

TORONTO STAFF REPORT

December 11, 2001

To: Etobicoke Community Council

From: Director, Community Planning, West District

Subject: Proposed Kingsway Park Heritage Conservation District – Areas of Special Identity
Etobicoke-Lakeshore (Ward 5)

Purpose:

To respond to Council's request for an additional report on the proposed Kingsway Park Heritage Conservation District and alternatives to designation under the Ontario Heritage Act.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that this report be received for information.

Background:

On December 4, 5 and 6, 2001, Council directed staff to prepare a report for the January 30, 2002 Etobicoke Community Council meeting. Council directed that the report include:

- (a) an explanation of “Area of Special Identity”;
- (b) a history of the proposal to designate the Kingsway park area under the Ontario Heritage Act and actions taken to date; and
- (c) the Kingsway Park Heritage Conservation District Plan and Guidelines.

Comments:

(1) Areas of Special Identity:

(a) What is an Area of Special Identity?

The Etobicoke Official Plan defines an Area of Special Identity (A.O.S.I.) as: "...areas which are readily identified by the residents of the City because of distinctive characteristics such as, unique residential areas...."

Section 7.2.1 in the urban design section of the Etobicoke Official Plan states that:

"Council may direct that detailed urban design guidelines be prepared for specific areas of the City and adopt such guidelines by resolution. Areas which may be considered for such guidelines are: ...c) areas of Special Identity. ...Urban design guidelines for these areas shall endeavour to protect and enhance the distinctive character of the area and the prominence and attractiveness of its main focal points."

Section 7.2.2 of the Etobicoke Official Plan states that:

"In the preparation of urban design guidelines, consideration shall be given to the following principles:

...d) The massing and conceptual design of new development should provide for continuity and harmony in design with: areas of special identity..."

(b) Are There Any Existing Areas of Special Identity in Etobicoke?

The Bloor Street Area between Mimico Creek and Prince Edward Drive (known as Kingsway/Bloor) was identified as an A.O.S.I. by Toronto City Council on February 1, 2 and 3, 2000. At that time, Toronto City Council also inserted the Kingsway/Bloor Street District Urban Design Guidelines into the Etobicoke Official Plan as Appendix VIII to the Plan. The Kingsway/Bloor area is different than Kingsway Park because it is predominantly a commercial area.

In the case of Kingsway Park, the draft heritage guidelines could form the basis of design guidelines that would apply to the A.O.S.I. designation. They could be appended to the Etobicoke Official Plan by Council resolution. The guidelines are currently drafted as heritage district guidelines and would have to be reviewed and revised to function as an appendix to the Official Plan which would assist Council and the Committee of Adjustment in making decisions on rezonings and minor variances. A discussion of the types of matters that can be addressed through zoning is discussed later in this report.

(c) Are There Any Other Areas of Special Identity in the City?

There are a number of Areas of Special Identity that have been designated in Secondary Plans in the former City of Toronto. Although most are for commercial areas of the City, some are in residential areas. Several of the A.O.S.I.'s, such as the A.O.S.I. for the Gooderham and Warts site (designated under Part IV of the Ontario Heritage Act), are designed to protect historic areas. Draper Street is an A.O.S.I. in the former City of Toronto that is also designated as a Heritage Conservation District under the Ontario Heritage Act. Yorkville Triangle and Scollard/Hazelton are two additional A.O.S.I. that are currently being studied for possible designation as Heritage Conservation Districts.

Where the A.O.S.I.'s complement a Heritage Act designation, the A.O.S.I. is used to guide Council and staff in the evaluation of rezoning applications.

Other than in the former City of Toronto, none of the other former municipalities in Toronto have designated Areas of Special Identity.

(d) What are the Affects of Designating an Area as an Area of Special Identity?

The Planning Act requires all new zoning by-laws to conform to the Official Plan. In processing zoning by-law amendment applications, Council should have regard to any design guidelines for Areas of Special Identity.

However, unlike a Heritage Act designation, zoning by-laws cannot regulate architectural details of structures. Zoning by-laws typically control matters such as: building height; the minimum setback of buildings from lot lines; maximum lot coverage, etc. Zoning by-laws cannot be used to ensure that new construction is compatible with the look and feel of existing neighbourhoods, except by controlling matters like height, setbacks, etc. Zoning by-laws cannot control the architectural details of structures, materials, roof colours and other heritage issues.

The Kingsway area already has a special "preservative" zoning by-law that was specifically tailored to the Kingsway area. It restricts the size of buildings to 150 square metres plus 25 percent of the lot area. A discussion of the preservative zoning by-law and the studies that formed the basis of the by-law can be found in section 5.2 of the Kingsway Park Heritage District Plan (attached as Attachment No. 4 to this Report).

In general, new home construction does not usually require a rezoning. If a new home proposal does not meet the requirements of the zoning by-law, the proponents usually can proceed by applying to the Committee of Adjustment for a minor variance.

The Planning Act establishes four tests which Committees of Adjustment must consider when considering applications for minor variances to the zoning by-law. In order to grant a minor variance, the Committee must ensure that the "general intent and purpose" of the Official Plan is maintained.

If the Kingsway Park area were designated as an A.O.S.I., it would be up to the Committee to determine if the proposal met the general intent and purpose of the Official Plan or if the more stringent requirements in the design guidelines should be required. The City's Legal Division has provided advice that the Committee of Adjustment cannot legally require matters that are not typically addressed in zoning by-laws as conditions of approval to a minor variance. Thus the Committee cannot legally require conditions that relate to the architectural details of structures, materials and other heritage matters.

If Council wishes to proceed with an A.O.S.I. designation and the adoption of the guidelines as an appendix to the Official Plan, they must be revised to delete all references to: architectural design, roof and eaves lines window lines, window type, building material, storm doors, types of doors, porches, roofing material, chimneys and fences.

(e) What are the Differences Between Heritage Act Designations and Areas of Special Identity?

By designating an area under Part V of the Ontario Heritage Act, all new buildings and exterior alterations would be controlled by the City and would only be permitted if a heritage permit was granted. In the City of Toronto, a recent Heritage Delegation By-law (By-law No. 1005-2001, Attachment No. 2 to this report) outlines a list of alterations to the external portions of a building or structure for which a heritage permit is deemed to have been issued.

In comparison, designating an area as an A.O.S.I. would only affect building proposals that both do not conform to the zoning by-law and require a building permit. Many building renovations do not require a building permit. In addition, many new building proposals conform to the zoning by-law. In these cases, the owner would be free to proceed without any regard for the A.O.S.I. designation and no review with respect to design conformity and compatibility with the neighbourhood would take place.

Even for those proposals which do not conform to the zoning by-law, the effectiveness of the A.O.S.I. would be limited. Council cannot control the architectural details of structures, materials, roof colours and other heritage matters through the rezoning process. Similarly, the Committee of Adjustment cannot legally impose these matters as conditions of approval to a minor variance. The only way for the City to control these matters is by designating the area as a Heritage Conservation District under Part V of the Ontario Heritage Act.

Another difference between an A.O.S.I. and a Part V designation, is that an A.O.S.I. can also be used by the City to control land owned by the City, such as road allowances. In these cases, the policies in an A.O.S.I. could be used to guide Council and City departments on the design of public works and streetscape improvements within the road allowance.

(2) History of the Proposal to Designate Kingsway Park Under the Ontario Heritage Act

(a) History and Chronology

At its meeting of July 11, 1997, Etobicoke City Council directed Planning staff to prepare the necessary background studies to designate the Kingsway Park as a Heritage Conservation

District under Part V of the Ontario Heritage Act (O.H.A.). To assist staff in preparing the background studies, Etobicoke City Council established the Kingsway Park Heritage Conservation District Committee (Committee), including members of the Kingsway Park Ratepayers Association, the Etobicoke LACAC, residents of Kingsway Park, City staff, and two Councillors from the former City of Etobicoke Kingsway-Humber Ward. The primary role of this Committee was to develop a “design guidelines” document to assist the Park’s residents in undertaking alterations to their houses should the Park be designated under Part V of the O.H.A.

In response, staff held meetings with the Committee as well as public meetings for the residents and prepared a staff report dated July 4, 2000 containing the necessary documentation and background information required to designate the Kingsway Park as a Heritage Conservation District. A further report from staff dated May 28, 2001, provided additional information about the proposed implementation/approvals process for heritage conservation districts in the City of Toronto, as well as information on the relevant sections of the O.H.A. These reports were considered by Etobicoke Community Council most recently at its meeting on October 24, 2001 and deferred to its January 30, 2002 to be considered in conjunction with this report.

A chronology of the Kingsway Park Heritage Conservation District study process is attached as Attachment No. 1 to this report.

(b) Streamlining the Approvals Process for Proposed Alterations Within Heritage Conservation Districts

At its meeting of December 3, 4, 5, 2001, Toronto City Council adopted a By-law No. 1005-2001 which established a new streamlined approval process for proposed alterations in Heritage Conservation Districts in the City of Toronto. This process was initiated by staff in response to the increasing number of Heritage Conservation Districts in the City and the potential burden this would place on City Council to consider an increasing number of staff reports on permit applications. This would also have the effect of increasing the time it would take for applications to be processed and permits issued.

Despite the provisions the s.42 of the Ontario Heritage Act, the By-law provides for a list of alterations to the external portions of a building or structure for which a heritage permit is deemed to have been issued. This list includes: alternations that are not visible from the street; repair of existing features using similar materials; painting of wood stucco or metal finishes; installation of eavestroughs; weatherproofing, including the installation of removable storm windows and doors, caulking, and weatherstripping; and installation of exterior lights. The by-law also delegates approval authority to staff for the issuance of heritage permits on behalf of Council for proposed work that is compatible with the guidelines that apply in the Heritage Conservation District. This avoids the need for staff to seek Council approval whenever a resident proposes to undertake work requiring a heritage permit. A copy of By-law No. 1005-2001 is included as Attachment No. 2 to this report.

(c) Ontario Heritage Act

Designation of an area as a heritage conservation district provides City Council with certain powers under Part V of the Ontario Heritage Act. A copy of Part V of the O.H.A. and other referenced sections of the Act is provided as Attachment No. 3 to this report. The sections of the O.H.A. that appear to have caused the most concern in the community are outlined below. The sections described also apply to each of the over 600 residential properties in Toronto designated under Part IV of the Act.

Subsection 36(1) of the O.H.A. allows a municipality to acquire property in a heritage conservation district by purchase, lease or otherwise. This provides Council with the authority to acquire land with the owner's consent. Subsection 36(2) allows the City to expropriate land that is required for the purposes of heritage preservation provided it has complied with the requirements of the Expropriations Act. Heritage Preservation Services staff advise that to the best of their knowledge, the City has never expropriated land for heritage purposes.

Section 38 allows inspectors appointed by City Council to inspect property at any reasonable time for the purpose of carrying out Part V of the O.H.A. The City of Toronto has never appointed any inspectors under this section.

Section 69 sets out the offences under the O.H.A. and the maximum penalties that a court may impose for a conviction under the Act. Prosecutions are very rare under the O.H.A. Before commencing a prosecution, a municipality must obtain the consent in writing of the Province's Minister of Tourism, Culture and Recreation. Provincial staff has indicated that there have only been 5 requests over the past 12 years for the Minister's consent to prosecute for unauthorized work on designated properties. There are over 8,000 designated properties in Ontario.

Also, subsection 69(4) provides immunity from prosecution to persons who have carried out alterations to their property for reasons of public health, safety or preservation of property, provided that they first provide notice to the City Clerk.

Upon conviction, an offender faces a maximum fine of \$50,000.00 or imprisonment for not more than one year, or both. Courts usually reserve the maximum penalties for the worst offences. Heritage staff is not aware of any fines ever being levied against a resident in any of the City's four existing heritage conservation districts.

Additional information about heritage designation and printable copies of the Ontario Heritage Act, are available, free of charge, on the internet at the Ministry of Tourism, Culture and Recreation, web site, at <http://www.culture.gov.on.ca/english/culdiv/heritage/act.htm>. A copy of Part V and other selected sections of the Ontario Heritage Act is attached as Attachment No. 3 to this report.

(3) The Kingsway Heritage Conservation District Plan and Guidelines

The Kingsway Heritage Conservation District Plan is attached as Attachment No. 4 to this Report. The proposed Kingsway Park Heritage Conservation District Guidelines are included in the Plan. (Due to their length, the appendices to the Plan are not attached.)

(4) Consultation

This report was prepared in consultation with the City Solicitor and the Manager, Heritage Preservation Services.

Conclusions:

If Council wishes to designate the Kingsway Park Area as an “area of special identity”, it should do so by Council resolution. The draft Kingsway Park Heritage Conservation District Guidelines were designed to be used in conjunction with the provisions of Part V of the Ontario Heritage Act. If Council wishes to append them to the Official Plan they should be reviewed and revised so that they would be more useful in the processing of zoning by-laws and minor variances to address zoning issues such as building height, setbacks, lot coverage and minimum yard sizes. For example, all references to: architectural design, roof and eaves lines window lines, window type, building material, storm doors, types of doors, porches, roofing material, chimneys and fences should be removed from the guidelines

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List of Attachments:

- Attachment No. 1 – Chronology of the Proposal to Designate Kingsway Park as a Heritage Conservation District
- Attachment No. 2 – By-law No. 1005-2001 - New Process for the Issuance of Heritage Permits adopted by Council on December 4, 2001
- Attachment No. 3 – Selected Sections of the Ontario Heritage Act
- Attachment No. 4 - Kingsway Park Heritage Conservation District Plan (Includes Guidelines – Appendices not included)

Attachment No.1

Chronology – Kingsway Park Heritage Conservation District Study

July 11, 1997 Former Etobicoke City Council in Session 21, Resolution 287, adopted the following:

THAT the Report from Mrs. Elizabeth Ingolfsrud, Chairman, Etobicoke Historical Board/LACAC dated July 11th, 1997, regarding the designation of Kingsway Park as a Heritage Conservation District, be adopted; and

THAT the appropriate By-Law be enacted to designate the area generally known as Kingsway Park as a Heritage Conservation District, pursuant to Part V of the Ontario Heritage Act, and that the Urban Development Department be authorized to co-ordinate the background studies required for such designation.

October 6, 1997 Former Etobicoke City Council Clause No. 209 of the Seventeenth Report of the Planning and Development Committee, 1997, dated September 30, 1997, adopted by Council Resolution No. 425 on October 6, 1997:

THAT a Committee of staff, that includes members of the Etobicoke Historical Board/LACAC and the local Councillor, be struck to assist in preparing the necessary background report(s) for the designation of Kingsway Park as a Heritage Conservation District and to assist in developing appropriate district planning guidelines;

THAT the Committee be directed to include any other members of staff and/or public that it considers necessary to assist in the process of designating Kingsway Park as a Heritage Conservation District; and,

THAT staff be directed to report periodically on the Committee's progress.

