

**Official Plan Five Year Review: Official Plan Amendment  
to Adopt new Heritage and Public Realm Policies**

<b>Date:</b>	September 20, 2012
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2012\Cluster B\PLN\pg12069

**SUMMARY**

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This report recommends the adoption of an amendment to the Official Plan to adopt new policies for heritage resources as part of the statutory Five Year Review of the Official Plan. The proposed policies reflect changes to Provincial legislation and improve heritage resource conservation practices throughout the City. The proposed amendment also adds policies to the Public Realm section of the Official Plan to provide for the protection of important views to landmark buildings and structures, important natural heritage views and the downtown/financial district skyline.

As a result of consultation undertaken with respect to the proposed policies, the proposed Official Plan heritage policies that were before Council on July 11, 12 and 13, 2012 have been revised.

**RECOMMENDATIONS**

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**The City Planning Division recommends that:**

1. City Council amend the Official Plan substantially in accordance with the proposed Official Plan Amendment appended as Attachment No. 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the proposed Official Plan Amendment as may be required.

3. City Council declare by resolution to the Minister of Municipal Affairs and Housing that this Official Plan Amendment:
  - a. conforms with Provincial Plans or does not conflict with them;
  - b. has regard to the matters of Provincial Interest listed in Section 2 of the Planning Act; and
  - c. is consistent with policy statements issued under subsection 3(1) of the Planning Act.

### **Financial Impact**

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

### **DECISION HISTORY**

At its meeting of July 11, 12 and 13, 2012 City Council considered recommendations regarding proposed new Official Plan Heritage Policies contained in a staff report dated May 24, 2012, as amended by Planning and Growth Management Committee on June 18, 2012.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG16.10>

Council adopted the following recommendations:

1. City Council receive the proposed Official Plan Heritage Policies.
2. City Council direct staff to consult with the public at large, heritage groups including Community Preservation Panels, Councillors, City Divisions and BILD to obtain their comments and feedback regarding the proposed policies.
3. City Council direct the Acting Chief Planner and Executive Director, City Planning to conduct a public open house on the proposed Official Plan heritage policies in September of 2012.
4. City Council request the Acting Chief Planner and Executive Director, City Planning, to report back with final recommendations and an official plan amendment on heritage policies to a special meeting of the Toronto Preservation Board and the October 12, 2012 of the Planning and Growth Management Committee for the special meeting in fulfillment of Section 26 of the Planning Act.
5. City Council request the Acting Chief Planner and Executive Director, City Planning, to consult with the General Manager of Transportation Services on the policies that pertain to the termini of rights of way at the Lake Ontario shoreline in Etobicoke and throughout the City, to align Official Plan policies, heritage policies and zoning by-laws and report to the Committee.

## **ISSUE BACKGROUND**

### **A Stronger Policy Framework for Heritage Conservation**

The proposed Official Plan amendment represents a vision for the conservation of heritage resources in Toronto that transcends the simple preservation of individual buildings and integrates heritage into our daily experience of the City. Awareness of our heritage around us is a precursor to its appreciation and the proposed policies aim to support raising this awareness. There are new policies recognizing heritage lies in local landmarks in neighbourhoods throughout the City and needs to be viewed through the lens of our diverse cultures. The need for adaptive re-use of our existing heritage buildings, with a higher standard for City-owned buildings is emphasized. Important views that have collective meaning for us are proposed to be protected. The policies before Council recognize that preservation should be, and often is, a co-operative venture between private developers, the City and all Torontonians who care about our heritage. Well-designed development can and should conserve heritage properties.

The proposed Official Plan policies recognize that we have to have a broader heritage vision, and provide guidance for individual heritage properties. If we do not appropriately protect individual resources, then the ability to achieve or meet the broader vision is lost. The Plan therefore contains policies to identify, evaluate and conserve cultural heritage resources: individual heritage properties, heritage conservation districts, cultural heritage landscapes, archaeological sites and important views to landmark buildings, the lake and rivers, and the skyline. The Ontario Heritage Act and the Provincial Policy Statement (2005) gives the City the tools and responsibilities to conserve these heritage properties and the Provincial Growth Plan requires us to implement Official Plan policies to conserve our heritage resources where feasible as built up areas are intensified. Without these implementing Official Plan policies to conserve heritage properties, the City will lack the ability to fully protect them in forums such as the Ontario Municipal Board and the Conservation Review Board.

When Council adopted the current Official Plan in 2002 municipalities had limited powers to conserve heritage properties. The powers were largely limited to delaying the demolition of heritage buildings. The existing Official Plan policies for heritage conservation reflect the municipal powers and responsibilities in existence at the time. By the time the Ontario Municipal Board brought the Official Plan into force and effect in 2006, a new Provincial framework for heritage conservation had come into being.

### **Provincial Policy Framework**

In 2005 the Province adopted a new Ontario Heritage Act that significantly altered, and strengthened, a municipality's powers, responsibilities and tools to conserve heritage resources. The revised Act formalized the Municipal Register, created criteria for designation of heritage properties, provided tools for the maintenance of heritage properties, and created a detailed formalized process for the creation and conservation of Heritage Conservation Districts, among other matters. In the same year, the Province issued a Provincial Policy Statement that required the conservation of significant built heritage resources, cultural heritage landscapes and significant archaeological resources. The same month as the Official Plan was brought into effect, the 2006 Provincial Growth Plan for the Greater Golden Horseshoe required

municipalities to develop and implement Official Plan policies to further the conservation of cultural heritage and archaeological resources where feasible, as built-up areas intensified.

Since the adoption of the Official Plan in 2006, Toronto has continuously been in a development 'boom' with the greatest concentration of redevelopment occurring in the *Downtown* where heritage resources are also concentrated. This has brought into focus the need to implement the augmented Provincial policy framework for conserving heritage and to balance continued intensification and redevelopment with the protection of our important remaining heritage resources. The regulatory tools available to the City should be utilized in order to accommodate new development while providing for design that ensures the conservation of our significant heritage properties.

## **Policy Development**

Staff worked with a team of consultants, led by Taylor Hazell Architects and Archaeological Services Incorporated to develop the proposed policies. In addition, in conjunction with the consultant team an extensive consultation process was undertaken that included dozens of meetings and interviews with heritage experts, a broadly based Heritage Advisory Committee, stakeholder meetings and a public open house with over 100 persons to identify goals for new heritage policies. Some of the key heritage policy matters that emerged from those consultations were the need for:

- New heritage policies to reflect and implement municipal powers and responsibilities under the stronger Provincial legislation
- Stronger and more specific policies for the protection of important views
- More detailed policies for the identification, designation and protection of Heritage Conservation Districts
- Recognition of Cultural Heritage Landscapes in the Official Plan
- Inclusion of a policy addressing 'demolition by neglect'
- Expanded policies for consultation with First Nations
- Balancing growth downtown with preservation of our remaining important heritage buildings, landscapes and views
- A protocol for dealing with unanticipated threats to heritage buildings

The consultant team worked with staff to develop new proposed Official Plan policies that reflect the views that emerged from public consultations, the more robust Provincial policy framework for heritage preservation, and best municipal practices in heritage resource conservation.

Planning and Growth Management Committee and Council considered these proposed policies in June and July 2012 and directed staff to consult with the public and stakeholders and report back to the October 12<sup>th</sup> Planning and Growth Management Committee with an official plan amendment with new heritage policies for the Special Statutory Meeting required under Section 26 of the Planning Act.

## **Consultation Since Council's Receipt of Draft Policies**

Since June, City Planning Division staff have either engaged in dialogue or met with a subcommittee of BILD, the OP Review Heritage Advisory Committee, representatives of faith

groups, Provincial Officials, Council members, representatives of the Preservation Panels and the Toronto Preservation Board. Written submissions were received from the Ministries of Municipal Affairs and Housing and Culture Tourism and Sport, representatives of faith groups, BILD, ERA Architects, solicitors for the University of Toronto, the North York Community Preservation Panel, and internal City Divisions. Comments on the proposed policies were also requested from First Nations and Métis groups, and resident and ratepayer groups in the City. A well-publicized Special Open House to discuss the proposed new heritage policies was held on the evening of September 10, 2012 with over 125 persons in attendance.

The major themes and comments raised at the Open House were:

- Heritage Policies are going in the correct direction but could be strengthened by recognizing the multiculturalism of Torontonians by considering a broad range of cultural heritage resources that reflect the diversity of the City
- Mechanisms are needed to deal with valuable heritage resources not yet on the Heritage Register
- Need to consider ways to accomplish the study and designation of Heritage Conservation Districts more quickly
- Need strong and precise language in the policies
- Need to expand the definition of Cultural Heritage Landscapes beyond what is currently proposed to encompass elements such as Main Streets
- Need to recognize natural heritage—both the natural heritage system and 'heritage trees'. Need to tie built heritage with Natural Heritage policies
- Important to have more clarity in the 'views' policy presented in June, 2012
- Need to emphasize that development and heritage conservation can work together to facilitate both heritage preservation and new development/redevelopment
- Need to raise heritage awareness and the role of heritage in many aspects of life in Toronto

There has been general support for the direction and content of the proposed heritage Official Plan policies in the majority of the submissions. However, the feedback received by staff has resulted in changes to the policies originally presented to Council. The revisions to the policies as a result of the consultations have afforded staff the opportunity to add greater clarity and strengthen the policy framework proposed.

The remainder of this report will outline the proposed policies in the proposed Official Plan amendment and identify how the policies have been altered as a result of the public consultations from the earlier version considered by Planning and Growth Management Committee and Council.

## **COMMENTS**

### **Introductory Non-Statutory Text**

The non-statutory introductory text for the proposed Section 3.1.5 outlines why heritage is important to Torontonians. As a result of comments at the Open House and submissions from a number of participants this section has been augmented in several ways to present a more

complete vision of the significance of our cultural heritage resources and their preservation. Specifically, the introductory text now also addresses:

- The concept that heritage is not an isolated element but has significance in the social, environmental and economic daily life of the City
- The reality that heritage resources are found in neighbourhoods throughout the City
- Recognition that Natural Heritage is an important element of heritage preservation and the strong policies in Section 3.4 and Map 9 of the Official Plan that protect our natural heritage system are now referenced
- The history of our First Nations in this City, their ties to the natural heritage system and the need to work in collaboration with First Nations to conserve their heritage resources and celebrate their culture
- Recognition that intensification and redevelopment can be accommodated while preserving our cultural heritage resources

### **General Policies Addressing Many Types of Cultural Heritage Properties**

The general heritage policies cover a wide array of heritage properties including: individually significant buildings and structures, properties that are a part of a heritage conservation district and cultural heritage landscapes.

