

Removal of a Designated Heritage Property under the Ontario Heritage Act – 314 Jarvis Street

Date:	March 26, 2012
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Director, Urban Design, City Planning Division
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	P:\2012\Cluster B\PLN\HPS\TEYCC\May 15 2012\teHPS18

SUMMARY

This report recommends that City Council refuse the proposed removal of the designated heritage property at 314 Jarvis Street as part of a zoning amendment application. The property is designated under Part IV of the Ontario Heritage Act and is protected by a Heritage Easement Agreement held by the City of Toronto. The application proposes to construct a 50-storey building consisting of a 9-storey podium and a 41 storey tower at 308-314 Jarvis Street and 225 Mutual Street. The proposal contains 590 units and 5 levels of below grade parking.

A Heritage Impact Assessment was submitted by Philip Goldsmith Architect Inc. dated January 19, 2012 as part of the zoning amendment application. The applicant has proposed to demolish the rear wing of the designated building and move the main portion of the house from its original location to a new permanent location 1.695 metres to the south. During construction of below grade parking the building would be moved to a temporary location on the site. Heritage Preservation Services staff cannot support this application in light of the potential risk of damage to the heritage structure in the context of a planning application that represents over-building of the site.

The Director of Community Planning has prepared a report for the May 15, 2012 meeting of the Toronto and East York Community Council recommending refusal of the re-zoning application as a whole.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the proposed removal of the designated heritage property at 314 Jarvis Street (Dr. Charles Sheard House) under Section 34 of the Ontario Heritage Act and within the terms of the Heritage Easement Agreement held by the city on the property.
2. If the owner appeals City Council's decision to refuse the application for removal of the designated heritage property under Section 34 of the Ontario Heritage Act, City Council authorize the City Solicitor and appropriate City staff to attend any hearing held by the Ontario Municipal Board in opposition to the appeal.

Financial Impact

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

DECISION HISTORY

The property was listed on the City's Inventory of Heritage Properties on May 30, 1988, and designated under Part IV of the Ontario Heritage Act on January 29, 1990. A Heritage Easement Agreement was registered in January 12, 1990 (CA 70417), and amended March 31, 1992 (CA18352).

ISSUE BACKGROUND

The property at 314 Jarvis Street was designated for its historical and architectural significance. Originally built in 1865, it was altered in 1901 for Dr. Charles Sheard following the designs of his brother, architect Matthew Sheard. The Sheards were a prominent family in Toronto. The father, Joseph Sheard, was an architect and served as Mayor of Toronto. Matthew Sheard was a successful architect practicing in Toronto, Ottawa and the United States. Dr Charles Sheard was the City's Chief Medical Officer and also served as a Member of Parliament, 1917-1925. His wife Vera Stanton Sheard was a famous poet.

The house is a good example of Beaux Arts classicism, as applied to residential design and is important as a rare survivor on Jarvis Street, which was once the street where Toronto's elite families built their mansions, on what was known in the late 1870s as "the handsomest avenue in Toronto."

Contextually, the property at 318 Jarvis Street is historically linked to other surviving buildings and properties dating to the time when Jarvis Street was a premier neighbourhood, including house form buildings listed on the City's Heritage Inventory at 288-290 Jarvis Street and the two listed churches at the intersection of Jarvis and Gerrard; the Jarvis Street Baptist Church (1875) at 130 Gerrard Street and Saint Andrews Presbyterian Church (1878) at 383 Jarvis Street. Across Jarvis Street from the subject

property is Allen Gardens, which is designated under Part IV of the Ontario Heritage Act (ByLaw No.481-86).

Proposal

The proposal is for a 50 storey residential condominium tower (51 including mechanical) that consists of a 9-storey podium, a 41-storey tower, a one storey mechanical penthouse, with an overall height of 156.5 metres. The proposed 9-storey podium steps back at the third, fifth and seventh storey with five, three-storey townhouses proposed for Mutual Street.

The tower is setback 12 metres from Mutual Street, 7 metres from the existing 2.5-storey townhouses to the south, 9 metres from the Primrose Hotel to the north and 33 metres from Jarvis Street.

