appropriate replacement structure.

### **Existing Context**

The property at 10 Prince Arthur Avenue has been listed on the City of Toronto Inventory of heritage Properties since 1989. This building was constructed in 1873 and is the oldest remaining building along the street frontage as well as one of the oldest remaining houses in what was known as Old Yorkville. Its frontage forms a significant part of the Prince Arthur streetscape. The property is of heritage significance not only individually but also within the context of the East Annex Heritage Conservation District.

The building at 10 Prince Arthur with the adjacent property to the east at 8 Prince Arthur remain as the last vestige of the original generous patterns of setbacks which characterised the original streetscape. This eastern portion of the Prince Arthur Avenue frontage has retained this pattern of more generous setbacks which remain consistently evident in the built form on the south side of the street. This reflects their place within the original Yorkville survey.

The Goad’s Atlas of 1899 indicates the above described dominant pattern of setbacks along Prince Arthur.

### **Previous Applications**

The site has been the subject of several development applications over the last decade.

### **14 Prince Arthur Avenue**

May 1998 - A refusal report went to Toronto Community Council from the Commissioner of Urban Planning and Development Services for a proposed two floor addition. The Ontario Municipal Board dismissed an appeal later that year in regard to the same proposal.

## **10 Prince Arthur Avenue**

September 2000 - A proposal was a subject of a refusal report to the Toronto Preservation Board in September 2002. This proposal involved the demolition of the existing house in conjunction with a proposed detached residential replacement building. The applicant pursued the proposal to the OMB and the appeal was ultimately withdrawn.

May of 2005 - A previous application for 10 Prince Arthur Avenue was developed in conjunction with HPS staff and the subject of a TPB approval report. An OMB appeal was launched on the basis of minor variances triggered by the specifics of the required access.

The above proposal maintained a minimal impact on the site and would have been only visible from south side of Prince Arthur. Although the concession was made to allow relocation of the heritage building it should be noted that this justification was based on a low scale proposal that represented minimal visual impact from the street.

### **Building Relocation**

The approved May 2005 application proposed a series of townhouses behind a small scale commercial component. The approval included moving the building 3.5 meters to the west in order to align with the side property line.

This approval has been cited as precedent for unbridled re-location within the site regardless of the overall mitigating factors of the proposal. This is an inappropriate interpretation of the intent of that approval which was granted within the context of overall design.

The proposed subject development would relocate the building roughly twice the above noted distance 7 metres south and approximately 4.5 metres east. The move would negatively alter the heritage characteristics of the street that defines the streetscape through consistent front yard setbacks, etc (as further described below, Section 3.1.2 of HCD Guidelines).

## **HCD Guidelines**

### **3.1 Prince Arthur Avenue**

Section 3.1.2 (Page 85 EAHCDs) describes the heritage characteristics of the street as follows, “It was the first street in the study area to be laid out after Avenue Road and the early pattern of villa development that took place distinguishes this street from others in the study area. The dominant character attributes continue to be generous lots, setbacks and side allowances, open lawns, grassy boulevards, and the perception of a tree canopy. Combined with the 66’ width of the street, this is the most spacious and open street in the proposed district”.

Section 3.1.3 (Page 87-88 EAHCDS) interprets the general guidelines with the following overlay specific to Prince Arthur Avenue development, “Substantial development in rear yards is evident on Prince Arthur and is indicative of present commercial uses. Rear yard additions should not over-power the existing building and preferably should have low visibility from the street.” Additionally, the guidelines direct that “differences in existing densities on these commercial properties is a potential threat to the long term retention of the heritage buildings”. Rear yard development is directed to maintain the existing 2x density although 2.5x is considered acceptable when it ensures the retention of an historic building. The proposed building density is 3.81x.

### **A. Guidelines for New Buildings**

Section A. Guidelines for New Buildings (Page 9 EAHCDS) sets out the following first three points:

1. Design new buildings in character with the neighbouring buildings, including consideration of height, depth, setback, and entry level, and in keeping with the character of the particular avenue or road as described within this report.
2. On the street façade of the new building use the neighbouring buildings as a guide, employing similar massing, proportion and level of detail. Use clay brick as the predominant exterior material on the street façade.
3. Use the roof type and profile of the neighbouring buildings as a precedent.

### **G. Guidelines for Demolition**

Section G. Guidelines for Demolition (Page 14 EAHCDS) sets out the following points:

1. A demolition permit for any building will be permitted only on the receipt of a building permit for an appropriate replacement structure.