February 18, 1998 First Committee meeting with representatives from the Kingsway Park Ratepayers' Association, the Etobicoke Historical Society/LACAC, residents of Kingsway Park and staff, held at the Etobicoke Civic Centre.

July 16, 1998 Committee meeting held at the Etobicoke Civic Centre.

November 10, 1998 First Public Open House/Meeting held at the Old Mill Inn facility. The Committee and staff introduced the concept of Heritage Conservation Districts to the residents of the Kingsway Park area. 138 people signed in with approximately 200 people in attendance.

December 15, 1998 Committee meeting (point at which the former Heritage Toronto first became involved in the process) held at the Etobicoke Civic Centre.

February 9, 1999 Committee meets to discuss zoning of the area held at the Etobicoke Civic Centre.

- February 23, 1999 Committee meeting to discuss draft guidelines held at the Etobicoke Civic Centre.
- March 9, 1999 Committee meeting, to discuss draft guidelines, held at the Etobicoke Civic Centre.
- May 5, 2000 Committee meeting, to discuss draft guidelines and scheduling of the second public meeting, held at the Etobicoke Civic Centre.
- June 26, 2000 Second Public Open House/Meeting at the Old Mill Inn facility. The Committee and staff introduced the guidelines that would be used to assess alterations and additions in the District once it is designated. 128 people signed in and approximately 150 people in attendance.
- July 19, 2000 Etobicoke Community Council meeting deferred the July 4, 2001, staff report.
- May 10, 2001 Third Public Open House/Meeting held at the Old Mill Inn facility. The Councillor and staff introduced the draft streamlined process and draft delegation of authority by-law. 115 people signed in and approximately 150 people in attendance.
- June 6, 2001 Culture Division staff met with the Committee to discuss the implementation process. The meeting was held at the Etobicoke Civic Centre.
- June 13, 2001 Former West Community Council meeting held at the Etobicoke Civic Centre. Community Council deferred consideration of the May 28, 2001, staff report and July 4, 2000 staff report until its meeting of October 24, 2001 to allow the Ward Councillor to conduct additional community consultation.
- October 24, 2001 Etobicoke Community Council meeting held at the Etobicoke Civic Centre. They deferred consideration of the May 28, 2001, and July 4, 2000, staff reports to the November 21, 2001 meeting of Etobicoke Community Council.
- November 21, 2001 Etobicoke Community Council meeting held at the Etobicoke Civic Centre. Community Council deferred consideration of the May 28, 2001, and July 4, 2000, staff reports to the January 30, 2002 meeting of Etobicoke Community Council. Community Council also requested the following:
- “referred the aforementioned communication from Councillor Milczyn to the Director of Community Planning, West District, with a request that, in consultation with the City Solicitor and the Manager, Heritage Preservation Services, he submit a report thereon to the Etobicoke Community Council for consideration with this matter, such report to include:
- (a) an explanation of “Area of Special Identity”;
 - (b) a history of the proposal to Designate the Kingsway Park area under the Ontario Heritage Act and actions taken to date; and,
 - (c) the Kingsway Park Heritage Conservation District Plan and Guidelines, and

(3) requested that the aforementioned report and information be forwarded to all homeowners, in the Kingsway Park area.

Attachment No. 2

By-law No. 1005-2001
New Process for the Issuance of Heritage Permits
enacted by Council on December 6, 2001

Delegation By-law - Heritage Conservation Districts

Authority: Economic Development and Parks Committee Report No. 12, Clause No. 9,
as adopted by City of Toronto Council on December 4, 5 and 6, 2001
Enacted by Council: December 6, 2001

CITY OF TORONTO

BY-LAW No. 1005-2001

To amend Chapter 103, Heritage, of the City of Toronto Municipal Code to streamline the application process for heritage permits in heritage conservation districts.

WHEREAS Council wishes to make it easier for residents of heritage conservation districts to obtain permits under Part V of the *Ontario Heritage Act* for certain types of work; and

WHEREAS Council has authority to pass this by-law under section 102.1 of the *Municipal Act*;

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

1. Chapter 103, Heritage, of the City of Toronto Municipal Code is amended by adding the following Article:

ARTICLE IV

Heritage Permits in Heritage Conservation Districts

§ 103-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMMISSIONER - The Commissioner of Economic Development, Culture and Tourism or his or her designate.

GUIDELINES – Guidelines adopted by Council or the council of a former municipality to assist in the preservation of the historic and architectural character of a heritage conservation district.

HERITAGE CONSERVATION DISTRICT - A heritage conservation district established under Part V of the *Ontario Heritage Act*.

HERITAGE PERMIT - a permit issued by or on behalf of Council under section 43 of the *Ontario Heritage Act*.

§ 103-21. Application for Permit; Permits Deemed to be Issued.

- A. Any person wishing to erect, demolish, or remove a building or structure located in a heritage conservation district, or to alter the external portions of such a building or structure, shall submit an application in writing on a form prescribed by the Commissioner and shall supply any other information relating to the application as required by the Commissioner.
- B. Despite subsection A, an application shall be deemed to have been made for work described in subsection C.
- C. A heritage permit is deemed to be issued for the following alterations to the external portions of a building or structure located in a heritage conservation district:
 - (1) Painting of wood, stucco or metal finishes.
 - (2) *Repair of existing features, including roofs, wall cladding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances, windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the same type of materials are used.*
 - (3) Installation of eavestroughs.
 - (4) *Weatherproofing, including installation of removable storm windows and doors, caulking, and weatherstripping.*
 - (5) Installation of exterior lights.
 - (6) An alteration that is not visible from a street.

§ 103-22. Compatibility with guidelines.

- A. The Commissioner shall issue a heritage permit on behalf of Council if the work proposed in an application received under § 103-21A is compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken.
- B. Despite subsection A, Council shall retain all powers and authority under Part V of the *Ontario Heritage Act* and at any time prior to the issuance of a heritage permit, the ward councillor may, in writing, request the Commissioner to submit a permit application to the appropriate Community Council and to Council for consideration.
- C. A permit issued under subsection A shall be issued subject to the following conditions:
 - (1) *That the permit holder not make any material change to a plan, specification, document or other information that forms the basis on which the permit was issued without making a further application under § 103-21A.*

(2) *That the permit holder carry out the work in accordance with the plans, specifications, documents and any other information that form the basis on which the permit was issued.*

- D. If the work proposed in an application is not compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken, the Commissioner shall submit the application to the appropriate Community Council and to Council for consideration.
- E. This section shall not apply to alterations for which a heritage permit is deemed to be issued under § 103-21C.

ENACTED AND PASSED this 6th day of December, A.D. 2001.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Attachment No. 3

Selected Sections of the Ontario Heritage Act

Part V**Heritage Conservation Districts**

40. (1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation.

Consultation

(2) Where the council of a municipality has established a local advisory committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a heritage conservation district under subsection (1), consult with its local advisory committee. R.S.O. 1990, c. O.18, s. 40.

Designation of heritage conservation district

41. (1) Subject to subsection (2), where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

Part IV not to be designated

(2) No property designated by a council of a municipality under Part IV shall be designated as part of a heritage conservation district under this Part.

Approval of Board required

(3) A by-law passed under subsection (1) does not come into force without the approval of the Board.

Notice

(4) The council of the municipality shall, in such manner and to such persons as the Board may direct, cause notice of its application to be given to the Board for approval of a by-law under subsection (1).

Notice to Foundation

(5) The council of a municipality shall, in addition to any notice required under subsection (4), cause notice to be given to the Foundation of its application to the Board for approval of a by-law under subsection (1).

Hearing

(6) The Board shall, before approving a by-law under subsection (1), hold a hearing open to the public for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

Approval by Board

- (7) The Board may approve a by-law under subsection (1) as to the whole or any part of the area defined therein and such approval does not become effective until the issue by the Board of its formal order thereof.

Expiry

- (8) Unless the council of the municipality applies to the Board for approval of a by-law under subsection (1), within fourteen days after the date that it is passed by the council, such by-law shall be deemed to be repealed on the expiry of the fourteen days. R.S.O. 1990, c. O.18, s. 41.

Erection, demolition, alteration or removal prohibited

42. Where a by-law has been passed under section 41, no person shall in the area defined in the by-law erect, demolish or remove any building or structure, or alter the external portions thereof, without a permit therefor issued by the council of the municipality unless,
- (a) the by-law has been deemed to be repealed under subsection 41 (8);
 - (b) the Board has issued an order refusing approval of the by-law; or
 - (c) in the case of demolition or removal, 180 days have elapsed as provided for in subsection 44 (2). R.S.O. 1990, c. O.18, s. 42.

Application

43. (1) An application for a permit referred to in section 42 shall be made to the council of the municipality and shall contain or be accompanied by such information, drawings and other material as may reasonably be required by the council to fully consider the application.

Decision of council

- (2) An application under subsection (1) shall be considered by the council and the council, within ninety days of the receipt of the completed application or such longer period as is mutually agreed by the applicant and the council, shall,
- (a) issue the permit as requested; or
 - (b) advise the applicant in writing that a permit is refused.

Terms and conditions

- (3) Such terms and conditions as the council considers desirable may be attached to a permit issued under subsection (2). R.S.O. 1990, c. O.18, s. 43.

Erection or alteration

44. (1) Where an application under section 43 to the council of a municipality for a permit to erect a building or structure or to alter the external portions of any building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43 or the council attaches terms or conditions to a permit, the applicant may, within thirty days of receipt of a permit or advice in writing from the council under subsection 43 (2), appeal to the Board and the Board shall hear the appeal and,
- (a) dismiss the same; or
 - (b) direct that the permit be issued with or without such terms and conditions as the Board by its order may direct.

Demolition or removal

- (2) Where an application under section 43 to the council of the municipality for a permit to demolish or remove a building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43, the applicant, upon expiration of a period of 180 days from the date of refusal by the council to issue a permit or from the expiration of the period provided for in section 43 may proceed to demolish or remove the building or structure subject to any other Act or regulation thereunder. R.S.O. 1990, c. O.18, s. 44.

Application

45. Sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated by by-law under this Part as a heritage conservation district. R.S.O. 1990, c. O.18, s. 45.

Delegation

46. The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its powers under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part. R.S.O. 1990, c. O.18, s. 46.

Other Sections of the Act**Purchase or lease by-laws**

36. (1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Expropriating by-law

- (2) Subject to the Expropriations Act, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

- (3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part. R.S.O. 1990, c. O.18, s. 36.

Inspection

38. (1) For the purpose of carrying out this Part, any person authorized by the council of a municipality in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 29 (3).

Obstruction of investigator

- (2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation. R.S.O. 1990, c. O.18, s. 38.

Offences

69. (1) Subject to subsection (2), every person who,
- (a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
 - (b) fails to comply with any order, direction or other requirement made under this Act; or
 - (c) contravenes this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

- (2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$250,000 and not as provided therein.

Consent of Minister

- (3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

No offence

- (4) No person is liable under subsection (1) where the person has altered or permitted the alteration of property designated under this Act, where, after having notified the clerk of the municipality in which the property is situate, the alteration has been carried out for reasons of public health, safety or the preservation of the property.

Recovery of restoration costs

- (5) Except where,
- (a) in the opinion of the council of a municipality, a property is in an unsafe condition or incapable of repair; or
 - (b) an alteration of a property has been carried out for reasons of public health, or the preservation of the property,

where a property designated under Part IV is altered without the consent of the council of the municipality in which the property is situate, the council of the municipality may, in addition to any other penalty imposed under this Act, where it is practicable, restore the property as nearly as possible to its previous condition and the council of the municipality may recover the cost of such restoration from the owner of the designated property.

Idem

- (6) For the purpose of subsection (5), the council of a municipality may authorize any person in writing to enter on the designated property to carry out restorations. R.S.O. 1990, c. O.18, s. 69.

Attachment No. 4

Kingsway Park Heritage Conservation District Plan and Guidelines

KINGSWAY PARK HERITAGE CONSERVATION DISTRICT PLAN

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Kingsway Park Heritage Conservation District Committee

Councillors Kingsway-Humber

Councillor Gloria Lindsay Luby

Councillor Mario Giansante

Etobicoke Historical Board/Local Architectural Conservation Advisory Committee

Earl Jarvis (Acting Chairman)

Judy Shields

Molly Sutherland

Elizabeth Ingolfsrud (Former Chairman)

Robert Given

Kingsway Park Ratepayers Inc.

Lynda Kelly

Wayne Hughes

Kingsway Park Residents

Susan Franklin

Penny Moles

Martha Blake

Barb Vallis

Robert Visentin

City of Toronto, Heritage Preservation Services Staff, Heritage Toronto Staff

Marisa Williams

Ernie Buchner

City of Toronto, West District Staff

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Wai Yeung

Lorna Day

Mike Drachewych

Dennis McQuestion

Perry Vagnini

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David Oikawa

Angela Janzen

Executive Summary

The Kingsway Park Heritage Conservation District Plan is one of the supporting documents in favour of designating Kingsway Park as a Heritage Conservation District under Part V of the Ontario Heritage Act. This Plan begins by outlining the process for designating Kingsway Park and reviewing the key elements that must be considered for a successful designation. It draws upon the work of Elizabeth Ingolfsrud and Alex Keefer, “Kingsway Park: Triumph in Design. An Architectural Study of a Planned Community, Etobicoke 1924-1947.” Ingolfsrud and Keefer chronicle the life of Robert Home Smith, the man responsible for conceiving and planning Kingsway Park, and discuss his philosophy and approach to designing the Park. They also provide an extensive review of the architecture within the Park and identify over six hundred homes that were constructed under the Home Smith and Co. 30 year covenant. This covenant allowed Home Smith to attach conditions to the construction of each house, such as the size and the materials that could be used on the exterior walls, as a means to realize his vision for the Park.

The Plan then looks at the past efforts of the former City of Etobicoke to preserve Kingsway Park as a stable residential neighbourhood and highlights the available measures to preserve its unique architectural and historical character. It identifies the designation of Kingsway Park as a heritage conservation district as one of the main tools available to the City of Toronto and the Park’s residents to influence the design and materials used in alterations and additions to the Park’s houses.