The applicant is proposing that the project would contain 590 Residential units including proposed townhouses on Mutual Street. In addition, 354 vehicle and 607 bicycle parking spaces are proposed for the site, with access and servicing to be provided from a widened McClear Place, a privately owned laneway adjacent to the site. The rear wing of the heritage house would be demolished, the basement demolished, the raised foundation dismantled, the house moved to another location on the development site during below grade parking construction. The house would then be moved back to a location approximately 1.7 metres south of its original location and restored, with the raised foundation stones used as a cladding for a new concrete foundation set on the roof of the underground parking garage.

Site and Surrounding Area

The site is located just south of the intersection of Carlton Street and Jarvis Street with the municipal address of 308-314 Jarvis Street and 214 Mutual Street. It is an irregularly shaped lot that contains the former Sheard Mansion. The rest of the site is vacant and operates as an illegal parking lot.

North: to the North of the site is the Primrose Hotel (21-storeys) and low-rise (predominantly 3-storey) commercial and retail buildings including a listed heritage property at 93 Carlton Street. To the north of the site is also McClear Place, a narrow laneway. The laneway is privately owned, and the registered land owner is Samuel Peters Jarvis, registered in 1814. As an aside, Samuel Peters Jarvis, of which Jarvis Street is named, was the last man to fight and win a duel in Toronto.

East: directly to the east of the site is St. Andrew's Latvian Lutheran Church, a listed heritage property and Allan Gardens designated under Part IV of the Ontario Heritage Act. Founded in 1858 and named after former Mayor George William Allan, Allan Gardens contains six greenhouses with local, tropical and desert plants in addition to the park itself.

South: to the south of the property is the Ramada Plaza Hotel (10 to 18-storeys at 300 Jarvis Street. The former Frontenac Arms Hotel built in 1930 is designated under Part IV of the Ontario Heritage Act and protected by a Heritage Easement Agreement with the City. Further south and completing the block are three commercial buildings ranging from 1 to 3-storeys (280 and 288-290 Jarvis Street are listed heritage properties.

West: directly to the west of the property is the McGill-Granby Neighbourhood. A designated *Neighbourhood Area* in the Official Plan, it is comprised of mainly 2 to 3-storey townhouse and semi-detached dwellings.

COMMENTS

Relevant Policies

Ontario Planning Act

The Ontario Planning Act and Provincial Policy Statement guides development in the province and includes 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 indicates that "Significant built heritage resources and 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 2005, "conserved" means "the 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. This may be addressed through a conservation plan or heritage impact assessment."

Official Plan

Policy 3.1.5.2 of the Official Plan states that "heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved" and that "development adjacent to properties on the City's Inventory will respect the scale, character and form of the heritage buildings and landscapes."

Standards and Guidelines for the Conservation of Historic Places in Canada, Parks Canada

The Standards and Guidelines for the Conservation of Historic Places in Canada is the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto.

The relevant Standards include, but are not limited to, the following:

- Conserve the heritage value of a historic place. Do not remove, replace or substantially alter its intact or repairable character defining elements. Do not move a part of an historic place if its current location is a character-defining element
- Conserve heritage value by adopting an approach calling for minimal intervention.
- Find a use for an historic place that requires minimal or no change to its character-defining elements
- Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention

Ministry of Culture Guidelines for Heritage Conservation – Info Sheet Series

This info sheet series is referenced to be used when undertaking Heritage Impact Statements for City of Toronto Planning applications in the City's Development Guide.

Info Sheet # 8 Eight Guiding Principles in the Conservation of Built Heritage Properties

Principle # 2, Respect for the Original Location: Do not move buildings unless there is no other means to save them. Site is an integral component of a building or structure. Changing site diminishes cultural heritage value considerably.

Heritage Comment

In the late 1980s and early 1990s the property was the subject of a rezoning application for a 6 storey apartment building to be attached to the back of the house. The proposal was eventually approved by Council and the OMB, the house designated and a Heritage Easement registered on title. The HEA allowed the demolition of the rear "tail" or extension and conservation of the main front portion of the house in the context of the approved development. It was not proposed to widen McClear Laneway or to move the house at that time.

