

Consolidated Clause in Toronto and East York Community Council Report 7, which was considered by City Council on September 25, 26 and 27, 2006.

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**Designation of Queen Street West, between
University Avenue and Bathurst Street, as a Heritage
Conservation District under Part V of the
Ontario Heritage Act (Ward 20 - Trinity-Spadina)**

City Council on September 25, 26 and 27, 2006, referred this Clause to the next meeting of the Toronto Preservation Board, for subsequent submission to the Toronto and East York Community Council, and:

- (a) requested the Manager of the Toronto Heritage Preservation Board to arrange a meeting with the affected business property owners between Bathurst Street and University Avenue to inform them about the benefits or constraints of the proposed Heritage Preservation and to answer any questions; and*
- (b) requested the Chief Planner and Executive Director, City Planning, to report directly to that meeting with further recommendations that will address their concerns on the designation of Queen Street West between University Avenue and Bathurst Street as a Heritage Conservation District under Part V of the Ontario Heritage Act (Ward 20 - Trinity Spadina).*

Council also considered additional material, which is noted at the end of this Clause.

The Toronto and East York Community Council recommends that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (August 14, 2006) from the Director, Policy and Research, City Planning Division subject to adding the following additional Recommendation (5) and renumbering the existing Recommendation (5) accordingly:**
 - “(5) adopt the “Additional Studies” and “Additional Recommendations” included as Sections 8.1 and 8.2 respectively in Section 8. “Implementation Recommendations” in Part 3 of the Queen Street West Conservation District Study”, submitted to City Council under separate cover; and**
- (2) request the Chief Planner and Executive Director, City Planning Division to report to the Toronto and East York Community Council on including maximum floor plate sizes for retail establishments in the Heritage Conservation District when he**

reports to City Council in 2007 on other recommended amendments to the Zoning By-law to reinforce the objectives of the Heritage Conservation District Plan.

Action taken by the Committee

The Toronto and East York Community Council:

- (1) requested the Manager, Heritage Preservation Services to arrange a community meeting with the affected property owners to answer questions on designating the area as a Heritage Conservation District and report to City Council on September 25, 2006 on the outcome of this meeting;
- (2) requested the Director, Policy and Research, City Planning Division to report to City Council on September 25, 2006 on the financial tools that need to be made available to property owners in Conservation Heritage District, particularly in Heritage Districts of a commercial nature, and report, in consultation with appropriate City staff, on:
 - (a) the feasibility of creating a new tax class for properties located in designated areas;
 - (b) how Tax Increment Financing (TIF) strategies may be employed by the City so that property owners in the area would have access to funds to assist in heritage preservation and also enable the City to have funds to upgrade public infrastructure to sustain heritage attributes in a designated district;
 - (c) how Section 37 funds, Public Art Funds and Park Acquisition funds that are negotiated with developers in, and adjoining, Heritage Conservations Districts could be used to sustain and finance such Districts; and
 - (d) requiring the City and local business owners to create a co-located Business Improvement Association as part of the process on making any designation of a heritage district that encompasses a commercial district in order to facilitate additional support for property owners and sustain heritage buildings in the area; and
- (3) held a statutory public meeting on September 13, 2006 and notice was given in accordance with the *Ontario Heritage Act*.

The Toronto and East York Community Council submits the report (August 14, 2006) from the Director, Policy and Research, City Planning Division:

Purpose:

To recommend that City Council designate Queen Street West from University Avenue to Bathurst Street as a Heritage Conservation District under Part V of the *Ontario Heritage Act*.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report. The cost of publishing the notice of the passage of a designating by-law in the daily newspaper and registering the by-law on title is included in the 2006 Policy and Research budget.

Recommendations:

It is recommended that:

- (1) in accordance with Section 41 of the *Ontario Heritage Act*, Council designate by By-law the area shown on Attachment No. 1 as the Queen Street West Heritage Conservation District; and
- (2) Council adopt by By-law the Queen Street West Heritage Conservation District Plan, dated July, 2006, as the District Plan for the Queen Street West Heritage Conservation District, to act as a guide for property owners, City staff and Council when making decisions regarding matters set out under Section 42 of the *Ontario Heritage Act*; and
- (3) if there are any objections to the By-law under Section 41 of the *Ontario Heritage Act*, the City Solicitor be directed to appear before the Ontario Municipal Board to defend the By-law; and
- (4) until such time as the By-law designating the area as the Queen Street West Heritage Conservation District comes into force or is repealed, all properties within the area, unless designated under Part IV of the *Ontario Heritage Act*, be listed in the City's Inventory of Heritage Properties; and
- (5) the appropriate City officials be authorized to take whatever action is necessary to give effect thereto, including the introduction of Bills in Council.

