

Planning and Growth Management Committee - ERA's comments for 2012.PG18.2 on October 12, 2012 Planning and Growth Management Committee

From: Julie Tyndorf <JulieT@era.on.ca>
To: "pgmc@toronto.ca" <pgmc@toronto.ca>
Date: 10/11/2012 4:39 PM
Subject: ERA's comments for 2012.PG18.2 on October 12, 2012 Planning and Growth Management Committee
CC: Michael McClelland <MichaelM@era.on.ca>
Attachments: ERA - OP 5Year Review - Heritage Policy Comments 20120905.pdf; FINAL ERA Comments on draft OPA No 199 121001.pdf

To the City Clerk:

Please add comments from ERA Architects Inc. to the agenda for the October 12, 2012 Planning and Growth Management Committee meeting on item 2012.PG18.2, Official Plan Five Year Review: Official Plan Amendment to Adopt new Heritage and Public Realm Policies

I understand that our comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

I have attached two documents to this email:

1. ERA – OP 5 Year Review – Heritage Policy Comments dated September 5, 2012
2. FINAL ERA Comments on draft OPA No.199 dated October 1, 2012.

Kind thanks,
Julie

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Julie Tyndorf, MCIP RPP | Planner
ERA Architects Inc.
10 Saint Mary Street, Suite 801, Toronto, ON, M4Y 1P9
E:juliet@era.on.ca W: www.era.on.ca T: (416) 963-4497 x314

Official Plan Heritage Policies, Five Year Review

Comments, Revised Proposed Policies, and Comparative Analyses Table

PREPARED BY:

ERA Architects Inc.
10 St. Mary Street, Suite 801
Toronto, Ontario M4Y 1P9
416-963-4497

Prepared By: MM/VA/GM/SH/CL/JT/SM

E.R.A.
Architects Inc.

September 5, 2012

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COMMENTS, OFFICIAL PLAN HERITAGE POLICIES, FIVE YEAR REVIEW

Introduction

The adoption of new Official Plan Heritage Policies represents a rare opportunity for the City of Toronto to introduce the most current ideas, definitions and principles into the city's framework for development and stewardship of its built and natural environment. It also enables the city to strengthen the tools and processes that it employs to protect and promote its cultural heritage.

ERA Architects has undertaken a systematic review of the draft policies and is proposing a number of significant amendments, in order to enhance their clarity and transparency, and eliminate potential redundancies. The amendments are also intended to make explicit the strong connection that exists between heritage conservation and sustainable development, and the critical contribution that cultural heritage makes to the character and livability of Toronto's neighbourhoods.

The first section of this document provides an overview of ERA's recommendations. This is followed by a revised draft policy and a comparative table.

1 Review of Proposed Official Plan Heritage Policies,
ERA Architects Inc. September 2012

1) A vision for Toronto's cultural heritage

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 geographical areas and cultural communities, and will be used to promote and celebrate the diverse stories, narratives and eras that define the city. The city will work in collaboration with First Nations to ensure that First Nations heritage is identified, conserved and recognized in appropriate ways.

The City of Toronto will recognize and protect not only its landmarks and icons, but more modest places that contribute to the character and livability of neighbourhoods and streetscapes across the city. To do so, it 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 and facilitating its reuse. Measures to promote the use of cultural heritage resources to meet public and private sector objectives will be actively explored.

Cultural heritage is an essential component of sustainable development and place making. The City of Toronto will position cultural heritage to serve as a resource for social, environmental and economic development and will explore opportunities to better integrate heritage conservation within the broader planning framework.

Cultural heritage resources will be used to support the retention of small businesses, the provision of affordable housing and public green space throughout the city, and the development of vibrant cultural corridors. The reuse of cultural heritage resources will contribute to the diversion of waste from landfill sites and the reduction of greenhouse gas emissions.

2) General Definitions

Heritage conservation is no longer being defined as an isolated activity and end in itself, but as a means to improve the quality of life of all citizens.

This holistic vision of heritage conservation is reflected in Recommendation on the Historic Urban Landscape (UNESCO, 2011), the Framework Convention on the Value of Cultural Heritage for Society (Council of Europe, 2011), the Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage, 2008) and the NTHP/NCPTT Pocantico Proclamation on Sustainability and Historic Preservation (National Historic Trust for Historic Preservation / National Centre for Preservation Technology and Training, 2009).

The Official Plan Heritage Policies should include general definitions for 'cultural heritage', 'historic environment', 'conservation', and 'cultural landscape' that reflect the most current thinking within the sector, in order to ensure the policies' relevance in the future.

Cultural heritage: a group of resources inherited from the past, which people identify as a reflection of their constantly evolving values, beliefs, knowledge and traditions. It includes all aspects of the environment resulting from the interaction between people and places through time. (adapted from the Council of Europe Faro Convention, 2011)

Historic environment: all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible or buried. (adapted from English Heritage Conservation Principles, Policies and Guidance on the Sustainable Management of the Historic Environment, 2008)

Cultural landscape: any geographical area that has been modified, influenced or given special cultural meaning by people, and that has been formally recognized for its heritage value. Cultural landscapes are often dynamic, living entities that continually change because of natural and human-influenced social, economic and cultural processes. (Standards and Guidelines for the Conservation of Historic Places in Canada, 2010)

Conservation: the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment. (Provincial Policy Statement, 2005)

3) Identification and Evaluation

Many local and national jurisdictions are shifting from the idea of heritage as a set of isolated monuments, to the idea that the entire environment is historic and requires appropriate stewardship.

