



STAFF REPORT ACTION REQUIRED

Kingswood Road South Heritage Conservation District

Date:	November 10, 2009
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Director, Policy and Research, City Planning Division
Wards:	Ward 32 Beaches – East York
Reference Number:	

SUMMARY

The purpose of this report is to recommend the designation of the Kingswood Road South area as a Heritage Conservation District and to recommend the adoption of the district plan by bylaw, as required under the Ontario Heritage Act (OHA). The District plan was prepared by E.R.A. Architects Inc. and was led by the community. Heritage Preservation Staff (HPS) have reviewed the plan and believe the plan meets the requirements of the OHA.

RECOMMENDATIONS

The City Planning Division Recommends that:

1. City Council designate by by-law the area shown on Attachment No. 1 as the Kingswood Road South Heritage Conservation District, in accordance with Section 41 of the Ontario Heritage Act;
2. City Council adopt by by-law the Kingswood Road South Heritage Conservation District Plan, dated June 5, 2009, as the District Plan for the Kingswood Road South Heritage Conservation District, for use by property owners, City staff, advisory committees and City Council when making decisions regarding matters set out under Section 42 of the Ontario Heritage Act;
3. City Council amend the District Plan Section 8.5.1 to read, “Contributing Buildings shall not be demolished;”

4. 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;
5. Until such time as the by-law designating the area as the Kingswood Road South Heritage Conservation District comes into force or is repealed, all properties within the area, unless designated under Part IV of the Ontario Heritage Act, be listed in the City's Inventory of Heritage Properties.
6. The height limit and minimum lot frontages in the zoning by-law be reviewed and amended as necessary to more closely match the guidelines in this District Plan.

Implementation Points

In accordance with Section 41 of the Ontario Heritage Act, a Heritage Conservation District (HCD) designation comes into force at the end of the 30 day appeal period following City 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.

Financial Impact

There are no financial implications resulting from the adoption of this report. The public Notices of Intention to Designate will be advertised on the City's web site in accordance with the City of Toronto Act provisions. This proposed Heritage Conservation District will add almost 200 properties to the Inventory. It is also noted that adding properties to the Inventory by means of Heritage Conservation District designations dramatically increases the workload of Heritage Preservation Services, requiring staff to review all building permits, Committee of Adjustment, Rezoning and Official Plan amendment applications within legislated timeframes. Over time this will create pressure to increase staff resources.

DECISION HISTORY

At its meeting in June 2004, City Council identified the Balmy Beach area as a Heritage Conservation District Study Area. After a process of public consultation, six "character areas" decided to proceed with the study to determine whether or not they merit recognition as a Heritage Conservation District under Part V of the Ontario Heritage Act. These areas include the properties along portions of Balmy Avenue, Glenfern Avenue, Kingswood Road north of Bracken, Kingswood Road south of Bracken, Bracken Avenue, and Bingham Avenue.

ISSUE BACKGROUND

This report is the result of a City of Toronto by-law and a community polling process authorizing a Heritage Conservation District Study to be undertaken for six character areas in the Balmy Beach neighbourhood. All properties along Kingswood Road between Bracken Avenue and Queen Street East including addresses 4 through 175 have been defined by the City of Toronto as comprising one such character area and is understood by the District Plan as Kingswood Road South.

ERA Architects Inc. has prepared this Heritage Conservation District with respect to the *Province of Ontario's 2005 Provincial Policy Statement* Section 2.6, the *Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada*; and *Part V of the Ontario Heritage Act*.

District Designation

District designation enables Council to manage and guide future change in the district, through adoption of a district plan with policies and guidelines for conservation, protection and enhancement of the area's special character.

The immediate benefit of HCD designation is a planning process that respects a community's history and identity. District designation is one of the best ways to ensure that this identity is conserved. The adoption of an HCD plan as part of the designation process ensures that the community's heritage conservation objectives and stewardship will be respected during the decision-making process.