Background:

Section 41 (1) of the *Ontario Heritage Act* enables a municipal council to designate Heritage Conservation Districts (HCDs) where the municipal Official Plan contains provisions relating to establishing such districts. The Official Plan of the City of Toronto contains such provisions. Specifically, Section 3.1.5, Policy No. 1 (b) states:

“significant heritage resources will be conserved by designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design Guidelines to maintain and improve their character.”

The need for a heritage study of Queen Street West had been identified during the public consultations regarding the proposed new Canada Life office tower at the northwest corner of Queen Street West and Simcoe Street in the early 2000s. A settlement report for this project was adopted by Council in February 2003 (TEYCC Report 1, Clause 13) which authorized the City to enter into an agreement for public benefits pursuant to Section 37 of the *Planning Act*. One of the

public benefits included in the agreement was a contribution of \$150,000.00 to be used for the explicit purpose of a Heritage Study for Queen Street West, from University Avenue to Bathurst Street.

Construction of the new building started in 2004 and the money to be used for the Heritage Study was received by the City. At its May 2005 meeting, City Council identified the Queen Street West area between University Avenue and Bathurst Street as an area to be studied regarding its potential for a Heritage Conservation District (TEYCC Report No. 4, Clause 49). A subsequent Request for Proposals for a consultant to carry out the Heritage Study, including a full public consultation program, resulted in a contract being awarded to Office for Urbanism in conjunction with Fournier Gersovitz Moss Architects, William Greer and Angela Carr.

To start the public participation process, the consultant held a series of one-on-one interviews with stakeholders, including property and business owners and residents. A Local Advisory Committee was also formed from a group of self-identified stakeholders, which provided advice to the consultant team prior to each milestone in the process. Three public open houses were held during the study period. Notification of these meetings included placing posters on Queen Street (in English and Chinese), distributing flyers and contacting community, stakeholder and resident groups. Non-resident property owners were advised by mail of these meetings.

Many of the meetings were held at City TV and the Rex Hotel, at the invitation of their management and all of these meetings were well attended. Progress and findings were reported, questions asked and answered and there was lively debate about the merits and implications, for all parties involved, of a Heritage Conservation District.

City staff were in attendance at all of the meetings held on this project and are of the opinion that the consultant has been successful in ensuring local involvement in this proposal. Staff also believes that the study and its conclusions have, in general, been well received by the residents and business and property owners. The draft District Plan has been posted on the City's website. All property owners and identified stakeholders have been notified of the Toronto Preservation Board and Community Council meetings at which the proposed designation will be considered.

Comments:

Study Overview

The *Ontario Heritage Act* identifies the required elements of a study being conducted for a potential HCD. Such studies should:

- (a) examine the character, appearance and heritage attributes of the area to determine if the area should be preserved;
- (b) make recommendations regarding the boundaries of the area;
- (c) make recommendations as to the objectives of the designation and how these objectives may be achieved; and

- (d) consider whether any changes are required to the Official Plan or zoning by-law.

In addition, the resulting District Plan must contain:

- (a) a statement explaining the cultural heritage value or interest of the heritage conservation district;
- (b) a description of the heritage attributes of the heritage conservation district and properties in the district;
- (c) policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district; and
- (d) a description of the alterations or classes of alterations that are minor in nature and that the owner of property may carry out on any part of the property without obtaining a permit.

The Queen Street West study included a process of public consultation, historical research and professional analysis. Professional researchers prepared an inventory of historical data for each property within the study boundary, including a photograph. Architecture, estimated or established dates of construction, historic events or persons who inhabited the building, builders, and other information, when available, were determined. This information was used to make a determination of whether or not each property contributes or does not contribute to the heritage character of the District.