### **COMMENTS**

HPS staff have reviewed the original nine-storey proposal (June 17, 2009) as well as the revised eight-storey proposal (April 7, 2009) and recommends the refusal of the heritage permits for alterations to the contributing building at 10 Prince Arthur Avenue. Staff also recommends refusal of the demolition of the existing building at 14 Prince Arthur on the basis that the proposed new building does not meet the East Annex HCD guidelines and is not an appropriate replacement structure.

## **Proposed Development**

### **Infill Development**

The proposed design of the infill development does not relate to historic front setback context nor residential massing, forms or solid to void ratios characteristic of the original fabric of the street.

### **Heritage Building**

The massing of the new built form does not impact materially the three dimensional character of the heritage building at 10 Prince Arthur Avenue. However, its relocation orphans it from the context of the original streetscape.

Heritage Conservation Districts typically focus on the protection of the street façade as it defines the public realm. In this case, the relocation of 10 Prince Arthur sets it out of context of the streetscape and redefines a modest front setback.

Both at grade and visually dominant from the street the proposal completely changes the character of the street and compromises the last vestige of the original residential scale and setback that once characterized the entire east end of the street.

An argument has been put forward that the proposal represents the culmination of previous futile efforts to salvage the resource. The degree with which the building's relationship to the street is altered in conjunction with the impact of the overwhelming mass of the development negatively impacts the district and thereby outweighs the positive mitigation regarding retention of the original fabric.

### **Overall Massing**

The height and scale of the project would impact the aforementioned existing resource and district. While the two storey base component of the new structure approximates the scale of the low rise heritage structure at 10 Prince Arthur Avenue, the massing of the overall project would rise six stories above the height of the existing heritage resource (not including roof penthouse element) and would be highly visible along the public right of way within the HCD. The scale of the building's massing and form would overwhelm the existing building wall condition that currently exists along the street within the HCD. Allowable height within the existing zoning by-law is 12m. The proposal exceeds this number by nearly 20m.

The rationalization for the form and materials of the eight storey project with podium is based in flawed assumptions that the immediate design context includes buildings outside of the district. Heritage Conservation District boundaries are carefully considered and rationalized in initial studies to ensure that they are defensible in thwarting potential appeals to the integrity of the district.

The implication of an HCD boundary that echoes adjacent built form would inevitably compromise boundary adjacencies throughout any District.

There were clearly decisions made in the determination of the boundaries of this District that resulted in the omission of some of the higher density properties for exactly this reason.

In sum, the development is not consistent with the guidelines and would negatively affect the District and set a negative precedent for future decision making.