This shift is occurring in parallel with the idea that heritage should be managed in more holistic and ecological ways that are better integrated within mainstream planning frameworks.

Although proactive listing and designation work very effectively for the identification and protection of monumental examples of cultural heritage, this approach can be cumbersome and less well suited for more modest forms of heritage that make significant contributions to the character of streetscapes and livability of neighbourhoods. The inventory process¹ employed by the City of Toronto has been unable to address the needs of much of the city, and particularly the cultural heritage of the East, West and North Districts.

A two-tiered system is recommended that allows for the proactive designation of Toronto's most significant and iconic cultural heritage, but provides an alternative process for all other places across the city. A Heritage Assessment modeled on current provincial and federal processes should be required prior to the approval

of the demolition of any property that is forty years of age or older. The purpose of this assessment would be to determine whether the property includes resources that would be eligible for listing on the City of Toronto's Register of Properties of Cultural Heritage Value or would meet the criteria for Part IV designation under the Ontario Heritage Act.

A two-tiered approach will help to ensure that more modest sites of heritage value within both urban and suburban neighbourhoods are not overlooked and could provide a more streamlined and financially sustainable approach for identification and stewardship.

(1) See the federal heritage building evaluation process set out under the Treasury Board Policy on Management of Real Property and the Heritage Management Process used by Infrastructure Ontario.

5) Protection

The Official Plan Heritage Policies should promote ecological and integrative urban conservation strategies, where appropriate, that recognize the dynamic qualities of urban neighbourhoods and take into consideration the communities that inhabit them and activities that they accommodate.

The draft Official Plan Heritage Policies currently refer to, and are aligned with, the 2005 Ontario Heritage Act. This should be expanded to include references to the current Provincial Policy Statement, which has become a powerful instrument in the conservation of heritage within Ontario.

In order to ensure clarity, consistency and transparency, the Official Plan Heritage Policies should be fully aligned with the values-based tools (Statements of Significance and the Standards and Guidelines for the Conservation of Historic Places in Canada) already used by the city to regulate cultural heritage resources. The conservation of heritage value and attributes should be emphasized, and blanket recommendations for or against specific actions, which may not be applicable or appropriate in all contexts, should be avoided.

It is recommended that easements be used to protect only the most significant and monumental forms of heritage. The city should explore ways to encourage and enable all sectors to conserve and reuse cultural heritage, rather than focusing exclusively on regulating alterations.

Rather than focusing exclusively on the preservation of built features, heritage policies should promote the use of a wide range of strategies to sustain both the tangible and intangible dimensions of place.

6) Use and Management

The Official Plan Heritage Policies should acknowledge that heritage conservation may be achieved by treating cultural heritage resources as assets for addressing contemporary societal needs and priorities. Such approaches can build on established conservation measures, such as designation, easements and financial incentives.

The public, private and not-for-profit sectors should be encouraged to explore whether and how cultural heritage resources can be used to meet their goals and objectives.

Any opportunities to incorporate references to heritage conservation within other sections of the Official Plan should be explored. Rather than being presented as artifacts to be cared for, heritage resources should be positioned as valuable resources that can be reused to meet broader municipal goals and objectives, for example with respect to affordable housing, education, cultural corridors and public green space

REVISED PROPOSED POLICIES

Drafted for discussion by ERA Architects, September 2012

3.1.5 HERITAGE RESOURCES

Toronto's cultural heritage resources will contribute to the city's social, environmental and economic development and the quality of life of all citizens.

Policies

Identification and Evaluation

Cultural heritage is found and valued in all geographical areas and cultural communities, and will be used to promote and celebrate the diverse stories, narratives and eras that define the city. The city will work in collaboration with First Nations to ensure that First Nations heritage is identified, conserved and recognized in appropriate ways.

The City of Toronto will recognize and protect not only its landmarks and icons, but more modest places that contribute to the character and livability of neighbourhoods and streetscapes across the city. To do so, it will employ a range of measures to identify places with heritage value.

1. Significant built heritage resources will be identified and evaluated by:
 - a) Designating individual properties of cultural heritage value according to Provincial criteria and Council adopted policy.¹
 - b) Maintaining a Register of Heritage Properties for all properties of cultural heritage value or interest.²
 - c) Implementing a protocol for a Heritage Assessment to determine the potential heritage value of all built resources over 40 years of age consistent with similar protocols at Provincial and Federal levels.

(1) Descriptions of views or component parts of vistas can be included as attributes in site-specific designations.

(2) In accordance with the Ontario Heritage Act Section 27 (1), this municipal register can include designated and non-designated properties.