Using the information gathered and further research and analysis conducted by the consultant, a District Plan (Attachment 2) was developed which fulfills all the requirements of the *Ontario Heritage Act* including Guidelines for demolitions, alterations to existing buildings and for new construction. An implementation strategy, based on a consistent Toronto model for HCDs, is also recommended. The District Plan is available on the City's web site at:
www.toronto.ca/heritage-preservation/heritage_districts.htm

Proposed Boundaries

The District comprises all of the properties fronting onto Queen Street West from University Avenue to Bathurst Street. (Attachment 1)

There are 169 buildings or properties in the proposed District, 103 (61%) of which are considered to be contributing to the heritage character of the District. 23 are currently listed (18) or designated (5) under Part IV of the *Ontario Heritage Act*. The area contains a significant concentration of heritage resources. It is distinguished from the areas to the south and north by its built form and uses. The portions of Queen Street to the east and particularly the west share many of the heritage characteristics of the proposed District. However, the funding provided by the Section 37 public benefit contribution was earmarked specifically for the stretch of Queen Street between University Avenue and Bathurst Street. Consideration should be given to future studies of the adjacent section of Queen Street.

Cultural Heritage Value and Heritage Attributes

Queen Street West began in the early nineteenth century as a street of modest houses interspersed with small frame and roughcast shops serving the residential enclaves that dotted its path. By the late 1800's, Queen Street had become the principal east-west artery of Toronto, and its original residential character gradually evolved into the more familiar commercial "main street" of today. Many of the original commercial blocks still exist along the corridor between University Avenue and Bathurst Street. The Queen Street West district is significant because of its dynamic character; it has changed and evolved since its inception and continues to do so.

The contribution of Queen Street West from University Avenue to Bathurst Street to Toronto's cultural heritage cannot be understated. The history and identity of Queen Street results from the distinct connections and relative location of the street within the downtown and adjacent neighbourhoods; from the welcoming pedestrian quality of the street environment, and also from the scale, rhythm and composition of buildings that line the street. Queen Street West stands out as a district through:

- (i) A cultural heritage, which is inscribed in the memories and experiences of the extensive number of people that have, and continue to, live in, work in, and visit Queen Street West;
- (ii) A concentration of heritage buildings, which contribute to the overall heritage character of the street. These are identified individually in the Inventory sheets;
- (iii) An urban framework, which situates the district as a focal area in the downtown, intricately connected with several neighbourhoods, mixed-use areas, and open spaces, through the street grid, open views, and a tightly knit system of well used pedestrian connections; and
- (iv) A sense of visual coherence along the street, which results in part from a continuous street wall, defined by the cumulative character of building scale, mass, height, and proportion.

Objectives and Implementation

The Guidelines that form part of the study are intended to provide guidance and assistance to all those proposing and reviewing alterations, new construction and demolition in the Queen Street West HCD. The Guidelines aim to ensure that development in the district maintains or enhances the character of this portion of Queen Street West, as defined in the Heritage Character Statement. The Guidelines state that buildings that contribute to the unique heritage character of the district should not be demolished. They also provide for no buildings to be higher than 16 metres (the maximum permitted under the current zoning).

In accordance with Article IV of Chapter 103, Heritage, of the Municipal Code, proposals that comply with the Guidelines set out in the District Plan may be approved by staff, while proposals that do not comply or that involve demolition, will require City Council approval. The Ward Councillor may also require any application to be forwarded to Council. Applicants are encouraged to consult with staff prior to making an application.

Official Plan and Zoning By-law

As noted above, the City's Official Plan is supportive of designation of Heritage Conservation Districts in areas that warrant protection for their heritage character and where a proper study and consultation has been carried out. The report does recommend that Council consider changes to the Zoning By-law to ensure that ground floor uses are commercial, no parking is permitted above grade in buildings, a minimum height of two storeys is established, no step backs are permitted under 13 metres and the front of buildings extend the full distance from side lot line to side lot line. A report to will be presented to Council in 2007 recommending these amendments.

Next Steps

In accordance with Section 41 of the *Ontario Heritage Act*, an HCD designation comes into force at the end of the 30 day appeal period following Council's passage of the By-law, if there are no objections. Should there be an appeal the matter is referred to the Ontario Municipal Board (OMB) for a hearing. Should the OMB approve all or part of the by-law the by-law comes into force when the OMB issues its decision, provided the OMB approves the by-law.