The initial policies set out the structure for heritage preservation in Toronto. The first policy addresses the establishment of a ‘Heritage Register’ of properties of cultural heritage value or interest to be maintained by the City, as required by the 2005 Ontario Heritage Act. As permitted by the Ontario Heritage Act, the Heritage Register may consist of properties that are undesignated and designated. The City’s current inventory of heritage properties will comprise the initial Heritage Register and be added to incrementally over time. Through discussions with the Province this proposed policy has been altered to specifically refer to the ‘City of Toronto Heritage Register’ and to clarify that it includes properties designated under both Sections IV (individual properties) and V (properties within heritage conservation districts) of the Ontario Heritage Act as well as other properties of heritage value that are not yet designated.

Throughout the consultations, staff were asked how to recognize heritage properties that have been evaluated and not deemed of sufficient cultural heritage value or interest to be put on the Register. Staff have responded that we should concentrate resources on conserving those heritage properties and districts that are evaluated and of sufficient heritage value to place on the Heritage Register. In the consultations, the need to speed up and expand the evaluation of individual properties and potential heritage conservation districts with the potential to be added to the Heritage Register was raised. This is outside the scope of the policy amendment but is acknowledged as an area where enhancements are being undertaken by the Division.

The general heritage policies provide that properties of cultural heritage value or interest will be identified and evaluated using Provincial criteria including consideration of the design or physical value, historical or associative value and contextual value. Those that demonstrate cultural heritage value or interest will be protected and conserved consistent with Council-approved standards. Where alterations, development and/or public works is occurring within or

adjacent to a property of cultural heritage value, it will be assessed to ensure that the integrity of the attributes and heritage value is conserved.

Properties that demonstrate cultural heritage value or interest will be protected, conserved and maintained consistent with Council approved standards and guidelines. Concern was expressed that the policy could have the effect of elevating unknown future guidelines to the status of statutory Official Plan policy. Staff have included a sidebar citing Council's specific adoption of the *Standards and Guidelines for the Conservation of Historic Places in Canada* for the practice of conserving properties on the Register to clarify how the Guidelines will be used. Policy 5.3.2 of the Official Plan specifies that Council guidelines do not have the same statutory status as Official Plan policies.

The proposed Official Plan policies call on the City to show leadership in the conservation of heritage resources under its stewardship. A proposed policy originally called upon the City to promote the conservation and adaptive re-use of City-owned properties no longer required for their current use. Commentary received suggests that the adaptive re-use of all heritage buildings should be encouraged. The proposed policy has been revised to reflect this suggestion, but still holds the City to the higher standard that it will demonstrate excellence in the conservation and compatible adaptive reuse of City-owned heritage properties. In both instances the adaptive reuse should be for a use permitted in the Official Plan designation. The existing policy of designating and securing an easement agreement on a city-owned property before it is disposed of is retained. To be prepared for unexpected threats to important heritage properties, a proposed policy requires the City to establish a protocol to co-ordinate and direct actions to protect properties on the Register in the instance of events such as fire or flooding.

This policy was well-received in public consultations, and has been revised through discussions with staff in the Emergency Management Office to clarify that the protocol will address the protection of the heritage property once the primary life/safety objectives of evacuating people has been completed and public safety has been secured.

An issue identified during the public consultations is the loss of valuable heritage buildings that have fallen into disrepair to the extent they are no longer usable or able to be retained. The existing Official Plan policies called for only City-owned heritage buildings to be retained in a state of good repair. Changes to the City of Toronto Act and the Ontario Heritage Act have allowed the City to enact a Heritage Property Standards by-law to require a minimum standard of maintenance for the heritage attributes of all designated heritage buildings—both public and private, and the City has enacted a Heritage Property Standards By-law to implement this. This policy was well-received in the public consultations and has been retained with a clarification that it only applies to designated heritage properties and the term 'demolition by neglect' has been replaced by the term 'deterioration by neglect', to address a clarity concern.

Heritage conservation is born from heritage awareness. A need to broaden the policies dealing with heritage education and awareness was raised at several points in the summer consultations and open house. A new subsection has been created in the policies entitled 'Raising Heritage Awareness', incorporating the previously proposed policies calling for: identifying potential and existing cultural heritage resources in area planning studies and plans; interpreting lost historical

sites whenever a new private development or public work is undertaken in the vicinity of historic sites. The policy that previously referred to the promotion of cultural heritage resources through educational programs and museums has been expanded, at the suggestion of Heritage Toronto and attendees at the Open House, to include promotion of heritage awareness through local celebrations and other programming. A proposed policy has been added to encourage the development of neighbourhood heritage initiatives throughout Toronto to promote an understanding of local history and the evolution of our neighbourhoods and open spaces. The policy on the assessment of potential heritage properties has been added to recognize the contributions of Toronto's diverse cultures in determining the value of heritage resources.

## **Heritage Incentives**

Ongoing maintenance of heritage buildings in a manner that conserves the important heritage attributes can be more expensive than the upkeep of other buildings. The proposed Plan policies called for the creation of incentives for conservation of designated heritage resources and required that heritage property maintenance funded in whole or part through public incentive monies be completed to the highest standard of conservation. The incentive policies also require that when public money is used to restore or maintain heritage properties owned by publicly funded institutions such as universities schools and hospitals, a heritage easement agreement would be secured.

A new incentive has also been added to the proposed Official Plan policies as a result of the consultations. The existing Official Plan contains a policy that does not include in the calculation of the gross floor area of a designated heritage building, or a portion of it, that is retained as part of a new development outside of a *Neighbourhood* designation. The gross floor area of the new development may exceed the maximum density permitted in the zoning by-law by the floor area of the heritage building that is retained. In the original consultations in the fall of 2011, staff had heard that this provision is ineffective due to the practice of applying for zoning by-law amendments that far exceed the permitted zoned density. However, it was noted that for smaller and medium-sized developments this incentive can be a useful and effective impetus for the preservation of significant portions of heritage buildings on development sites. This incentive has now been included in the proposed amendment. The GFA calculation exception is contingent upon: the building being retained containing the values and attributes for which the building was designated; the three-dimensional integrity of the building will be conserved, any Heritage Conservation District plans or guidelines will be adhered to, the policy will not apply in the *Neighbourhoods* designation, and the additional floor area will not detract from the heritage property or conflict with other Official Plan policies, and the conserved heritage property will be protected through a Heritage Easement Agreement

## **Heritage Impact Assessments**

Heritage Impact Assessments (HIA's) are studies of whether a development or alteration to a property on the Register, or adjacent to one, may affect a cultural heritage resource, and how any impacts may be avoided. Schedule 3 of the Official Plan requires a Heritage Impact Statement/Conservation Strategy as part of any complete application on a property on the City Register or adjacent properties where there is an application for a zoning by-law amendment, a plan of subdivision, or consent to sever. Where there is an application for solely a Site Plan Agreement, the City may request a Heritage Impact Assessment. The proposed heritage policies



would amend Schedule 3 to use the term ‘Heritage Impact Assessment’ for consistency with other City and Provincial documents, and require one where applications for an Official Plan Amendment are being submitted, since major applications requiring an amendment to the Official Plan could genuinely affect heritage resources on, or adjacent to, a heritage property. The proposed policies also require a HIA where there is a requirement for a demolition permit for a property on the Register, or adjacent to one. In order to protect significant views, a HIA may also be requested when a development application may obstruct an important view listed on Maps 7a and 7b.

Some participants noted that assessing heritage impacts may not be sufficient and the Official Plan should also plan for the conservation and interpretation of significant heritage property found through the HIA. A policy has been added to state that the City may request a conservation plan to address in detail the conservation treatments for a heritage property identified in a HIA and/or an interpretation plan to promote to the public heritage resources identified in a HIA.

### **Built Heritage Resources**

Toronto has experienced tremendous growth downtown in the past decade where the greatest concentration of heritage properties is found. The proposed Official Plan heritage policies recognize that growth will continue downtown, but that downtown intensification can occur while the important attributes of heritage properties are conserved. On many sites it is possible to preserve a portion of a heritage building and integrate it into new construction. As well new construction on a property beside or across the street from a heritage property may have an impact on the heritage property. Accordingly, a proposed policy provides that new construction on or adjacent to, properties on the register will be designed to protect the heritage attributes and character of the heritage property and minimize the visual and physical impact on it.

In past decades, heritage buildings have sometimes been demolished with only the building façade or parts of it, integrated into a new development. In the consultations in the autumn of 2011, there was a strong reaction against the perceived trend to ‘façadism’. One of the proposed policies presented to Committee in June 2012 emphasized that the conservation of whole buildings on the Heritage Register would be encouraged and the retention of façades alone would be discouraged.

Comments on the proposed policies identified an issue with such a ‘blanket’ policy and recommended that ‘it should be the heritage attributes that are protected and not the whole building unless the whole of the building has been recognized as the heritage attribute in the designating by-law.’ Staff have amended the proposed policy to emphasize that the conservation of buildings on the heritage Registry should include all of the portions of the property that contain important heritage attributes. The policy now encourages retention of whole buildings or substantial portions of buildings on the Heritage Register and still discourages the retention of façades alone. Retention of façades alone is not proposed to be prohibited as was suggested in several forums, as there will be circumstances where the building is in disrepair and only the façade may be salvageable, or where the heritage attributes are limited to the façade.

Circumstances arise where the City is presented with a proposal to move a heritage building away from the property on the Heritage Register in order to facilitate new development. It is the entire property that is on the Heritage Register and an additional policy has been added to the proposed Official Plan Amendment stating that heritage buildings located on properties on the Heritage Register should not be removed from the property. However, a heritage building can be relocated within the property provided:

- it is not attached to another heritage building
- the specific location or orientation of the heritage building is not identified as an attribute or value of the property
- the building is not the subject of an important view identified in the Official Plan
- the heritage building is not being re-oriented to face another direction
- a conservation plan demonstrates the relocation will not pose physical risk to the heritage building or its attributes
- a heritage easement agreement is entered into prior to the on-site relocation

When a portion of a designated heritage building remains as a result of an alteration, a heritage alteration permit is required. The proposed policies provide that the alteration of a designated heritage building should not be approved if it will negatively affect the heritage attribute of the designated heritage property.

The most secure heritage conservation tool is a heritage easement agreement with the owner of a designated property which secures the preservation and maintenance of the heritage property for a period of time—often as a condition of an incentive or grant or where additional development is occurring on a site with a heritage building. At the Open House, and in the ERA submission, the view was expressed that a Heritage Easement Agreement is an expensive and complex conservation instrument that should only be used for exceptional circumstances or when public incentives are involved. A policy proposed to Committee in June 2012 stated that owners of designated heritage properties will be encouraged to enter into such agreements. This policy has now been altered to encourage owners of designated heritage properties to enter into a heritage easement agreement where additional protection beyond designation is warranted due to the location, proposed alteration and/or the nature of the cultural heritage resource.

