

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

Date:	October 10, 2012
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All Wards
Reference Number:	P:\2012\Cluster B\PLN\pg12079

SUMMARY

At its special meeting of October 1, 2012, the Toronto Preservation Board considered the proposed Official Plan Amendment for Heritage and Public Realm policies. At the meeting of the Preservation Board, additional correspondence and deputations were given by participants regarding the proposed policies. The Board asked staff to review deputations and report on any further recommendations. This report provides Planning and Growth Management Committee with staff's comments and recommendations on the submissions.

RECOMMENDATIONS

The City Planning Division recommends that the following amendments be made to proposed Official Plan Amendment No. 199 prior to adoption by Council:

1. Policy number 34 be revised to read: "Development and site alteration will be permitted on lands containing archaeological resources or areas of archaeological potential only where the archaeological resources have been assessed and conserved. Any alterations to known archaeological sites shall only be performed by licensed archaeologists."
2. Policy number 39 be relocated to the general policies and renumbered as policy number 12, and that the policies be renumbered accordingly.
3. Policy number 42 be revised to read: "The City may require an archaeological assessment for marine archaeological remains and artifacts, to be conducted by a

licensed marine archaeologist, when a development is proposed in the water or along the waterfront and/or shoreline.”

4. The list of significant views and maps 7a and 7b be replaced with Attachments 1 and 2 to this report.

Financial Impact

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

DECISION HISTORY

On October 1, 2012 the Toronto Preservation Board recommended to the Planning and Growth Management Committee that:

1. City Council amend the Official Plan substantially in accordance with the proposed Official Plan Amendment appended as Attachment No. 1 of the report (September 20, 2012) from the Chief Planner and Executive Director, City Planning.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the proposed Official Plan Amendment as may be required.
3. City Council declare by resolution to the Minister of Municipal Affairs and Housing that this Official Plan Amendment:
 - a. conforms with Provincial Plans or does not conflict with them;
 - b. has regard to the matters of Provincial Interest listed in Section 2 of the Planning Act; and
 - c. is consistent with policy statements issued under subsection 3(1) of the Planning Act.
4. The Chief Planner and Executive Director, City Planning be requested to review all communications from the deputants and interested parties regarding the Official Plan Five Year Review: Official Plan Amendment to Adopt new Heritage and Public Realm Policies and provide further recommendations to City Council, if required.

ISSUE BACKGROUND

Over the course of the summer, the City Planning Division undertook thorough consultations with stakeholders and the public based on the draft policies completed by a team of consultants that were retained for that purpose. The consultations informed revisions to the policies, which were incorporated by staff. Opportunities for feedback included public open houses, stakeholder meetings, and written submissions. As a result of the feedback and revisions many of the policies presented to Council at its July 2012 meeting were amended.

Several submissions were received prior to the final proposed policies being prepared and staff were able to give additional consideration to these submissions prior to the finalization of the proposed amendment. Subsequent to the preparation of the report, additional submissions were made to the Toronto Preservation Board. The Preservation Board requested that staff review the new submissions and report to Planning and Growth Management Committee, if required.

COMMENTS

City staff have undertaken a review of deputations and submissions made to the Toronto Preservation Board. In general, staff believe that most of the issues identified by the deputants have been addressed in the proposed amendment. However there are some further changes that can be made to strengthen the policies further. Similarly, staff are of the opinion that some of the recommendations made would weaken and compromise the framework of individual policies, if they were to be accepted. A policy-by-policy analysis is provided for those policies that are addressed by the deputants.

It is important to note that a majority of the submissions made to the Preservation Board commended the city's position on the new heritage policies and lauded the strengthening of the policy framework. In addition many deputants recommended the speedy approval of the policies by Council.

Additionally, since the meeting of the Toronto Preservation Board the Ministry of Municipal Affairs and Housing has submitted comments. The Ministry has indicated that subject to two amendments to the archaeological policies, it is satisfied and fully supportive of the proposed Official Plan Heritage Policies. Specific requests about archaeological policies are addressed below under policies 34 and 42.