Staff is recommending that, to protect the heritage resources of the District in the event of an appeal, Council list all properties in the proposed HCD on the City's Inventory of Heritage Properties until the appeal is decided. This will enable staff and Council to monitor change in the HCD during the period when it may be under appeal.

Conclusions:

Queen Street West from University Avenue to Bathurst Street is a neighbourhood with a significant heritage character, and is the first mixed commercial-retail area recommended for designation as an HCD in the City of Toronto. It is also an area that is under significant redevelopment pressure due to its attractiveness to retailers. City Council identified this section of Queen Street West as an area that should be studied to determine whether or not it could be designated as a Heritage Conservation District and provided the necessary funding through a Section 37 agreement for the new Canada Life building. Three public meetings were held and significant additional public consultation took place during the study period. The study supports the designation of the area as a Heritage Conservation District.

The District Plan resulting from the study defines and justifies the boundaries and heritage character of the area and provides Guidelines for demolitions, alterations and new development designed to reinforce and enhance the heritage nature of the District. Staff recommend designation of the District under Part V of the *Ontario Heritage Act*, including enactment by By-law of the Queen Street West Heritage Conservation District Plan.

Contact:

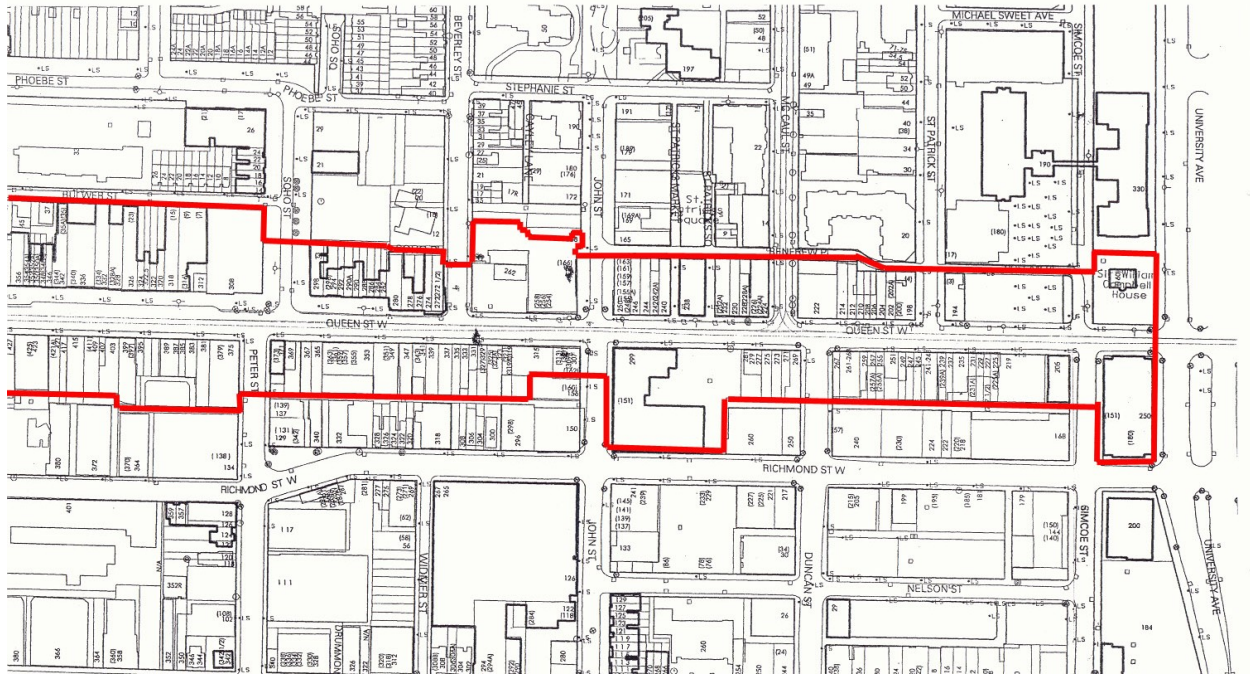
Denise Gendron
Manager, Heritage Preservation Services
Tel: 416-338-1075; Fax: 416-392-1973; E-mail: dgendron@toronto.ca

(A copy of Attachment 2 – Queen Street West Heritage Conservation District Plan, in the report (August 14, 2006) from the Director, Policy and Research, City Planning Division, was forwarded to all Members of the Toronto and East York Community Council with the agenda for its meeting on September 13, 2006, and a copy is on file in the City Clerk’s Office.)