## **Heritage Conservation Districts**

Revisions to the Ontario Heritage Act (OHA) in 2005 elevated Heritage Conservation Districts (HCD's) as a powerful tool for heritage conservation in historically significant parts of Toronto. Council has responded by recently adopting a blueprint for their use, entitled *'Heritage Conservation Districts in Toronto: Policies Procedures and Terms of Reference'*. The proposed policies provide that potential HCD's will be identified and evaluated and where they have cultural heritage value they will be designated and conserved. Within or adjacent to Heritage Conservation Districts, all developments, site alterations and public works will be evaluated and only approved if they are in accordance with the Heritage Conservation District Plan. These policies have met with general approval in the consultations and are brought forward in the proposed Official Plan Amendment. A sidebar has been added to reference *Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference* to clarify that

these are the Council-adopted policies that will guide Heritage Conservation District studies and plans.

## **Archaeology**

The Provincial framework for protection of archaeological sites and resources has been strengthened since the adoption of the Official Plan. While much of Toronto's subsurface has been disturbed by past development activity, there are areas of the City that retain archaeological potential which are identified by the City's Archaeological Management Plan. The Province has provided municipalities with powers to deal with archaeological resources. Since revisions to the Ontario Heritage Act in 2005 Official Plans and Official Plan reviews of larger municipalities have included, as best practices, details on how the municipality would screen for and preserve archaeological resources and consult with First Nations where they had an interest.

The policies in the proposed Official Plan Amendment set out the process for archaeological assessment in areas with archaeological potential. They require the owner of the lands to undertake studies by a licensed archaeologist to assess the property for archaeological resources and the impact of the proposed development on any archaeological resources. The archaeologist is to identify methods to mitigate the impacts of the proposed development on any archaeological resources, including whether there can be protection on-site and the curation of artifacts. A Provincial letter verifying that an Archaeological assessment has been satisfactorily completed is to be provided to the City, and if there are First Nations or Métis artifacts discovered, to the First Nation with the closest cultural affiliation.

In keeping with Provincial policies, development is permitted on lands containing archaeological resources where they have been assessed and conserved. Preservation in situ is the preferred conservation strategy for any archaeological site, and where it occurs a heritage easement agreement should secure the on-site preservation. While on-site conservation may often be accomplished in low-density Greenfield development, the proposed Official Plan policies recognize that in a built-up municipality such as Toronto this is not always possible with lands held in private ownership.

The proposed policies state that where excavation of archaeological resources occurs, the information and artifacts are to be safeguarded in an alternative location. Currently the City does not have a central repository for archaeological records or artifacts and these are held for temporary safekeeping by individual archaeologists. A proposed policy in the amendment calls for the City to take possession of these artifacts and records for safekeeping, research and public exhibition. A new proposed policy states that these archaeological discoveries that speak to our common past should be communicated to the public through on-site landscape, art or other elements of the new development. An example of this in recent years is the Bishops Block at Richmond and Duncan Streets. At this site thousands of artifacts of Toronto's history were unearthed and it became an important point of interest for the public to learn more about the site and the archaeological process given its public location. The new Shangri-La hotel will include an interpretation of the Bishop's Block as part of the development.

Consultation with First Nations and Métis is an important element of the proposed Official Plan Amendment. Toronto was one of the first municipalities to include policies in its Official Plan

dealing with the identification, protection and preservation of First Nations cultural sites—such as burial sites. Over the years since the Official Plan came into force, other municipalities have embedded more extensive policies in their Official Plans regarding consultation with First Nations and Métis. The First Nations have a recognized interest in these sites, particularly burial sites as the bones in an ossuary are regarded as living spirits of their ancestors. The First Nations were stewards of our natural areas, particularly the river valley where many of their important settlements once stood. The proposed policies provide that after an archaeological assessment has been completed, the landowner provide the Provincial concurrence letter to both the City and any applicable First Nations or Métis group. Where the archaeological resources are found to be First Nations or Métis in origin, the landowner is required to give, prior to development, the Stage 1 and 2 archaeological reports to the First Nations or Métis group with the closest cultural affiliation and in whose traditional territory the archaeological resources were found. The landowner is to consult with the First Nations or Métis group to discuss conservation and interpretation approaches.

In some municipalities with primarily 'Greenfield' development the Official Plan requires in situ preservation of any significant First Nations archaeological site. The sites are often the 'open space' component of the development and are excluded from density calculations. However, Toronto is a built-up City and outside of parks and natural areas, most of the City has been disturbed for development and infrastructure excavation. The valley and ravine natural areas are also the location of former First Nations settlement and activity. Parks and natural areas are generally owned by the City or other public agencies such as the TRCA. The proposed Official Plan Amendment therefore provides that where significant First Nations or Métis Archaeological resources are found on publicly owned lands, the City may deem these lands as not suitable for development. In the future the City will develop a broader protocol with First Nations, the Métis, and the Province governing cultural heritage resource matters.

An additional archaeological policy is proposed as a result of consultation. The Provincial Ministries of Municipal Affairs and Housing and Tourism Culture and Sport suggested the addition of a policy addressing marine archaeological resources. A policy has been included in the proposed Official Plan Amendment that the City may require a marine archaeological assessment to be conducted by a licensed marine archaeologist when development is proposed in open water or a location that may affect a marine archaeological resource.

The archaeological policies have been generally supported in the consultations, although there has been a submission that has recommended the deletion of all of the proposed detailed archaeological policies in the Official Plan, leaving them to be outlined in the municipal Archaeological Management Plan and provincial level policy, guidelines and law. The Provincial Growth Plan specifically requires municipalities to develop and implement Official Plan policies in support of the objective of conservation of cultural heritage and archaeological resources where feasible. Staff are of the opinion that the City should avail itself of the tools it has been given to protect important archaeological resources. Official Plans for most major municipalities in Ontario since 2006 have included strong implementing archaeological policies. Consultation with First Nations when they have an interest in archaeological sites is both appropriate and desirable and these policies should be maintained and strengthened in the Official Plan, not deleted.

## **Protection of Important Views**

Throughout the initial consultations in the autumn of 2011, members of the public frequently raised the need to strengthen the Official Plan policies for the protection of views of landmark buildings and natural features. The proposals that were before Planning and Growth Management Committee in June 2012 included policies in both the Public Realm and Heritage sections of the Plan with an accompanying map, to protect views of landmark buildings and structures, the downtown/financial district and important natural heritage features. These policies attracted more comment than others, and from a wide variety of sources. The comments did not ask that the policies be deleted. Rather, they requested more specificity as to the precise origin point of the view and what aspect of the view was being protected. Was the view to the building or feature without obstruction being protected, or did the view protection extend to the visible area above and behind the building silhouette? How can visual integrity be better defined?

In response to these comments, staff have revised the proposed policies related to the protection of significant views. The new proposed view policies clarify that it is the views 'to' landmark buildings, the downtown/financial district and natural heritage features that will be preserved without obstruction. There are three exceptions to this; an additional policy acknowledges that the Queens Park Legislature Assembly, Old City Hall and City Hall are ceremonial sites of exceptional significance. The protection of views of these three heritage properties would include the prevention of any further intrusions visible above and behind the building silhouette, as well as protecting the view to the buildings from any further obstruction. A study of the views of the Queens Park Legislature Assembly from University Avenue has been completed and a staff report has been forwarded to the Toronto and East York Community Council meeting of September 11, 2012 recommending adoption of a more detailed policy for this view. Planning Division staff are in the process of hiring consultants to prepare a study of the views of Old City Hall and City Hall.

As a result of discussions with stakeholders the revised policies now acknowledge that the views of the Downtown/Financial District and North York Centre skylines are dynamic views that include any new tall buildings within those areas. All of the significant views listed on Maps 7A and 7B have been visited and observed to ensure they are still valid and to better specify the precise origin point of the view. Several views have been deleted from the original map as they no longer exist and several new views have been added as a result of the public consultation and on-site investigations.

## **Future Work**

At their meeting of July 11, 12 and 13, 2012 Council also requested the City Planning Division to consult with Transportation Services on the policies that pertain to the termini of rights of way at the Lake Ontario shoreline in Etobicoke and throughout the City, to align Official Plan policies, heritage policies and zoning by-laws and report to Committee. Staff have visited South Etobicoke and added additional views to proposed Map 7A to protect the 'windows on the lake' in south Etobicoke. However, the study requested covers the entire waterfront of the City and would involve co-ordination with other departments, zoning by-law amendments and public consultation across the City. It would therefore be a matter for further study and cannot be reported on to this statutory meeting.

## **Reviewing the Official Plan Under Section 26 of the Planning Act**

The Five Year Review of the Toronto Official Plan is being conducted under the terms of Section 26 of the Planning Act and amendments are being proposed in accordance with the procedure set-out in Section 17 of the act. This is the first time Council has reviewed an Official Plan under Section 26 of the Act and there are some additional responsibilities and actions required.

Section 26(3) (a) of the Planning Act requires that Council consult with the Province, our approval authority, with respect to revisions that may be required. Staff of the Ministries of Municipal Affairs and Housing and Culture Tourism and Sport were extensively consulted in the formulation of the proposed policies through their participation in the Heritage Advisory Committee. A separate meeting was held between City Planning Division staff and staff of these Provincial Ministries shortly after the initial proposals were considered by Planning and Growth Management Committee in July, 2012. Formal comments were received from the Provincial Ministries on August 28<sup>th</sup> 2012, and were discussed with Provincial staff. These comments contributed to changes to the proposed policies resulting in their strengthening. The letter from the Province commended the City's dedication and efforts towards conservation of its heritage resources and stated that the proposed cultural heritage policies support and implement provincial heritage policies and legislation, in particular Section 2.6 of the Provincial Policy Statement and changes to the Ontario Heritage Act, which were made in 2005. The requirement to consult with the Province has therefore been fulfilled by the City.

Section 26(3) (b) of the Planning Act also requires Council to hold a special meeting, open to the public, to discuss revisions to the Official Plan. In the case of the City of Toronto, the holding of public hearings on planning matters is delegated to Planning and Growth Management Committee under the delegation provisions of Section 24 of the City of Toronto Act and the Toronto Municipal Code. The statutory special public meeting on the October 12, 2012 agenda of Planning and Growth Management Committee fulfills the special meeting requirement of Section 26 of the Planning Act.

Section 26(4) of the Planning Act requires that notice of this special public meeting be published at least once a week in each of two separate weeks, and the last publication will be at least 30 days before the date of the meeting. In addition to notification of all persons who wished to receive notice of Official Plan meetings and documents, full page ads were published in the Toronto Sun on August 31, 2012 and September 7, 2012 to fulfill the Planning Act notification requirements.

Finally, Section 26(7) of the Planning Act requires that each time a Council revises its Official Plan as part of an Official Plan Review, Council must declare by resolution to the approval authority that the Official Plan meets clauses 1(a)(i),(ii) and (iii) of the Act. The third recommendation of this report provides for Council's declaration to the Minister of Municipal Affairs and Housing that the Official Plan Amendment conforms to Provincial Plans, has regard to matters of Provincial Interest and is consistent with Provincial Policy Statements. Provincial staff have indicated that the proposed policies support and implement Provincial heritage policies and legislation. Council may therefore proceed to adopt such a resolution.