Aside from the approved alterations to construct the 6 storey apartment building, the owner cannot undertake any demolition, construction, alteration, remodelling or any other action which would materially affect the features or construction of the building or that would affect the reasons for designation, without the permission of Council.

The current proposal to remove and relocate the heritage house represents an unnecessary intervention in the context of a proposal to over-build the property. Moving buildings is inherently risky and in this case the structure will be at risk from damage while left on the

side of a construction site. More restoration work will be required for the moved building than if it was left in place, resulting in the loss of the patina and legibility. The legibility of the original location will also be lost as McClear Laneway is widened and the house moved to the south to accommodate the wider laneway.

Moving heritage buildings is only recommended as a last resort in order to save them from total destruction. In the City of Toronto heritage buildings have occasionally been allowed to be moved on the same development property in order to allow owners to undertake development that otherwise meets City standards. In this instance City Planning is recommending refusal of the application.

The Director of Community Planning has placed a report on the agenda for the May 15, 2012, meeting of the Toronto and East York Community Council recommending the refusal of the re-zoning application as a whole. Heritage Preservation Services staff are also recommending refusal of the request to remove the designated heritage building under Section 34 of the Ontario Heritage Act.

CONTACT

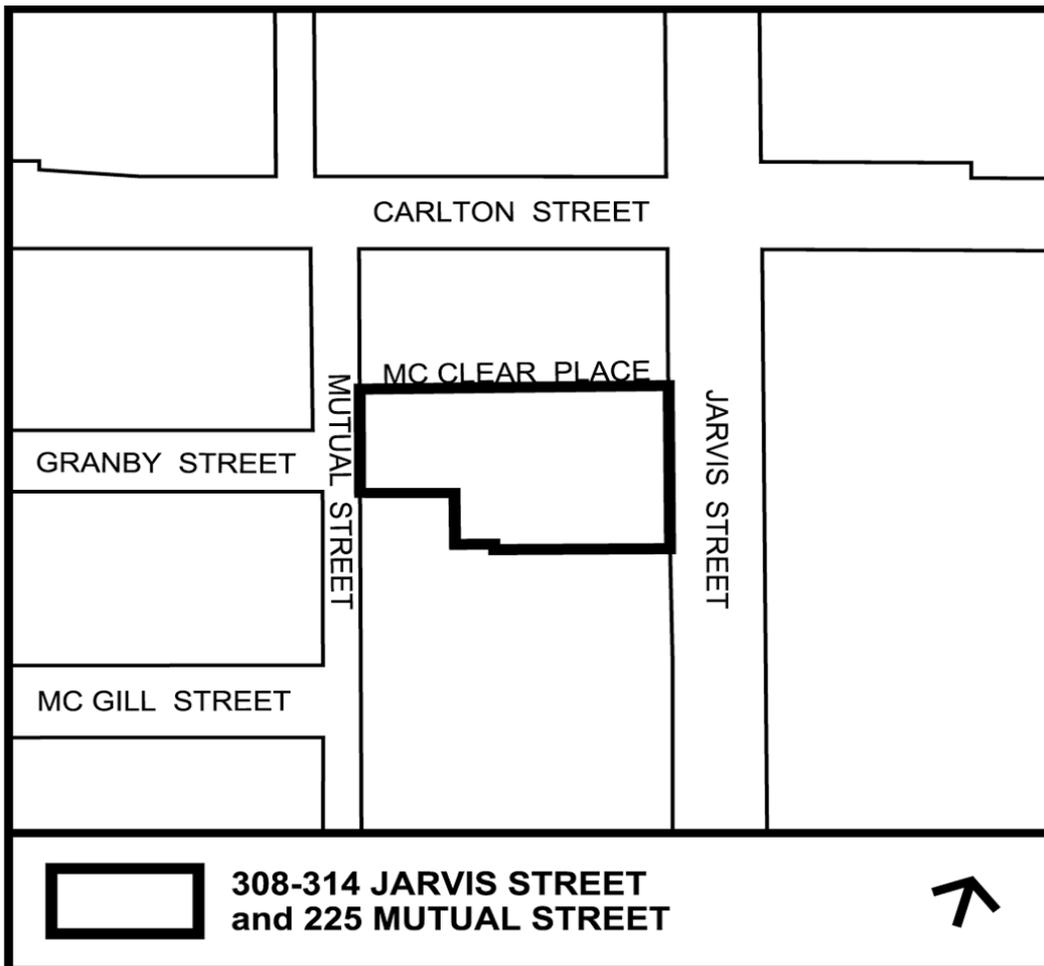
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SIGNATURE