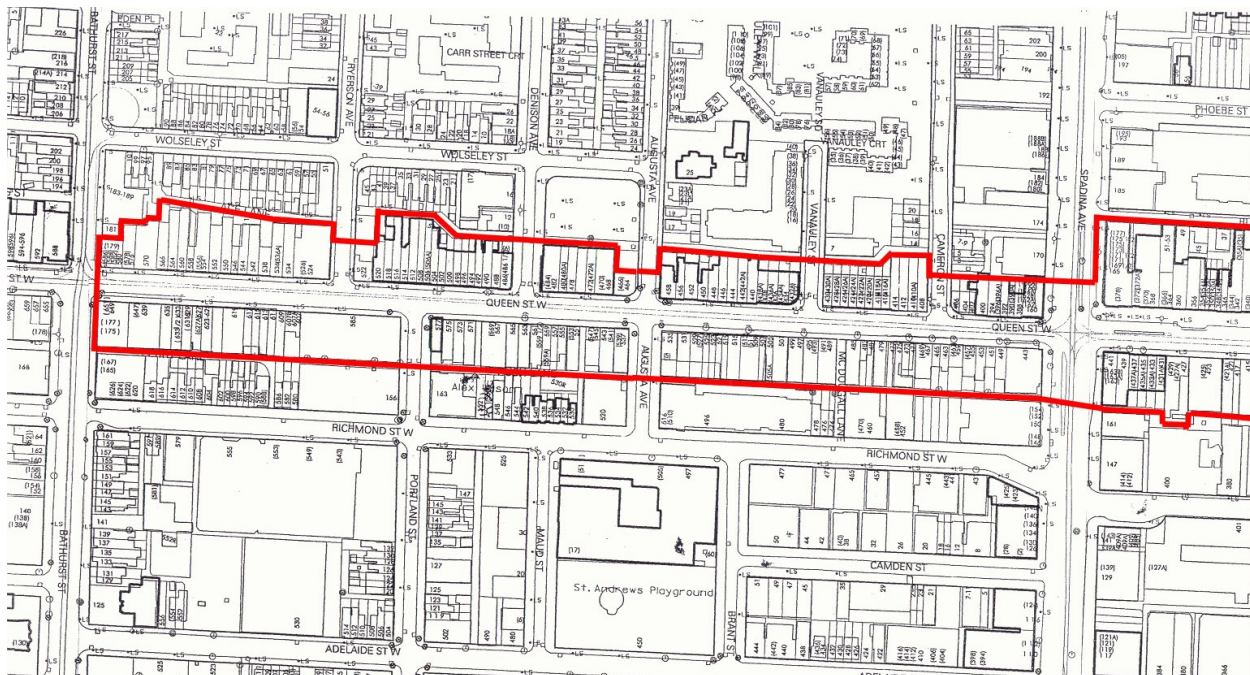
LOCATION MAP:

ATTACHMENT 1

QUEEN STREET WEST HERITAGE CONSERVATION DISTRICT BOUNDARIES



Eastern Portion



Western Portion

The Toronto and East York Community Council also submits the communication (September 1, 2006) from the City Clerk, Toronto Preservation Board:

Recommendation:

The Toronto Preservation Board recommended to the Toronto and East York Community Council that City Council adopt the staff recommendations in the Recommendations Section of the report (August 14, 2006) from the Director, Policy and Research, City Planning Division.

Action taken by the Board:

The Toronto Preservation Board received the communication (August 29, 2006) from Teresa Scott, 587 Wellington Street West.

Background:

The Toronto Preservation Board on August 31, 2006, considered a report (August 14, 2006) from the Director, Policy and Research, City Planning Division.