The main focus of the Kingsway Park Heritage Conservation District Plan is on the guidelines that were developed by The Kingsway Park Heritage Conservation District Committee. This Committee was comprised of residents from Kingsway Park, members of the Kingsway Park Ratepayers’ Association, the Etobicoke Historical Board/LACAC, the local councillors and City staff. The guidelines were developed to preserve the architectural and historical character of the Park by assisting its residents in planning alterations and additions that complement the character of the Park. They will also be used by City staff to assess the appropriateness of changes within the Park. The guidelines address 12 features of Kingsway Park. Generally, the first guideline for each feature recommends that no changes be made to the feature. This approach will ensure that the Park is preserved in its original state. At the same time, the guidelines recognize there will be changes in the Park and provide a degree of flexibility so that its residents can meet their housing needs. The Plan also identifies a number of other features of the Park for which measures should be put in place if this heritage asset of the City of Toronto is to be preserved.

1.0 Introduction - The Kingsway Park Heritage Conservation District Plan

Kingsway Park is a community of over 700 homes located in the west end of the City of Toronto, north of Bloor St. (see Map 1). It extends northward to the Queen Mary's Drive/Kingsgarden Road area, between Royal York Road on the west and The Kingsway/Kingsway Crescent on the east. Developed primarily during the 1920's, 1930's and 1940's, its founder, Robert Home Smith, set out to create a planned and design controlled community modelled after the English Planned Garden Suburb movement of the late 19th century. Home Smith's motto in designing Kingsway Park was "Angliae pars Anglia procul" (a little bit of England far from England). Nowhere is this more evident than in the English classical and non-classical architecture. A third form of architecture, "freestyle", combines elements of classical and non-classical design, adding a distinctive character and appearance to the Park.

In designing Kingsway Park, Home Smith placed great importance on preserving and enhancing the Park's landscape and greenery. The original plans of Kingsway Park were altered so that the roads would follow the natural topography of the land. The construction of fences was also limited to maintain the Park's open "park-like" setting.

Recognizing that he could only achieve his vision of Kingsway Park by exercising complete control over its development, Home Smith required all builders to sign a 30 year covenant which set out, among other things, the size of each house and the materials that could be used on the exterior walls. Home Smith even went so far as to decree that any developer wanting to build in Kingsway Park had to live in the Park. The result of Home Smith's vision and his use of the 30 year covenant is one of the most unique communities in the City of Toronto.

The Kingsway Park Heritage Conservation District Plan presents an opportunity for the residents of Kingsway Park and the City of Toronto to preserve the architectural and historical character of the Park, as it was originally conceived and developed by Home Smith. The key to preserving the Park will be its designation as a Heritage Conservation District under the Ontario Heritage Act (OHA). This will allow the City of Toronto, in consultation with the residents of Kingsway Park, to implement a set of "Design Guidelines" to ensure that house alterations and additions within the Park complement and "blend in" with its original historical character. A corresponding "Heritage Permit" process will be established to allow for the review and assessment of proposed house alterations by City of Toronto staff. This process will be designed to encourage dialogue between the Kingsway Park residents and City staff to ensure that alterations comply with the design guidelines and that any design issues or concerns are resolved early in the process, to enable applications to be expedited.

The historical and architectural information presented in this Plan is drawn from the work of Elizabeth Ingolfsrud and Alec Keefer, "Kingsway Park: Triumph in Design. An Architectural Study of a Planned Community, Etobicoke 1924-1947". It should be consulted for a more detailed understanding of the development of Kingsway Park and description of its architecture and other unique features.

Kingsway Park Location

Map 1

✧ Kingsway Park Heritage Conservation District



KINGSWAY PARK HERITAGE CONSERVATION DISTRICT

- 2 -

City of Toronto
Urban Development Services
West District 2006 T.P. 006

2.0 Structure of the Kingsway Park Heritage Conservation District Plan

The Kingsway Park Heritage Conservation District Plan is divided into three parts. The first part of the Plan begins by reviewing the request from the Etobicoke Historical Board/Local Architectural Conservation Advisory Committee (LACAC) to designate Kingsway Park as a heritage conservation district under the Ontario Heritage Act (OHA). The OHA, the measures it provides local municipalities to preserve their heritage features, and the characteristics of a heritage district, are also reviewed. The essential elements of a successful heritage conservation district designation, as recommended in the Ontario Heritage Conservation District Guidelines (OHCD Guidelines), are discussed briefly.

The second part of the Plan reviews the justification for designating Kingsway Park as a heritage conservation district. It draws upon the work of Elizabeth Ingolfsrud and Alec Keefer. In “Kingsway Park: Triumph in Design. An Architectural Study of a Planned Community, Etobicoke 1924-1947”, Ingolfsrud and Keefer discuss Robert Home Smith’s philosophy and approach to designing and developing Kingsway Park. Their work also documents over 600 of the homes in Kingsway Park that Home Smith and his group of architects were influential in designing.

The third and final part of the Plan begins by briefly reviewing the measures already in place to preserve the character of Kingsway Park. The focus in this section of the Plan is on the “Design Guidelines” that have been developed by the Kingsway Park Heritage Conservation District Committee to assist City staff in assessing the appropriateness of housing alterations, additions and the construction of new homes by the Park’s residents.

All three sections of the Kingsway Park Heritage Conservation District Plan should be read in conjunction with “Kingsway Park: Triumph in Design” to understand the development and evolution of Kingsway Park and the justification for designating it as a heritage conservation district.

Finally, public participation is considered an essential and integral part of the heritage conservation district designation process. Appendix A outlines the role played by the Park’s residents throughout the designation process and in shaping the Kingsway Park Heritage Conservation District Guidelines.

PART 1 – DESIGNATING A HERITAGE CONSERVATION DISTRICT

3.0 Background: The Request to Designate Kingsway Park

The request to designate Kingsway Park as a Heritage Conservation District was made to the Etobicoke City Council by the Etobicoke Historical Board/Local Architectural Conservation Advisory Committee in July of 1997 (see Appendix B). The request was prompted by LACAC's concern that the large number of Committee of Adjustment applications occurring in the Park would lead to significant changes in its character and appearance, as originally designed and planned by Robert Home Smith (see Appendix C). The Etobicoke LACAC also recognized that pressures for change would continue in the Park and that a process was needed to ensure that future alterations, additions and the construction of new houses remained consistent with the architectural and historical character of the community. The LACAC viewed the designation of Kingsway Park as a way to preserve this unique and valuable heritage asset of the City of Toronto.

The demolition of 28 Queen Mary's Drive, and the subsequent construction of two new houses, also raised concern over possible future demolitions within the Park. Fortunately, the owner of 28 Queen Mary's Drive, working with the local residents, Councillor and City staff, designed the two new homes to "fit in" with the character of the Kingsway Park.

In response to LACAC's request, in 1997, Etobicoke City Council (Resolution No. 287) directed that a Committee be struck to prepare any necessary background reports for designating Kingsway Park as a Heritage Conservation District (Appendix B). Council also directed that the Committee include members of the Etobicoke Historical Board/LACAC and the local Councillors and any other members it considered necessary to assist in the process. The Kingsway Park Heritage Conservation District Committee was comprised of members of the Etobicoke Historical Board/LACAC, the Kingsway Park Ratepayers' Association, Residents of Kingsway Park and staff from various City Departments. Throughout the course of the study, the members of the Committee changed on several occasions. The list of members found at the beginning of the Plan represents all the people involved on the Committee throughout the designation process. The main role of the Committee was to develop the Kingsway Park Heritage Conservation District Guidelines that are presented in Part 3 of this Plan.

3.1 The Ontario Heritage Act

The Ontario Heritage Act (OHA) is the provincial legislation that provides local municipalities with the authority to designate an area as a heritage conservation district. Under Part V of the OHA, a municipality may, by by-law, designate any area or areas as a heritage conservation district. The only requirement, prior to the passing of a designating by-law, is that the municipality's Official Plan must contain a provision relating to the establishment of a heritage conservation district. Section 7.3.4 of the City of Etobicoke's Official Plan satisfies this condition as it encourages Council to: *take steps, wherever feasible, to preserve and enhance heritage resources as inventoried by LACAC by: g) designating Heritage Conservation Districts by by-law under the Ontario Heritage Act.*

Once the proposed district has been identified, the local municipality passes a by-law which delineates the area as a heritage conservation district. The by-law must then be forwarded to the Ontario Municipal Board within 14 days of the approval by the local municipality. The Ontario Municipal Board holds a hearing on the designation and based on the evidence provided for the designation, may, approve the by-law, approve an amended by-law, or refuse the by-law. The heritage designation process is shown on Diagram 1.

3.2 The Ontario Heritage Conservation District Guidelines

While there are few requirements for designating an area as a heritage conservation district under the OHA, the Province, through its Ontario Heritage Conservation District Guidelines (OHCD Guidelines), recommends that municipalities consider the following three “prime ingredients” for a successful designation:

- evaluation of the special character of the district;
- delineation of the boundaries of the proposed district; and,
- an effective Public Participation process.

3.2.1 Evaluation of the District

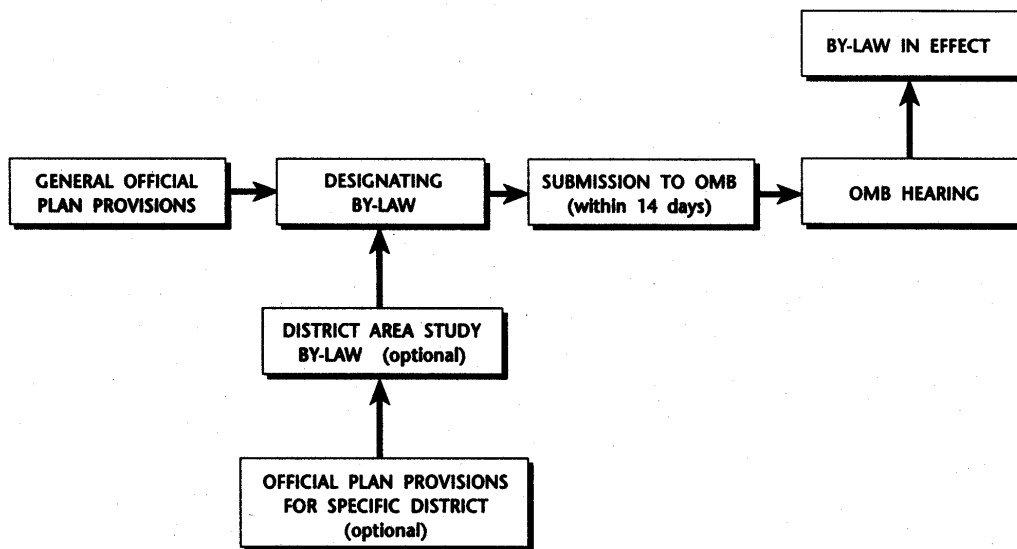
In the “Evaluation” stage of the process, the focus is on identifying the historical significance of the area which provides the justification for designating it as a heritage conservation. According to the OHCD Guidelines, the historical significance of a district may be found in its association with the architectural, social, political, economic or military patterns of the community’s history or through some association with specific events or people that have shaped the community’s history. Other features such as open spaces, sidewalks, roads and gardens may also form an integral part of a district’s unique character and contribute to the justification for designating it as a heritage conservation district.

3.2.2 Delineation of the District

With the completion of the “Heritage Evaluation Stage”, the focus turns to “Delineating” the proposed district. This is a key step in the designation process, as it sets out the area for which “design guidelines” will be developed to protect the area’s unique architecture and features. There may be a number of reasons for delineating an area including the fact that, *“its buildings and structures have acquired a definite sense of time and place through historical associations with activities, events and individuals”* (OHCD Guidelines). The district boundary may also include open spaces or contemporary buildings to ensure that any future changes or development that may occur are in keeping with the character of the area.

Heritage Conservation Designation Process

Diagram 1



Source: Ontario Heritage Conservation District Guidelines

3.2.3 Public Participation

An essential part of the heritage conservation designation process is ongoing public participation. While the Ontario Heritage Act does not require any form of public participation, the OHCD Guidelines recommend an effective public participation process so that residents of the proposed district are adequately informed of the implications and have the opportunity to respond to the proposal. The participation of Kingsway Park residents in the designation process is documented in Appendix A.

With the essential elements of a successful heritage conservation district designation identified, the remainder of the Kingsway Park Heritage Conservation District Plan looks to providing the justification for designating Kingsway Park as a heritage conservation district, delineating its boundary and establishing “design guidelines” to assist in preserving its architectural and historical character.

PART 2 – KINGSWAY PARK: JUSTIFICATION FOR DESIGNATION

4.0 Introduction

In 1994, Elizabeth Ingolfsrud and Alec Keefer published their study, “Kingsway Park: Triumph in Design. An Architectural Study of a Planned Community, Etobicoke 1924-1947.” Initiated and coordinated by the Ontario Royal Conservancy, the study records the history of Kingsway Park and 671 of its homes. With the assistance of a team of volunteers, each of the 671 homes was visited to record the significant interior and exterior details. Their research also included a thorough review of the Home Smith and Company files at the Toronto Reference Library as well as a detailed examination of the 1924 to 1947 assessment rolls. Additional information on the homes was obtained through interviews with the Park’s architects, builders, other Home Smith employees and the families of original owners. The exterior of all 671 homes built before 1946 were photographed and are contained in “Kingsway Park: Triumph and Design”.

“Kingsway Park: Triumph in Design” forms one part of the Kingsway Park Heritage Conservation District Plan. It serves to provide the justification for designating Kingsway Park by reviewing the man responsible for Kingsway Park, Robert Home Smith, and his approach and philosophy in developing the Park. The following section is drawn from “Kingsway Park: Triumph in Design” and briefly outlines the justification for designating Kingsway Park as a heritage conservation district. For a detailed account of the development of Kingsway Park and its architectural features, “Kingsway Park: Triumph in Design” should be consulted.

4.1 Robert Home Smith

The justification for designating Kingsway Park may, in part, be found in both the man responsible for its development, Robert Home Smith, and his philosophy and approach to developing Kingsway Park. As a prominent lawyer and business man of his era, Smith’s accomplishments were numerous. As Robert Hanks, one of Smith’s architects pointed out in a speech to the Etobicoke Kiwanis Club in the early 1960's, Smith was a pioneer in the development of Northern Ontario Mines. His interests also extended to South America where he had an interest in a fleet of steamships. Home Smith also held significant land holdings throughout the province, with 26,000 acres in Norfolk County, 800 in Niagara on the Lake and 1,850 in Peel County. Kingsway Park represented only a small portion of the 3,000 acres that he held in Etobicoke: this fact alone meant that through his land holdings, Home Smith played a significant role in the history and development of the City of Toronto.

Adding to Home Smith’s accomplishments were the numerous positions he held on boards and commissions. While serving as the chairman for the Toronto Harbour Commissions, Smith participated in the reclamation of hundreds of acres of industrial and park land, running from the mouth of the Don River to the Humber River. At other times during his career, Home Smith was chairman of the Niagara Falls Parks Commission and the City of Ottawa Planning Commission. He also served as president of the Mexican Northwestern Railway, the Buffalo Rochester and Lockport

Railway, the Algoma Eastern railway and the Algoma Central Railway. As well, he was president of the Algoma Steel Corporation, the Lake Superior Corporation and Alliance Paper Mill of St. Catherines.