## **CONTACT**

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## **SIGNATURE**

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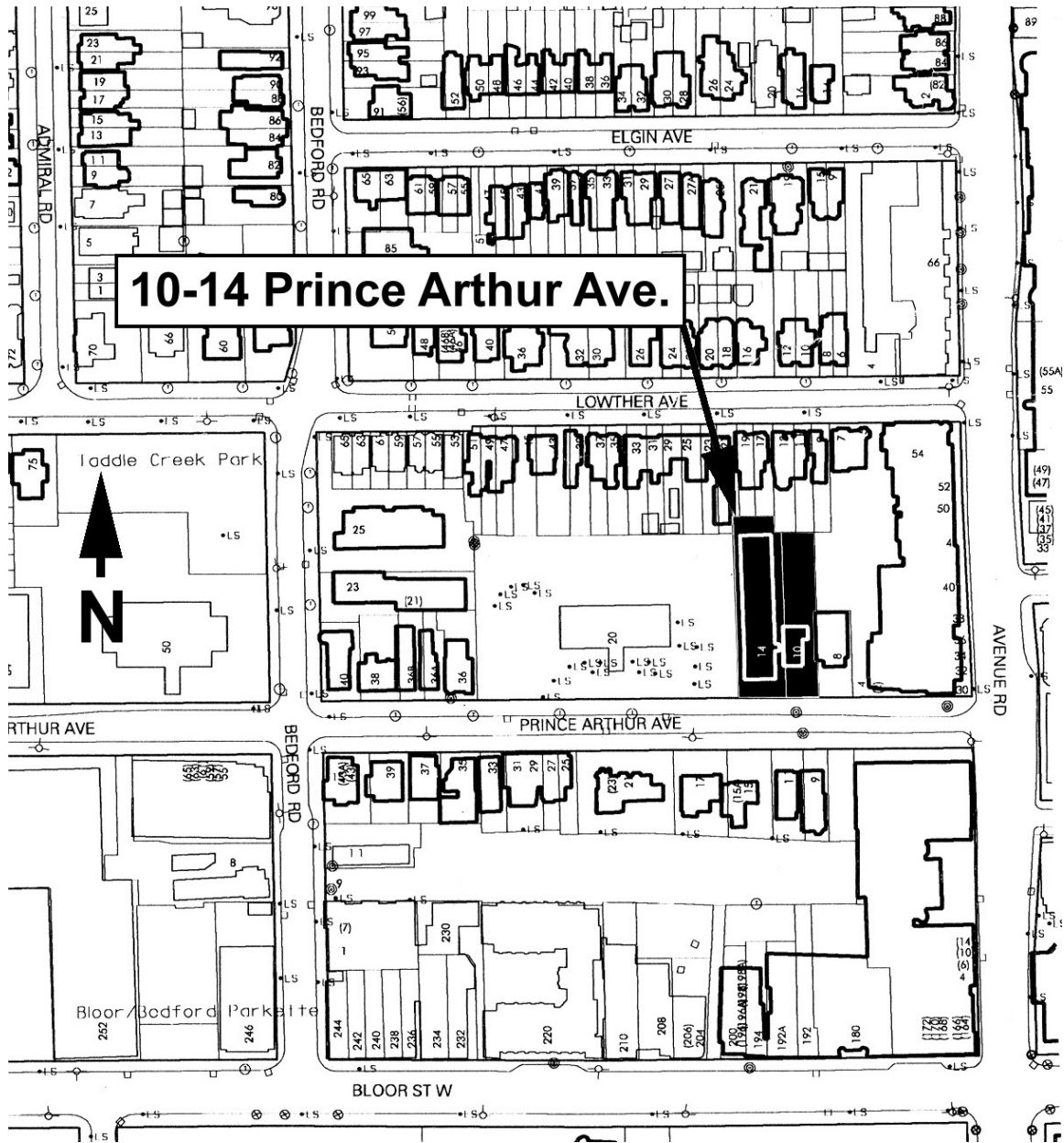
Mary L. MacDonald, Acting Manager,  
Heritage Preservation Services  
Policy and Research, City Planning Division

## **ATTACHMENTS**

Attachment No. 1 – Location Map  
Attachment No. 2 – Photographs  
Attachment No. 3 – Context Photographs  
Attachment No. 4 – Project Rendering  
Attachment No. 5 – Proposal Site Plan  
Attachment No. 6 – Proposal Ground and Second Floor  
Attachment No. 7 & 8 – Proposal Elevations  
Attachment No. 9 & 10 – Proposal Sections

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This location map is for information purposes only.  
The exact boundaries of the property are not shown.



#10 Prince Arthur Avenue façade (November 2005)



#10 Prince Arthur Avenue façade (1991)

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CONTEXT PHOTOGRAPHS: 10 - 14 PRINCE ARTHUR AVENUE



#10 Prince Arthur Avenue Context (2003)



