



**STAFF REPORT
ACTION REQUIRED**

Demolition of a Designated Heritage Property in the Harbord Village Heritage Conservation District and Construction of a Replacement Structure – 98 Robert Street

Date:	May 14, 2015
To:	Toronto Preservation Board Toronto-East York Community Council
From:	Director, Urban Design, City Planning
Wards:	Ward 20, Trinity-Spadina
Reference Number:	P:\2015\Cluster B\PLN\TEYCC\TE15074

SUMMARY

This report recommends that City Council refuse the proposed demolition of the designated heritage property at 98 Robert Street, which is located within the Harbord Village Heritage Conservation District (HVHCD) designated under Part V of the Ontario Heritage Act. Staff is recommending refusal because the application does not meet the criteria for demolition within the HVHCD Plan.

If City Council fails to make a decision on the demolition application within 90 days of its receipt, the application is deemed to be permitted under Section 42 of the Ontario Heritage Act.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the issuance of a demolition permit for the heritage property at 98 Robert Street in the Harbord Village Heritage Conservation District, in accordance with Section 42 of the Ontario Heritage Act.
2. If the owner appeals City Council’s decision to refuse the issuance of a demolition permit under Section 42 of the Ontario Heritage Act for the heritage property at 98 Robert Street, City Council authorize the City Solicitor and the

necessary City staff to attend the Ontario Municipal Board hearing in opposition to the appeal.

Financial Impact

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

DECISION HISTORY

The property at 98 Robert Street is located in the Harbord Village Heritage Conservation District – Phase 2, designated by City Council on December 16, 2010 by By-law No. 28-2011. <http://www.toronto.ca/legdocs/bylaws/2011/law0028.pdf>

A complete application for demolition has been submitted and therefore the legislative timeframe of 90 days for a decision by City Council is in effect. A Notice of Receipt was served on the applicant on May 5, 2015 and Council must issue a decision by August 2, 2015.

As part of the demolition application for 98 Robert Street the applicant has submitted plans and drawings for a replacement structure prepared by Taylor Smyth Architects dated April 5, 2015, included in this report as Attachment Nos. 5-7.

ISSUE BACKGROUND

Policy Framework

Planning Act and Provincial Policy Statement

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and the associated Provincial Policy Statement guide development in the province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

Provincial Policy Statement 2.6.1 directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Inventory of Heritage Properties are considered to be significant in this context. In the PPS 2014, conserved is defined as "the identification, protection, use and/or

management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.

Ontario Heritage Act

Section 42 (1) of the Ontario Heritage Act (OHA) states that no owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure.

Section 42 (6) indicates that if Council refuses the permit applied for or gives the permit with terms and conditions attached, the owner of the property may appeal to the Ontario Municipal Board (OMB).

Official Plan

At its meeting of April 3, and 4, 2013, Toronto City Council adopted amendments to the Official Plan heritage policies. By-law 468-2013 enacting these policies was appealed to the Ontario Municipal Board. These appeals have been settled and an oral decision of approval by the Ontario Municipal Board has been issued. HPS also considered the proposal within the context of these amended policies.

The Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008 Toronto City Council adopted the 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 of Toronto.

Harbord Village Heritage Conservation District Plan

The Harbord Village Heritage Conservation District Plan - Phase 2 includes general conservation principles for the district which includes Section 9.6 regarding demolition:

"Demolition of non-contributing properties will generally be permissible if the replacement building, as shown in the building permit, is acceptable under these guidelines and can be shown to improve and enhance the heritage character of the district".

Parking is addressed in the district plan under Section 9.5.4 as follows:

- "Avoid parking accessed from the street.
- Access private parking from lanes only.
- Limit parking to rear yard and on-street."

Section 9.8 of the HVHCD indicates that "...new buildings in the district must be compatible in character, scale, spacing, rhythm on the street, setback, location, height,

width, materials, proportion of window openings, height of roofs and eaves, entrance doors, floor levels and respectful of the surrounding buildings.

Heritage Property

Situated on the west side of Robert Street, the building on the property at 98 Robert Street has been evaluated in the HVHCD Plan as non-contributing in that it does not contain heritage character-defining features or heritage fabric.

COMMENTS

Approval to demolish the non-contributing building at 98 Robert Street is contingent upon the replacement building being acceptable under the HVHCD Plan and by improving the heritage character of the district.

The applicant proposes to construct a contemporary, three-storey replacement building. The design of the proposed new building is generally compatible with the district plan guidelines for new infill in terms of scale, spacing, rhythm on the street, setback, location, height, width, materials, proportion of window openings, height of roofs and eaves, entrance doors and floor levels.

The introduction of an integral garage on the front elevation of the building, however, is not in character with the contributing buildings in the district. While the garage door has been designed in such a way as to disappear into the wall, neither a seemingly blank wall on the front façade of a residential building nor an integral garage are typical conditions in the Heritage Conservation District.

The HVHCD Plan states that parking accessed from the street is to be avoided, that access to private parking is to be from lanes only, and that parking is limited to rear yard and on-street. In the proposal, parking would be accessed from the street into an integral garage at the front elevation. The existing driveway would be widened to allow access into the garage.

Staff believe that the proposed replacement structure does not meet the guidelines for demolition within the HVHCD as outlined in Sections 9.5.4, 9.6 and 9.8 of the HVHCD Plan. HPS staff has encouraged the applicant to revise the proposal in an effort to present a scheme that supports the heritage character of the area, consistent with the District Plan.

CONCLUSION

The introduction of an integral parking garage accessed from the street is not compatible with the HVHCD Plan in that it is incongruous with the heritage character of the district and contrary to the plan's guidelines for parking. Further, approval of this proposal would set a precedent for existing and new buildings in the area. Staff is recommending that Council refuse the proposed demolition application as outlined in this report.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Existing Structure
Attachment No. 3 – Context Views – North and South
Attachment No. 4 – Proposal Renderings
Attachment No. 5 – Drawings - Proposed Site Plan & Ground Floor Plan
Attachment No. 6 – Drawings – Proposed East & West Elevations
Attachment No. 7 – Drawings – Proposed North & South Elevations