2. The heritage of Toronto's neighbourhoods and open spaces will be identified and evaluated by:
 - a) Designating heritage conservation districts based on heritage conservation district studies undertaken according to Council adopted policy.
 - b) Recognizing that there is a history to all of Toronto, and encouraging the development, at a local level, of heritage pattern studies that promote an understanding of the history and evolving character of neighbourhoods and open spaces.
 - c) Implementing and maintaining a Cultural Heritage Landscape Management Plan.
 - d) Recognizing the contributions of all of Toronto's diverse cultures in determining heritage value.
 - e) Recognizing interrelationships between tangible and intangible cultural heritage.
3. Archaeological resources will be identified and evaluated by:
 - a) Implementing and maintaining the City of Toronto's Archaeological Management Plan.
 - b) Implementing and maintaining a protocol for all heritage resource matters in consultation with the First Nations, the Métis and the Province.

Protection

The city's heritage conservation program, policies and incentives will strike a balance between controlling changes to cultural heritage and facilitating its reuse. Measures to promote the use of cultural heritage resources to meet public and private sector objectives will be actively explored.

4. Significant heritage resources will be protected by:
 - a) Using Statements of Significance and the Standards and Guidelines for the Conservation of Historic Places in Canada in the evaluation of proposed changes to identified heritage resources.

- b) Requesting a Heritage Impact Assessment to assess site alterations, developments, municipal improvements, demolitions and/or public works within or adjacent to Heritage Conservation Districts and for properties on the Register or for properties adjacent to properties on the Register.³
 - c) Requesting a Conservation Plan to assess detailed conservation treatments for heritage resources identified in a Heritage Impact Assessment.
 - d) Requesting a Heritage Interpretation Plan to promote to the public the heritage resources identified in a Heritage Impact Assessment.
 - e) Considering a Heritage Easement Agreement, in the specific circumstances where additional protection beyond designation is warranted due to the location or nature of the heritage resource.
5. Heritage resources will be protected against demolition by neglect through enforcement of the City's Heritage Property Standards.
 6. An Emergency Management Protocol will be prepared to direct actions in the event of an emergency or threat, such as fire, flood, willful damage or other unanticipated situation to any significant heritage resources, including archaeological resources.
 7. City-owned heritage resources will be protected in the same manner as heritage resources under private ownership, employing the Standards and Guidelines for the Conservation of Historic Places in Canada and the same assessment processes.

Use and Management

Cultural heritage is an essential component of sustainable development and place making. The City of Toronto will position cultural heritage to serve as a resource for social, environmental and economic development and will explore opportunities to better integrate heritage conservation within the broader planning framework.

Cultural heritage resources will be used to support the retention of small businesses, the provision of affordable housing and public green space throughout the city, and the development

(3) For the purposes of this section adjacent is defined as lands abutting or lands separated by a private or public road, a park and/or easement, or an intersection of any of these.

of vibrant cultural corridors. The reuse of cultural heritage resources will contribute to the diversion of waste from landfill sites and the reduction of greenhouse gas emissions.

The policies of this section will be seen as collaborative with other sections of the plan, such as Neighbourhood or Public Realm sections, and are intended to contribute to a comprehensive vision for the City.

8. All City-owned heritage resources will be conserved and maintained in a state of good repair.
9. When a City-owned property of heritage value is no longer required for its current use, the City will promote its conservation, maintenance and compatible reuse.
10. When a City-owned property of heritage value is sold, leased or transferred to another owner, it will be designated and an easement agreement will be secured to ensure that public access is maintained to the significant heritage attributes of the property.
11. The importance of reusing buildings of heritage value will be considered when the City is selecting properties for public use.
12. The City will use incentives for the conservation and maintenance of designated heritage resources. These incentives can include grant or tax rebate programs or planning exemptions, where appropriate, such as reductions in required parking or loading.
13. Additional gross floor area may be permitted in excess of what is permitted in the Zoning By-law for lands designated Mixed Use Areas, Regeneration Areas, Employment Areas, Institutional Areas or Apartment Neighbourhoods for a lot containing a conserved heritage building and new development provided that:
 - a) the application includes the conservation of a building or structure designated under the Ontario Heritage Act;
 - b) additional floor area does not exceed the floor area of the designated heritage building or structure being retained;
 - c) the by-laws are enacted at the same time as the approval of the site plan for the entire development;

(Side Bar)

To address the evolving and changing heritage values in the City and to determine how they affect the character of the City and its planning processes, the following Management Plans are required:

An overall Heritage Management Plan will be a comprehensive and evolving strategy for the conservation and management of the City's cultural heritage resources.

An Archaeological Management Plan will describe the processes required to identify, evaluate and manage archaeological resources and areas of archaeological potential.

A Cultural Heritage Landscape Management Plan will describe the processes required to identify, evaluate and manage cultural heritage landscapes.

To address specific issues of this plan the following are required:

A consultation protocol will address First Nations and the Métis heritage resources.

An Emergency Management Protocol will address emergencies that threaten heritage resources.

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ERA Architects Inc. September 2012

- d) where only a portion of the conserved building or structure is kept, that portion contains the features of historic and/or architectural value or interest for which the building was designated;
- e) the quality, character and three-dimensional integrity of the conserved building or structure is maintained and additional density will not be granted for the incorporation of facades or historic building elements into new development; and
- f) where the property is within a Heritage Conservation District, the proposed development conforms to any guidelines for that district.