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ATTACHMENTS

Attachment No. 1 – Location Map
Attachment No. 2 – Photos of the Charles Sheard House – 314 Jarvis Street
Attachment No. 3 – Site Plan
Attachment No. 4 – Development Elevations



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



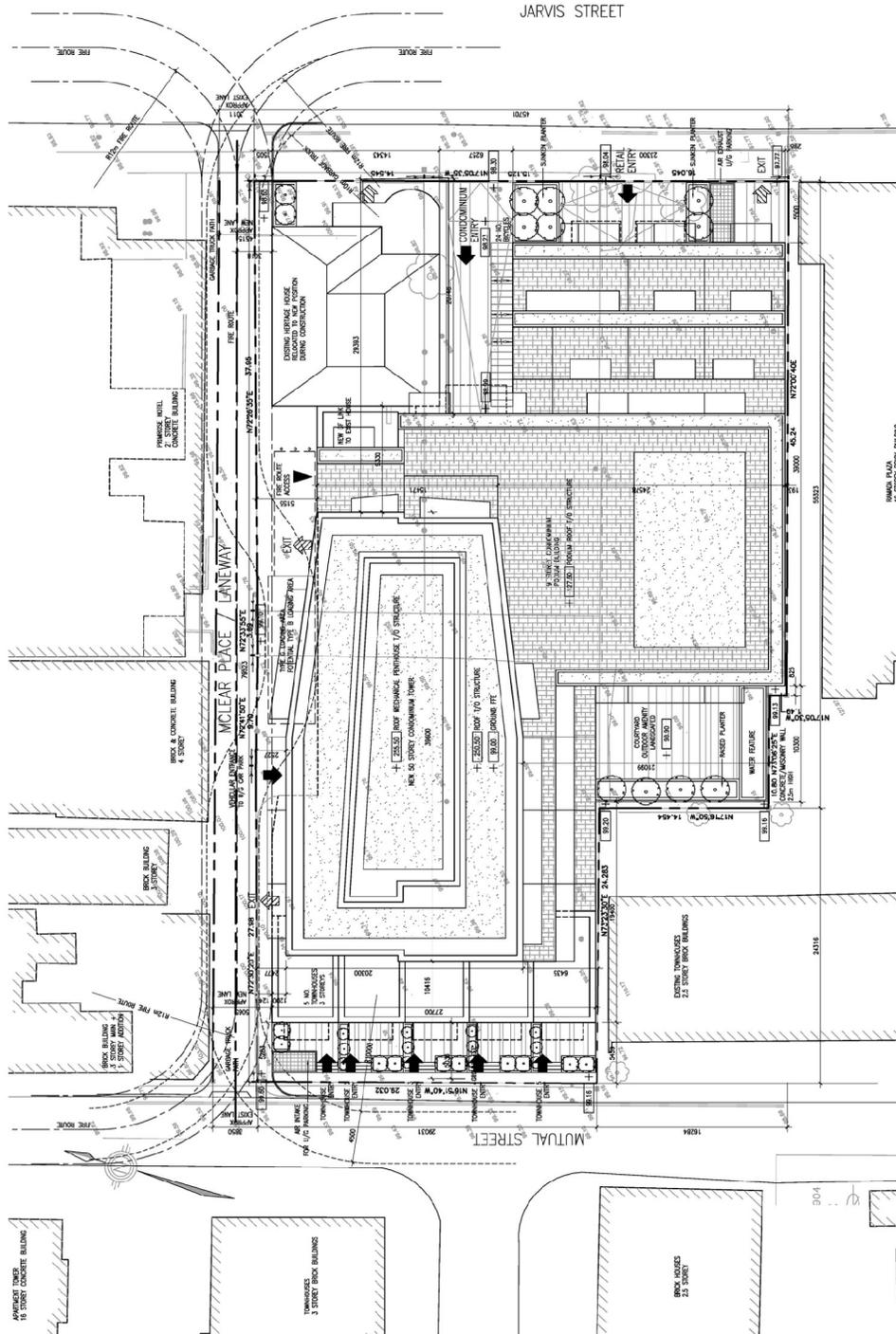
View looking west – main elevation



View of northeast corner

314 JARVIS STREET – SITE PLAN

ATTACHMENT NO. 3



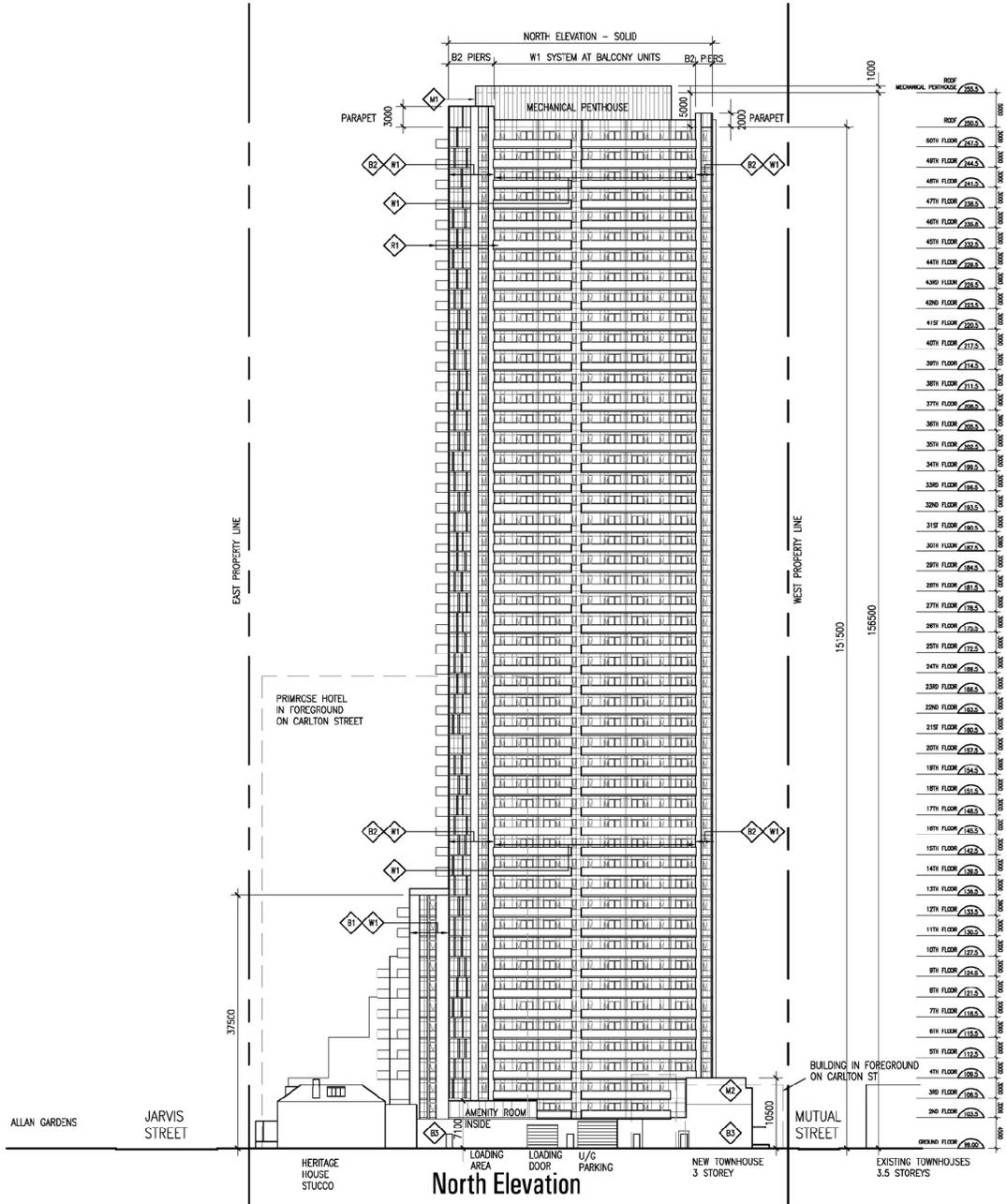
308-314 Jarvis Street and 225 Mutual Street