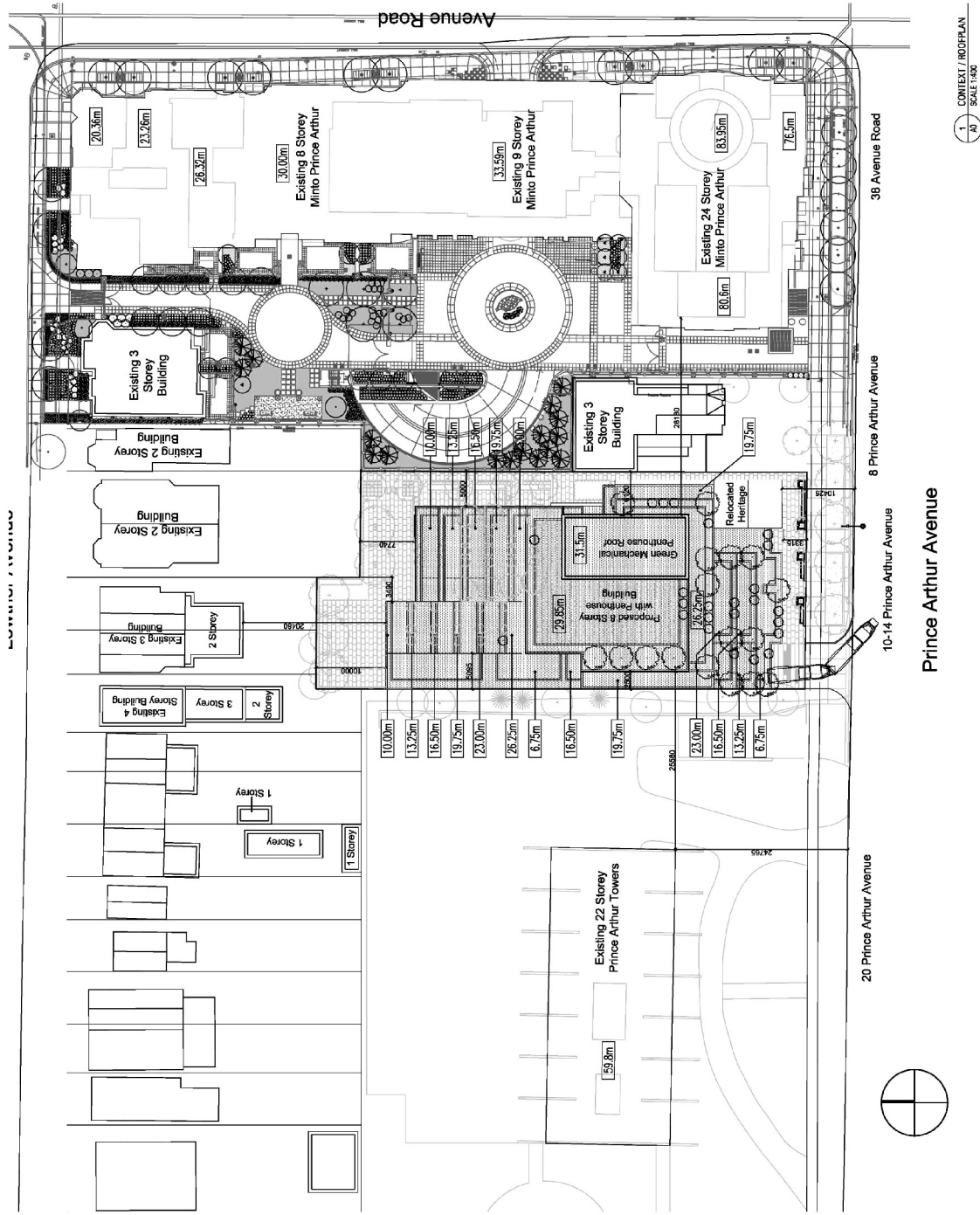
#14 Prince Arthur Avenue (1990)

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PROJECT RENDERING: 10 -14 PRINCE ARTHUR AVENUE



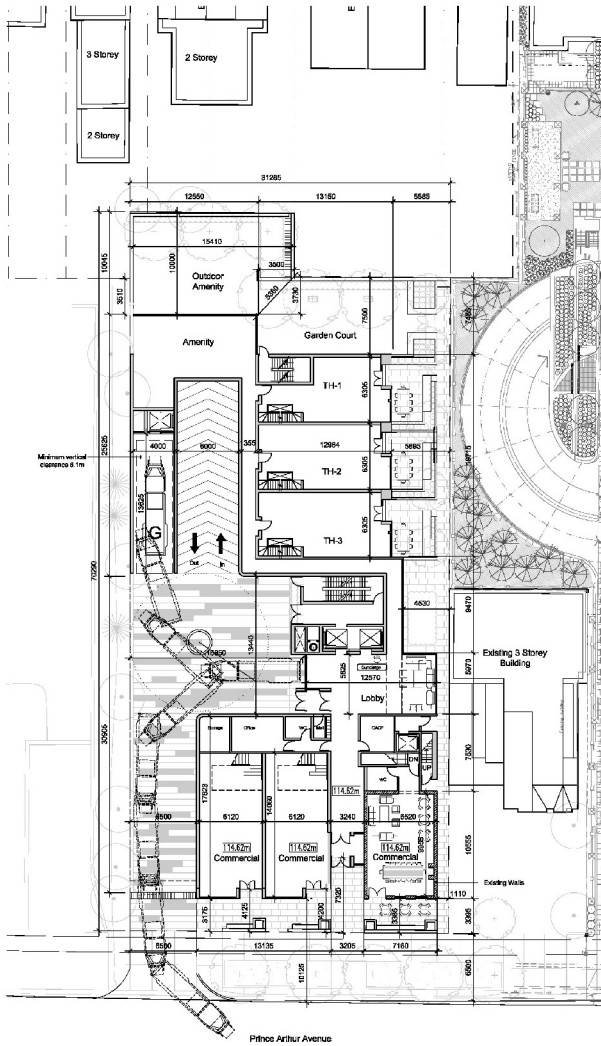
PROPOSAL SITE PLAN: 10 - 14 PRINCE ARTHUR AVENUE