(Side Bar)

For the purposes of this Plan terms of reference are required in the City of Toronto's 'Building Toronto Together: A Development Guide' to clarify application processes:

- Heritage Permit*
- Heritage Assessment*
- Heritage Impact Assessment*
- Heritage Conservation Plan*
- Heritage Interpretation Plan*

(Side Bar)

For the purposes of this Plan the following specific definitions are required to understand the intent of these policies:

Cultural heritage: *a group of resources inherited from the past, which people identify as a reflection of their constantly evolving values, beliefs, knowledge and traditions. It includes all aspects of the environment resulting from the interaction between people and places through time. (adapted from the Council of Europe Faro Convention, 2011)*

Historic environment: *all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible or buried. (adapted from English Heritage Conservation Principles, Policies and Guidance on the Sustainable Management of the Historic Environment, 2008)*

Cultural landscape: *any geographical area that has been modified, influenced or given special cultural meaning by people, and that has been formally recognized for its heritage value. Cultural landscapes are often dynamic, living entities that continually change because of natural and human-influenced social, economic and cultural processes. (Standards and Guidelines for the Conservation of Historic Places in Canada, 2010)*

Conservation: *the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment. (Provincial Policy Statement, 2005)*

OFFICIAL PLAN HERITAGE POLICIES – COMPARATIVE ANALYSES TABLE

Comparison and Commentary of Existing and Proposed Official Plan Heritage Policies as part of the City of Toronto Official Plan Five Year Review

PREPARED BY:
ERA Architects Inc.
10 St. Mary Street, Suite 801
Toronto, Ontario M4Y 1P9

Contents:

Table 1: Official Plan Heritage Policies, General: Comparison of Existing and Proposed Policy

Table 2: Official Plan Heritage Policies, Archaeology Policy: Comparison of Existing and Proposed Policy

Prepared By: MM/VA/GM/SH/ST/SM

September 5, 2012

E, B, A,
Architects Inc.

Table 1: Official Plan Heritage Policies, General: Comparison of Existing and Proposed Policy

General Area or Policy Goal	Current OP Policy in Section 3.1.5	Revised Policies for Section 3.1.5 Proposed by City Staff	Commentary, Revision
<p>Identification and Evaluation</p> <p>Policy 1: Significant heritage resources, will be conserved by:</p> <ul style="list-style-type: none"> a) listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties, designating them and entering into conservation agreements with owners of designated heritage properties; and b) designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character. <p>Policy 9: Heritage landscapes and historic cemeteries will be inventoried and conserved.</p>	<p>Proposed Policy 1: A register of properties of cultural heritage value or interest will be maintained.</p> <p>Proposed Policy 2: Properties of potential cultural heritage value or interest will be identified and evaluated using Provincial criteria and Council adopted policy, including the consideration of design or physical value, historical or associative value and contextual value.</p> <p>Proposed Policy 11: Potential and existing cultural heritage resources, including cultural heritage landscapes and heritage conservation districts, will be identified and included in area planning studies and plans.</p> <p>Proposed Policy 23: Potential Heritage Conservation districts will be identified and evaluated in a Heritage Conservation District study. Significant Heritage Conservation Districts will be designated and conserved.</p> <p>Proposed Policy 36: Council will identify and evaluate potential cultural heritage landscapes. Significant cultural heritage landscapes will be included on the Register and conserved.</p> <p>Proposed Policy 37: Significant cultural heritage landscapes shall be designated under either Part IV or Part V of the Ontario Heritage Act.</p> <p>Proposed Policy 38: (under the subtitle Views and Vistas) The view and/or vista of a heritage property or cultural heritage landscape on the heritage register will be conserved where the view and/or vista is included on Map (see Attachment 2) and: a) The view and/or vista is identified in the cultural heritage values or attributes for the property; and/or b) It is identified as a landmark in the cultural heritage values or attributes of the property.</p>	<p>Comment: Policies for identification and evaluation that succinctly describe a comprehensive, inclusive and innovative scope for heritage conservation would be helpful and effective.</p> <p>Identification and evaluation of Cultural Heritage Landscapes and other areal heritage resources, extending beyond single sites, should be a result of a heritage planning process.</p> <p>Proposed Revision: Significant built heritage resources will be identified and evaluated by:</p> <ul style="list-style-type: none"> a) Designating individual properties of cultural heritage value according to Provincial criteria and Council adopted policy. b) Maintaining a Register of Heritage Properties for all properties of cultural heritage value or interest. c) Implementing a protocol for a Heritage Assessment to determine the potential heritage value of all built resources over 40 years of age consistent with similar protocols at Provincial and Federal levels. <p>The heritage of Toronto's neighbourhoods and open spaces will be identified and evaluated by:</p> <ul style="list-style-type: none"> a) Designating heritage conservation districts based on heritage conservation district studies undertaken according to Council adopted policy. b) Recognizing that there is a history to all of Toronto, and encouraging the development, at a local level, of heritage pattern studies that promote an understanding of the history and evolving character of neighbourhoods and open spaces. c) Implementing and maintaining a Cultural Heritage Landscape Management Plan. d) Recognizing the tangible and intangible contributions of all of Toronto's diverse cultures in determining heritage value. e) Recognizing interrelationships between tangible and intangible cultural heritage. 	