Feedback and Commentary on Policies

General / Introduction

Submission: Heritage should be elevated to a more significant position in the City Planning framework; additional strategies should be employed for the protection of heritage properties; Toronto's cultural heritage resources will contribute to the City's social, environmental, and economic development and the quality of life of all citizens; Cultural heritage is found and valued in all geographic areas and cultural communities, and will be used to promote and celebrate the diverse stories, narratives and eras that define the City; The City of Toronto will recognize and protect not only its landmarks and icons, but more modest places that contribute to the character and liveability of neighbourhoods and streetscapes across the City; the City will employ a range of measures to identify places with heritage value; The City's heritage conservation program, policies and incentives will strike a balance between controlling changes to cultural heritage resources to meet public and private sector objectives will be actively explored.

Response: Upon review of this feedback and the proposed policies, it is staff's opinion that most of these concerns have been addressed in multiple ways in the proposed amendment. Diverse communities and a wide range of possible resources have been

addressed in the introduction to the policies and specific policies have been created to address the promotion of local heritage and recognition of heritage value from a wide range of sources and policies 12, 13 and 14 address these issues adequately.

In particular, staff are concerned that positioning heritage policies to “meet public and private sector objectives...,” could create conflict and weaken the authority of council to refuse inappropriate alterations and demolition of heritage properties where those refusals do not meet private sector objectives. Instead, the current introduction addresses the need for a collaborative approach to heritage conservation.

Policy 1 & 3

Submission: Policies 1 and 3 are repetitive and may cause confusion; these policies should be preceded by a required assessment of any property 40 years of age or older that are proposed for demolition to be assessed for potential listing or designation; a two-tiered approach to protect more modest sites should be implemented.

Response: Policies 1 and 3 are not repetitive. Policy 1 sets out that a Heritage Register will be maintained and describes what it will contain. Policy 3 further clarifies the circumstances under which properties will be included and the intended effect of conservation that is required for all properties on the register.

A deputant proposed that a heritage assessment be undertaken for all properties 40 years of age and older that are proposed for demolition. The vast majority of buildings in Toronto, outside of northeast Scarborough and northwest Etobicoke are over 40 years old and incorporation of such a requirement would result in heritage assessments being required for most demolitions in the City. This would be an unnecessary burden upon property-owners and the development industry, particularly if heritage consultants had to be hired to produce an assessment prior to most demolitions. Scarce staff resources would be better allocated to evaluating properties that have been already been nominated to be evaluated for listing or designation or those that have been identified through planning studies. Further, this 'alternative' form of assessment would have no standing under Provincial legislation and would not provide a building with any genuine protection from demolition.

Policy 4

Submission: the term ‘integrity’ has not been defined, it is unnecessary and open to interpretation – it should be removed.

Response: The reference to integrity is included as it is also used in the Provincial Policy Statement to define the expectation for conservation. Integrity is a well-established principle of international best practice in heritage conservation. The integrity of a heritage property’s values and attributes allows for the significance of the property to be understood. The impact on the integrity of cultural heritage values and attributes can be determined in a heritage impact assessment. Staff submit that its use is appropriate and understood to reflect a good and reasonable standard of conservation of cultural heritage values and attributes.

Policy 5

Submission: A broader range of uses should be permitted in order to encourage the adaptive reuse of heritage policies.

Response: This policy is regarded as an opportunity statement for the conservation and adaptive re-use of heritage properties. The policy is not meant to have any primacy over other Official Plan policies.

Policy 7

Submission: It is recommended that the policy include a requirement that city-owned properties over 40 years of age or older undergo heritage evaluation prior to disposal.

Response: While the City Planning Division agrees with this comment in principle, it has not consulted with other City divisions that hold property, and therefore this recommendation should not be included until such consultations can be undertaken. Further, an official plan policy is not necessary for staff to study and implement this as an ongoing program in concert with other City divisions.

Policy 11:

Submission: The requirements for documentation of heritage properties should be clarified as well as the circumstances under which it is necessary.

Response: The documentation of heritage properties before and after alterations is an accepted practice to ensure that full and accurate records of heritage properties can be maintained. The City intends to create guidelines for the documentation requirements pursuant to this policy as part of a future work plan. Staff do not feel that this policy needs to be delayed as there are currently documentation requirements in place for complete application requirements for alteration and demolition permits under the Ontario Heritage Act.

Policy 15

Submission: This policy is unclear and should apply to all heritage properties

Response: The policy calls for interpretation of all existing properties on the Heritage Register. The term 'commemoration' has been reserved for those sites that are no longer existing as a way to recognize their former status, presence and importance. Commemoration may employ many of the same methods as interpretation, such as plaques, panels and new media.