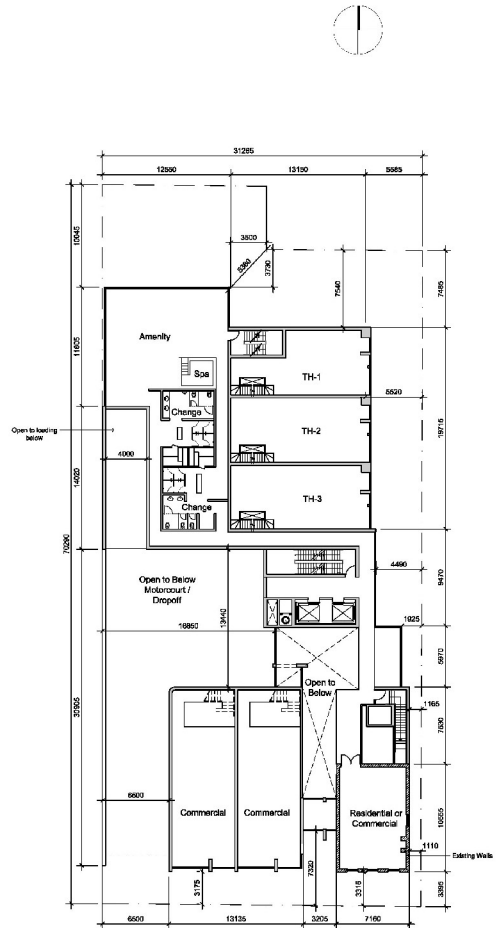
10-14 Prince Arthur Avenue - Alteration of Designated Heritage Property and Demolition of Unrated Property in conjunction with Replacement Structure within the East Annex Heritage Conservation District