Statutory Public Meeting

On May 14, 2009, a statutory public meeting was held under section 41.1(6) of the OHA. In attendance was the ward Councillor, an HPS staff member and representatives of E.R.A. Architects. Approximately 25 residents of the area attended the meeting.

E.R.A. presented the district plan to the community and HPS staff advised on the implications of designation. Several questions were answered for residents of the area. Residents were also informed about the process for the final poll and it was indicated that the City would be seeking a rewording of the demolition policy in the plan.

Poll

To determine the level of support in the area for the initiative City Council directed the City Clerk to undertake two polls of the property owners. The first poll asked property owners if they were in favour of their property being included in the study. This poll was taken in early 2005 and as a result eight of the fourteen subdivisions that made up the study area did not continue. Kingswood Road South voted to continue with the study and proceed to a second poll upon completion of the District Plan.

The poll was conducted through the mail. The ballots were mailed to all property owners on June 10, 2009 and were required to be returned to the City Clerk's office by 4:30 p.m. on July 9, 2009. If a property was jointly owned by more than one person at the time of the poll, each owner 18 years and older, received a ballot.

Due to the labour disruption, the City Clerk's Office applied a five business day closing delay to ensure all ballots that would normally have come in on time were able to be included in the poll. Ballots postmarked after the poll closing were not accepted.

The ballot also indicated that the City would be seeking a rewording of the demolition policy in the plan to afford greater protection to contributing resources. The change was detailed in the ballot and included the specific wording as follows:

- That section 8.5.1 that reads "Contributing buildings should not be demolished," be revised to read "Contributing buildings shall not be demolished."

The following is the poll result:

Total Owners Polled	107
Mail Returned by Post Office	0
Total Eligible Voters*	107
Actual Number of Returned Ballots	80
In Favour of Heritage Conservation District	51
Opposed to Heritage Conservation District	29
Spoiled Ballots	0
No Reply	27

*Total Polled Minus Returned by Post Office

COMMENTS

Study Overview

This Heritage Conservation District Plan has been prepared by E.R.A Architects Inc. for consideration by the property owners of Kingswood Road South and City Council, and proposes the formal recognition of the Kingswood Road South Heritage Conservation District under Part V of the Ontario Heritage Act.

The key components of this Heritage Conservation District Plan are:

- To provide a comprehensive analysis of the historical and architectural character of Kingswood Road South as a means to evaluate and establish the heritage character of the street
- To encourage and facilitate the participation and input of local residents, as well as the Municipality, in pursuing and promoting awareness of the preservation of the area's character

- To provide design guidelines to assist property owners and decision makers in the assessment of appropriate changes and development proposals within the District

The Plan includes an analysis of the historical development and an architectural evaluation of the built form of the portion of Kingswood Road south of Bracken Avenue and north of Queen Street East. It recognizes Kingswood Road as a part of Toronto's historic Balmy Beach neighbourhood worthy of protection for its combination of vernacular architecture (local building traditions and elements), historical patterns of development and streetscape character.

Based on this analysis, the Plan recommends the creation of a Kingswood Road South Heritage Conservation District under Part V of the Ontario Heritage Act, and proposes heritage policies and guidelines as a tool to aid the City and the residents of Kingswood Road South in strengthening and protecting the street's heritage character.

Legislative Framework

Part V of the Ontario Heritage Act, Subsection 41. (1) enables the council of a municipality to designate the entire municipality or any defined area or areas of the municipality as a Heritage Conservation District.

The Kingswood Road South Heritage Conservation District designation will enable Council to manage and guide future change in the district. This will be achieved through the adoption of the district plan which contains clear policies and guidelines for the conservation and protection of the area's special character.

Official Plan

Section 3.1.5, Policy No. 2 of the Official Plan states that, "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 designation of the Kingswood Road South Heritage Conservation District and adoption of the plan is in line with the above stated objective of the Official Plan. The study of the area has shown that it contains a concentration of significant heritage resources. Area specific conservation and design guidelines are contained in the district plan.