Policy 16

Submission: Incentives should be offered to listed properties, without the requirement for designation.

Response: Staff are of the opinion that heritage incentives should only be issued to those properties that have significant legal protection upon them, not only as a way to protect the investment of the City, but also as an incentive for property owners to agree to designation of their properties, thereby ensuring their long-term protection. The City maintains that this is a reasonable and effective policy that should not be changed. All owners of listed properties are eligible to apply for incentives as long as they are willing to be designated as a result.

Policy 17

Submission: It is difficult to define high and low standards of conservation and a reference to the *Standards and Guidelines for the Conservation of Historic Places in Canada* should be used alone.

Response: City staff do not believe that within a values-based management system it is difficult to discern between high and low standards of conservation. Further, it is the opinion of staff that the City should lead by example and protect the public interest by ensuring the best possible protection and conservation of its own heritage properties. Additionally, the requirement for all properties to be conserved consistent with Council adopted standards and guidelines is already established in policy 3, and Council's adoption of the *Standards and Guidelines for the Conservation of Historic Places in Canada* is referenced in a sidebar.

Policy 18

Submission: Unclear as to which incentives this applies to. Requirement for publicly funded institutions to enter into a Heritage Easement Agreement to receive incentives should be waived

Response: This is an incentive policy that only applies when a publicly funded institution is the recipient of incentives from the City. Staff submit that publicly funded institutions should agree to the highest level of protection when they are using limited public resources to fund the restoration of publicly owned or funded properties.

Policy 19F

Submission: It should be clarified in which circumstances this additional protection beyond designation is desirable.

Response: This requirement for a heritage easement agreement will only be a condition of accepting the specific density incentive outlined in policy 19. It does not extend to situations not related to policy 19. This ensures that the valuable density incentives proposed go to those properties that are appropriately protected.

Policy 22

Submission: Views should be further studied and defined.

Policies 25 and 26

Submission: Policies repeat what is already set out for heritage impact assessment in policies 20-23

Response: Policies 20-23 describe when a heritage impact assessment is required and what it is intended to do. Policies 25 and 26 refer the expected treatment of heritage properties. They are not repetitive.

Policy 27

Submission: Policy should be reworded to state, “the retention of facades alone is discouraged where the heritage attributes of the property include the whole or substantial parts of a building or structure.”

Response: This policy suggestion represents a significant weakening of the intent of the current policy. Staff are of the opinion that not only should attributes be conserved, but so should the cultural heritage values of a heritage property, and the elements that support them. This is reflective of a values based approach (as is alluded to in the suggested revision), but the currently proposed policy is more thorough. Further, early public consultations revealed strong support to limit circumstances under which facadism is used as a conservation approach.

Policy 28

Submission: This policy is too detailed and does not allow for council to approve the relocation of a structure on a heritage property if Council is advised that it may be appropriate in a heritage impact assessment.

Response: Staff regard this policy as an opportunity statement that provides transparency and clarity about when a move is supportable, while taking into account the cultural heritage values and attributes of heritage property. Previously, staff generally opposed moves on principle. Instead, this policy sets out a clear set of circumstances under which a move would be acceptable to staff and Council. It is the opinion of staff that this will provide greater clarity as to Council's expectations regarding the conservation of properties on their site.

Policies 31 and 35

Submission: The term ‘integrity’ should be removed.

Response: Please see response to policy 4

Policy 34

Submission: The word ‘will’ should be replaced with ‘may’ in this policy.

In addition, the Ministry of Municipal Affairs and Housing has requested that the following phrase be added to the policy statement: “Any alterations to known archaeological sites shall only be performed by licensed archaeologists.”

Response: It is the opinion of Staff that replacing the word ‘will’ with ‘may’ for this policy creates ambiguity about the intent and direction of the policy. As it is currently worded this policy provides clear direction to staff, council and property owners about when development is be permitted as it relates to archaeological clearances.

Staff have considered the request of the Ministry of Municipal Affairs of Housing and consider that it is an appropriate change. This report recommends that policy 34 be amended according to the suggestion of the Ministry.

Policy 35

Submission: It should be clarified how the potential for in situ conservation will be determined.