General Area or Policy Goal	Current OP Policy in Section 3.1.5	Revised Policies for Section 3.1.5 Proposed by City Staff	Commentary, Revision
<p>Protection</p> <p><i>Assessing work near or on heritage sites</i></p>	<p>Policy 2: Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved.</p> <p>A Heritage Impact Statement may be requested for development proposals on a property on the City's Inventory of Heritage Properties, and will be required where the development entails an amendment to the Official Plan and/or Zoning By-law. Development adjacent to properties on the City's Inventory of Heritage Properties will respect the scale, character and form of the heritage buildings and landscapes.</p>	<p>Proposed Policy 3: Private and public properties of cultural heritage value or interest will be protected, conserved and maintained consistent with Council approved standards and guidelines.</p> <p>Proposed Policy 4: The impacts of site alterations, development, and/or public works within or adjacent to a property of cultural heritage value, shall be evaluated to ensure that the resources' cultural heritage value, heritage attributes, and integrity will be conserved.</p> <p>Proposed Policy 17: A Heritage Impact Assessment will evaluate the impact of a proposed alteration to properties on the register, or the impact of the development of adjacent properties, upon properties on the register.</p> <p>Proposed Policy 18: In addition to requirements for a Heritage Impact Assessment set out in Schedule 3, Assessments will be required for all properties that are on the register, or are adjacent to properties on the register when a demolition permit is required under the Ontario Heritage Act.</p> <p>Proposed Policy 19: A Heritage Impact Assessment will be requested where a development application may obstruct or detract from the visual integrity of a significant heritage view and/or vista identified on Map.</p> <p>Proposed Policy 20: Owners of designated heritage properties will be encouraged to enter into a heritage conservation easement agreement.</p>	<p>Commentary, Revision</p> <p>Comment:</p> <p>The heritage conservation policy regarding protection is most effective when it clearly described means of safeguarding cultural heritage while facilitating responsible reuse of heritage sites.</p> <p>Regarding, Proposed Policy 23: Retention strategies for conserving heritage resources are best developed based on the particularities of the site and the heritage value and attributes of the resources.</p> <p>Proposed Revision:</p> <p>Revised Policy 2: Significant heritage resources will be protected by:</p> <ol style="list-style-type: none"> Using Statements of Significance and the Standards and Guidelines for the Conservation of Historic Places in Canada in the evaluation of proposed changes to identified heritage resources. Requesting a Heritage Impact Assessment to assess site alterations, developments, municipal improvements, demolitions and/or public works within or adjacent to Heritage Conservation Districts and for properties on the Register or for properties adjacent to properties on the Register. Requesting a Conservation Plan to assess detailed conservation treatments for heritage resources identified in a Heritage Impact Assessment. Requesting a Heritage Interpretation Plan to promote to the public the heritage resources identified in a Heritage Impact Assessment. Considering a Heritage Easement Agreement, in the specific circumstances where additional protection beyond designation is warranted due to the location or nature of the heritage resource. Heritage resources will be protected against demolition by neglect through enforcement of the City's Heritage Property Standards.
<p><i>Assessing public works near or on heritage sites</i></p>	<p>Policy 5: The impacts of public works projects that may be in the vicinity of heritage resources, including archaeological sites, will be assessed and appropriate mitigation measures to minimize the impact upon the heritage resource will be used.</p>	<p>Proposed Policy 21: New construction on, or adjacent to, properties on the register will be designed to protect the heritage attributes and character of those properties to minimize visual and physical impact on the resource and address among other matters: scale, massing, materials, height, building orientation and location relative to the heritage property.</p> <p>Proposed Policy 22: The conservation of whole buildings on the register is encouraged and the retention of facades alone is discouraged. The portion of a heritage building to be conserved should reflect its height and depth. Alteration of a designated property shall not be approved if the alteration is likely to negatively affect the heritage attributes of the property.</p>	
<p><i>Retention and alterations to heritage buildings</i></p>			

General Area or Policy Goal	Current OP Policy in Section 3.1.5	Revised Policies for Section 3.1.5 Proposed by City Staff	Commentary, Revision
Protection (continued)	(Policy 2 and Policy 5 continued)	<p>Proposed Policy 24: Heritage Conservation District studies and plans will be conducted in accordance with Council-adopted policies.</p> <p>Proposed Policy 25: Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be evaluated to ensure that the resources' heritage values, attributes, and integrity are conserved.</p> <p>Proposed Policy 26: Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.</p>	See above comment and recommendation.
<i>Emergency Management</i>	No equivalent policy	<p>Proposed Policy 7: Cultural heritage resources, including archaeological resources will be protected in the event of emergency or threat, such as fire, flood, willful damage and other unanticipated situation or discoveries. An emergency management protocol to direct actions during such emergencies will be prepared.</p>	<p>Comment: The proposed policy should be clarified.</p> <p>Proposed Revision: An Emergency Management Protocol will be prepared to direct actions in the event of an emergency or threat, such as fire, flood, willful damage or other unanticipated situation to any significant heritage resources, including archaeological resources.</p>
<i>Heritage Property Standards</i>	No equivalent policy	<p>Proposed Policy 8: Cultural heritage resources will be protected against demolition by neglect through enforcement of heritage property standards by-laws.</p>	<p>Comment: This proposed policy should be introduced to the Official Plan to emphasize the importance of heritage property standards by-laws. It could be noted along with other means of protecting heritage resources.</p>
<i>Documentation</i>	<p>Policy 12: When all or a significant part of a heritage resource on the City's Inventory of Heritage Properties is to be removed, thorough documentation of the resource should be deposited in the City of Toronto Archives by the owner prior to any demolition.</p>	<p>Proposed Policy 9: Prior to alteration, cultural heritage resources will be recorded and documented to the satisfaction of the City.</p>	<p>Comment: Documentation of sites should be part of the heritage planning process, and should be required City's terms of reference for Conservation Plans, or other heritage planning reports.</p>