Provincial Policy Statement

The Provincial Policy Statement, 2005 (PPS) is the current policy statement on municipal land use and planning matters of provincial interest. The PPS promotes the wise use and management of cultural heritage resources. Section 2.6.1 requires that significant heritage resources 'shall' be conserved.

In order to conform to the PPS, district plans should be prescriptive with respect to the language used in their policies and guidelines. The PPS states that heritage resources 'shall' be conserved, as opposed to 'should' be conserved. Staff have required that

prescriptive language be used in Kingswood Road South Heritage Conservation District Plan to ensure that the contributing heritage resources located within the district are recognised as significant and shall be conserved. Staff are recommending that section 8.5.1 be strengthened in accordance with the PPS to read as follows: “Contributing buildings shall not be demolished.”

Section 2.6.3 provides protection for properties and sites located immediately contiguous to a heritage resource. Adjacent developments should have regard for the guidelines to ensure compatible development adjacent to the District.

Proposed Boundary

The boundary for the proposed Kingswood South Heritage Conservation District is inclusive of the properties fronting onto Kingswood Road running from Queen Street East at the south end, to Bracken Avenue at the north end.

Cultural Heritage Value and Integrity

A statement of cultural heritage value has been created for the district as required by the Ontario Heritage Act. The statement clearly illustrates that the district possesses sufficient cultural heritage value to merit designation.

The proposed Kingswood Road South Heritage Conservation District possesses sufficient integrity to communicate the cultural heritage values expressed in the plan. The district retains its early built form integrity, its cohesive and intact scale and massing and the aesthetic value expressed in its streetscape and private landscapes.

Built Form and Current Conditions

The homes in Kingswood Road South date back as early as 1909. The bulk of dwellings were built between 1910 and 1920 with full lot development reached by the early 1930s. Developed during the growth and evolution of the Balmy Beach neighbourhood, from a rural resort community to an early Toronto suburb, the homes along Kingswood Road between Bracken and Queen Street East exhibit an eclectic mix of architectural designs. The street’s variations on Edwardian classic, the Toronto bungalow, English cottage and colonial revival styles represent popular trends in vernacular design of this period, while their cottage influences in scale and detail maintain a connection with the neighbourhood’s rural past.

The portion of Kingswood Road between Bracken Avenue and Queen Street East demonstrates a relatively concentrated period of construction and a strong example of the vernacular architecture of Toronto’s early suburbs. As a street of detached residential homes, Kingswood Road’s fifty-foot wide lot frontages, shared setbacks, and front yards establish a consistent relationship with the road and a unique streetscape in the area. The comfortable siting and vernacular massing of the dwellings create a rhythm to the streetscape, while large front porches, graded gardens and pathways add interest and variation along the street.

District Guidelines

The district guidelines are designed to assist property owners in managing alterations and development in the Kingswood Road South Heritage Conservation District. The guidelines are based on the criteria presented in Ontario Heritage Tool Kit and the *Standards and Guidelines for the Conservation of Historic Places in Canada*, a web link to both documents is included in Section 10. The purpose is to protect those elements that contribute to the cultural and heritage value of the District and to maintain the contextual attributes of this area.

As part of the study process all existing planning controls and policies of the study area have been reviewed for compliance with the guidelines.

It is recommended that the height limit and minimum lot frontages in the zoning by-law be reviewed and amended to more closely match the guidelines in this District Plan.

CONCLUSION

The Kingswood Road South Heritage Conservation District is an historic area within the Balmy Beach neighbourhood and should be designated under Part V of the OHA. The district plan should be adopted by bylaw with the changes to section 8.5.1, as described in this report.

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SIGNATURE

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ATTACHMENTS

Attachment No. 1: Map of Kingswood Road South Heritage Conservation District
Attachment No. 2: Kingswood Road South Heritage Conservation District Plan

LOCATION MAP: KINGSWOOD ROAD SOUTH
HERITAGE CONSERVATION DISTRICT

ATTACHMENT NO. 1