Response: Because of the broad range of sites and site conditions in which this policy may be a consideration, the in situ conservation can be determined on a case-by-case basis by staff in consultation with the property owner, their licensed archaeologist and First Nations as determined by policy. The archaeological assessment outlined in policy 37, which would deal with methods of protection on-site, are to be in compliance with Provincial Standards and Guidelines for Consulting Archaeologists.

Policy 39

Submission: This policy should be moved to the General Policies section, since First Nations heritage is not limited to archaeological sites.

Response: Staff support this submission and recommend the inclusion of this comment.

Policy 41

Submission: It should be determined if the feasibility of this has been assessed and whether the City is in a position to assume responsibility for archaeological artifacts.

Response: This is a statement of principle and policy and ensures that archaeological artifacts found within the City are cared for by the city when they are removed from their sites. Currently, as the City has not established a suitable repository, archaeologists are required to store the artifacts they uncover, often at their own expense. Once the policy is adopted, the City can report on facilities and policies for the safe storage of archaeological artifacts.

Policy 42

Submission: The Ministry of Municipal Affairs and Housing requests that this policy be revised to read as follows: “The City may require an archaeological assessment for marine archaeological remains and artifacts, to be conducted by a licensed marine archaeologist, when a development is proposed in the water or along the waterfront and/or shoreline.”

Response: Staff have considered the request of the Ministry and consider that it is an acceptable change. This report recommends that policy 42 be amended according to the suggestion of the Ministry.

Policy 43

Submission: The method of protection for cultural heritage landscapes should be determined by the cultural heritage values and attributes of the property(ies); additional images should be included that illustrate cultural heritage landscapes as main streets.

Response: The protection of cultural heritage landscapes can benefit from other planning tools, however it is the position of the city that these should not preclude or replace designation under the Ontario Heritage Act. The Provincial Policy statement indicates, “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” Just as the conservation of built heritage resources (or heritage properties) is first established by protecting them under the Ontario Heritage Act, the City intends for cultural heritage landscapes to be given the same consideration under this policy. The

opportunity to use other planning tools that may benefit cultural heritage landscapes is addressed in policy 44.

Examples of cultural heritage landscapes that are main streets or built up areas will be provided under the section for policies relating to heritage conservation districts.

View Policies - General

Submission: The proposed views have not been sufficiently studied.

Response: The proposed views to landmark sites and natural features from a particular point of origin have been verified through site visits and recorded. The three views that include the area above and behind a building silhouette either have been subject to a specific study, or that study is in the process of being commissioned to provide detailed implementation measures. These measures would involve a site-specific Official Plan policy or zoning by-law provisions being adopted. The views submitted in the proposed policies have been revised further since the October 1, 2012 meeting of the Toronto Preservation Board, to correct the mapping of the view of the CN Tower and Rogers Centre from the Centre Island ferry terminal, and by changing the point of origin of the Knox College view from Queen Street to College Street. Maps 7a and 7b as well as the list of views have been revised and are recommended to implement these further changes.

Specific Views

Submission: Requests for several additional views to be included in the OP have been made.

Response: Given the current time line for the adoption of the Official Plan policies, these views cannot be reviewed and verified at this time. Staff will consider all requested views of the lake as part of a future study already requested by Council. Opportunities for the consideration of other views may be sought through various planning studies.

Definitions

Submission: Definitions for the terms 'cultural heritage', 'historic environment', 'cultural landscape' and 'conservation' should be included.

Response: The terms 'cultural heritage' and 'historic environment' are not used in the Official Plan and as such are not proposed to be defined. 'Conservation' is defined by the Provincial Policy Statement, as is the term 'cultural heritage landscape'. For clarity the PPS definition of cultural heritage landscape is included as a sidebar. The suggested

definition of cultural landscape that was provided in the submission is a partial extract from the *Standards and Guidelines for the Conservation of Historic Places in Canada* and does not match the definition provided in the glossary to the document. The definition provided in the *Provincial Policy Statement 2005* for cultural heritage landscapes has been retained, as it is consistent with provincial policy on the matter.