General Area or Policy Goal	Current OP Policy in Section 3.1.5	Revised Policies for Section 3.1.5 Proposed by City Staff	Commentary, Revision
<p>Use and Management <i>Incentives, general</i></p>	<p>Policy 3: Public incentives to encourage the conservation and long-term protection of heritage resources will be created.</p>	<p>Proposed Policy 14: Incentives for the conservation and maintenance of designated cultural heritage resources will be created.</p> <p>Proposed Policy 15: Conservation and maintenance of heritage properties funded in whole or in part through incentives such as grants, tax rebates or other mechanisms will be completed to the highest standard of conservation.</p> <p>Proposed Policy 16: Owners of publicly funded designated heritage property will be required to enter into a heritage easement agreement as a condition of accepting heritage conservation or maintenance incentives.</p>	<p>Comment: This policy is useful and should remain in the Official Plan. The wording of the policy could be clarified.</p> <p>Proposed Revision: The City will use incentives for the conservation and maintenance of designated heritage resources. These incentives can include grant or tax rebate programs or planning exemptions, where appropriate, such as reductions in required parking or loading.</p>
<p><i>City owned heritage properties</i></p>	<p>Policy 4: All City owned heritage resources will be conserved and maintained in a state of good repair.</p>	<p>No equivalent policy proposed</p>	<p>Comment: This policy is useful and should remain in the Official Plan. Some revision could provide additional clarity.</p> <p>Proposed Revision: City-owned heritage resources will be protected in the same manner as heritage resources under private ownership, employing the Standards and Guidelines for the Conservation of Historic Places in Canada and the same assessment processes.</p>
	<p>Policy 6: When a City owned heritage property is sold, leased or transferred to another owner, a heritage easement agreement will be secured and public access maintained to areas with heritage value.</p>	<p>Proposed Policy 5: When a City-owned property of cultural heritage value or interest is no longer required for its current use, the City will promote its conservation, maintenance and compatible adaptive reuse.</p> <p>Proposed Policy 6: When a City-owned individual, significant property of cultural heritage value or interest is sold, leased or transferred to another owner, it will be designated under Part IV of the Ontario Heritage Act. A heritage easement agreement will be secured and monitored, and public access maintained to portions of the property that demonstrate its cultural heritage value and attributes.</p>	<p>Comment: This policy is useful and should remain in the Official Plan with clarification about the conditions where a easements agreements may be appropriate.</p> <p>Proposed Revision: When a City-owned property of heritage value is sold, leased or transferred to another owner, it will be designated and an easement agreement will be secured to ensure that public access is maintained to the significant heritage attributes of the property.</p>
<p><i>Reuse of heritage for public functions</i></p>	<p>Policy 7: The re-use of buildings with architectural or historic importance will be considered when selecting buildings to accommodate public functions.</p>	<p>No equivalent policy proposed</p>	<p>Comment: This policy is useful and should remain in the Official Plan. Some revision could provide additional clarity.</p> <p>Proposed Revision: The importance of reusing buildings of heritage value will be considered when the City is selecting properties for public use.</p>



General Area or Policy Goal	Current OP Policy in Section 3.1.5	Revised Policies for Section 3.1.5 Proposed by City Staff	Commentary, Revision
<p>Use and Management (continued)</p> <p><i>Incentives, additional gross floor area</i></p>	<p>Policy 8: Additional gross floor area may be permitted in excess of what is permitted in the Zoning By-law for lands designated Mixed Use Areas, Regeneration Areas, Employment Areas, Institutional Areas or Apartment Neighbourhoods for a lot containing a conserved heritage building and new development provided that:</p> <ul style="list-style-type: none"> a) the application includes the conservation of a building or structure designated under the Ontario Heritage Act; b) additional floor area does not exceed the floor area of the designated heritage building or structure being retained; c) the by-laws are enacted at the same time as the approval of the site plan for the entire development; d) where only a portion of the conserved building or structure is kept, that portion contains the features of historic and/or architectural value or interest for which the building was designated; e) the quality, character and three-dimensional integrity of the conserved building or structure is maintained and additional density will not be granted for the incorporation of facades or historic building elements into new development; and f) where the property is within a Heritage Conservation District, the proposed development conforms to any guidelines for that district. 	<p>No equivalent policy proposed</p>	<p>Commentary:</p> <p>This policy is useful and should remain in the Official Plan.</p>
<p><i>Heritage Management Plan</i></p>	<p>Policy 11: Lost historical sites should be commemorated whenever a new private development or public work is undertaken in the vicinity, including sites where:</p> <ul style="list-style-type: none"> a) major events occurred; b) landscape features, such as rivers, streams and shorelines, have disappeared from the cityscape; and c) important institutions, residences, industries, landmark buildings or settlements once existed. 	<p>Proposed Policy 12: Cultural heritage resources will be promoted through educational programs and museums.</p> <p>Proposed Policy 13: Cultural heritage resources will be promoted through educational programs and museums.</p> <p>Interpretation of lost historical sites will be encouraged whenever a new private development or public work is undertaken in the vicinity of sites such as those where major historical events occurred, important buildings or landscape features have disappeared or important cultural activities took place.</p>	<p>Comment:</p> <p>The proposed Policies 12 and 13 concern broader cultural policies. Interpretation of sites should be part of the heritage planning process as noted in Proposed Revision to Policy 2, above.</p>
<p><i>Heritage Management Plan</i></p>	<p>Policy 13: A Heritage Management Plan will be prepared and adopted. The Heritage Management Plan will be a comprehensive and evolving strategy for the conservation and management of Toronto's heritage resources.</p>	<p>Proposed Policy 10: A Heritage Management Plan will be adopted. The Heritage Management Plan will be a comprehensive and evolving strategy for the conservation and management of the City's cultural heritage resources.</p>	<p>Comment:</p> <p>The adoption of a Heritage Management Plan one of the studies which the Official Plan should reference. Perhaps the need for these studies should be highlighted in a sidebar in the Official Plan next to list policies.</p>