## CONCLUSION

After a year of extensive study and consultation new Official Plan Amendment policies, addressing Heritage and Public Realm, is being brought before Committee and Council for adoption that will establish a new framework for heritage conservation and view protection policies than currently exists in the Official Plan. The new policies reflect the new powers and responsibilities available to Council to conserve heritage properties and archaeological resources. The Province may have provided powers to evaluate and conserve heritage buildings, heritage conservation districts, cultural heritage landscapes and archaeological sites and artifacts, but the exercise of those powers require policies within the Official Plan.

The Official Plan policies are more than just a toolbox. A broader vision of heritage conservation is presented where well-designed development conserves the important heritage attributes on heritage properties, where heritage awareness is raised throughout the neighbourhoods of the City and our diverse population, where heritage buildings are adapted for new uses not condemned to demolition and a landfill.

The draft Official Plan amendments add, for the first time, policies to protect important views to landmark buildings, skylines and important natural heritage features throughout Toronto.

## CONTACT

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## SIGNATURE

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## ATTACHMENTS

Attachment 1: Proposed Official Plan Amendment  
Attachment 2: Open House Minutes

Authority: Planning and Growth Management Committee Item No.\_\_\_\_ as adopted by City Council at its meeting of \_\_\_\_\_.

**CITY OF TORONTO**

**BY-LAW No. -2012**

**To Adopt Amendment No. 199 to the Official Plan of the City of Toronto with respect to the Public Realm and Heritage Policies**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended to pass this By-law; and

WHEREAS Council of the City of Toronto has provided information to the public, held a public meeting in accordance with Section 17 of the *Planning Act* and held a special public meeting in accordance with the requirements of Section 26 the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached amendment No. 199 to the Official Plan of the City of Toronto is hereby adopted..

ENACTED AND PASSED this    day of October, A.D. 2012.

FRANCES NUNZIATA  
Speaker

ULLI S. WATKISS  
City Clerk



## **AMENDMENT NO. 199 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO**

The following text and schedule constitute Amendment No. 199 to the Official Plan for the City of Toronto, being an amendment to Section 3.1.1, 3.1.5, maps 7 to 34 inclusive and Schedule 3 "Application Requirements:"

1. Section 3.1.1, The Public Realm, is amended by deleting policy 9, substituting therefore the following policies 9, 10, 11 and 12, and renumbering existing policies 9 to 18 inclusive, accordingly:
  9. Views to landmark buildings, landscapes and natural features from streets and other public places are a significant part of the structure and image of the City. Public works and private development will maintain, frame and, where possible, create public views to important natural and human-made features from the public realm.
  10. Views to landmark buildings, structures and landscapes, the downtown/financial district and North York Centre skyline, and natural heritage features identified on Maps 7a and 7b are significant views and will be preserved without obstruction. Views to the downtown/financial district and North York Centre skyline are dynamic and include any new tall buildings within the *Downtown and Central Waterfront* and *North York Centre*.
  11. The City will seek to ensure that new buildings and landscapes, building additions and structures, and public undertakings do not obstruct or detract from these significant views. Where a development proposal may obstruct or detract from a view shown on Maps 7a and 7b, the Planning Rationale Study submitted as part of a complete application will address the impact upon the significant view and a Heritage Impact Assessment may be requested.
  12. The Queens Park Legislative Assembly, Old City Hall and City Hall are public ceremonial sites of exceptional significance. Protection of views to these three properties identified on Maps 7a and 7b will include the prevention of any further intrusions visible above and behind the building silhouette, as well as protecting the view to the buildings from any further obstruction.

Section 3.1.5, Heritage Conservation, is deleted in its entirety and replaced by the following:

## HERITAGE CONSERVATION

Toronto's cultural heritage can be seen in the significant buildings, properties, districts, landscapes and archaeological sites found throughout the city. Their protection, wise use and management demonstrate the City's goal to integrate the significant achievements of our people, their history, our landmarks, and our neighbourhoods into a shared sense of place and belonging for its inhabitants.

The City's significant heritage properties tell stories about the forces and events that have shaped Toronto. They reveal the city's historical geography; a lakefront terrain carved by rivers and valleys that 11,000 years ago first allowed Indigenous people to hunt and fish, and 10,500 years later facilitated the development of agricultural communities occupied by thousands of people, many descendants of whom call Toronto home today.

Our cultural heritage includes both the tangible and intangible values and attributes of the distinct towns, villages, and cities that have come together to create the Toronto we know today. They enable us to reflect upon the diversity of our communities and neighbourhoods, and our distinct role as a provincial capital. The scale, number and significance of our cultural heritage resources is described in an on-going process of identification, evaluation and preservation that includes a Heritage Register and a comprehensive mapping of the City's archaeologically sensitive areas and sites. The identification of heritage properties that tell our City's stories is an on-going process.

Our heritage properties represent a collective past and their protection, use and adaptive reuse also enrich our daily experience of the City; from commuting through Union Station and dining at the Distillery District, to hiking the Humber River and Rouge Valleys, which were important trade routes and the sites of large and vibrant First Nations settlements. We celebrate communally in squares in front of the Scarborough and North York Civic Centres and City Hall. Consciously or unconsciously, our heritage resources are part of our daily experience of our City.

Cultural Heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable city that can contribute to other social cultural, economic and environmental goals of the City. As a result, heritage conservation is integrated within the policies in many other sections of this Official Plan.

The conservation of natural heritage is also an important element of heritage conservation in Toronto. The Official Plan provides for the conservation of Toronto's urban forest, ravines and river valleys in policies protecting the Natural Heritage System contained in Section 3.4 and Map 9 of the Plan. The

conservation of important heritage resources includes those policies protecting Toronto's Natural Heritage Areas.

As Toronto continues to grow and intensify this growth must recognize and be balanced with the ongoing conservation of our significant heritage properties, views, natural heritage system, and landscapes. In this context, the regulatory tools available to the City will be used to conserve the significant cultural heritage values and attributes of our heritage properties. Preservation of cultural heritage resources not only enriches our lives, it is an important shared responsibility and a prominent civic legacy that we must leave for future generations.

## GENERAL HERITAGE POLICIES

1. The City of Toronto Heritage Register will be maintained and will contain all properties and Heritage Conservation Districts of cultural heritage value or interest that are designated under Parts IV and V of the Ontario Heritage Act, and is referred to as the “Heritage Register”. The Heritage Register may also include properties that are not designated but have been identified by Council for their cultural heritage value or interest. The Heritage Register will be publicly accessible.
2. Properties of potential cultural heritage value or interest will be identified and evaluated to determine their significance using provincial criteria and will include the consideration of cultural heritage values including design or physical value, historical or associative value and contextual value. The contributions of all of Toronto's diverse cultures will be recognized in determining the cultural heritage value of properties on the Heritage Register.
3. Significant heritage properties, including heritage conservation districts and archaeological sites, will be protected by including them on the Heritage Register and, in some cases, designating them under the Ontario Heritage Act. Properties on the Heritage Register will be conserved and maintained consistent with standards and guidelines adopted by Council.

Sidebar: Council has adopted the *Standards and Guidelines for the Conservation of Historic Places in Canada* for the conservation of properties on the Heritage Register. It can be downloaded at [www.historicplaces.ca](http://www.historicplaces.ca).

Sidebar: The *Ontario Heritage Toolkit: Heritage Places of Worship* is a useful reference document for making decisions about how to approach the protection and alteration of places of worship included on the Heritage Register.

4. The impacts of proposed alterations, development, and/or public works on, or adjacent to, a property on the Heritage Register will be assessed to ensure that the integrity of the heritage property's cultural heritage value and attributes will be conserved, prior to work commencing on the property, to the satisfaction of the City. This assessment will be achieved through a Heritage Impact Assessment, consistent with the requirements of Schedule 3 of the Official Plan.
5. The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation.
6. When a City-owned property on the Heritage Register is no longer required for its current use, the City will demonstrate excellence in the conservation, maintenance and compatible adaptive reuse of it for uses permitted in the applicable Official Plan land use designation for the site, and consistent with Council approved standards and guidelines.
7. When a City-owned property on the Heritage Register is sold, leased or transferred to another owner, it will be designated under Part IV of the Ontario Heritage Act. A Heritage Easement Agreement will be secured and monitored, and public access maintained to its heritage attributes, where feasible. This policy may not apply to City-owned properties on the Heritage Register that are already in Heritage Conservation Districts and are not considered to be individually significant.
8. A heritage management plan will be adopted by Council. The heritage management plan will be a comprehensive and evolving strategy for the identification, conservation and management of all properties on the Heritage Register, unidentified and potential heritage properties.
9. A protocol will be developed to co-ordinate and direct actions of the City and its agents in the event that a property on the Heritage Register is threatened by an emergency such as a fire, flood, wilful damage or other unanticipated events. This protocol will address the conservation of the heritage property once the primary life and safety objectives of evacuating and ensuring public safety have been completed.
10. Designated heritage properties will be protected against deterioration through neglect by the enforcement of heritage property standards by-laws.
11. Prior to undertaking an approved alteration to a property on the Heritage Register, the property will be recorded and documented by the owner, to the satisfaction of the City.

## RAISING HERITAGE AWARENESS

12. The development of neighbourhood heritage initiatives will be encouraged throughout Toronto to promote an understanding of local history and the evolution of our neighbourhoods and open spaces.
13. Potential and existing properties of cultural heritage value or interest, including cultural heritage landscapes and heritage conservation districts, will be identified and included in area planning studies and plans with recommendations for further study, evaluation and conservation.
14. Properties on the Heritage Register and archaeological sites and artifacts will be promoted through educational programs, museums, local celebrations and other programming opportunities.
15. Commemoration of lost historical sites will be encouraged whenever a new private development or public work is undertaken in the vicinity of historic sites, such as those where major historical events occurred, important buildings or landscape features have disappeared or where important cultural activities have taken place. Interpretation of existing properties on the Heritage Register will also be encouraged.