The philosophy and approach used by Home Smith and Co. in designing and developing Kingsway Park is unique among the communities of the City of Toronto. He set out to develop a planned and design controlled community modelled after the British Garden Suburb movement of the late 19th century. Smith’s predilection for things British is most apparent in the architecture of Kingsway Park

which is comprised of English classical, non-classical and “freestyle” forms. The street names of the Park (e.g. Kingslynn, Kingsmill etc.) also reflect Smith’s motto in designing Kingsway Park - “Angliae pars Anglia procul” (a little bit of England far from England).

In designing Kingsway Park Smith also placed great emphasis on creating a “park-like” setting – the reason the community is named “Kingsway Park”. He even went to far as to change the design of roads to ensure that they followed the natural topography.

To ensure that his vision of Kingsway Park would be achieved, Home Smith required all builders to sign a 30 year covenant which set out a number of conditions including the size of the house and the materials that could be used on the exterior walls. There were actually two versions of the covenant. The first one, dated April 1911 was subsequently replaced by a more detailed version containing 9 clauses (see Appendix D). As Ingolfsrud and Keefer point out in “Kingsway Park: Triumph and Design”, the changes to the plans and covenant of Kingsway Park were to:

“ensure greater control and to establish in the mind of the visitor, Home Smith’s view of Kingsway Park: English, Canadian and inward-looking, focused not on the Bloor Street shopping district nor on the main north-south connecting roads, not even on the Humber river Valley (as important as these features were and are) but on the community’s own grand artery, The Kingsway.”

Home Smith’s prominent positions in life, his role in shaping the development of the City of Toronto, along with his approach to detail and design in developing Kingsway Park are among the reasons for designating Kingsway Park as a heritage conservation district.

The other significant factor that contributes to the justification for designating Kingsway Park is the unique and varied architecture found within the Park. This is examined in greater detail in the next section.

4.2 The Houses of Kingsway Park

4.2.1 Introduction

The Ontario Heritage Conservation District Guidelines (OHCDG) suggest that the successful examination of an area for designation as a possible heritage conservation district should include an evaluation of each property from a number of perspectives, such as the historical association of the buildings, their architectural value, integrity and group value. The OHCD Guidelines provide municipalities with direction on the criteria for assessing the heritage value of properties by suggesting that the heritage value of a property should be able to:

“With suitable examination, to reveal some broad architectural, cultural, social, public, economic or military patterns or should have some association with specific events or people that have shaped the details of that history.”

Elizabeth Ingolfsrud and Alec Keefer provide a pictorial inventory of 671 houses developed under the Home Smith and Co. 30 year covenant. Each of the photographs contains information (where available) on the year of construction, the architect, builder, first owners and their occupation and the architectural style of the house.

As the photographs in “Kingsway Park: Triumph in Design” date back to 1992, members of the Kingsway Park Heritage Conservation District Committee were asked to review all 671 houses to ensure that the pictures continue to reflect the houses as they appear today. In the summer of 1998, each Committee member was assigned specific areas within the Park and provided with 8.5 inch by 11 inch copies of the photographs that appear in “Kingsway Park: Triumph in Design”. The Committee members were asked to note any changes that had been made to the houses or landscaping directly on the photographs. This exercise produced an extensive database and revealed that the front facades of most houses had remained unchanged since 1992. Changes to the landscaping were more common. This information provides a more accurate inventory of the house and serves to identify those houses for which new photographs will be required. It is anticipated that updates to the photographic database will be required on an ongoing basis to capture and document changes to the houses of Kingsway Park.

4.2.2 Architectural Styles

Identifying and categorizing the houses of Kingsway Park proved to be one of the most challenging tasks for Elizabeth Ingolfsrud and Alec Keefer in “Kingsway Park: Triumph in Design”, as most of the houses in the Park contain a ***“variety of features that demonstrate different influences”***(Kingsway Park: Triumph in Design). They placed each of the houses in one of two categories, classical or nonclassical, based on its most prevalent features. The classical houses include those whose designs are symmetrical, square or rectangular and usually flat roofed. Roofs are typically hipped and have a shallow to medium pitch. As well, classic gables may be attached to the front of the structure, and sometimes the building is turned sideways with the gable-end facing the street. The materials and motifs are generally borrowed from the classical Greek and Roman past. The types of classical homes identified by Ingolfsrud and Keefer include: Georgian; American Colonial; American Spanish Colonial; Dutch Colonial Revival and French Renaissance Revival.

Ingolfsrud and Keefer described the nonclassical houses in Kingsway Park as generally English vernacular buildings, asymmetrical and irregular. Roofs are generally raked steeply and often rooms or parts of rooms extend from the front wall in the form of a jettied second floor or a bay or oriel window. Materials and design features have elements of Northern European origin.

Ingolfsrud and Keefer made a number of distinctions within the non-classical group of houses to distinguish the size and the design of the houses;

- Tudor - is used to denote a home that is large;
- Olde English Tudor - is a medium size home that has a Tudor arched entrance;
- Norman - is distinguished by a steep hipped roof and a tower entrance;
- English Cottage - describes the rest of the nonclassical homes.

They also introduced a third architectural category, “English Freestyle”, for those houses which contain sizeable portions of both the classical and non-classical elements. The term “freestyle” was also added to the descriptive name to identify mixtures of styles within either the classical or nonclassical categories i.e. American colonial freestyle

Finally, Kingsway Park is also home to the Kingsway-Lambton United Church, built in 1936, and located on the northwest corner of Prince Edward Drive and The Kingsway. It has been included as part of the Kingsway Park Heritage Conservation District, but no guidelines have been developed for it.

Appendix E provides a general overview of the houses of Kingsway Park. Given the size of Kingsway Park and the number of houses it contains, the Park was divided into 9 sub-areas for review purposes. For the most part, the sub-areas are based on similarities among houses and lot sizes, and use the streets as boundaries. The houses were all developed under the Home Smith and Co. 30 year covenant which set out certain conditions for the construction of houses. For a detailed description of each house, “Kingsway Park: Triumph in Design should be consulted.

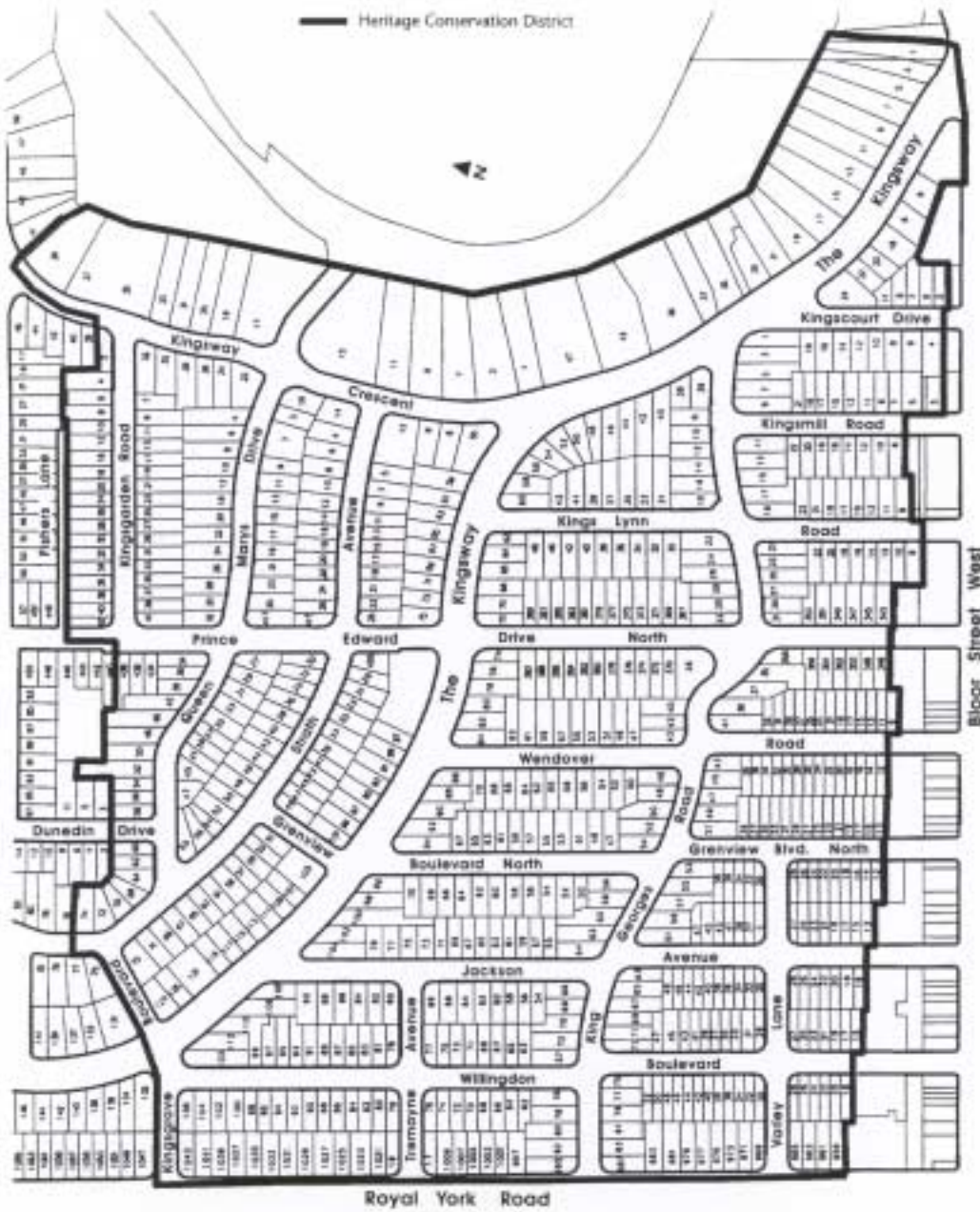
4.2.3 Other Significant Features

In addition to the houses, there are a number of other features of the Park that contribute to its unique character. This section of the Plan briefly describes these features.

The road system of Kingsway Park was initially laid out to reflect the traditional grid street pattern, with The Kingsway serving as the Park’s focal point, while at the same time dissecting the Park (see Map 2).

Heritage Conservation District Boundary

Map 2



Other east/west running roads, including King George's, Strath Avenue, and Queen Mary's Road, were altered from the original plans to mirror The Kingsway. Prince Edward Drive is the main north/south road bisecting the Park. All roads running north from Bloor St., and intersecting King George's Road, have been staggered so that the sections north and south of King George's are offset. This was done purposely to prevent a "corridor" feel and to provide a distinct point of visual interest as one looks down these north/south running streets.

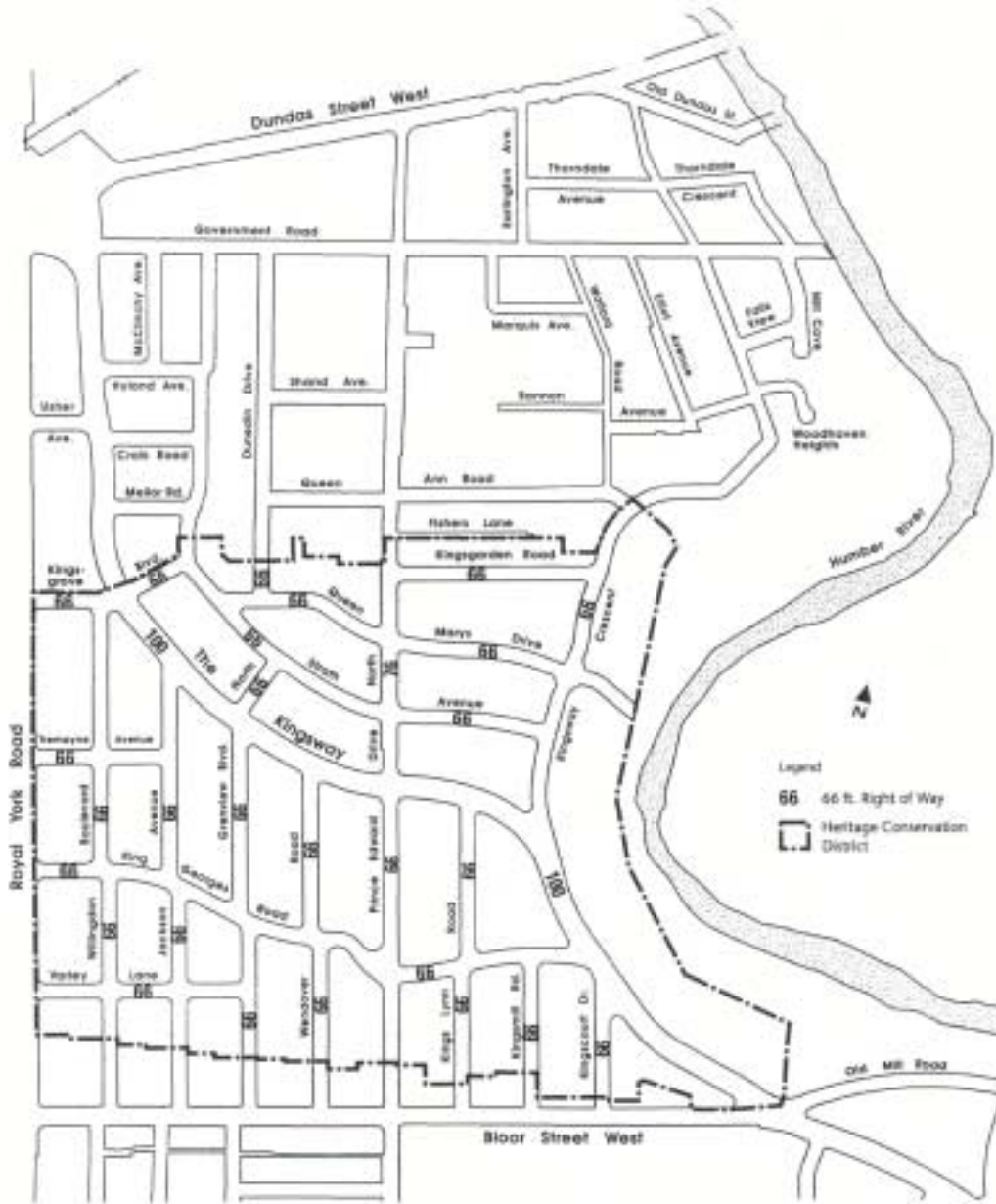
Most of the roads in Kingsway Park have a 66 foot right of way (see Map 3). The exception is The Kingsway with its 100 foot right of way that was put in place to accommodate a street car line which was never built. The majority of roads in the Park are ditched roads, contributing to its natural "park-like" charm. Only limited sections of Willingdon Boulevard, Jackson Avenue, Grenview Boulevard and Wendover Road are curbed roads (see Maps 4). Curbs are also located at the intersections of the north/south running roads that bisect King George's Road.