Table 2: Official Plan Heritage Policies, Archaeology Policy: Comparison of Existing and Proposed Policy

General Area or Policy Goal	Current OP Policy in Section 3.1.5	Revised Policies for Section 3.1.5 Proposed by City Staff	Commentary, Revision
Archeology	<p>Policy 10</p> <p>a) An Archaeological Master Plan will inventory known archaeological sites, establish procedures for their protection and interpretation, and identify areas of archaeological potential.</p> <p>b) If development occurs on archaeological sites, or areas with archaeological potential, significant archaeological deposits should be conserved by on-site preservation. Where on-site preservation is not ultimately secured, scientific investigation and documentation will still be undertaken. Where archaeological features are preserved on-site, any development or site alteration will maintain the heritage integrity of the site.</p> <p>c) All indigenous persons' cultural sites, including burial sites, have importance. Indigenous cultural remains should be identified, recorded, protected and preserved. On properties where indigenous settlement sites have been previously destroyed and contemporary structures have been built, these indigenous settlement sites should be commemorated.</p>	<p>Proposed Policy 27: The Archaeological Management Plan will be implemented and maintained to manage archaeological resources and areas of archaeological potential.</p> <p>Proposed Policy 28: Development and site alteration shall be permitted on lands containing archaeological resources or areas of archaeological potential where the archaeological resources have been assessed.</p> <p>Proposed Policy 29: Preservation on-site is the preferred conservation strategy for an archaeological site. Where on-site preservation is not possible, archaeological resources may be subject to excavation whereby the information and artifact assemblages are safeguarded in an alternative location, to the City's satisfaction.</p> <p>Proposed Policy 30: Where an archaeological feature is found to have cultural heritage value, and on-site conservation is possible, on-site conservation should be secured in a heritage easement agreement.</p> <p>Proposed Policy 31: Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, the owner of such land shall undertake studies by a licensed archaeologist to:</p> <p>a) assess the property in compliance with Provincial standards and guidelines for consulting archaeologists and to the satisfaction of the City;</p> <p>b) assess the impact of the proposed development on any archaeological resources;</p> <p>c) identify methods to mitigate any negative impact that the proposed development may have on any archaeological resources, including methods of protection on-site or investigation and curation; and</p> <p>d) provide to the City, and where applicable, to First Nations and Métis, a Provincial concurrence letter recognizing the completion of the Archaeological assessment.</p>	<p>Comment:</p> <p>The specific processes for conserving archaeological heritage are best outlined in the Archaeological Management Plan and provincial-level policy, guidelines and law.</p>

General Area or Policy Goal	Current OP Policy in Section 3.1.5	Revised Policies for Section 3.1.5 Proposed by City Staff (continued)	Commentary, Revision (continued)
Archeology (continued)	<p>Policy 10 a) An Archaeological Master Plan will inventory known...(repeated above)</p>	<p>Proposed Policy 32: Where archaeological resources are encountered or documented and found to be First Nations or Métis in origin: a) the proponent shall ensure that those First Nations or Métis with the closest cultural affiliation, and in whose traditional territories the archaeological resources were found, receive a copy of the Stage 1 and 2 Archaeological Assessment report(s) prior to the development proceeding; b) The First Nation or Métis with the closest cultural affiliation and in whose traditional territory the significant archaeological resources is situated, should be consulted to identify conservation or interpretation approaches; and c) Publicly owned lands with significant archaeological resources of First Nations or Métis origin may be deemed not suitable for development.</p> <p>Proposed Policy 33: The City shall develop a consultation protocol for cultural heritage resource matters in co-ordination with the First Nations, the Métis and the Province.</p> <p>Proposed Policy 34: Archaeological discoveries, and their cultural narratives, should be communicated to the public through innovative architectural and/or landscape architectural design, public art installations, or other public realm projects associated with development.</p> <p>Proposed Policy 35: The City will take possession of, and provide a repository for all archaeological artefacts' and records of archaeological assessment activities undertaken in the City, for the purpose of maintenance, research and exhibition.</p>	<p>Comment: The specific processes for conserving archaeological heritage are best outlined in the Archaeological Management Plan and provincial-level policy, guidelines and law.</p>

10 St. Mary St., Suite 801
Toronto, Canada, M4Y 1P9
416 963.4497 T
416 963.8761 F

E.R.A.
Architects Inc.