ATTACHMENT NO. 6

PROPOSAL GROUND & SECOND FLOOR: 10 - 14 PRINCE ARTHUR AVENUE

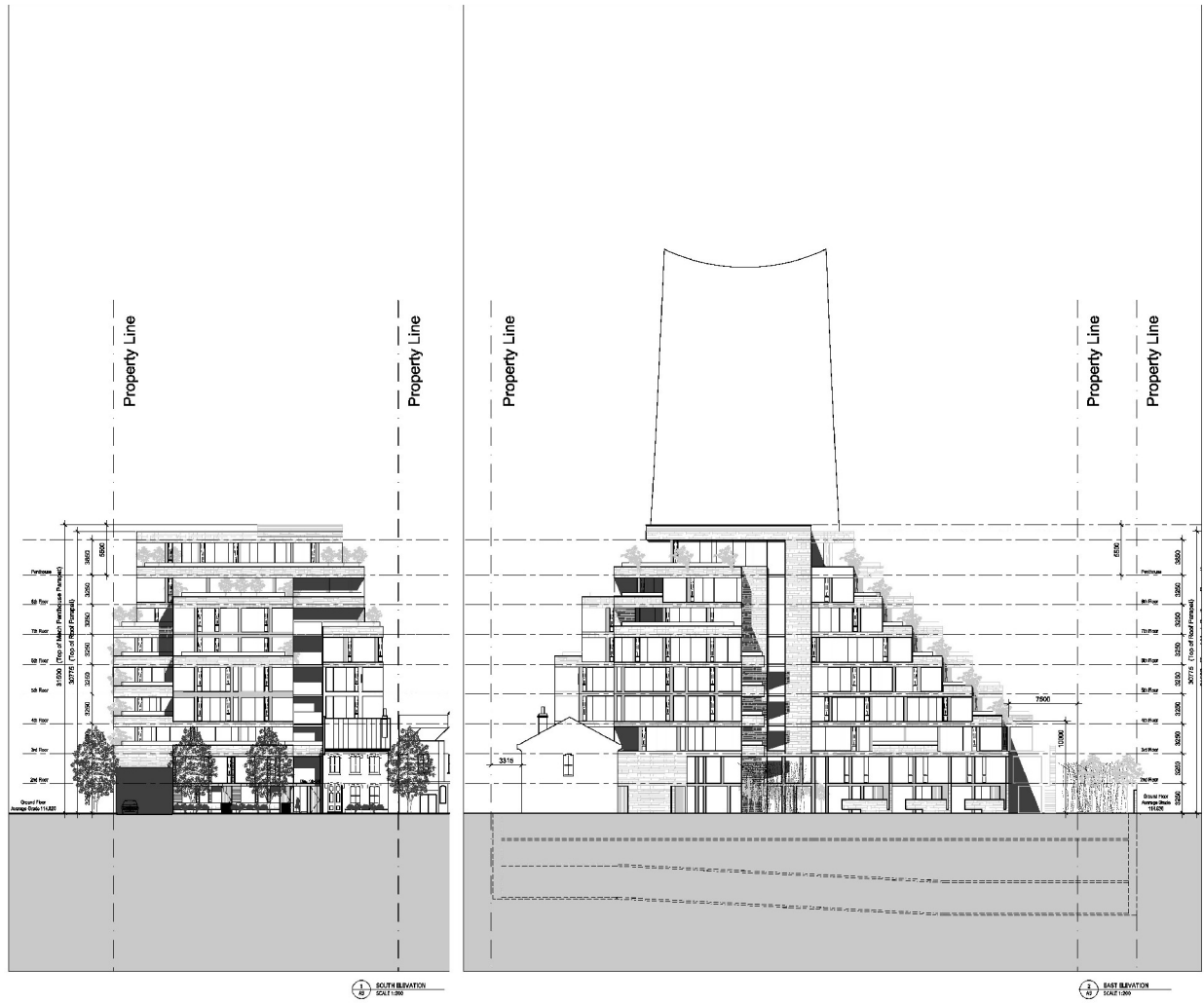


GROUND FLOOR PLAN  
SCALE 1:200



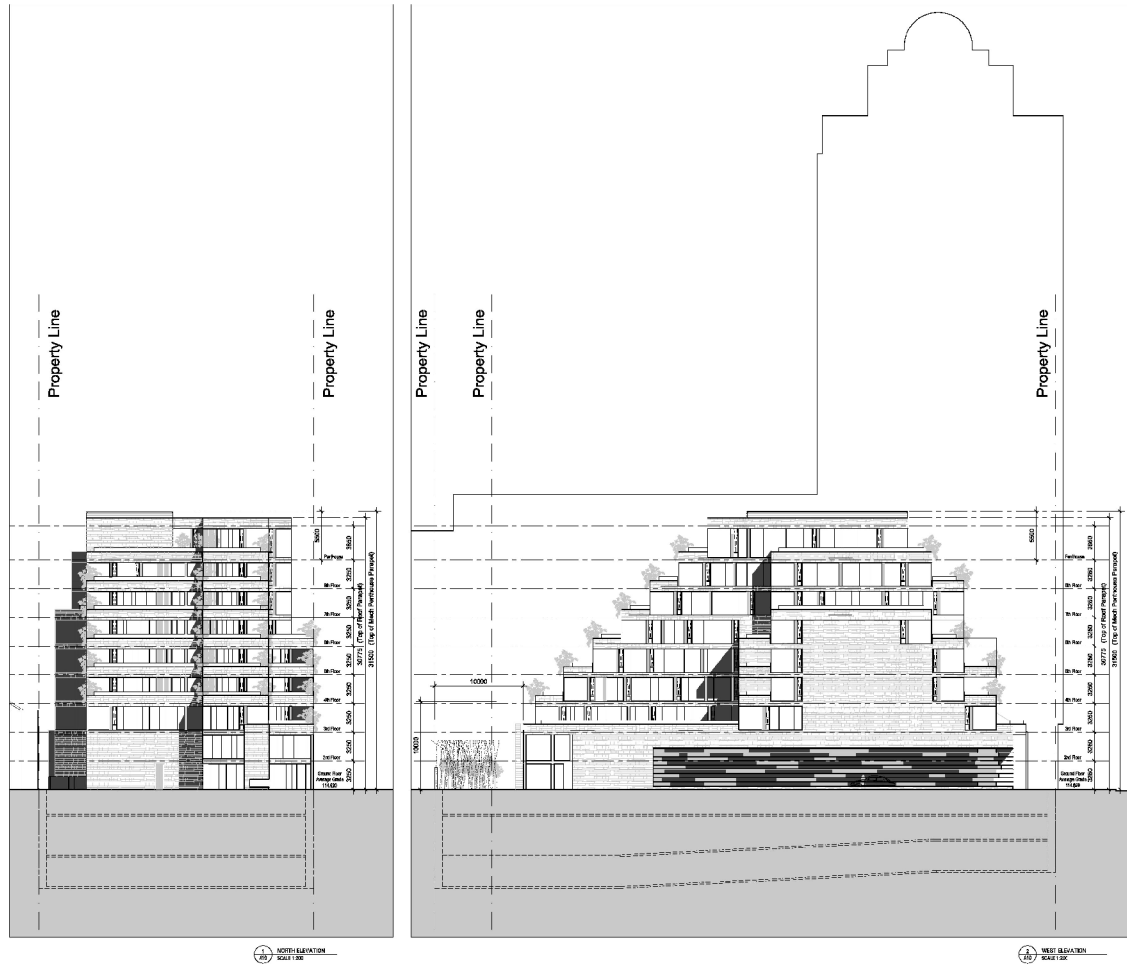