Site Plan
 Applicant's Submitted Drawing

File # 12 110573 0Z

Not to Scale
 02/23/2012

North Elevation



Elevations

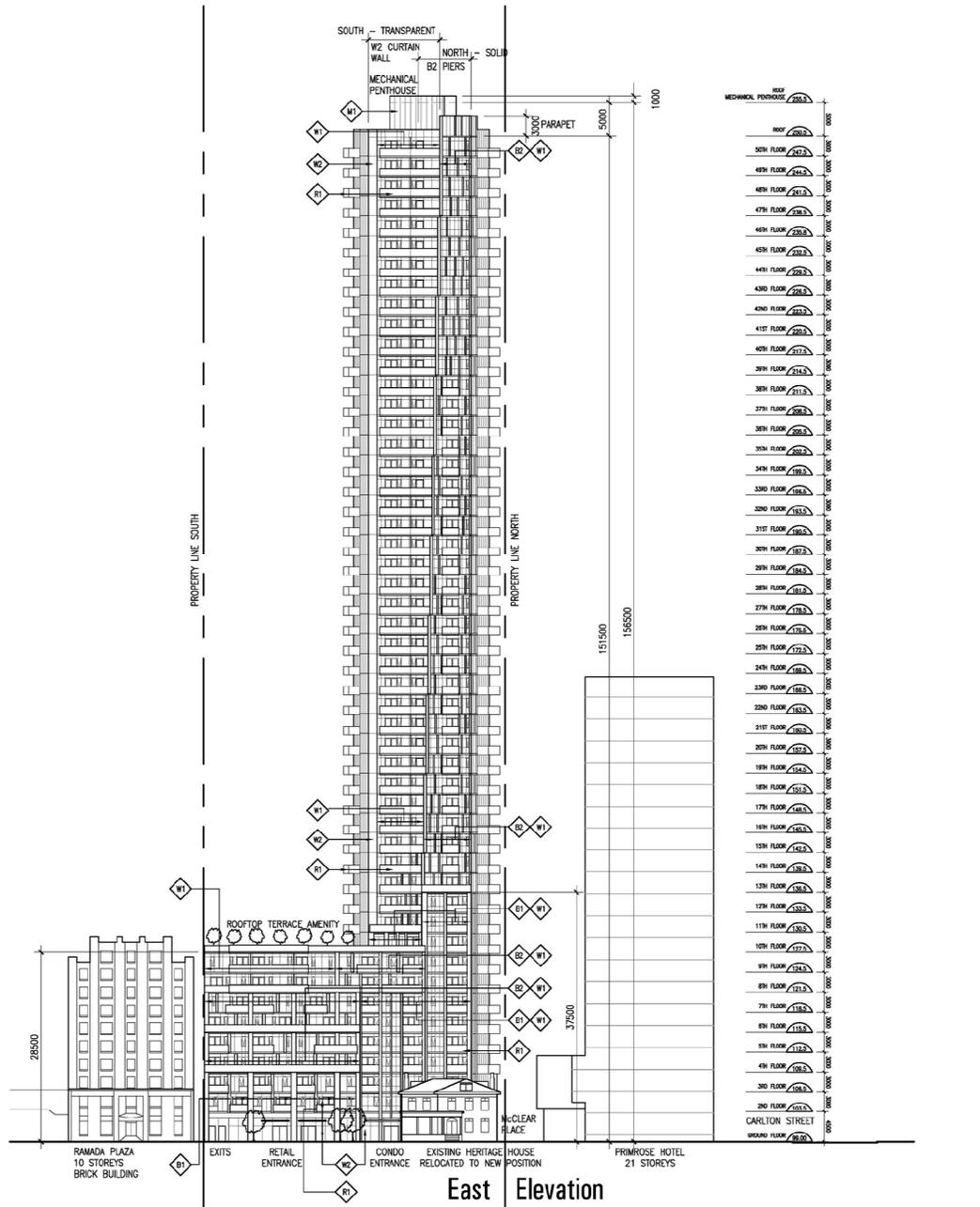
308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
02/23/2012