## INCENTIVES

16. Incentives for the conservation and maintenance of designated heritage properties will be created and made available to heritage property owners.
17. Conservation and maintenance of designated heritage properties funded in whole or in part through incentives such as grants, tax rebates or other mechanisms will be completed to the highest standard of conservation, consistent with Council adopted standards and guidelines.
18. Publicly funded institutions such as universities, schools and hospitals will be required to enter into a Heritage Easement Agreement as a condition of accepting heritage conservation or maintenance incentives.
19. Additional gross floor area may be permitted in excess of what is permitted in the Zoning By-law for lands designated *Mixed Use Areas*, *Regeneration Areas*, *Employment Areas*, *Institutional Areas* or *Apartment Neighbourhoods* for a heritage building or structure on a designated heritage property that is part of a new development provided that:
  - a) the application includes the conservation of a heritage building or structure on a property designated under the Ontario Heritage Act and included on the Heritage Register;

- b) additional floor area will not exceed that of the heritage building or structure being retained;
- c) the additional floor area will not detract from the heritage property and will not conflict with any other Official Plan policies;
- d) the values, attributes, character and three-dimensional integrity of the conserved building or structure is maintained and additional density will not be granted for the incorporation of facades or historic building elements into new development;
- e) where the property is within a Heritage Conservation District, the proposed development conforms to the Heritage Conservation District plan and/or any guidelines for that district; and
- f) the conserved heritage building or structure is protected in a Heritage Easement Agreement and the agreement and necessary by-laws are enacted prior to approval of the site plan for the entire development.

## HERITAGE IMPACT ASSESSMENTS

Heritage Impact Assessments enable the City to obtain information about the potential impacts a development or alteration may have on a property on the Heritage Register. They provide a basis for establishing how impacts may be mitigated or avoided, whether the impacts are acceptable, and how the cultural heritage values and attributes will be conserved.

- 20. A Heritage Impact Assessment will evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or the impact of the proposed development of a property adjacent to a property on the Heritage Register, to the satisfaction of the City.
- 21. A Heritage Impact Assessment will be required for the proposed demolition of a property on the Heritage Register, and/or for the demolition a property adjacent to a property on the Heritage Register, to the satisfaction of the City.
- 22. A Heritage Impact Assessment may be required where a development application may obstruct or detract from a view included as a cultural heritage value or attribute of a property on the Heritage Register and/or a view identified on Map 7a or 7b, to the satisfaction of the City.
- 23. In addition to a Heritage Impact Assessment, the city may request a Heritage Conservation Plan to address in detail the conservation treatments for the subject heritage property. The City may also request a Heritage Interpretation Plan to promote a heritage property identified in a Heritage Impact Assessment, to the public.

## BUILT HERITAGE RESOURCES

24. The owner of a designated heritage property will be encouraged to enter into a Heritage Easement Agreement where the City considers additional protection beyond designation desirable due to the location, proposed alteration, and/or the nature of that property.
25. New construction on, or adjacent to, a property on the Heritage Register will be designed to protect the cultural heritage values, attributes and character of that property and to minimize visual and physical impact on it, including considerations such as scale, massing, materials, height, building orientation and location relative to the heritage property.
26. The alteration of a property on the Heritage Register may be approved if it has been determined by the City that the alteration will not negatively affect the cultural heritage values and attributes of the property.
27. Where it is supported by the cultural heritage values and attributes of a property on the register, the conservation of whole or substantial portions of, buildings and structures on those properties is desirable and encouraged. The retention of facades alone is discouraged.
28. Heritage buildings and/or structures located on properties on the Heritage Register should be conserved on their original location, however a heritage building or structure on a property on the Heritage Register may be relocated within its property where:
  - a) the heritage building or structure is not attached to or adjoining another building or structure;
  - b) the specific location, orientation or situation of the heritage building is not identified as a cultural heritage value or attribute of the property, or an adjacent property;
  - c) the building or structure is not a landmark, or the subject of a view identified in the Official Plan or a designating bylaw;
  - d) the heritage building or structure will not be re-oriented from its original or significant orientation to face another street, right-of-way, or direction;
  - e) the heritage building or structure is being conserved in its entirety and will not be demolished, disassembled and/or reconstructed;
  - f) the relocation on site does not conflict with any other Heritage Conservation District plans;
  - g) a Heritage Conservation Plan is submitted that demonstrates that the removal and relocation of the building or structure within its existing property will not pose any physical risk to the heritage building and/or structure, its cultural heritage values and attributes,

- to the satisfaction of the City; and
- h) these and any other related conditions are secured in a Heritage Easement Agreement prior to removal and relocation on site.

## HERITAGE CONSERVATION DISTRICTS

- 29. Potential Heritage Conservation districts will be identified and evaluated to determine their significance and cultural heritage values, in a Heritage Conservation District study. Heritage Conservation Districts that have been evaluated to be significant for their cultural heritage value will be designated and conserved.
- 30. Heritage Conservation District studies and plans will be conducted in accordance with City Council adopted policies.

Sidebar: City Council has adopted *Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference* for the study and planning of all heritage conservation districts in the City. It can be downloaded at [http://www.toronto.ca/heritage-preservation/heritage\\_districts.htm](http://www.toronto.ca/heritage-preservation/heritage_districts.htm).

- 31. Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved. This assessment will be achieved through a Heritage Impact Assessment, consistent with Schedule 3 of the Official Plan, to the satisfaction of the City.
- 32. Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

## ARCHAEOLOGICAL RESOURCES

- 33. The Archaeological Management Plan will be implemented and maintained to manage archaeological resources and areas of archaeological potential.
- 34. Development and site alteration will be permitted on lands containing archaeological resources or areas of archaeological potential only where the archaeological resources have been assessed and conserved.



35. Preservation in situ is the preferred conservation strategy for an archaeological site. Where in situ conservation is not possible, archaeological resources may be subject to excavation whereby the information and artifact assemblages are safeguarded in an alternative location, to the City's satisfaction.
36. Where an archaeological site or resource is found to have cultural heritage value, and in situ conservation is possible, in situ conservation should be secured in a heritage easement agreement.
37. Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, the owner of such land will undertake studies by a licensed archaeologist to:
  - a) assess the property in compliance with Provincial Standards and Guidelines for Consulting Archaeologists, and to the satisfaction of the City;
  - b) assess the impact of the proposed development on any archaeological resources;
  - c) identify methods to mitigate any negative impact that the proposed development may have on any archaeological resources, including methods of protection on-site or interpretation and curating; and
  - d) provide to the City, and where applicable, to First Nations and Métis, a Provincial concurrence letter recognizing the completion of the Archaeological assessment.
38. Where archaeological resources are encountered or documented and found to be First Nations or Métis in origin:
  - a) the proponent will ensure that those First Nations or Métis with the closest cultural affiliation, and in whose traditional territories the archaeological resources were found, receive a copy of the Stage 1 and 2 Archaeological Assessment report(s) prior to the development proceeding;
  - b) The First Nation or Métis with the closest cultural affiliation and in whose traditional territory the significant archaeological resources are situated, should be consulted to identify conservation or interpretation approaches; and
  - c) Publicly owned lands with significant archaeological resources of

First Nations or Métis origin may be deemed not suitable for development.

39. The City will develop a consultation protocol for matters related to properties on the Heritage Register and archaeological sites and artifacts in co-ordination with the First Nations, the Métis and the Province.
40. Archaeological discoveries, and their cultural narratives, should be interpreted for the public through innovative architectural and/or landscape architectural design, public art installations, or other public realm projects associated with the site.
41. The City will provide a repository and take possession of all archaeological artifacts and records of archaeological assessment activities undertaken in the City, for the purpose of maintenance, research and exhibition.
42. The City may require an archaeological assessment for marine archaeological remains and artifacts, to be conducted by a licensed marine archaeologist, when a development is located in open water and/or may affect a fully submerged marine archaeological resource.

#### CULTURAL HERITAGE LANDSCAPES

43. Potential cultural heritage landscapes will be identified and evaluated to determine their significance and cultural heritage values. Significant cultural heritage landscapes will be included on the Heritage Register and/or designated under either Part IV or Part V of the Ontario Heritage Act.
44. In addition to protection under the Ontario Heritage Act, other planning tools and strategies for the protection of cultural heritage landscapes may be investigated and employed, as determined by the City.

#### Side Bar:

A cultural heritage landscape is a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Allan Gardens and the Fort York and Garrison Common National Historic Site are examples of significant cultural heritage landscapes in the City of Toronto.

## HERITAGE VIEWS

45. The view to a property on the Heritage Register, including cultural heritage landscapes, will be conserved where the view is included on Map 7a or 7b and/or;
- a) The view is identified in the Council adopted cultural heritage values or attributes for a property on the Heritage Register; and/or
  - b) The property is identified as a landmark in the cultural heritage values or attributes of a property on the Heritage Register.

Sidebar: A heritage view supports or relates to the cultural heritage values and attributes of a property on the Heritage Register. The heritage view helps the viewer to understand the cultural heritage value of the property from a distance and within its identified context. A heritage view can support the prominence and surroundings of a historically significant landmark structure or may be significant in its own right.

## DEFINITIONS

For the purposes of Section 3.1.5 the following definitions shall apply:

**Alteration:** is any change to a property on the Heritage Register, in any manner including its restoration, renovation, repair or disturbance.

**Demolition:** is the complete destruction of a heritage structures and property from its site, including the disassembly of structures and properties on the Heritage Register for the purpose of reassembly at a later date.

**Removal:** is the complete and permanent dislocation of a heritage resource from its site, including relocation of structures to another property.

**Adjacent:** shall refer to those lands adjoining a property on the Heritage Register and lands that are separated from a property on the Heritage Register by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, green space, park and/or easement, or an intersection of any of these; or, as otherwise defined in a heritage Conservation District Plan adopted by by-law.

2. Insert the maps attached to this amendment shown as maps 7A and 7B immediately in front of the existing map 7, and renumber the existing maps 7 to 34 inclusive, accordingly.
3. Schedule 3, Application requirements, of the Official Plan is amended by:
  - a. Deleting the term "Heritage Impact Statement" wherever it appears and replacing it with the term "Heritage Impact Assessment;"
  - b. Placing a dot in the matrix box that has "Official Plan" as the vertical axis and "heritage Impact Assessment/Conservation Plan" as the horizontal axis
  - c. Delete the words "Inventory of Heritage Properties" wherever it appears and replacing them with the words "Heritage Register."