SECOND FLOOR PLAN  
SCALE 1:200

PROPOSAL ELEVATIONS: 10 - 14 PRINCE ARTHUR AVENUE



South & West Elevations

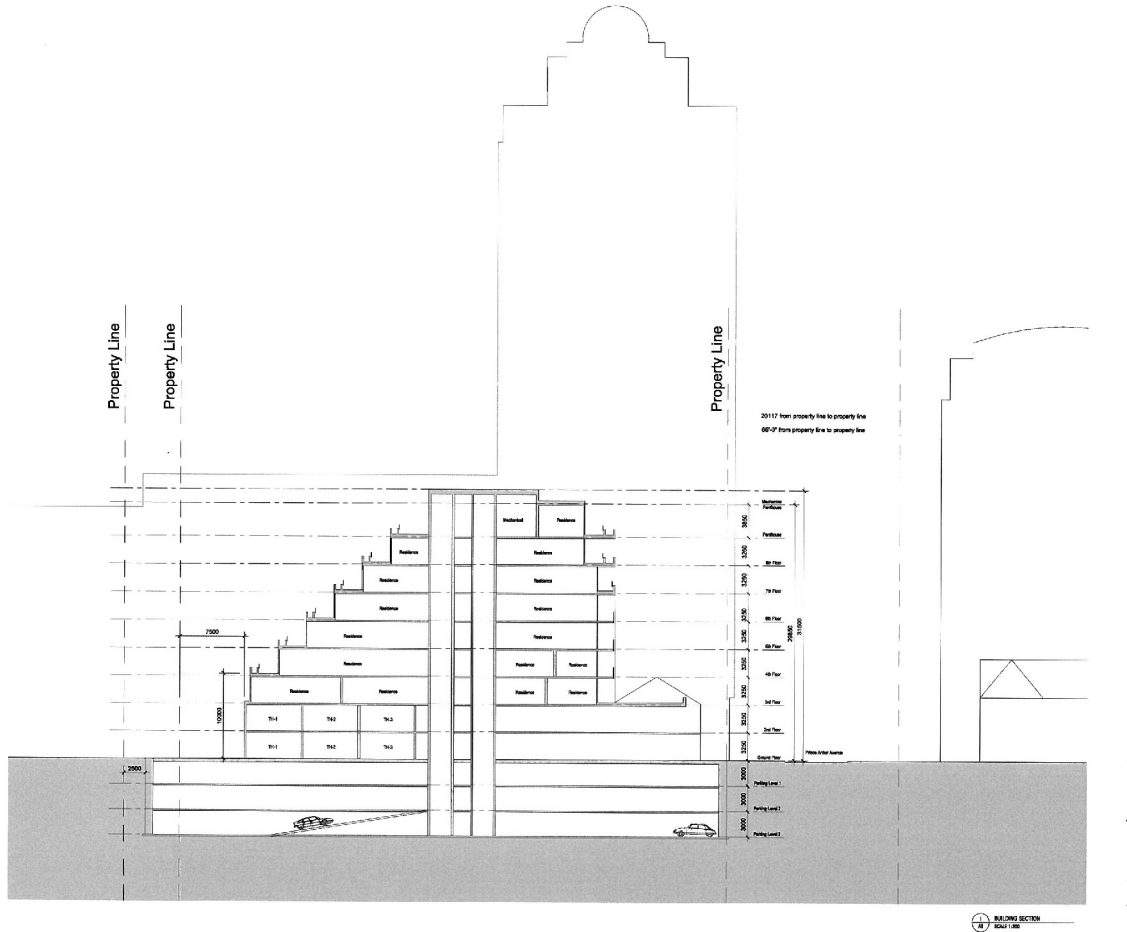
PROPOSAL ELEVATIONS: 10 - 14 PRINCE ARTHUR AVENUE