Most of the roads in Kingsway Park have sidewalks (see Map 5). The exceptions are Kings Lynn Road; the south side of The Kingsway and the northern section east of Wendover Road; portions of Kingsgrove and Queen Mary's Drive and Strath Avenue west of Prince Edward Drive; and all of Queen Mary's and Strath Avenue, east of Prince Edward Drive Boulevards are found primarily south of King George's Road.

One of the Park's truly outstanding features are its tree lined streets. These reflect Home Smith efforts to create a "park-like" setting. Many of these trees are over one hundred years old and provide canopies in the summertime sheltering the streets from the summer sun. The most common types of street tree found in the Park is Norway Maple.

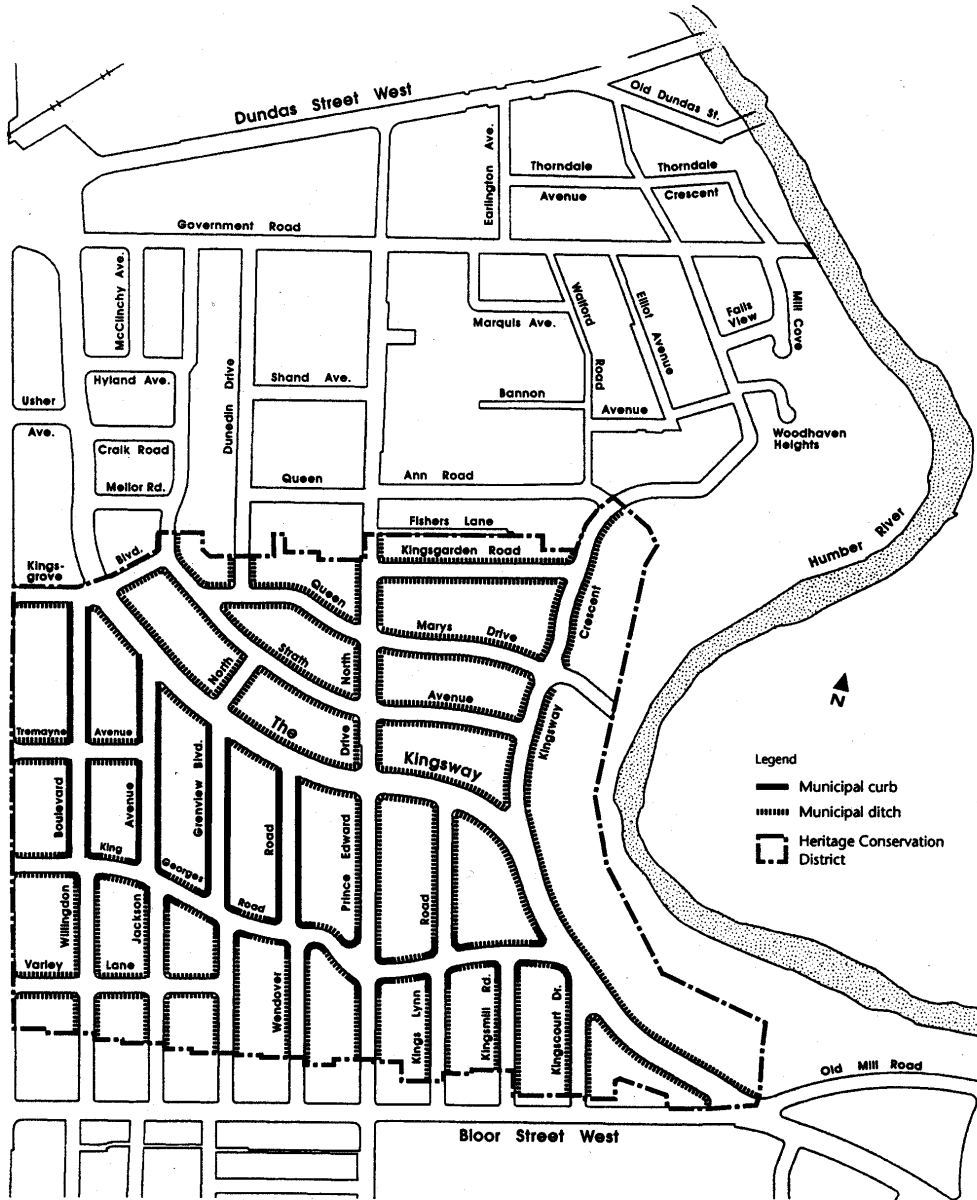
Municipal Roads Right of Way

Map 3



Municipal Curbs and Ditches

Map 4



PART 3 - KINGSWAY PARK HERITAGE CONSERVATION DISTRICT GUIDELINES

5.0 Introduction

For the most part, Kingsway Park has remained relatively stable over the last 70 years. However, there are signs that it is coming under increasing pressures for change. As older, long-time residents move out of the Park, younger families move in with different housing requirements than initially provided by the houses of Kingsway Park. A desire for more living space that results in the addition of bedrooms, washrooms and family rooms are some of the more common changes undertaken by today's younger families. This trend is reflected in the annual number of Committee of Adjustment applications within Kingsway Park (Appendix C). In most cases, these changes go unnoticed, as the alterations often take the form of an addition to the rear of the house, making them undetectable from the front street. In a few cases, changes have meant alterations to the original front or side facades of houses. For the most part, residents have gone to great efforts to ensure that the changes are in keeping with the original character of the Park. The recent demolitions of 32 Queen Mary's Drive, 12 Kingsway Crescent, and 17 The Kingsway, and the subsequent construction of four new houses in their place, have also signalled the changing times of Kingsway Park.

This final section of the Kingsway Park Heritage Conservation District Plan begins by examining the current tools employed by the City of Toronto to preserve and maintain Kingsway Park as a stable residential area. The discussion then turns to the Kingsway Park Heritage Conservation District Guidelines that have been developed, under the authority of the Ontario Heritage Act, to preserve the historical character and appearance of the Kingsway Park Heritage Conservation District, as it was first conceived and designed by Robert Home Smith.

5.1 The Etobicoke Official Plan and Zoning Code

The stability of Kingsway Park over the years can, in part, be attributed to the efforts of the [former] City of Etobicoke. Policies within its Official Plan favour the preservation of Kingsway Park as a stable residential area. The Zoning Code assists in ensuring that additions or new houses will be in keeping with the character of the existing homes.

The Etobicoke Official Plan was approved on December 23, 1992 by the Ministry of Municipal Affairs. The Plan is a strategic document that sets out a framework for making land use and transportation decisions and presents a range of policies that are designed to direct future growth, development and redevelopment. It also recognizes that many of the older stable residential neighbourhoods, like Kingsway Park, are an integral part of the City's history and character, and sets out policies to maintain and protect these areas. Among the goals of the Official Plan is the preservation and enhancement of heritage buildings and areas for enjoyment and education of future generations. To achieve this, the Plan directs Council to encourage LACAC to maintain an inventory of buildings of architectural and historical merit and as noted previously, provides Council with the opportunity to designate areas as Heritage Conservation Districts under the Ontario Heritage Act (Policy 7.3.4).

To preserve the single family character of Kingsway Park, the Etobicoke Official Plan designates the Park as a low density residential area (Map 6). While this designation permits several forms of grade-related dwellings such as detached, semi-detached and duplexes, the Etobicoke Zoning Code identifies the specific types of dwellings permitted in the Park. With the exception of two lots zoned R3, Third Density Residential, all lands within Kingsway Park are zoned either R-1, First Density Residential, or R2, Second Density Residential, (see Map 7). The R1 and R2 zoning limits houses to single detached dwellings in the Park. The detailed R1, R2, and R3 zoning regulations are included in Appendix F.

5.2 Preservative Zoning By-laws

The Etobicoke Official Plan also recognizes that in areas of historical or architectural interest, or where large lots exist, more stringent zoning restrictions limiting the size or location of permitted additions or reconstruction may be needed to preserve the distinct character of these neighbourhoods (Policy 4.2.13). On February 5, 1990, Etobicoke Council adopted By-law No. 1990-42 which introduced city-wide standards for floor space index and maximum building height (Appendix G). The by-law was in response to concerns from residents in several of Etobicoke's older established neighbourhoods who viewed "overbuilding" ("monster" homes and large scale additions) as a threat to the character of their communities. The by-law was put in place for an interim period while the overbuilding issue could be addressed on an area specific basis.

In June of 1990, Etobicoke Council commissioned The Overbuilding Study Part 1 to review the overbuilding issue, evaluate the appropriateness of current zoning standards and recommend development standards that would be more specific for the areas under consideration. Four communities were examined: Thompson/Orchard, Humber Valley Village, Islington Area and Wedgewood/Bloorlea (see Map 8).

In addition to reviewing the plans for 206 properties in these four communities, a questionnaire was circulated to residents of the communities to solicit their opinions on replacement housing and additions. Generally, residents considered redevelopment to have a positive impact on property values. With respect to architectural compatibility, the study recognized that without clearly defined guidelines it was difficult to assess whether a replacement dwelling or major addition is architecturally compatible with its surroundings. In spite of this shortcoming, the study identified architectural compatibility as,







“a subject which remains at the very centre of the overbuilding controversy in Etobicoke. Although residents may not always know specifically why a particular dwelling or addition is not compatible, there is often a surprising degree of consistency among individuals in identifying sore spots in the community.”

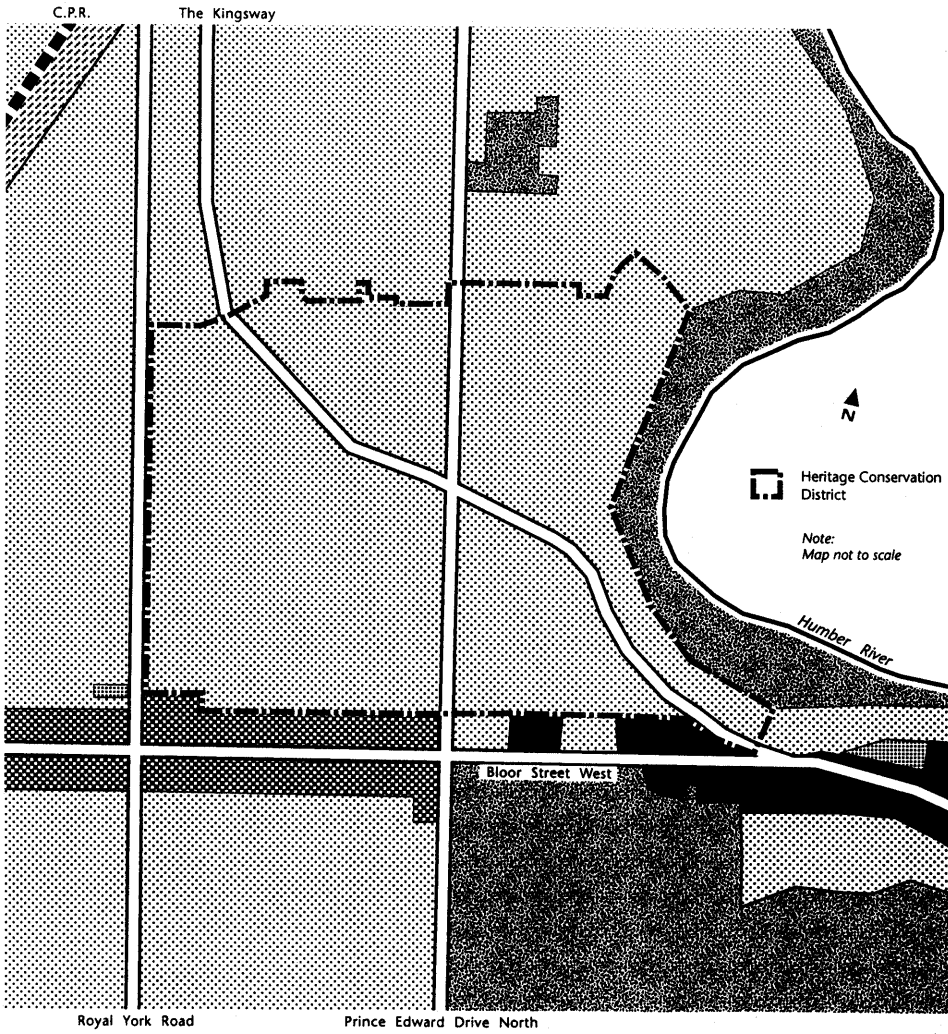
The Overbuilding Study Part 1 presented a number of recommendations with respect to demolition control, grading, height and side yard setbacks. The City subsequently enacted a

Official Plan Land Use Designations

Map 6

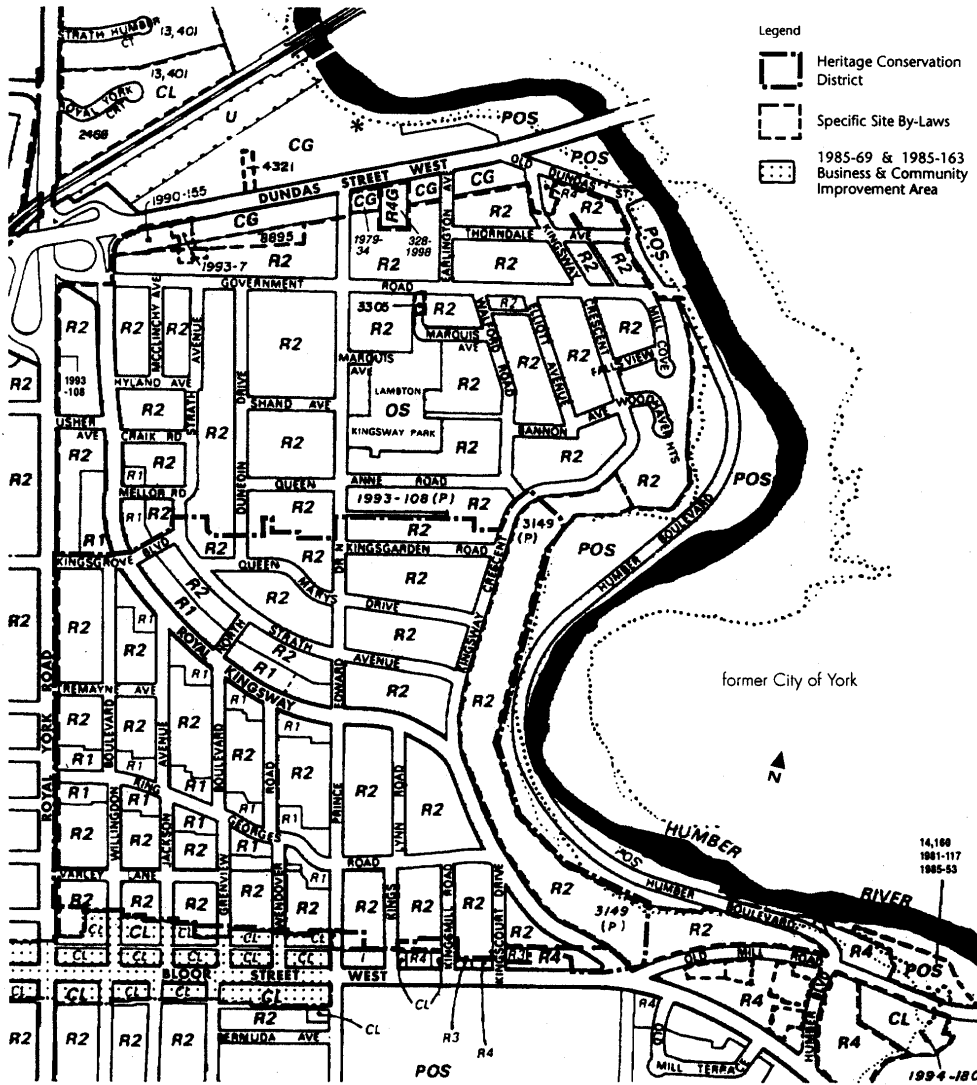
Land Use

	Low Density Residential		Commercial - Residential Strip
	Medium Density Residential		Open Space
	High Density Residential		Utilities