Map 7A



Map 7B



**Views of Prominent Buildings, Structures and Landscapes, Skylines, and Important Natural Features to be shown on Maps 7A and 7B**

**A. Prominent Buildings, Structures and Landscapes**  
 (\*public ceremonial sites of exceptional significance)

<b>View to</b>	<b>From</b>
1 Queens Park Legislature Assembly*	Queen St W at University Ave
2 Old City Hall*	Bay St at Temperance St
3 Toronto City Hall*	Nathan Phillips Square (east half along Queen St W edge)
4 Spire of Knox College (Spadina Circle)	Spadina Ave at Bloor St W (south-east corner) and at Sussex Ave
5 Knox College (Spadina Circle)	Spadina Ave at Queen St W
6 Osgoode Hall	York St at Richmond St and Queen St W at University Ave (south-west corner)
7 University College	Kings College Rd at College St
8 The Grange	John St at Stephanie St
9 Yorkville Library/Firehall Tower	Yorkville Ave at Yonge St (west side)
10 Flatiron Building	Front St E at Market St
11 St. James Cathedral Spire	King St E at Church St
12 Princes' Gates	Lakeshore Blvd W at Fort York Blvd
13 Fort York	Fleet St at Grand Magazine (west side) and at Iannuzzi Street and Coronation Park (through Bastion St, Gzowski St and June Callwood Park)
14 Rogers Centre	King St W at John St and at Blue Jays Way
15 CN Tower and Rogers Centre dome	Toronto Islands
16 Casa Loma	Dupont St at Spadina Ave (east side) and at Kendal Ave (south-east corner)
17 Summerhill Station Clock Tower	Yonge St (west side) at Alcorn Ave and at Walker Ave
18 Upper Canada College Spire	Avenue Rd at Balmoral Ave
19 East York Civic Centre	Coxwell Ave south of Barker Ave
20 R.C. Harris Water Treatment Plant	Lake Ontario
21 University of Toronto Scarborough Campus	Morningside Ave Bridge over Highland Creek (south end)
22 Scarborough Civic Centre	Albert Campbell Square (northeast steps)
23 North York Civic Centre	Yonge St (west side)
24 York Cemetery Cenotaph	Yonge St (west side)
25 York Boulevard, York University Common	Keele St (west side) at York Blvd
26 Etobicoke Civic Centre	The West Mall (west side) south of Burnhamthorpe Rd

## A. Skylines

<b>View of</b>	<b>From</b>
<sup>1</sup> Downtown/Financial District Skyline	Gardiner Expressway (eastbound) at Kipling Ave (a.) and at Humber Bay Shores (b.), Fort York (c.), Toronto Islands (north shore) (d.), Polson Park (e.), Broadview Ave at Bain Ave (f.), Prince Edward Viaduct (g.), Don Valley Parkway (southbound) south of Leaside Bridge (h.), Sir Winston Churchill Park (i.), Top of Baldwin Steps (east of Casa Loma) (j.), Casa Loma (south terrace) (k.), and Parc Downsview Park (top of The Mound) (l.)
<sup>2</sup> North York Centre Skyline	Highway 401 (eastbound) bridge over West Don River (a.)

## B. Important Natural Heritage Features

<b>View to</b>	<b>From</b>
<sup>1</sup> Scarborough Bluffs	Scarborough Heights Park
<sup>2</sup> Cathedral Bluffs	Bluffer's Park
<sup>3</sup> West Highland Creek Ravine	Lawrence Ave E Bridge (looking north-west and south-east)
<sup>4</sup> Rouge Marsh	Rouge Beach lookout (looking north)
<sup>5</sup> Rouge River and Rouge Park	Kingston Rd Bridge (north side) at east boundary of Toronto
<sup>6</sup> Rouge Park	Sheppard Ave E (north side at Glen Eagles Vista, looking north-east)
<sup>7</sup> Humber River	Dundas St W Bridge (looking north-west and south-east) and Bloor St W Bridge (looking north and south)
<sup>8</sup> Humber Marshes	Riverside Dr (north of South Kingsway, looking north-west)
<sup>9</sup> Lake Ontario	Norris Cres at Lake Shore Blvd W, Miles Rd at Lake Shore Blvd W, Lake Cres at Islandview Blvd, Royal York Rd at Sussex Dr, Sand Beach Rd at Lake Shore Blvd W, Second St just north of Morrison St, Third St just south of Morrison St, Fourth St just north of Lake Shore Dr, Fifth St at Emerald Cres, Sixth St at Emerald Cres, Eleventh St at Emerald Cres, and Twelfth St at Lake Shore Dr



Toronto Official Plan Review  
**HERITAGE OPEN HOUSE**  
**SUMMARY REPORT**  
Stage Two Public Consultation  
September 10, 2012

Prepared by SWERHUN | Facilitation and Decision Support

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## EXECUTIVE SUMMARY

On September 10, 2012, the City of Toronto conducted a Heritage Open House to present and seek feedback on the proposed heritage policies as part of the Five Year Review of the Official Plan. These proposed heritage policies both reflect the enhanced powers provided under changes to the *Ontario Heritage Act* made in 2005, and respond to key messages heard during prior stakeholder and public consultations. At the Open House, participants were asked to share their thoughts on the proposed policies, including any suggestions they may have to strengthen or improve the policies. This report summarizes the feedback received from participants. Highlights of the feedback are presented immediately below with an overview of the more detailed feedback following in the remainder of the report.

- 1. Many participants felt that the heritage policies are heading in the right direction.** Several participants offered suggestions to strengthen the policies further. They said they would like to see the City consider: using the policies to promote an overall vision and purpose for heritage in Toronto; having the policies recognize heritage in a diversity of cultures, communities and neighbourhoods across the city; integrating recognition of First Nations throughout the policies; and using the policies to promote heritage education.
- 2. There were participants who commented that the way the proposed policies are currently written they seem to focus a lot on Official Plan policies implementing the powers of the Ontario Heritage Act.** One table of participants expressed concern that a large part of the city may be missed by using this approach. Several participants referred to the importance of ensuring there is crossover between the City's heritage policies to the many other planning policies and tools that can be used to achieve the heritage goals. For example, it was suggested the City consider how other planning policies and tools can be used to accomplish heritage preservation in both a complimentary and potentially less costly way.
- 3. Several participants mentioned their concern that the proposed heritage policies give the impression that heritage is at odds with the City's intensification goals and that as a result heritage is consistently viewed as a "bad thing".** To address this, several people suggested using the heritage policies to more explicitly explain how heritage can enhance the city.
- 4. There were participants who suggested that the heritage register policy should be refined to clarify the following issues:** the implications of a property being on the register; the legal implications of the difference between being listed and designated; how heritage resources not yet on the register are identified; and how the protection of listed and designated heritage resources is enforced.
- 5. While many participants expressed support for the Heritage Conservation District (HCD) policies, several participants mentioned that the current funding mechanisms for HCD studies give preferential treatment to some neighbourhoods over others ("haves" and "have nots").** For example, downtown neighbourhoods receiving significant new development have Section 37 funds to dedicate toward completing the studies required to support designation as a Heritage Conservation District. Neighbourhoods that do not receive a lot of development (e.g. in the suburbs) do not have the same access to Section 37 funds and therefore have a much bigger challenge in raising the funds required to complete heritage studies. Several participants suggested that through the heritage policies the City consider how to address this concern (e.g. through expanding funding mechanisms for HCD

studies by pooling Section 37 funds or using development charges and/or establishing policies to protect areas that have been identified as potential HCDs).

6. **Several participants focused their comments on the heritage value of landscapes, trees and natural systems, urging the City to incorporate more references and recognition of the importance of natural heritage in the proposed policies.** These participants suggested that the protection of natural heritage – and heritage trees in particular – should be more directly incorporated into the proposed heritage policies. *City Planning Staff clarified at the Open House that the strong policies protecting Natural Heritage are found elsewhere in the Official Plan in section 3.4.*

## I. OVERVIEW OF THE PROCESS

On September 10, 2012, the City of Toronto conducted a Heritage Open House as part of Stage Two of the Official Plan Review. The heritage policy component of Stage Two builds on feedback received from the Heritage Town Hall and stakeholder consultations in Stage One by identifying a new set of proposed heritage policies for the Official Plan. The input and advice received from stakeholder consultations and the Open House in Stage Two will provide insightful input for City Planning staff in their preparation of an Official Plan Amendment containing recommended heritage policies. The preparation by staff of this Official Plan Amendment and its consideration by Council constitute the heritage policy component of Stage Three of the Review.

### Who participated?

In excess of 100 people participated at the Open House, including representatives of resident associations, heritage advocacy groups, the development industry, public agencies, planning firms, students, First Nation and Aboriginal communities and the general public. Information about the proposed heritage policies and the Open House was communicated by City Planning staff both internally and externally, though the following mechanisms:

- Online advertisement in *Spacing Magazine* (Spacing.ca) from August 27 – September 10, 2012.
- Tweet through City of Toronto Communication's Twitter account – September 5, 2012.
- Event posting in *Built Heritage News* – September 4, 2012.
- Memo to all City Planning staff – August 27, 2012.
- Listing in "Upcoming Events" and "City in Brief" in *Novae Res Urbis* – August 24, 2012.
- E-Update to over 800 Official Plan Review listserv subscribers – August 21, 2012.
- Flyer sent via mail and email to all persons who requested notification on Official Plan review matters, past Open House participants, all ratepayer groups in Toronto, stakeholder groups, Heritage Advisory Committee Members, Councillors and the Mayor's Office – August 20 – 24, 2012.

### What was the format?

The Open House ran between 6:30pm and 9:00pm with a presentation and facilitated discussion occurring from 7:00 – 9:00pm. Prior to the presentation and facilitated discussion, participants had the opportunity to view information panels featuring the proposed policies, ask questions of City Planning staff, and leave comments on the information panels. The presentation delivered by City Planning staff included:

- How the review of Official Plan heritage policies fits in to the overall Official Plan Review process;

- An overview of the enhanced powers and policies provided by changes to the *Ontario Heritage Act* in 2005;
- A review of the heritage policy development process to date, including feedback from Stage Two stakeholder consultations, and refinements already under consideration by staff;
- An overview of the proposed heritage policies, divided into six sections, including: General Policies; Built Heritage; Heritage Conservation Districts; Archaeological Resources; Cultural Heritage Landscapes; and Views and Vistas.

### What feedback was sought?

Participants were asked to consider the following focus questions:

1. Think about the overall direction of the proposed heritage policies. Did we get the direction right? Do you have any suggestions on how we can strengthen it?
2. Pick one or two policy areas (e.g. Built Heritage, Cultural Heritage Landscapes, etc.) of most interest to you. What do you like about the proposed policies? Do you have any suggested improvements?
3. Do you have any other advice?

This Consultation Summary Report reflects the input and advice received from participants at the Open House through group discussion, comment sheets and comments on the information panels.

## II. DETAILED FEEDBACK

Feedback on the proposed heritage policies are organized into nine categories: Strengthening Overall Direction; Connecting to Other Planning Policies/Tools; Balancing Heritage and Development; Refining Language of Policies; Heritage Conservation Districts; Cultural Heritage Landscapes; Views and Vistas; Natural Heritage; and Other Advice.

### Strengthening Overall Direction

- While many participants indicated that they felt that the proposed policies were generally heading in the right direction and that heritage will attain greater recognition as a result, several participants offered advice on how this direction could be strengthened. This advice focused on: promoting a vision for heritage in addition to regulating heritage; recognizing heritage in a diversity of cultures and communities; recognizing heritage in neighbourhoods across Toronto in addition to the downtown core; and, integrating a recognition of First Nations throughout the policies.
- It was also stated that additional emphasis should be placed on heritage education. Participants thought that people generally need to be better educated on what heritage is, that property owners need to be better informed about the value of their heritage properties, and how heritage designation can increase property values.