Recommendations:

It is recommended that:

- (1) in accordance with Section 41 of the *Ontario Heritage Act*, Council designate by by-law the area shown on Attachment 1 as the Queen Street West Heritage Conservation District;
- (2) Council adopt by by-law the Queen Street West Heritage Conservation District Plan, dated July 2006, as the District Plan for the Queen Street West Heritage Conservation District, to act as a guide for property owners, City staff and Council when making decisions regarding matters set out under Section 42 of the *Ontario Heritage Act*; and
- (3) if there are any objections to the by-law under Section 41 of the *Ontario Heritage Act*, the City Solicitor be directed to appear before the Ontario Municipal Board to defend the by-law;
- (4) until such time as the by-law designating the area as the Queen Street West Heritage Conservation District comes into force or is repealed, all properties within the area, unless designated under Part IV of the *Ontario Heritage Act*, be listed in the City's Inventory of Heritage Properties; and
- (5) the appropriate City officials be authorized to take whatever action is necessary to give effect thereto, including the introduction of Bills in Council.

The Toronto Preservation Board also considered a communication (August 29, 2006) from Teresa Scott, 587 Wellington Street West, regarding the Queen Street Heritage Conservation District report.

The following persons addressed the Toronto Preservation Board:

- Jennifer Keesmaot, Partner, Office for Urbanism;
- Ira Band;
- Deanne Taylor, and filed a petition with approximately 77 signatures in support of the Queen Street West Heritage Conservation District;
- Sue Dexter, Harbord Village Residents' Association;
- Helen Kennedy;
- Ceta Ramkhalawansingh; and
- Adam Vaughan.

The Toronto and East York Community Council also had before it the following communications and copies are on file in the City Clerk's Office:

- Communication (September 10, 2006) from Peter James Chang Heathcote and Robert James Chang Heathcote;
- Communication (September 12, 2006) from Paul Sanella, President, 480832 Ontario Inc.; and
- Petition (undated) submitted by Deanne Taylor, signed by 348 individuals.

The following appeared before the Toronto and East York Community Council:

- Ceta Ramkhalawansingh;
- Wendy E. Ekins;
- Deanne Taylor;
- Larry Krupski, Jacobs Hardware;
- Mark Allen, Grangetown MTCC #1318;
- Robert Heathcote;
- Murray Sibulash, Stuwen Properties ;
- Ira Band;
- Russell Sugar;
- Adam Vaughan;
- Anne Marie Ferraro, Cameron House; and
- Jack Nicholson Cameron House.

City Council – September 25, 26 and 27, 2006

Council also considered the following:

- *Report (September 25, 2006) from the Chief Planner and Executive Director, City Planning [Communication 16(b)].*

*Subject: Meeting with Affected Property Owner and Others Regarding the Recommended Queen Street West Heritage Conservation District and Financial Tools Appropriate to Commercial Heritage Conservation Districts
Davenport - Ward 20*

Purpose:

To report to City Council on the outcome of a meeting with affected property owners and others regarding the proposed Queen Street West Heritage Conservation District and to indicate to Council that the requested report on financial tools will be presented to Council in 2007.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council receive this report for information.

Background:

On September 13, 2006 the Toronto and East York Community Council held a statutory public meeting to consider a report (August 14, 2006) from the Director, Policy and Research, recommending that City Council designate Queen Street West from University Avenue to Bathurst Street as a Heritage Conservation District. All property owners and interested parties were notified by the City Clerk of this meeting.

The Toronto Preservation Board, at its August 31, 2006 meeting had considered the same report and recommended to Community Council and Council that the recommendations be adopted. All property owners and interested parties were notified by Planning staff of this meeting.

Community Council, after hearing from 12 deputants and considering communications and a petition, also recommended to Council that the recommendations be adopted (Report 7, Clause 19).

Community Council also requested the Manager, Heritage Preservation Services to arrange a community meeting with affected property owners to answer questions on designating the area as a Heritage Conservation District and report to City Council on September 25, 2006 on the outcome of this meeting.

The Director, Policy and Research, City Planning Division was requested to report to City Council on September 25, 2006 on the financial tools that need to be made available to property owners in Conservation Heritage District, particularly in Heritage Conservation Districts of a commercial nature. Four different methods of financially assisting property owners, including a special heritage tax class, Tax Increment Financing (TIF), funds from development negotiated through the development review process and BIAs were suggested as areas to explore.

This report fulfils that request.

Comments:

Community Meeting

The community meeting was held in the evening of September 21, 2006 at City Hall. Those who had appeared as deputants at the Community Council meeting were contacted and any other interested party was welcome to attend. 14 members of the public, including the owners or representatives of approximately 8 properties, attended, plus City staff and the ward Councillor.

