



**STAFF REPORT
ACTION REQUIRED**

Kingswood Road South Heritage Conservation District

Date:	July 15, 2010
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Acting Director, Policy and Research, City Planning Division
Wards:	Ward 32 Beaches – East York
Reference Number:	P:\2010\Cluster B\PLN\HPS\TEYCC\te 08 17 10\teHPS16

SUMMARY

Due to a previous error of notification, this report recommends that City Council repeal the existing By-law 587-2010 and designate anew the Kingswood Road South area as a Heritage Conservation District and recommend the adoption of the District Plan by by-law, as required under the Ontario Heritage Act (OHA). The District Plan was prepared by E.R.A. Architects and was community led. 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 repeal By-law 587-2010 being a by-law to designate the Kingswood Road South Heritage Conservation District and adopt the Kingswood Road South Heritage Conservation District Plan;
2. 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;
3. 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;

4. If there are any objections to the by-law under Section 41 of the Ontario Heritage Act, City Council direct the City Solicitor to appear before the Ontario Municipal Board to defend the by-law;
5. Until such time as the new by-law designating the area as the Kingswood Road South Heritage Conservation District comes into force or is repealed, City Council direct that all properties within the proposed Kingswood Road South Heritage Conservation District, be listed on the City's Inventory of Heritage Properties, unless already designated under Part IV of the Ontario Heritage Act;
6. City Council direct that 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 the Kingswood Road South Heritage Conservation District Plan.

DECISION HISTORY

At its meeting of January 26 and 27, 2010, City Council adopted TE30.11 and voted to designate the Kingswood Road South Heritage Conservation District and adopt the Kingswood Road South Heritage Conservation District Plan by by-law, under Part V of the Ontario Heritage Act. At that time City Council also directed staff to not make the recommended amendment to section 8.5.1 of the HCD Plan that was identified as recommendation 3 in the original designation report.

www.toronto.ca/legdocs/mmis/2010/cc/minutes/2010-01-26-cc45-mn.htm

ISSUE BACKGROUND

The purpose of this report is to recommend the repeal of the designation by-law adopted by City Council at its meeting held on January 26 and 27, 2010 and the adoption of a new designation by-law in order to correct a procedural error with respect to the holding of the required statutory public meeting.

Statutory Public Meeting

In accordance with the Ontario Heritage Act (the "Act"), before a by-law adopting a Heritage Conservation District Plan is adopted, Council must hold at least one public meeting. At least 20 days notice of the meeting must be given in accordance with the City's procedures for the giving of notice. Statutory public meetings under the Act are held at Community Council. As set out in TE 30.11, a consultation meeting was held in the community on May 14, 2009 and 20 days notice of this meeting was given to all affected persons. However, this community consultation meeting did not fulfill the requirements for a statutory public meeting under the Act. Accordingly, in order to ensure that the Heritage Conservation District is properly designated and that the Heritage Conservation District Plan is properly adopted, it is necessary to repeal By-law 587-2010, hold a public meeting in accordance with the requirements of the Act and then designate the Heritage Conservation District and adopt the Heritage Conservation District Plan anew.

The required statutory public meeting will be held on August 17, 2010, at Toronto and East York Community Council.

COMMENTS

The staff report summarizing the Kingswood Road South Heritage Conservation District Plan and recommending its designation was presented to the Toronto Preservation Board and Toronto East York Community Council prior to Council's consideration of the matter at its meeting held on January 26 and 27, 2010.

The Toronto Preservation Board decision can be found at the following link (PB29.4):
www.toronto.ca/legdocs/mmis/2009/pb/decisions/2009-11-26-pb29-dd.htm

The Toronto and East York recommendations can be found at the following link (TE30.11):
www.toronto.ca/legdocs/mmis/2010/te/decisions/2010-01-12-te30-dd.htm

In its final decision, City Council directed staff not to amend section 8.5.1 of the HCD Plan. The section of the plan reads, "Contributing buildings should not be demolished." The council decision can be found at the following link (TE30.11):
www.toronto.ca/legdocs/mmis/2010/cc/minutes/2010-01-26-cc45-mn.htm.

CONCLUSION

The holding of a public meeting at Toronto and East York Community Council on August 17th 2010, will fulfill the statutory public meeting requirements of the Act. City Council may then proceed to re-designate the Kingswood Road South Heritage Conservation District and adopt the Kingswood Road South Heritage District Plan under Part V of the Act.

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SIGNATURE

Kerri A. Voumvakis, Acting Director
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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