### Connecting to Other Planning Policies/Tools

- A number of participants suggested that other Official Plan policies and planning tools (e.g. Zoning By-law), in addition to the proposed heritage policies, should be used to accomplish heritage preservation.
- The use of other policies and tools was seen as a potentially less costly way to achieve heritage protection for area-based heritage (e.g. main streets and neighbourhoods), and as a means of

complimenting Heritage Conservation Districts by addressing the historical context of neighbourhoods beyond their built form (e.g. parking).

- It was felt that the relationship between heritage designation and other policies in the Official Plan could benefit from greater clarification.

### Balancing Heritage and Development

- There was a range of perspectives on the balance between heritage preservation and development. Some thought that the balance should shift more towards preservation and protection. Others thought that the policies could achieve a balance through a stronger emphasis on cooperation between heritage preservation and development interests.
- There were a number of suggestions from many different participants on how heritage preservation and development interests could better work together, including mandating a City-hosted pre-application public meeting to understand impacts of development on heritage and non-heritage sites and/or areas, and further developing “rules of engagement” for developers in historical areas.

### Refining Language of Policies

- One participant suggested that the policies should be refined to ensure a consistency phrase is used to denote built heritage – the current policies seem to use “heritage properties”, “heritage resources” and “significant heritage properties” interchangeably.
- One participant suggested that the language in the policies be strengthened – specifically by replacing instances of “will”, “should”, and “may”, with the more direct “shall”. It was felt that the Ontario Municipal Board would only recognize “shall” in making decisions on planning matters.

### Heritage Registry

- Several participants stated that the heritage register policy should be refined. Some of the different refinements suggested include: being more explicit about the implications of a property being on the register; the legal implications of the difference between being listed and designated; how heritage resources not yet on the register are identified; and how the protection of listed and designated heritage resources is enforced.

### Heritage Conservation Districts

- Many participants discussed the relationship between the use of Section 37 funds as the primary funding mechanism for Heritage Conservation District (HCD) studies, with one participant stating that this established de facto “have” and “have not” neighbourhoods, where “have not” neighbourhoods will never have a HCD study undertaken because there is no development to pay for it. Another participant suggested that Section 37 funds could be pooled to more broadly fund HCD studies, or that development charges could be used to fund HCDs.
- One participant shared their view that many alterations to buildings in HCDs don’t require a building permit (e.g. new windows, porches, etc.). It was suggested that where such alterations are undertaken, a

heritage permit (similar to a building permit in that it must be posted on site) should be employed.

- Several participants expressed an interest in employing policies to protect areas from development that are identified as potential HCDs but which have not yet undergone HCD studies.

### Cultural Heritage Landscapes

- A participant suggested that the relationship between Cultural Heritage Landscape and HCD policies should more closely reflect the Provincial Policy Statement (PPS). It was stated that the proposed policies seemed to define Cultural Heritage Landscapes and HCDs as two separate entities with little overlap, whereas the definition of Cultural Heritage Landscapes in the (PPS) could be interpreted as encompassing HCDs (as this latter definition includes things like main streets, neighbourhoods and parks).
- Another participant felt that protecting Cultural Heritage Landscapes by using Part IV and V of the *Ontario Heritage Act* may limit the tools that can be used. It was suggested that tools from the Ontario Heritage Toolkit should be considered in protecting Cultural Heritage Landscapes.

### Views and Vistas

- While one participant indicated their feeling that it was wise to drop the term “vista”, that same participant felt that the term “visual integrity” should be maintained as it was the best way of describing exactly what is to be protected.
- This participant also encouraged the City to pay attention to the proposed Official Plan Amendment (OPA) regarding views of the Ontario Legislature building from College and Queen Streets, and to think about how this OPA relates to the City’s proposed heritage policies.
- It was suggested by a few participants that the policies should be more explicit on how views will be identified and the measures that will be used to protect them.

### Natural Heritage

- A number of participants discussed natural heritage and that the proposed policies should consider it more explicitly, drawing on the natural heritage policies in the *Ontario Heritage Act*. In particular, a need was identified to acknowledge that there are trees in Toronto that are already designated under the *Ontario Heritage Act*, and that substantial work has already been undertaken with the participation of stakeholders to establish a by-law for the protection of these heritage trees.

### Other Advice

- A number of different suggestions were made by participants to broaden the definition of heritage resources to include: a greater recognition of post-19<sup>th</sup> century architecture, the heritage attributes of sunlight around religious institutions in relation to stained glass windows, and the heritage attributes of certain transformations to heritage properties.
- Two different ways that members of the public can take a more active role in heritage were suggested by participants – through

assisting with the identification of heritage resources and/or volunteering on heritage preservation panels.

- One participant expressed concern about the City's resources for implementation and enforcement. It was felt that a lack of resources might lead to too heavy a reliance on the new emergency protocols.
- One participant suggested that the City use its own heritage assets to set an example for others.

### **III. NEXT STEPS**

Following the Open House, City Planning staff will review the input and advice on the proposed policies received to date, and begin to finalize the preparation of an Official Plan Amendment containing the recommended heritage policies. This Official Plan Amendment will be considered by the Planning and Growth Management Committee on October 12, 2012. The Planning and Growth Management Committee meeting will provide a further opportunity for public comment on the heritage policies component of the Official Plan Review process. If the Planning and Growth Management Committee recommends the Official Plan Amendments, City Council will consider them for adoption later in October 2012.



## APPENDIX 1 – GROUP COMMENT SHEETS

<ul style="list-style-type: none"> <li>• 1. Think about the overall direction of the proposed Heritage Policies. Did we get the direction right? Do you have any suggestions on how we can strengthen it?</li> </ul>
<ul style="list-style-type: none"> <li>• How to get an area protected e.g. St. Jamestown</li> <li>• Once designated – how to enforce; keeping it</li> <li>• Adopt writing that recognizes First Nation Aboriginal threaded throughout policy</li> <li>• Registered is not defined; designate properties; City lacks resources; therefore are the register, listing and designating synonymous?</li> <li>• Compulsory designation</li> <li>• Language is weak</li> <li>• Does heritage have more consideration in re-development projects?</li> <li>• Can the City assist with funding HCDs designation study and plan-creation?</li> <li>• Recognize special parts of Toronto in the Official Plan</li> <li>• Pooling Section 37 funds for proportional use in heritage conservation districts vs. using 'development charges' for HCD benefits/expenses!</li> <li>• Compulsory pre-application meeting with developers and residents to understand benefits and impacts on the neighbourhood</li> <li>• City should promote heritage districts actively in its tourism ads!</li> <li>• Policy: natural light for religious institutions; stained glass window</li> <li>• Come up with heritage conservation policies using other mechanisms that are as strong as the Ontario Heritage Act (see below)</li> <li>• Need a vision statement; goals</li> <li>• Where is this policy taking us? What is it meant to do?</li> <li>• Does all heritage to be conserved need to be significant? Can they just be well established?</li> <li>• Yes, it aligns the city plan with the Ontario Heritage, but it doesn't establish a vision for heritage for the City of Toronto. What is Toronto's goal for views etc. as a whole?</li> <li>• Achieving the right balance between city's intensification and protection of heritage resources</li> <li>• General preservation of 'character' of neighbourhood (walkability etc.)</li> <li>• Appreciate the environment within the context of historical value (surroundings)</li> <li>• Can't be just about built form but rather character of all elements, physical, cultural, open space, sunlight</li> <li>• "views and vistas" are ambiguous</li> <li>• application will be critical (how, effective?)</li> <li>• Complementary uses</li> <li>• Basically, yes</li> <li>• More education for the public and property owners</li> <li>• Have stronger language regarding facades, not just discourage them</li> <li>• Good work overall, would like to see more about cultural diversity</li> <li>• HCD → speed it up in order to protect areas under consideration</li> <li>• No staff? Utilize undergraduate students working on theses</li> <li>• 14 staff is small for the fourth largest city in North America</li> <li>• The log jam in the HCD application process is frustrating and worrying for HCD area applicants</li> <li>• Section 37 funds, we need transparency from councilors on available funds and allocation rather than being told funds aren't available</li> <li>• I am concerned about the public perception of the benefits on a personal level – while it's important to consider heritage issues and benefits, the policy should not restrict the ability to adapt the properties within the constraints of an HCD or property designation by imposing a costly study (heritage Impact Study) for property alterations that are obviously required to update a property to maintain its order and function</li> </ul>

<ul style="list-style-type: none"> <li>• Policy #24 I do not understand it? Needs to be more clear</li> <li>• Is a Heritage Conservation District study/plan appealable to the OMB?</li> <li>• Can these studies be paid for under Section 37 (only capital improvements)</li> <li>• What can the City do to influence the Province to change the tax structure to reduce demolition of heritage buildings</li> </ul>
<ul style="list-style-type: none"> <li>• 2. Pick one or two policy areas (e.g. Built Heritage, Cultural Heritage Landscapes, etc.) of most interest to you. What do you like about the proposed policies? Do you have any suggested improvements?</li> </ul>
<ul style="list-style-type: none"> <li>• Use of developer money; Section 37 for community's input; more activities than what a city representative wants, not a councilor slush fund</li> <li>• Keep Section 37 funds in the affected area</li> <li>• City and its agencies must maintain its exciting heritage buildings</li> <li>• Have a separate Heritage Department with its own budget line allocation</li> <li>• Heritage conservation "positive policies" using other mechanisms such as using other planning act tools, zoning by-laws, zoning overlay, etc.</li> <li>• Lack of tools for enforcement, perhaps the policies need to address implementation of these policies</li> <li>• Focus on strengthening the emergency protection measures</li> <li>• Cultural landscapes, good because more open to interpretation, more open to individuals to informally apply environments</li> <li>• Zoning will need to be flexible to address more than just form</li> <li>• How do you enrich and enhance within the existing limitations of the zoning code (Section 37? Charges?)</li> <li>• Cultural Heritage Landscape, more development of processes and it could be outside the Official Plan</li> <li>• Cultural Heritage Landscapes, (Huron-Sussex Residents Organization)</li> <li>• Offer as many incentives as possible to maintain heritage properties</li> <li>• More flexibility in use of funding and other incentives for heritage property owners to maintain their buildings and property values</li> <li>• Vacant historical industrial buildings</li> <li>• Where is the money coming from for all of these studies?</li> </ul>
<ul style="list-style-type: none"> <li>• 3. Do you have any other advice?</li> </ul>
<ul style="list-style-type: none"> <li>• Parks – definition is too narrow, not just grass/benches</li> <li>• Heritage Conservation Districts policies have a great framework but are concerned about implementation and lack of enforcement/city recourses to implement</li> <li>• Like the emergency protocols but concerned all the time will be focused on</li> <li>• Other areas of the Official Plan, such as zoning bylaws addressing street parking should also support the heritage policies</li> <li>• Review carefully</li> <li>• Policy on implementation and enforcement?</li> <li>• Don't need heritage designation to get protection from development</li> <li>• Get a group together that includes cultural geographers, students</li> <li>• Need staff to review the heritage issues</li> <li>• Revise model to involve volunteers to build up heritage list of properties to be listed</li> <li>• Heritage in the eye of the beholder, ____</li> <li>• Scarborough strip malls, altered properties (e.g. ____ Heritage? Can they count as heritage?)</li> <li>• More use of Section 37 money to support heritage</li> <li>• Use more of it to do neighbourhood HCDs heritage studies</li> <li>• And also use other sources of money for HCDs so they are not tied to developments</li> <li>• The elephant in the room; when will Toronto replace the OMB with a Toronto Board that can place rulings in a consistent Toronto context for the City's common good in the public realm and infrastructure</li> </ul>