North & West Elevations

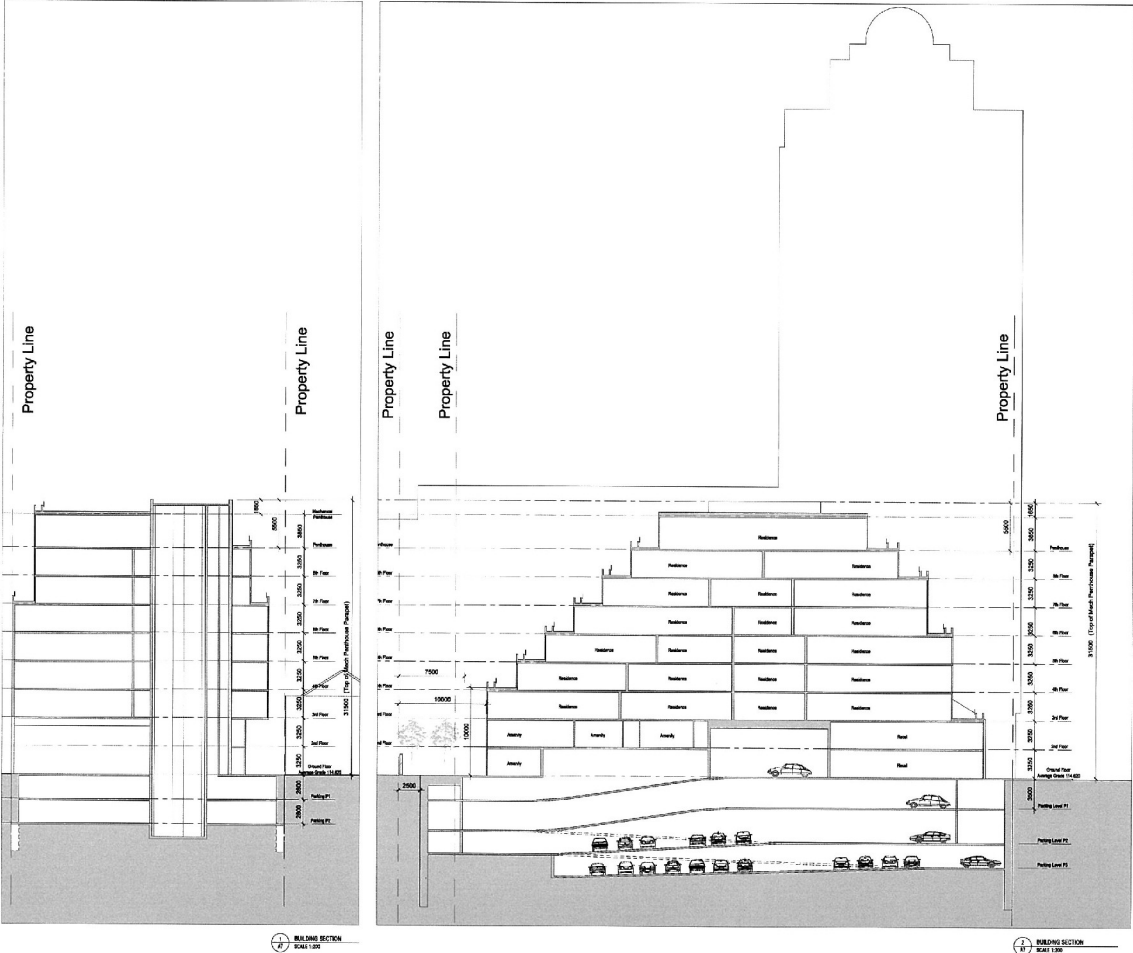


PROPOSAL SECTIONS: 10 - 14 PRINCE ARTHUR AVENUE



Section Through Heritage Building

PROPOSAL SECTIONS: 10 - 14 PRINCE ARTHUR AVENUE



Section Through Commercial Component