One of the purposes of the meeting was to exchange information and clarify any uncertainties that those attending might have about the implications of the HCD for their property, or the area. Staff made a short presentation on the public consultation process over the year that the District has been under study. An overview of the proposed Guidelines was also made. To this end there were numerous questions asked and answers given.

The meeting was also an opportunity for those attending to voice their concerns about the proposed HCD and the process. A spirited discussion of the merits of the heritage designation ensued. In general, most of those attending were of the opinion that the street is evolving naturally and beneficially and that no additional planning controls should be imposed to maintain the heritage character of the street. This position was not shared by all participants, however.

Some were concerned about the process. They said they were not aware of the proposals until very late in the process and had not made deputation at the three community meeting or two public meetings on August 31 and September 13, 2006.

The Ward Councillor noted that a BIA might be a useful forum for concerns such as this and encouraged those attending to organize one. He also indicated that he would convey the sentiments expressed at the meeting to Council when this item comes before it.

Financial Incentives

A report on financial incentives that could be of assistance to property owners in a commercial Heritage Conservation District would be of interest to all the other stakeholders as well. Such assistance could help the City fulfill its Official Plan policy of maintaining and enhancing areas with significant heritage resources through Heritage Conservation Districts. To give justice to this topic will require considerable research and analysis. Staff will undertake this project and report to Council in 2007.

Conclusions:

A community meeting was held, as requested by Toronto and East York Community Council, at which information was exchanged and a number of property and business owners expressed concern about the proposed Heritage Conservation District and the process up to this point.

A report on financial incentives will be presented to Council in 2007.

Contact:

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Communications:

- *(September 21, 2006) from Paul Sannella [Communication 16(a)(1)];*
- *(September 22, 2006) from Stuart Sibulash [Communication 16(a)(2)];*
- *(September 20, 2006) from Mark Noskiewicz, Goodmans LLP, Barristers & Solicitors [Communication 16(a)(3)];*
- *(September 21, 2006) from Ann Marie Ferraro [Communication 16(a)(4)];*
- *(September 22, 2006) from Alan Irwin [Communication 16(a)(5)];*
- *(September 22, 2006) from Abraham Birenbaum and Ira Band [Communication 16(a)(6)];*
- *(September 22, 2006) from Annette Frymer [Communication 16(a)(7)];*
- *(September 22, 2006) from Sue Dexter [Communication 16(a)(8)];*
- *(September 23, 2006) from Karen M. Menkis [Communication 16(a)(9)];*
- *(September 23, 2006) from Robert Heathcote [Communication 16(a)(10)];*
- *(September 23, 2006) from Sandra Shaul [Communication 16(a)(11)];*
- *(September 23, 2006) from Susan Stock [Communication 16(a)(12)];*
- *(September 24, 2006) from Liz Sauter [Communication 16(a)(13)];*
- *(September 24, 2006) from Ila Bossons [Communication 16(a)(14)];*
- *(September 24, 2006) from Catherine Nasmith Architect [Communication 16(a)(15)];*
- *(September 21, 2006) from Martin Pearl, The Pearl Group of Companies [Communication 16(a)(16)];*
- *(September 22, 2006) from Harold G. Elston, Elstons LLP, Barristers & Solicitors [Communication 16(a)(17)];*
- *(September 25, 2006) from Lynne Patterson [Communication 16(a)(18)];*
- *(September 25, 2006) from Richard Longley [Communication 16(a)(19)];*
- *(September 25, 2006) from Judy Stephens, Rumah Inc. [Communication 16(a)(20)];*
- *(September 25, 2006) from Ann Homan [Communication 16(a)(21)];*
- *(September 25, 2006) from Adam Vaughan [Communication 16(a)(22)];*
- *(September 26, 2006) from Helen Kennedy [Communication 16(a)(23)];*
- *(September 13, 2006) from Annette Frymer [Communication 16(a)(24)];*
- *(September 21, 2006) from Birenbaum Consultants Inc. [Communication 16(a)(25)];*
- *(September 25, 2006) Petition containing the signatures of approximately 121 Residents, Business Owners and Property Owners of Queen Street West [Communication 16(c)]; and*
- *(September 17, 2006) Petition containing the signatures of approximately 94 individuals, submitted by Councillor Cesar Palacio, Ward 17, Davenport [Communication 16(d)].*