File # 12 110573 0Z

East Elevations



Elevations

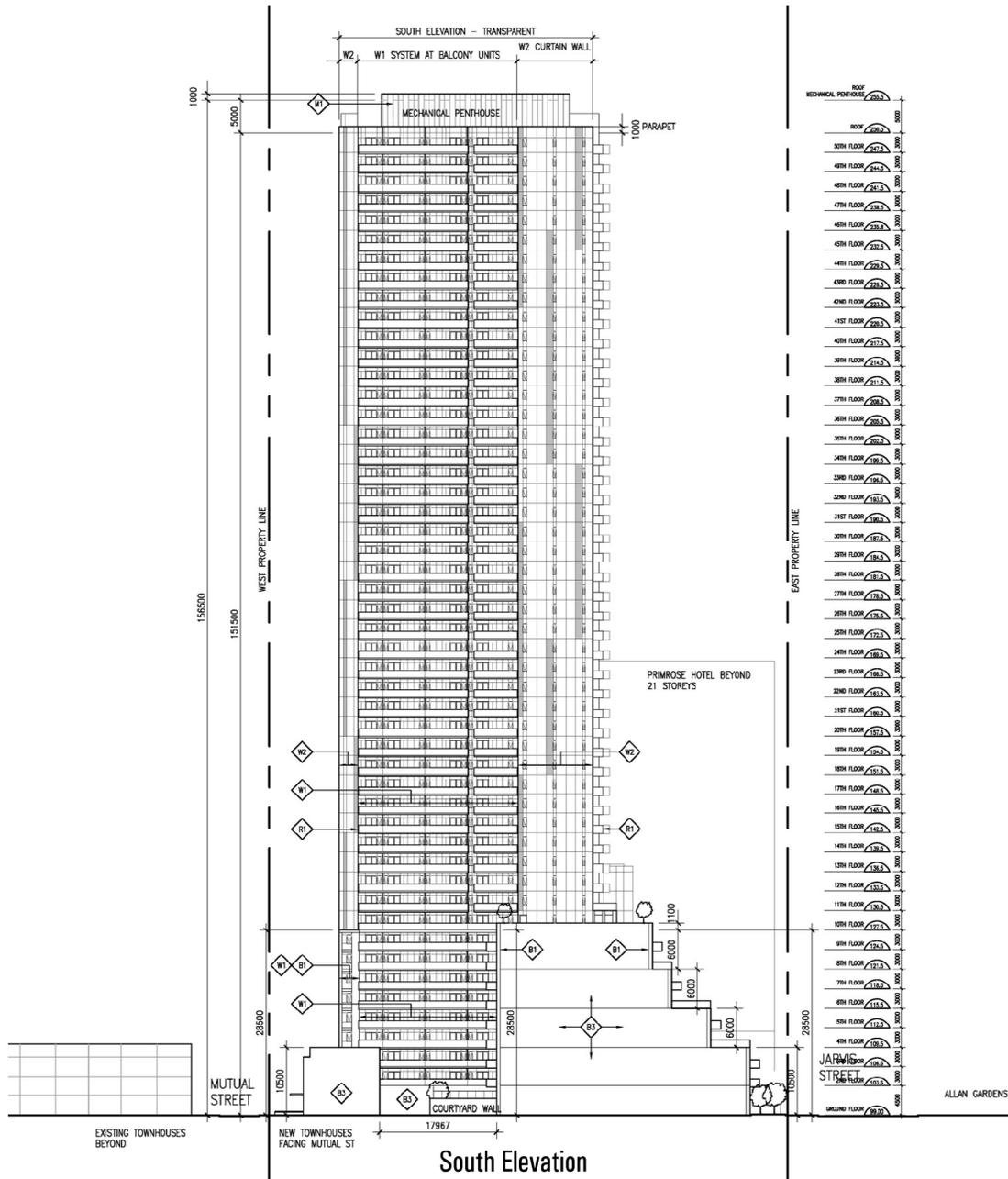
308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
02/23/2012

