



## STAFF REPORT ACTION REQUIRED

### Erection of a Replacement Structure on a Designated Heritage Property – 36 Berryman Street

<b>Date:</b>	July 6, 2015
<b>To:</b>	Toronto Preservation Board Toronto-East York Community Council
<b>From:</b>	Director, Urban Design, City Planning
<b>Wards:</b>	27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2015\Cluster B\PLN\TEYCC\TE15085

#### SUMMARY

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This report recommends that City Council refuse to issue a permit to erect the proposed replacement structure on the designated heritage property at 36 Berryman Street, which is located in the Yorkville-Hazelton Area Heritage Conservation District (YHAHCD) designated under Part V of the Ontario Heritage Act. Staff are recommending refusal of the replacement structure because the replacement structure as proposed does not meet the criteria for new construction within the YHAHCD.

#### RECOMMENDATIONS

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**The City Planning Division recommends that:**

1. City Council refuse to issue a permit to erect a new building on the heritage property at 36 Berryman Street, in accordance with Section 42 of the Ontario Heritage Act, based on plans and drawings prepared by Julian Jacobs Architect, dated September 14, 2014, which plans and drawings do not satisfy the condition of approval of issuance of a demolition permit requiring that the new building comply with the appropriate sections of the Ontario Heritage Act and the Yorkville Hazelton Area Heritage Conservation District Guidelines.
2. If the owner appeals City Council's decision to refuse to issue a permit to erect a new building on the heritage property at 36 Berryman Street under Section 42 of the Ontario Heritage Act, 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 36 Berryman Street is located in the Yorkville-Hazelton Area Heritage Conservation District, designated by City Council under By-Law 622-2002 on August 1, 2002.

At the March 24<sup>th</sup> meeting of the Toronto Preservation Board (TPB), the Board considered an application to demolish the existing building at 36 Berryman Street. Staff recommended refusal of the application as the four criteria for demolition of a heritage property within the Yorkville Hazelton Area Heritage Conservation District were not met, including the design of the proposed replacement structure. The TPB recommended approval of the demolition application with the condition that the applicant be required to ensure that the new building complies with the appropriate sections of the Ontario Heritage Act and the Yorkville-Hazelton Area Heritage Conservation District Guidelines. City Council adopted the TPB's recommendations at their meeting of May 5, 2015.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE5.15>

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

In 2008 Toronto City Council adopted the *Parks Canada 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. The General Standards (1-9) and Additional Standards Relating to Rehabilitation (10-13) apply to this application.

## **Provincial Policy Statement and Planning Act**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Planning Act and 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 reads: "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

## **Yorkville-Hazelton Heritage Conservation District Plan**

Section 3.5 of the YHAHCD Plan reads: "When a Heritage Permit application does not comply with the District guidelines or when it involves the demolition of a structure in the Heritage Conservation District, City Council will decide on the application. In making its decision, Council will be provided with the advice of City staff and information provided by the applicant.

Demolition within the YHAHCD is discouraged, but can be considered for a building in the District if it meets the following criteria (Section 2.3 of the YHAHCD Plan): the existing structure must be in poor condition, have minimal heritage value, must not be essential to the character of the area, and the proposed replacement structure must comply with the Guidelines and Zoning By-law.

Section 2.4 of the YHAHCD Plan speaks to guidelines for new buildings within the District. They must be compatible in character, form, massing and location on the site, and distinguishable but in harmony with neighbouring buildings. They should have regard for neighbouring buildings in the design of entrances, foundations, windows, exterior walls and roofs. The relationship at the ground floor to grade, including the entry, porch and portico, should be consistent with the building on either side of the street. Parking in the front yard should be avoided.

The predominant building form on Berryman Street is Victorian with gabled roofs, while the proposed replacement structure has a mansard roof. Section 2.4.7 of the YHAHCD Plan directs that "roof pitch and type should match or be compatible to the style and form of adjacent roofs".

The replacement structure includes an integral garage on the front elevation with a driveway off of Berryman Street. Section 1.5.4 of the Plan indicates that one of the attributes of the District is that there are few cars between the house and the street. Furthermore, Section 2.4 of the Plan directs that front yard parking is to be avoided. There is an existing garage at the rear of the property at 36 Berryman Street, and staff feel that the relationship of a rear garage should be maintained. As the lot is quite narrow, access to a rear garage (which is currently accessed over the adjacent empty lot) may not be possible, even with a re-design of the proposed replacement structure, and therefore parking should be restricted to the street as per the YHAHCD Plan.

The YHAHCD guidelines direct that porches should express the style of the new building and should be compatible in form and detail with similar elements on the street. The proposed replacement structure does not have a raised stoop or porch or have the same relationship of entry to grade as many of the existing properties on Berryman Street, and therefore does not meet the guidelines for new buildings.

Staff have advised the applicant that should they make revisions to the proposed replacement structure addressing the above concerns and bring the proposed replacement

structure into compliance with the YHAHCD Plan, staff would be able to recommend in support of the replacement structure.

Staff find that the proposed replacement structure does not meet the guidelines for new construction within the YHAHCD as outlined in Section 2.4 of the YHAHCD Plan and recommend refusal of this proposal.

## **CONTACT**

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## **SIGNATURE**

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Harold Madi  
Director, Urban Design  
City Planning Division

## **ATTACHMENTS**

Attachment 1 – Location Map: 36 Berryman Street  
Attachment 2 – Proposed Site Plan: 36 Berryman Street  
Attachment 3 – Proposed Plans: 36 Berryman Street  
Attachment 4 – Proposed Elevations: 36 Berryman Street