Kingsway Park Zoning


Map 7

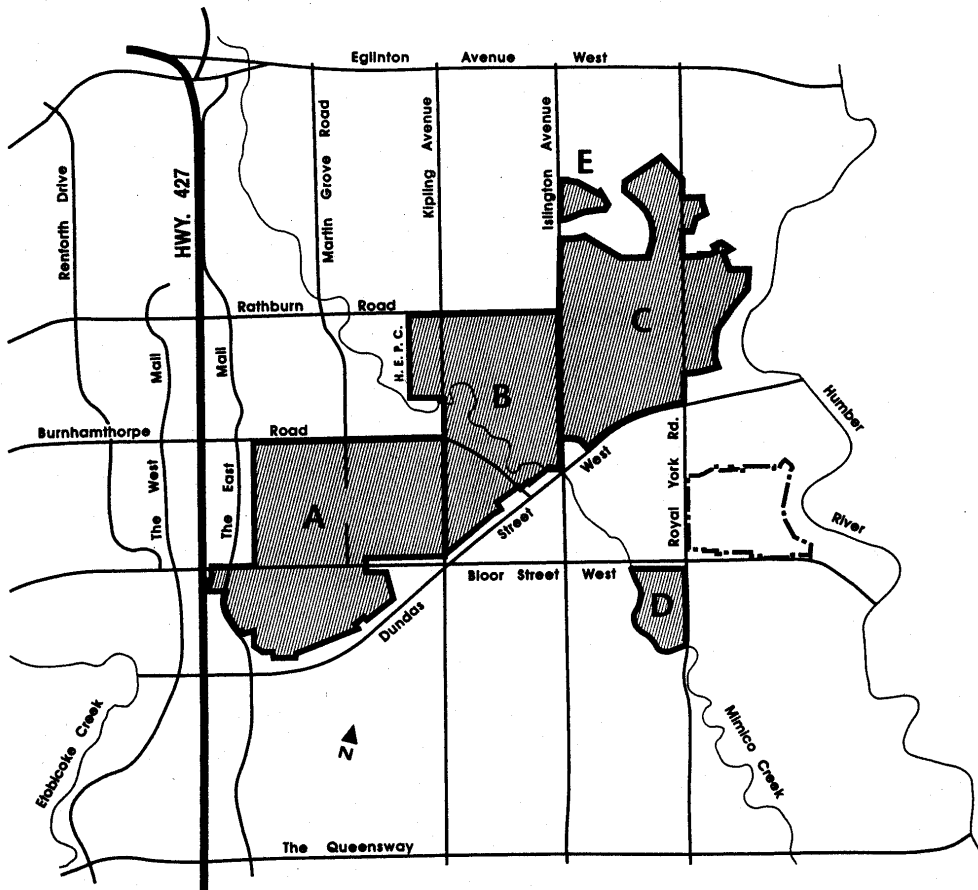


Overbuilding Study - Part 1

Map 8

Legend

-  Heritage Conservation District
- A Wedgwood/Bloorlea Area
- B Islington Area
- C Humber Valley Area
- D Thompson/Orchard Area
- E Ridgevalley Cres./Ridgexross Rd. Area



City-wide by-law and specific overbuilding by-laws for the four communities. The City wide by-law, 1992-21, repealed the earlier by-law, 1990-42 and provided more detailed restrictions on such issues as building heights, side yard setbacks, dwelling depths and garages, than its predecessor. The new City-wide bylaw and all four area by-laws were appealed to the Ontario Municipal Board and subsequently upheld and enacted by the Board. A fifth by-law for the Ridgevalley/Ridgecross area was also enacted in conjunction with the other four areas.

In June of 1991, Etobicoke Council authorized a second Overbuilding Study, The Overbuilding Study Part 2, to examine two additional areas, Montgomery Road and Kingsway Park. For study purposes, The Kingsway Park area was divided into three areas, Kingsway Park West/Montgomery Road; Kingsway Park East; and Kingsway Park South (see Map 9). The Kingsway Park Heritage Conservation District is located in the Kingsway Park East Area. A key objective of the Overbuilding Study Part 2 was to develop standards for the control of potentially undesirable overbuilding in the form of a preservative zoning by-law.

The Overbuilding Study Part 2 employed a methodology similar to the Overbuilding Study Part 1 including the use of a survey questionnaire. A total of 95 questionnaires were returned from residents living in the Kingsway Park East Area. Overall, the surveys showed that additions appeared to be less of a concern than new housing. The size, height and scale of new housing drew the largest negative response from respondents, with 63% identifying these features as negatively impacting on their community. Similarly 61% of the respondents felt that the architectural compatibility of new homes had a negative impact on their neighbourhood .

The Overbuilding Study Part 2 made a number of recommendations which included, among other items, side yard setbacks, maximum dwelling height, maximum eaves height and lot frontage definition. These recommendations culminated in the passing of “Preservative Zoning By-laws” for the three areas. The Kingsway park Heritage Conservation District is covered by Preservative Zoning By-law 1993-108 (see Appendix H).

To address the issue of architectural compatibility, the Overbuilding Study Part 2, recommended that the City of Etobicoke prepare a pamphlet which would identify architectural and compatibility parameters that builders should have regard for when proposing alterations to existing buildings or the construction of new buildings. This recommendation was not adopted as there was no means of ensuring that builders and developers would comply with it.


5.3 Site Plan Control

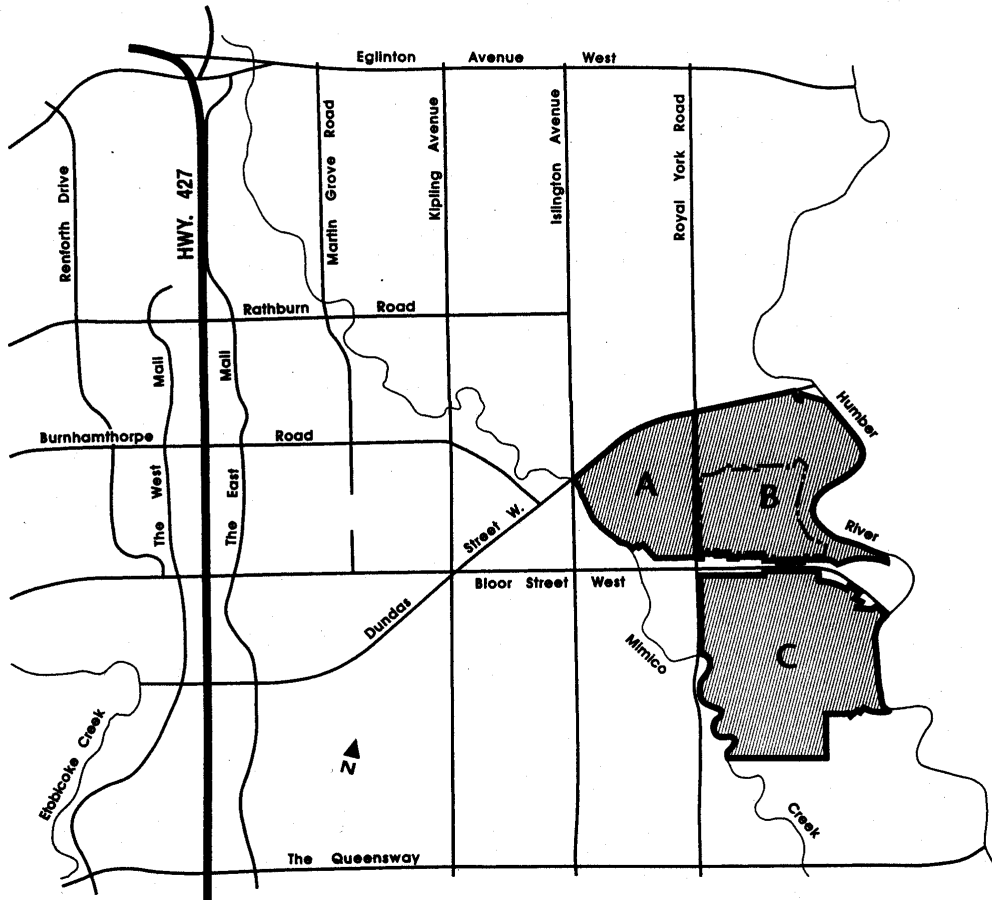
Site Plan Control is another tool available to the City to exercise control over development. However, site plan control does not allow the City to influence the design or use of materials in the construction of homes. In the Kingsway Park Heritage Conservation District, the area to the east of The Kingsway and Kingsway Crescent is designated as an area of site plan control to ensure that all development proposals do not negatively impact upon the banks of the Humber River (see Map 10).

Overbuilding Study - Part 2

Map 9

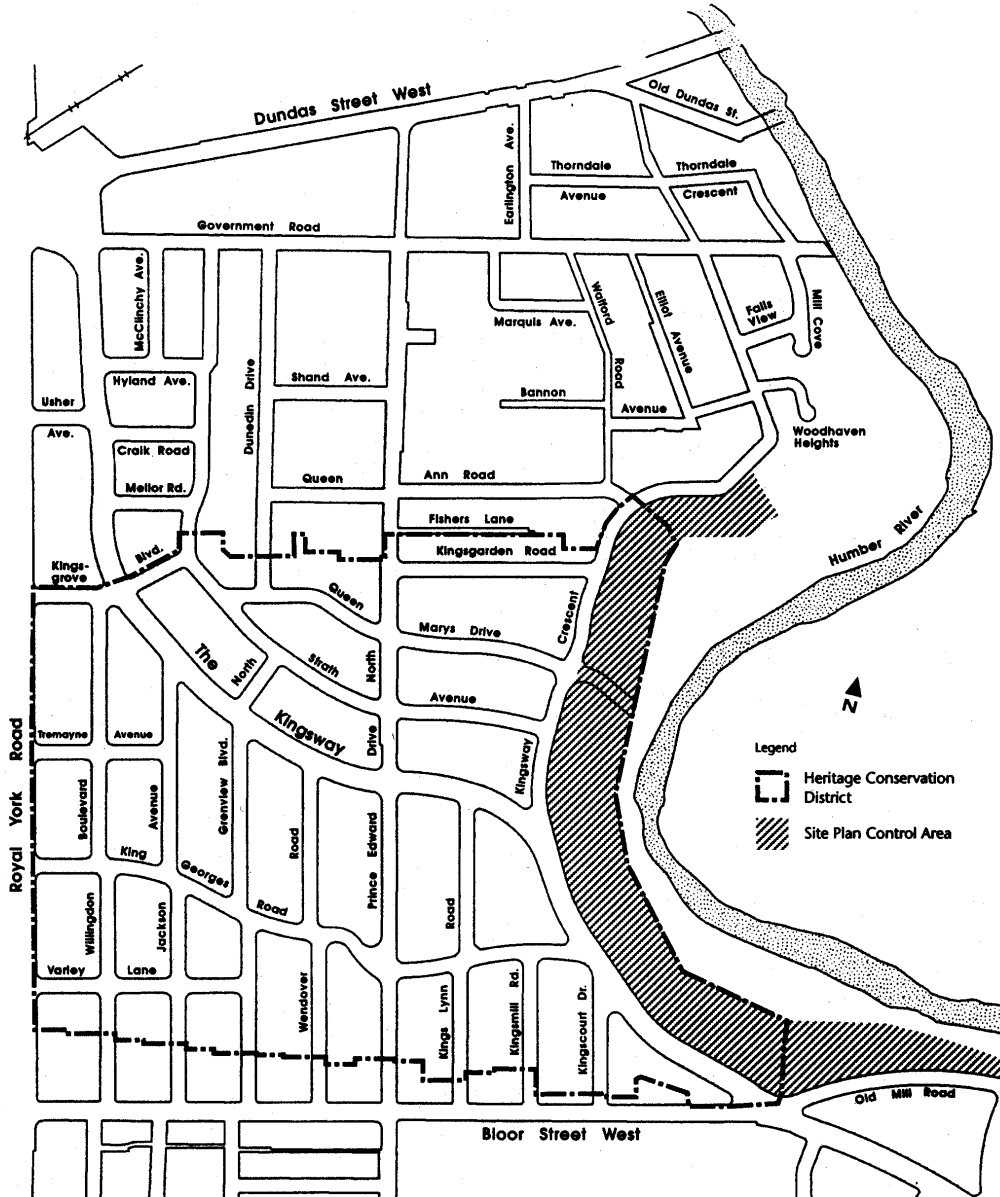
Legend

-  Heritage Conservation District
- A Kingsway Park West/
Montgomery Road Area
- B Kingsway Park East Area
- C Kingsway Park South Area



Kingsway Park - Site Plan Control Area

Map 10



KINGSWAY PARK HERITAGE CONSERVATION DISTRICT GUIDELINES

6.0 Introduction

While tools such as Official Plan policies and the Zoning Code provide municipalities with the ability to control land uses, they do not allow Cities to influence the design of alterations, or additions, or the construction of new homes. The designation of an area as a heritage conservation district under the Ontario Heritage Act is one way a municipality may preserve a unique heritage area, by influencing alterations and additions to houses (and construction of new houses) to ensure that they are keeping with the heritage character of the District.