File # 12 110573 0Z

South Elevations



Elevations

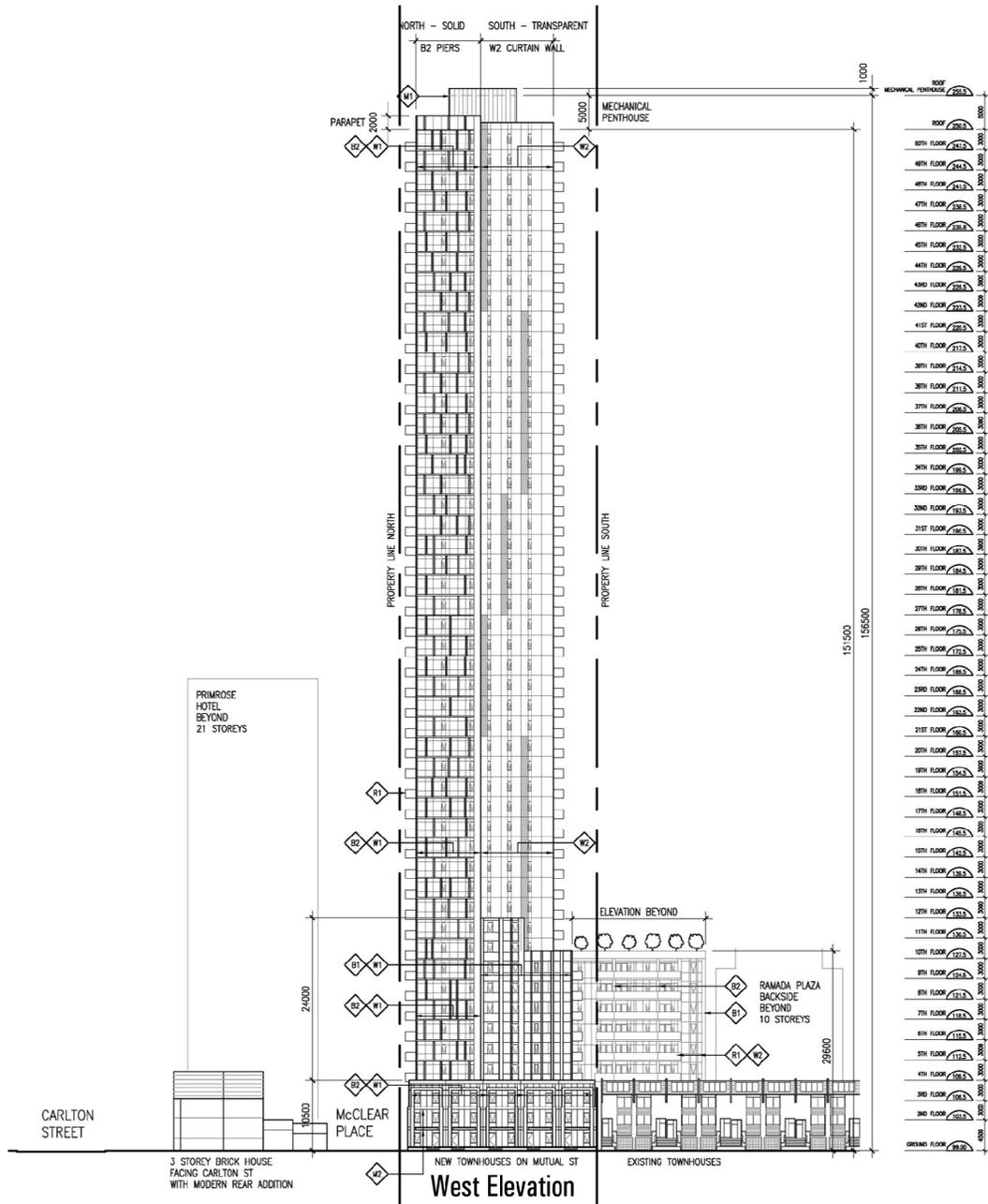
308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
02/23/2012

File # 12 110573 0Z

West Elevation



Elevations

308-314 Jarvis Street and 225 Mutual Street

Applicant's Submitted Drawing

Not to Scale
02/23/2012

File # 12 110573 0Z