## APPENDIX 2 – INDIVIDUAL COMMENT SHEETS

<ul style="list-style-type: none"> <li>1. Think about the overall direction of the proposed Heritage Policies. Did we get the direction right? Do you have any suggestions on how we can strengthen it?</li> </ul>
<ul style="list-style-type: none"> <li>Questions re: views protection:</li> <li>How are the views to be identified, specifically and the level of visual protection to be defined?</li> <li>What measures are to be employed to protect views?</li> <li>Why drop the term “visual integrity?” Is there an alternative term proposed? That provides means of what is important to protect.</li> <li>There is no vision here. What is heritage in Toronto? What do we want? What is the vision statement? Why is heritage important?</li> <li>What I heard seemed to be more an exercise in working with language to fit the new Act</li> <li>The money, there is no point in all of this work if the city doesn’t support it financially and on top of that adds new areas of responsibility (e.g. Landscape Heritage)</li> <li>Find new ways of funding, of volunteers to do grunt work e.g. history students, archaeology... let staff review, guide these people.</li> <li>How about drawing money from development charges. They are not fully exacted from developers.</li> <li>Far too much emphasis on the Ontario Heritage Act framework and specifically its emphasis on designation and protection.</li> <li>This is essentially a static/negative/reactive approach</li> <li>Needs to be move outside the OHA to a broader sense of the cultural landscape of Toronto as a tangible and intangible reality. This includes nature/culture/creativity.</li> <li>Policy should be broad, positive, celebrate diversity and creativity.</li> <li>A policy to say the city <u>must</u> provide resources to enable the implementation of those heritage policies for staff reports; so that Councillors have to include in the budget.</li> </ul>
<ul style="list-style-type: none"> <li>2. Pick one or two policy areas (e.g. Built Heritage, Cultural Heritage Landscapes, etc.) of most interest to you. What do you like about the proposed policies? Do you have any suggested improvements?</li> </ul>
<ul style="list-style-type: none"> <li>O.P should include directions on methods or defining and protecting views (a “how to” tool kit)</li> <li>OPA proposed for the Ontario Legislative Building views protection are limited and may not meet stated objective</li> <li>Need to keep going with further study of the University Avenue square ___ and testing OPA measures</li> <li>Involve the community beforehand, before there is a crisis; consult with developers, no surprises then</li> <li>Heritage can be found in the suburbs; e.g. sections in Weston, East York, etc...</li> <li>Have two levels of Heritage; Cabbagetown and Rosedale would be one</li> <li>The second one would be where there is a consistency; e.g. built around the same time, having similar architectural elements; e.g. height, spacing between houses (garden neighbourhoods) attention to detail</li> <li>Cultural Heritage Landscapes: deal with these outside of the Ontario Heritage Act altogether – simply as important planning tools/community-based assets</li> <li>Similarly with views – expand adaptive reuse attitude/theme</li> <li>Built Heritage: don’t just list “everything” → reduce the requests by the city</li> </ul>
<ul style="list-style-type: none"> <li>3. Do you have any other advice?</li> </ul>
<ul style="list-style-type: none"> <li>Communicate the benefit of heritage to the public</li> <li>Check out New York City!</li> <li>Good meeting, learned a lot</li> <li>Integrate with other legislative frameworks</li> </ul>

- Tie strongly to sustainability
- Connect cultural and natural heritage
- Proactive vs. reactive

## APPENDIX 3 – PANEL STICKY NOTE COMMENTS

### Welcome

- *What We Heard – Policies for consultation with First Nation groups need to be expanded*  
– Yes! The First Nations are still here, their history and cultural values must be recognized – it's the law.

### General Policies 1

- *Policy 4* – What powers will this take? What if new development is on non-heritage land but in close proximity of listed or designated property?
- *Policy 5* – promote = fund?
- *Policy 6* – needs explanation
- Natural landscapes are important and must be protected – trees/plants/water
- The need for properties to be integrated into 'modern' surroundings needs to be addressed
- Roads, parking, and lighting impact heritage sites
- What about Toronto Islands and ferries? Invaluable!
- Why did you let the oldest air terminal in Canada at the Island Airport be torn down?

### General Policies 2

- *Policy 11* – Need to do an inventory identifying all possible cultural heritage landscapes across the city. Cultural Heritage Landscapes are not the same as potential Heritage Conservation District.
- *Policy 12* – Support educational programs that recognize indigenous values – recognize whose land you are on – First Nations
- Why has the Island Airport been allowed to expand and the TPA allowed to create a terminal when there is supposed to be protection under the Tri-Partite Agreement?

### General Policies 3

- *Policy 14* – Incentives? Agreements
- *Policy 14* – Incentives? Please elaborate.
- *Policy 16* – Terms should be made public
- *Policy 19* – Change 'requested' to 'required'
- *Policy 19* – 'required' please
- *Development Application Requirements* – Registry of Cultural Heritage Landscapes and potential Heritage Conservation Districts
- A unique marker used – on assessment or reassessment – the recognition of First Nations significant cultural heritage including: trails, medicine sites, spiritual sites
- Can we find a way to incentivize redevelopment of "ugly"/plain/vacant/poor quality buildings vs. heritage ones?
- Incentives very important. Great to see. Maybe flesh out further.
- Are waterfront communities being protected from intrusive airport?
- Encourage the preservation of interiors of heritage houses
- What kind of \$\$ resources are going to be made available for non-profits/charities that have their building designated?
- Stronger language with incentives
- We need a policy to protect unidentified heritage

### Built Heritage

- *Policy 22* – Encouraged → required
- *Policy 22* – Encouraged how so? Discouraged how so?
- Federal building at 49000 Yonge St. ought to be designated outside and inside – a very unique building – sustainably designed

- Adopt my “moccasin identifier” program as a program in support of the First Nation people and address the duty to consult and accommodate
- Heritage homes/houses should not have their basements dug out!
- Agreed to discourage façade retention only

#### Heritage Conservation Districts

- *Policy 23 and 24* – Is this study/plan appealable to the OMB?
- *Policy 23 and 24* – Heritage Conservation District selection process needs to be fair, transparent and broadcasted.
- *Policy 24* – Unclear what this means of is referring to
- *Policy 26* – change “should” to “will”
- *Policy 26* – Change to “will” from “should”
- Heritage Conservation Districts should be incorporated as part of a site and area specific policy or secondary plan
- Include policies that city should provide resources (staff/budget) to support conservation?
- Put in place a unique marker “moccasin” on sites recognized for indigenous values – trails/villages/medicine sites/spiritual sites
- What are the timeframes and funding mechanisms for district(s) studies and designations?
- Have you sat down with church leaders to learn more about the particular dilemmas with church buildings and ongoing congregations in them?
- How does the City propose to protect a proposed Heritage Conservation District during its (2 year) assessment?
- Commercial Heritage Conservation Districts are a much tougher sell
- Heritage Conservation District Studies – where does the money come from? (Not s. 37?)  
The City normally does a Secondary Plan, even though the current Official Plan calls for this because there is no money

#### Archaeological Resources

- *Policy 28* – Development and site alteration shall be permitted where archaeological resources have been assessed?
- *Policy 31* – How does an owner receive this info? What’s the trigger?
- *Policy 32 (b)* – change “should” to “must”
- *Policy 32 (c)* – Articulate how privately-owned land will be addressed
- Archaeological resources **MUST** be part of the Official Plan
- Yes – support protection, recognition and making significant sites (artefacts/special sites)
- Again, First Nations are still here! Not everything is buried
- First Nation and Aboriginal people must be acknowledged/recognized and accommodated – it’s the law

#### Cultural Heritage Landscapes

- *Policy 36 and 37* – What about vistas surrounding a Heritage Conservation District and Old Town neighbourhood
- Significant Cultural Heritage Landscapes must be designated including views and vistas but natural heritage features are **ALSO** important
- First Nations existence has been dug up, covered, destroyed in Toronto. Must be at least recognized and accommodated
- Cultural Heritage Landscapes should have separate protection – the don’t fit Part IV or V
- Hard surface reflection of sound alters the natural heritage features related to sound quality and quiet. Viz. Humber Valley at Lambton
- Cultural Heritage Landscapes include STREETS in the Provincial Policy Statement, it even says “MAIN STREETS”
- This is too narrow a definition – see the Provincial Policy Statement = any heritage area that is not 100% natural

- There are other ways to protect Cultural Heritage Landscapes – see Ontario Heritage Toolkit

#### Views and Vistas 1

- *Policy 9* – There are openings in Policy 9 which allow or even encourage erosion of natural heritage features and their significance subverting them to alterations
- Really like the inclusion of cycling
- Thanks for including pedestrian/cycling amenities!
- Bring back the old Etobicoke “windows on the lake” policy – no more encroachment on views
- I still want to root for the Royal York as a view
- The WHOLE of Humber Bay is significant – it is an important feature of the Lake
- Humber Bay is a vista – an aspect of the lake, not simply a view or series of views on the lake. A “view” is from a point, a “vista” is a sweep (again absence of natural heritage policy)
- I am concerned however that these view conservation policies could get manipulated by Scarborough groups (or others) to block windmills in Lake. Can wording be carefully reviewed to make sure any possible loopholes are filled?
- Beaches Fire Hall – add to list
- Fantastic idea! – Preserving views on the “lake windows” in South Etobicoke – Finally!
- Please consult with the University of Toronto regarding views and vistas on its campuses (University College, Knox College, UTSC)

#### Views and Vistas 2

- Views must be comprehensively understood and protected – i.e. from all sides – long/short ends
- Best view of Toronto skyline is from Toronto Islands – professional photographers and tourists love it!
- Make cultural heritage the corner store!
- Please look at the old “windows on the lake” policy from the former City of Etobicoke – there are more road ends that offer excellent views of Lake Ontario
- As a First Nation person, saving the views or Cultural Heritage Landscapes must be saved or resurrected
- These views of Lake Ontario cannot be obstructed by encroachment (fences or thick shrubs) by adjacent property owners – as is the case now. Removal orders are required
- The Queen’s Park view shed is very important and the City should lobby the Province to protect it
- Question isn’t just views, but nearby buildings being at an inappropriate scale!