The Kingsway Park Heritage Conservation District Guidelines that follow apply to the area shown on Map 11. They were developed over a period of several months in 1999 by the Kingsway Park Heritage Conservation District Committee. Homeowners wishing to make alterations to their homes within the Heritage District will have to present their plans to Toronto City staff for review. The proposed alterations will then be assessed in accordance with the Kingsway Park Heritage Conservation District Guidelines. This process is based upon encouraging dialogue between homeowners and City staff to address any design issues so that all concerns are addressed prior to the submission of plans for building permits. The City encourages homeowners and contractors to meet with staff prior to the submission of building permit applications to address design issues before detailed plans are completed.

6.1 Purpose of the Kingsway Park Heritage Conservation District Guidelines

The Kingsway Park Heritage Conservation District Committee's first step in developing the guidelines was to identify the purpose for designating the Park as a heritage conservation district. Based on its review of the development of Kingsway Park and the Park's unique features and character, the Committee identified its goal in designating Kingsway Park as a Heritage Conservation District as:

“To Preserve the character and appearance of the streetscapes of Kingsway Park, as originally planned and developed by Robert Home Smith.”

Streetscape is an all encompassing term that refers to the individual features of a street that collectively give the street its appearance and character. These elements include, among other things, the houses, their locations on the lot, the frontyards, the landscaping, the driveways and garages, the sidewalks, street trees, boulevards, curbs and streets. The Kingsway Park Heritage Conservation District Plan addresses most of these elements and provides guidelines to assist in preserving them in their original form.

Underlying the goal of preserving the Park's streetscapes are several objectives that the Committee hopes will also be achieved through the designation of Kingsway Park. The key to the success of the Kingsway Park Heritage Conservation District Plan rests with educating the residents on the history and development of the Park and its many unique architectural features. As an educational

tool, the Plan hopes to increase the residents' understanding and appreciation of their community so that any alterations they undertake, consider and incorporate the original character of the Park. The objectives also focus on providing the residents of Kingsway Park with a set of "Guidelines" and a "Heritage Permit" process that will assist them with their alterations. The objectives of the Kingsway Park Heritage Conservation District as identified by the Committee include:

- 1) ***Educate** long-time and newer residents on the Park's history so that they develop an understanding and appreciation of their community and its role in the City of Toronto's heritage.*

Borrowing from the work of Elizabeth Ingolfsrud and Alec Keefer ("Kingsway Park: Triumph in Design"), the Kingsway Park Heritage Conservation District Plan reviews Robert Home Smith's approach and philosophy in developing the Park and examines the considerable attention paid to the design of the Park's houses. As new residents move into the Park, the Plan will provide them with a brief history of how their community developed and its role in the City of Toronto's heritage.

- 2) ***Educate** the residents of Kingsway Park on its architecture and streetscapes so that they develop an appreciation of these features and a sensitivity toward change.*

The Kingsway Park Heritage Conservation District Plan reviews the architectural styles in the Park, tracing them back to their predominantly English origins. Upon review of the Park's many distinctive architectural features and streetscapes, guidelines were developed to assist residents in preserving as many of these unique features as possible.

- 3) ***Educate** non-residents on the Park's unique history, appearance and character so that they may understand its role in Toronto's heritage and develop a sensitivity toward change.*

The Kingsway Park Heritage Conservation District Plan is also designed to educate non-residents about the Park so that they appreciate its history, its many unique architectural and streetscape features and its role in the development of the City of Toronto.

- 4) ***Provide** the residents of Kingsway Park, architects and builders with a set of "Guidelines" that will assist them in making alterations and additions to their homes that are in keeping with the original appearance and character of Kingsway Park, as originally conceived and developed by Home Smith.*

- 5) *Provide the residents of Kingsway Park with a “Heritage Permit” process that will assist in ensuring that all approvals are consistent with the character of Kingsway Park as first conceived and designed by Home Smith.*

The “Heritage Permit” process is designed to ensure that all alterations comply with the guidelines. By increasing dialogue between City staff and the residents early in the process all design issues can be resolved early to ensure that plans can be expedited.

- 6) *Provide the Committee of Adjustment and City Council with a set of guidelines to assist them in preserving the character and appearance of Kingsway Park as first conceived and designed by Home Smith.*

Many applications for additions require variances from the Committee of Adjustment. The Kingsway Park Guidelines will provide the Committee of Adjustment with guidelines to assess the appropriateness of applications. In those situations where an application requires Council’s approval, Council will have a set of guidelines to assist them in assessing the appropriateness of an application.

6.2 The Preservation of Kingsway Park: A Co-operative Approach

The success of the Kingsway Park Heritage Conservation District Plan and the Design Guidelines in preserving the streetscapes of Kingsway Park will depend upon the participation and co-operation of a number of groups: the residents of Kingsway Park; the Local Councillors and city staff; and, to a lesser extent, non-residents.

The success of the Kingsway Park Heritage Conservation District Plan rests largely with the residents of Kingsway Park. Their acceptance of the Heritage Conservation District Plan and their willingness to participate in the “Heritage Permit” process are key to ensuring that the heritage character and appearance of their community is preserved.

The City of Toronto Councillors and staff are responsible for championing the Kingsway Park Heritage Conservation District Plan. They are also charged with the responsibility of communicating the purpose of the Plan and dialoguing with Park’s residents throughout the Heritage Permit process to ensure that all design issues are addressed early in the process and that all applications are expedited.

Contractors and builders will also play a role in the success of the Kingsway Park Heritage Conservation District. They will be encouraged to submit their plans to staff as early as possible to ensure that their applications meet the guidelines and so that staff can expedite them.

6.3 Structure of the Kingsway Park Heritage Conservation District Guidelines

The Kingsway Park Heritage Conservation District Guidelines comprise a total of 12 guidelines. Each begins with a general description of the heritage feature being addressed and discusses the rationale for the specific guidelines that follow. Where applicable, the discussion and the guidelines refer to and/or incorporate the elements contained in the original 30 Year Home Smith and Co. Covenant (see Appendix D).

Generally, the first guideline for each heritage feature recommends that no alterations be made to the feature. This is the preferred scenario, as it ensures that Kingsway Park is preserved in its original state as planned and developed by Robert Home Smith. However, it is also recognized that pressures for change will likely lead to alterations in the appearance of the Park over time. With this in mind, the remaining guidelines for each feature set out measures to ensure that any changes have a minimal impact on the historical integrity of the features, homes and streetscapes of Kingsway Park.

The guidelines are not prescriptive. Rather, they are designed to encourage residents to undertake alterations that are consistent with the original architecture of their home and blend in with the overall streetscape. The wording of the guidelines reflect this approach.

To receive approval for their alterations, residents of Kingsway Park will be required to proceed through a “Heritage Permit” process. The process for the Kingsway Park Heritage Conservation District will be the process currently used by the City of Toronto for its four other heritage conservation districts.

7.0 The Kingsway Park Heritage Conservation District Guidelines

The first two guidelines distinguish between alterations made to houses situated on the interior lots of streets and houses located on corner lots of streets. These guideline address the general issue of alterations and additions to interior and corner lots. The remaining guidelines address specific features of houses and apply to all houses within Kingsway Park.

Houses on Interior Lots

7.1

The following guidelines for houses on interior lots apply to all houses developed under the Home Smith & Co. 30 year Covenant, except for those located on corner lots. The next set of guidelines address houses on corner lots that were built under the Home Smith & Co. 30 year Covenant.

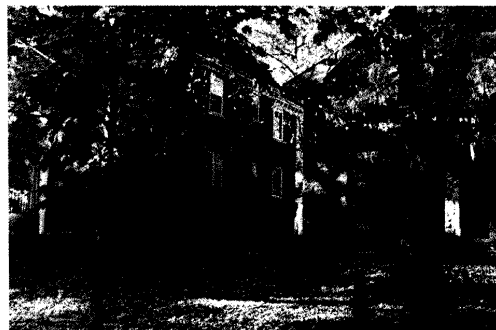
The Kingsway Park Heritage Conservation District Guidelines seek to preserve the streetscapes of Kingsway Park as originally planned and developed by Robert Home Smith. While the streetscapes of Kingsway Park share many features, differences in house designs, lot widths, house sizes and the curvatures in the roads are some of the elements that serve to create unique identities among its many streets. The variety of housing styles, which include derivatives of English classical, nonclassical and "freestyle", is a key feature contributing to the unique character of each streetscape. Changes to the front facade of a house can compromise its historical integrity and the streetscapes overall appearance. While not as prominent, alterations to the side facades of houses may also impact upon the streetscape. Generally, changes to the front or side facades of houses will be discouraged. Where changes are proposed, they should capture the original historic character of the house.

By placing additions at the rear of houses situated on interior lots, their impact is minimized and the architectural character of the streetscape is preserved. In areas of the Park where lots and houses are smaller, additions to the rear of the houses may not even be noticeable from the front street. On other streets, larger lots and spaces between the houses afford a clearer view of the rear yard addition. In such cases, the use of exterior materials that complement the original house will help to minimize the impact of the addition.

The roof line of an addition may also have a significant impact on the house and streetscape, especially if it extends above the original roof line. By ensuring that the roof line of a rear yard addition is consistent with, or lower than the original roof line, the architectural integrity of the house is retained. The roof line of a two storey addition placed at the rear of a single store house presents a particular challenge as it may "overpower" the original character of the house. In such cases, effort should be made to ensure that the roof line blends in with the architectural style and character of the house.

Guidelines

- 1) *Additions should be placed at the rear of the houses and other structures. Alterations to the front and side facades of houses will be discouraged.*
- 2) *Any alteration to the front or side facades of a house should be compatible with the historic character of the house in terms of architectural design, details, materials and scale, and blend in with the overall streetscape.*
- 3) *The exterior walls of additions should complement the architectural character of the house in terms of materials and texture.*
- 4) *The roof line of an addition should be consistent with the architectural style of the house.*



By placing the addition at the rear of the house, the historical integrity of the house and streetscape is preserved.

Houses on Corner Lots

7.2

Home Smith and his architects purposely placed some of the corner houses on angles, or aligned the front doors to address the corner, as a way to catch the attention of the passerby and to create varied and interesting streetscapes. Corner lots were also the favorite choice of one of the Park's builders, English born builder Frank Ridley. Together, he and his father-in-law, Arthur Henshaw Packer, a gifted carver from Bath, England, constructed English cottage homes enriched with such details as beams, coffered ceilings and even gargoyles. Alterations to houses situated on corner lots present a unique challenge, as they potentially impact upon two streetscapes. To maintain the historical integrity of the house and the streetscapes, alterations to corner houses will be discouraged. Where an addition is planned, particular attention should be paid to the scale and proportion of the addition to ensure that it complements the original house and streetscape. By matching the floor, window, eaves and roof lines of the addition with those of the original house, a "seamless" transition should occur between the original house and the addition. Architectural features such as windows and doors should be consistent with the original features and match the architectural style of the house. Exterior materials used on the alteration or addition should be consistent with those materials identified in the 30 Year Home Smith & Co. Covenant (brick, stone or stucco).

Guidelines

- 1) *Any alteration should capture the architectural character of the original house.*
- 2) *Where an addition is to be made to a corner house, it should complement the original house in terms of scale and proportion.*
- 3) *The floor, window, eaves and roof lines of the addition should be consistent with those of the original house.*
- 4) *Windows and other features of the addition should complement those of the original house in terms of design, detail and operation.*



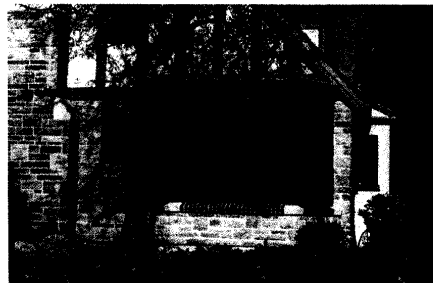
Built in 1933, this corner house is constructed mostly of tapestry brick and trimmed with small sections of stone, stucco and half timbering.



The east facing main floor bay windows now include overhanging gables of stucco and timber...a larger two storey section of matching brick and stucco-timber was added on the northeast side.



Original front bay window.



New side bay window.

By incorporating the design and materials of the original front bay window into the new side bay window, the owners of this corner house have ensured that the new window blends in with the original architecture of the house and the side streetscape.

Architectural Features

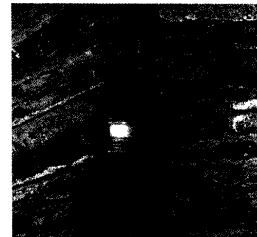
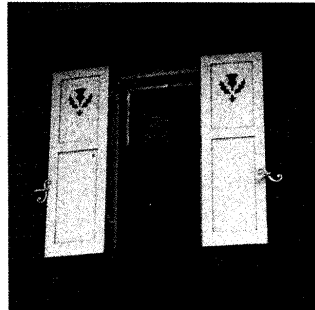
7.3

Many of the houses in Kingsway Park have distinct architectural features such as carved timber dormers, shutters with designs cut from them, iron rod lights and even the occasional wooden gargoyle that contribute to their unique architectural and historic character. As many of these features would be difficult, if not impossible to replace, every effort should be made to preserve them in their original form. While the addition of features such as shutters and porticos may be perceived as improving the appearance of a house, they may actually distort the house's appearance and compromise its architectural and historical integrity. To achieve the Kingsway Park Plan's goal of preserving the streetscapes and facades of the homes as originally planned and developed by Home Smith & Co., the addition of features will be discouraged. Where the addition of a feature is proposed, it is imperative that it be architecturally accurate in terms of the design, detail, scale and operation and that it does not "overpower" the original historic character of the house.

Guidelines

- 1) *Every effort should be made to preserve architectural features in their original form.*
- 2) *The replacement of features (i.e. awnings, shutters) should be consistent with the style, proportions and materials of the original features and have minimal impact on the house's architectural appearance.*
- 3) *Architectural features made from aluminum or vinyl will be discouraged.*
- 4) *The addition of new details will be discouraged.*
- 5) *The addition of architectural features (e.g. shutters, porticos) should be consistent with the style, proportions and original materials of similar features found within the Park and have minimal impact on the house's facade to preserve its historical integrity.*
- 6) *The replacement of missing or lost features should be based upon physical or documentary evidence.*

The unique architectural features of Kingsway Park add to its charm and character.



The replacement or addition of porticos, shutters and other features should be historically accurate.

Windows

7.4

Windows are among the most important features of the houses in Kingsway Park, providing clues to the architectural styles of the houses and points of interest throughout the Park. The variety of windows in the Kingsway Park include oriel, Elizabethan box-oriel, classical double hung sash and leaded casement windows. These unique window types also represent one of the more challenging maintenance and replacement items for homeowners. As with all features, the emphasis should be on maintenance and preservation to ensure that they have as long a life as possible. The addition of a window(s) on the front or side facade of a house will be discouraged as this compromises the historical character of the house. To preserve the character of the Park, replacement windows should be identical to the original windows in terms of design, detail and operation. Where it is not possible to obtain identical replacement windows, new forms of windows that replicate the original windows may serve as suitable alternatives.