CONTACT

Kerri A. Voumvakis, Acting Director
Strategic Initiatives, Policy & Analysis
Tel: 416-392-8148
E-mail: kvoumva@toronto.ca

Mary L. MacDonald, Acting Manager
Heritage Preservation Services
Tel: 416-338-1079
E-mail: mmacdon7@toronto.ca

SIGNATURE

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

ATTACHMENTS

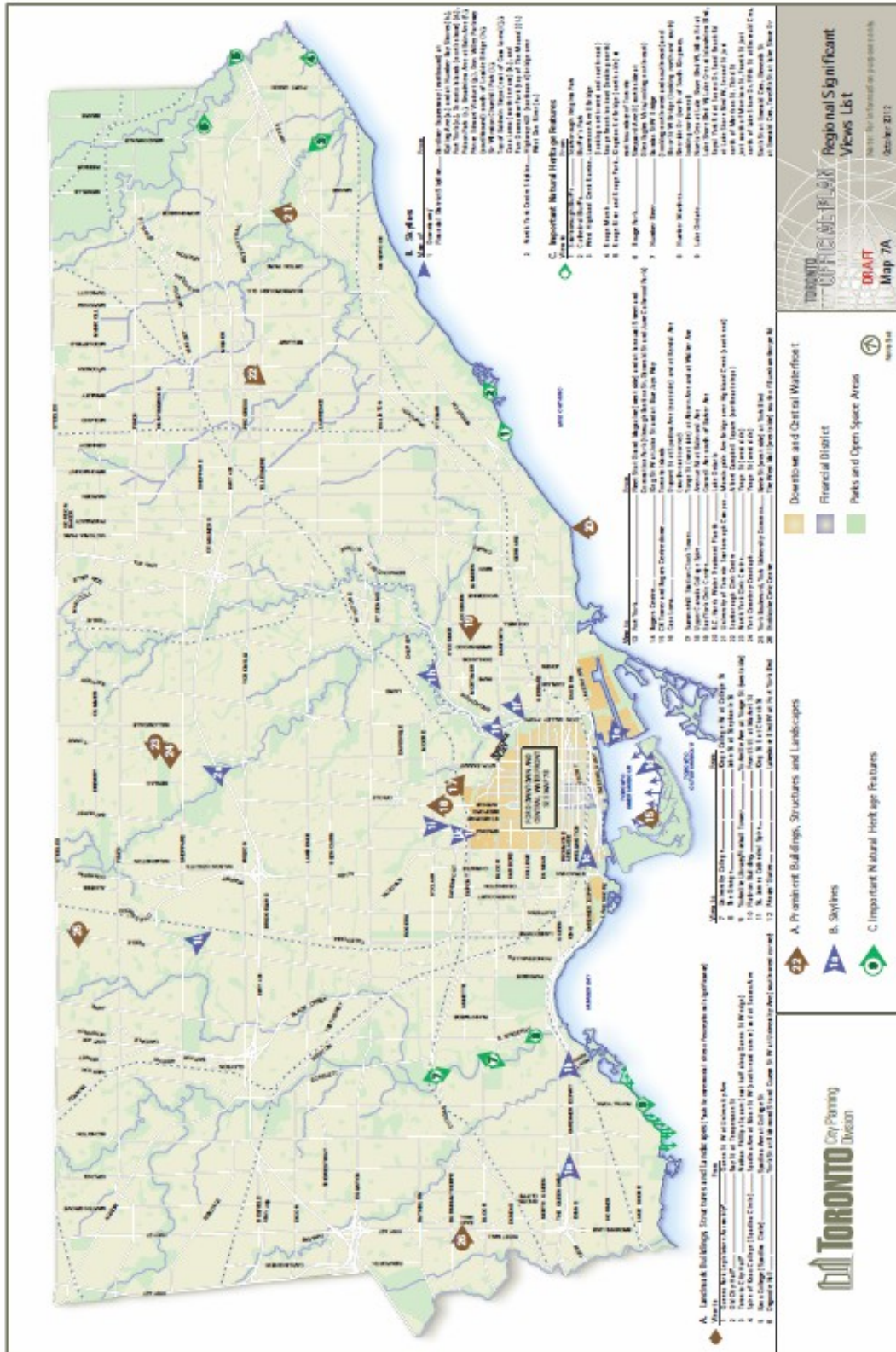
Attachment No. 1- List of Significant Views
Attachment No. 2- Replacement maps 7a and 7b

ATTACHMENT NO. 1

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

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

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



Map 7B