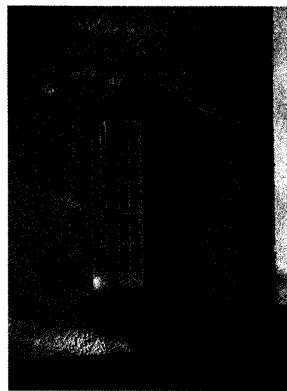
Guidelines

- 1) *The preservation of original windows is encouraged over their replacement.*
- 2) *The addition of new window openings on the front and side facades of houses will be discouraged.*
- 3) *Where a new window is to be added it should be historically consistent with the original windows.*
- 4) *Replacement windows that match the original windows in terms of detail, design materials and operation will be encouraged.*

The wide variety of window types contributes to the Park's character.



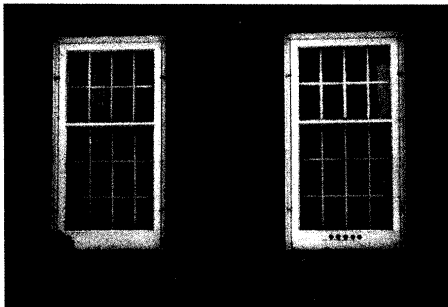
Two-light oriel window



Three-light oriel window



Elizabethan box-oriel window



Classical double-hung sash window



Leaded Casement window

Doors and Entrances

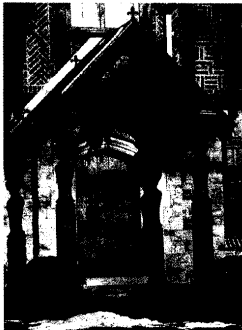
7.5

One of the outstanding features of the houses of Kingsway Park are the entrances which serve as the focal point for many of the houses. Tudor porches with baluster-timber supports, columned classical porches and "lytche-gate" timber porches contribute to the selection of entrances found throughout the Park. Many doors display a considerable degree of detail and craftsmanship and are often combined with wrought iron, decorative strap hinges or window grills, providing an array of interesting and unique doors throughout the Park. They are often framed with decorative stone surrounds. As these entrance features may be difficult to replace, homeowners should take all measures in preserving the front doors, porches and entrances. The alteration of porches, front doors and stone surrounds should be avoided. Where the front door or surrounding stone work need repair or replacement, it should replicate the original in terms of design, detail and materials. The addition of front screen/storm doors should be avoided so that the original look and character of the house is maintained.

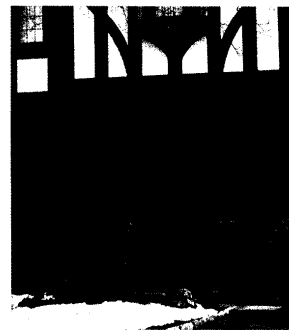
Guidelines

- 1) *The retention of front doors, entrances and porches in their original form shall be encouraged.*
- 2) *The use of replacement front doors, identical in terms of detail, design and material to the original front doors, will be encouraged. The replacement door should incorporate as many of the original details as possible.*
- 3) *The use of front storm/screen doors is discouraged. Where a screen/storm door is to be added, it should be designed so as to have minimal impact on the appearance of the house and to allow as many of the details of the front door as possible to be seen from the street.*
- 4) *The maintenance of all original masonry work surrounding front doors shall be encouraged. Where stone is to be replaced, identical stone should be used and the design/pattern should be replicated.*
- 5) *The enclosure of porches will be discouraged. Where a porch is to be enclosed, the enclosure should have minimal impact on the original architectural character of the house.*

The front entrances provide the focal point for many of the Park's houses.



Tudor porch with baluster-timber support.



"Lytche-gate" timber porch



Plank door with decorative stone surround.

Gothic entrance with plank door and ornamental wrought-iron straps framed in stone.



Exterior Walls

7.6

The variety and combination of exterior wall materials used on the homes in the Park are one of its defining characteristics. The Home Smith & Co. 30 year covenant specified the materials that could be used on the exterior walls of the houses in Kingsway Park...."(b) The external walls shall be made of stone, brick or stucco over masonry block." A truly unique feature of Kingsway Park is the "found stone" that was taken from the Humber River and used on the exterior of a limited number of the earlier homes in the Park.

Emphasis should be placed on preserving the exterior walls of the homes so that the original character, charm and appearance of the Park is retained. The covering of such materials is discouraged, as it diminishes the historical integrity of the home. In situations where the external walls are to be repaired or replaced, the new material should be consistent with the materials identified in the Home Smith's 30 year covenant (stone, brick or stucco).

Guidelines

- 1) *Every effort should be made to preserve the original exterior wall materials.*
- 2) *The gentlest method possible, such as low pressure wash, should be used in cleaning wall surfaces. Sandblasting or high pressure and abrasive cleaning methods will be discouraged.*
- 3) *The painting of brick and stone and the covering of wooden features is to be avoided.*
- 4) *Emphasis should be on the preservation and restoration of unique architectural features found in the exterior walls.*
- 5) *Where exterior walls require repair, the materials identified in the Original Home Smith & Co. covenant should be used (brick, stucco or stone).*



Some exterior walls contain unique features.



"Found stone" was used on a limited number of the earlier homes in the Park.

Roofs and Chimneys

7.7

The different architectural styles of homes create a variety of roof lines and pitches within the Park. Classical style houses typically have hipped roofs with shallow-to-medium pitches. Non-classical houses, which include such styles as Tudor and Gothic, usually have steeply pitched roofs. The “freestyle” form of housing in Kingsway Park may combine a number of roof lines and pitches.

The size and pitch of a roof may make it a prominent feature of a house’s front and side facades. The use of historically accurate roofing material is essential to ensure that the roof does not become the focal point of the front facade and overpower the architectural character of the house. For most of the homes in Kingsway Park, asphalt shingles were used as the primary roofing material, with cedar shingles used to a lesser extent. Other roofing materials such as copper, or even newer forms of roofing material, may also be appropriate, provided they do not “overpower” the historical character of the house. Consideration should also be given to the colour of the roofing materials so that it does not dominate the front or side facades of the house. Satellite dishes, skylights, solar panels and other modern features should be situated so that they are not visible from the street and the historical integrity of the roof is maintained.

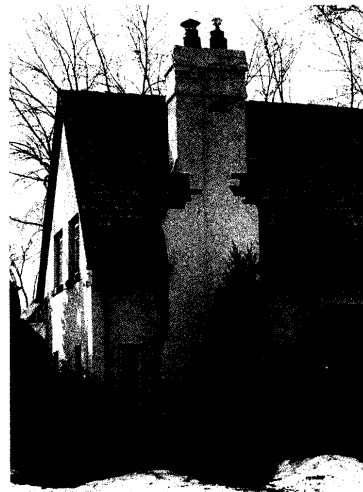
For some houses, the chimney may serve as one of its defining features, prominently incorporated into the front facade. Many of the chimneys throughout the Park display the art of stone masonry. Frequently, through the use of materials and texture, the chimneys have been constructed to blend in with the rest of the house. Every effort should be taken to preserve the original chimneys. Where repairs are required they should match the features of the original chimney in detail, design and material.

Guidelines

- 1) *The roof style, pitch and eaves lines should reflect the architectural style of the house.*
- 2) *Non-indigenous roof styles will be discouraged.*
- 3) *Original roofing material should be used as the primary replacement roofing material.*
- 4) *Historically inappropriate roofing materials should be avoided.*
- 5) *Other types of roofing material, such as cedar shingles and copper may be considered as suitable alternatives provided they do not compete with, or overpower the front or side facades of the house.*
- 6) *Skylights, satellite dishes and other non-architectural features should be situated in areas not visible from the street.*
- 7) *Every effort should be made to preserve the original chimneys. Repairs to chimneys should match the original in terms of detail, design and materials.*



The roofs are often a key feature of a house’s front and side facades.



Chimneys are often an integral part of the front or side facade.

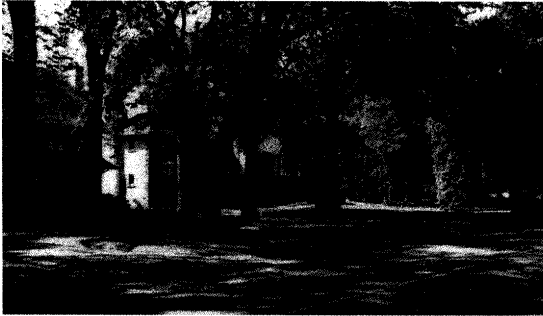
Fences

7.8

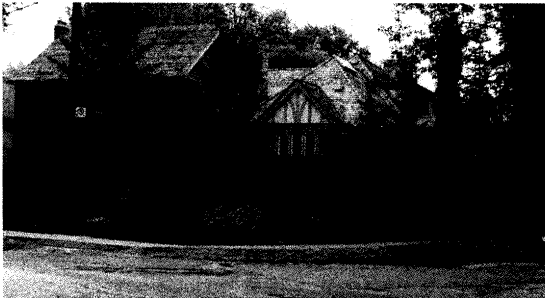
In designing Kingsway Park, Home Smith set out to create a "park-like" setting, a feature that is reflected in its name - "Kingsway Park". The use of landscaping and trees were key to creating the character and appearance of Kingsway Park. To maintain the "openness" of the Park, the Home Smith & Co. 30 Year Covenant limited the height of fences, set out the materials that could be used in their construction, and determined their locations. Some of the original fences, constructed of stone taken from the Humber River, can still be found in the Park. To preserve the open "park-like" character of the Kingsway Park, the use of natural vegetation in the construction of privacy fencing will be encouraged.

Guidelines

- 1) *Every effort should be made to preserve the original stone fences.*
- 2) *Fences on corner lots should be designed to minimize their visual impact on the streetscape.*
- 3) *The use of natural landscaping in the construction of privacy fences will be encouraged.*
- 4) *Fences visible from the street should be screened using natural vegetation.*



The absence of fences along with the use of landscaping and trees serve to create the open "park-like" setting of Kingsway Park.



Landscaping can be used to create privacy fencing and add to the "park-like" character of Kingsway Park.



Open style fencing combined with landscape screening also provides privacy and contributes to the character of the Park.

Driveways and Garages

7.9

By placing most garages at the rear of the houses and minimizing the size of driveways, Home Smith & Co. ensured that the houses remained the focal point of the Park and the front yards contributed to its "park-like" setting. Where the garage was permitted to be attached to the house, it had to be constructed of the same material as the house... "Where the garage is attached to and forms part of the house, the external walls shall be of the same materials as the walls of the house and the garage shall conform to the general design and construction of the house" (Home Smith & Co., 30 Year Covenant). In many cases, the attached garages are set back from the front wall of the house, another indication of their secondary role in the house's design. Also, by locating garages at the rear of the houses, the sense of "openness" is heightened within the Park and a distinctive "rhythm" is created along the streets. The pattern of a house with its adjoining driveway is repeated along the entire length of many of the Park's streets.

Guidelines

- 1) *New garages should be placed at the rear of houses.*
- 2) *Where a new garage is to be attached to a house it should be even with, or set back from the front wall of the house and constructed of the same material as the house.*
- 3) *The widening of driveways shall be discouraged.*



Placing the garages at the rear of houses and minimizing the size of driveways ensures that the houses remain the focal point of the Park.



The predominant street "rhythm" of the Park is created by placing the garages at the rear of the houses which creates a sense of "openness" in the Park.

New Construction

7.10

The design of a new house should seek to capture the original character of Kingsway Park. By paying particular attention to scale, proportions, detail and materials, a new home should "blend in" with the character of the Park and contribute to its "seamless" streetscapes. A more modern designed house, that successfully captures the defining elements of the Park, may also blend in successfully with the Park's original houses and streetscapes.

Guidelines

- 1) *The design of new construction should capture the historic character of the Park by paying particular attention to scale, proportion, detail, design and materials.*
- 2) *External walls should be constructed of the materials identified in the Home Smith & Co. 30 Year Covenant (brick, stucco or stone).*
- 3) *Garages should be placed at the rear of the house.*
- 4) *Where a garage is attached to a new house it should be even with, or set back from, the front wall of the house and constructed of the same material as the house."*



New houses should strive to capture the character and appearance of the Park...



by incorporating the unique features and qualities of its original houses.

Non-Heritage Houses

7.11

Within the Kingsway Park Heritage Conservation District there are over 40 houses constructed after 1947 that were not developed under the Home Smith & Co. 30 Year Covenant. While these houses may not be considered historically significant, alterations to them may have a significant impact on the overall streetscape. Homeowners should ensure that any alterations do not negatively impact on the abutting heritage houses or the overall streetscape.

Guidelines

- 1) *Alterations to non-heritage houses should consider the impact on the character of abutting houses and the overall streetscape.*

Demolition

7.12

Designating Kingsway park as a Heritage Conservation district does not prevent the demolition of houses within the Park. The Ontario Heritage Act requires Toronto City Council to consider a request for a demolition permit within 90 days of receipt of the request. If Council refuses to issue a permit or fails to make a decision, another 180 days may pass before the demolition permit is issued.

To achieve the goal of maintaining the streetscapes of Kingsway Park as originally designed and planned by Robert Home Smith, the Plan discourages the demolition of any houses within Kingsway Park. Staff will explore all options with a homeowner considering the demolition of a house to find a way to preserve the house in a manner consistent with the guidelines.

Guidelines

- 1) *The demolition of houses in Kingsway Park will be discouraged.*
 - 2) *The architectural features of a house slated for demolition should be catalogued by the owner.*
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8.0 Other Preservation Measures

In the course of preparing the Kingsway Park Heritage Conservation District Guidelines, the Kingsway Park Heritage Conservation District Committee identified a number of other features of The Park that they felt should be examined and measures put in place to preserve them. Among the elements identified were:

- the need to preserve the trees of Kingsway Park which are one of its defining features and to put in place a tree monitoring and replacement program;
- the need to address the issue of front yard parking;
- the need to address public infrastructure improvements (e.g. curb and road replacement) so that they are in keeping with the character of Kingsway Park and;
- the need to inventory the original stone fences of Kingsway Park and to resolve any issues with respect to the responsibility of maintaining these fences.

It is anticipated that other issues may arise that also require special attention from Etobicoke Community Council. The Committee decided that rather than address these issues through the guidelines, other processes may be more appropriate. Once Kingsway Park is designated, these issues can be addressed so that Kingsway Park may be preserved in its original format as conceived and developed by Robert Home Smith.