October 1, 2012

Kerri A. Voumvakis, Acting Director
Policy & Research
Metro Hall, 22nd Floor
55 John Street
Toronto, ON, M5V 3C6

RE: DRAFT OFFICIAL PLAN AMENDMENT NO. 199
REGARDING PUBLIC REALM AND HERITAGE
POLICIES

Dear Ms. Voumvakis,

Thank you for your consideration of our comments regarding the Toronto Official Plan Proposed Heritage Policies. ERA Architects very much appreciates the City of Toronto's commitment to conserving its cultural heritage and its efforts to refine and further strengthen the draft by-law. We have reviewed the revised draft of the proposed heritage policies and still continue to have concerns.

In general terms our goal has been to place heritage in a more significant position within the planning process and to ensure the policies are clear, transparent and fair to all stakeholders involved in the stewardship of the city's cultural heritage. We also believe that additional strategies may exist that would help to achieve this goal and position cultural heritage as an important city-building asset throughout the City of Toronto.

These goals are consistent with Councillor Milczyn's report of last year, *Balanced and Bolder – recommendations for strengthening Toronto's Official Plan*. In that document it was proposed that heritage conservation be strategically linked with other municipal objectives, that heritage conservation be collaborative between the public and private sector and that it look at the big picture.

"Buildings and landmarks are selected for preservation not only for their aesthetic qualities, but also for their roles in supporting local identity and the celebration of place. Thus, the benefits of preservation are most broadly realized by extending the scope of conservation beyond the establishment of the City's Inventory of Heritage Properties, whereby the success of this conservation strategy is measured numerically. Alternatively, preservation efforts should place stronger emphasis on the recognition of historical people, events, views, and beliefs and the significance of these elements in enriching the urban experience."

Similarly Councillor Wong-Tam's Initiative on Heritage of June 2011 recommended identifying "*the current gaps and shortcomings of current historic preservation of spaces and built form in the City of Toronto, and second, to provide an in-depth discussion of various heritage reform initiatives*".

The Councillor's Initiative recommended:

- *The value of heritage from an economic and environmental perspective are explore;*
- *Community recommendations for reforming historic preservation and restoration are investigated;*
- *Toronto's Heritage Preservation strategies are identified;*
- *Comparative heritage preservation initiatives in Ontario and in the United States are examined.*

We do not believe any of this basic groundwork has been done.

As we have stated before we feel that the Official Plan policies should set goals and objectives before focusing on regulatory and process issues. Those goals and objectives should inform the regulatory and process issues, rather than the other way around. The policies should also advance us beyond the status quo and demonstrate how we can address what is working and not working with existing policies in a strategic and implementable manner. Our full report, with its comparative analysis of the existing and proposed policies is still available at <http://era.on.ca/2012/09/10/proposed-official-plan-policies-era-comments-and-heritage-open-house/>.

In our report, for example, we proposed an agenda and goals for the city's cultural heritage that would position it as a component of sustainable development, better integrate it within planning processes, and define it equitably and in a way that is meaningful to citizens and neighbourhoods across the city. These goals provide direction on the forms of regulation, processes and tools that will be required to conserve and enhance the city's cultural heritage.

Among our goals, we proposed that:

- 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 geographical 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 livability of

neighbourhoods and streetscapes across the city. To do so, it 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 and facilitating its reuse. Measures to promote the use of cultural heritage resources to meet public and private sector objectives will be actively explored.

To achieve these goals it is necessary to expand how we understand cultural heritage in the City of Toronto, to recognize the limitations of the City of Toronto's Inventory of Heritage Properties, and build a stronger, more integrated approach to heritage within the planning process. None of this should weaken our protection of our cultural heritage resources, but should in fact enable us to steward them more intelligently and with more careful insight.

We trust that these comments are helpful and would welcome any opportunity to discuss them further with you or your staff.

Yours truly,



Michael McClelland

Attachments

cc.

Jennifer Keesmat, Chief Planner and Executive Director
Gregg Lintern, Director, Community Planning South District
Robert Freedman, Director, Urban Design
Mary MacDonald, Acting Manager, Heritage Preservation Services
Paul Bain, Project Manager, Strategic Initiatives, Policy & Analysis
Scott Barrett, Senior Coordinator, Heritage Preservation Services

ATTACHMENT

We would like to take this opportunity to respectfully submit additional comments regarding draft Amendment No. 199 to the Official Plan of the City of Toronto. In so doing, we will seek to clarify some of the recommendations that we made in our review of September 5th, 2012. (<http://era.on.ca/2012/09/10/proposed-official-plan-policies-era-comments-and-heritage-open-house/>.)

Section 3.1.5 Heritage Conservation

The overview appears to have been strengthened in the revised version by defining cultural heritage in broader terms, recognizing its role in improving the character and livability of the city's neighbourhoods and linking conservation to sustainable development. Nonetheless, the overview continues to be descriptive in nature. We believe that the policies could be significantly strengthened if they flowed from a series of explicit goals that explain why and how heritage conservation is undertaken within the City of Toronto.

Draft Policies 1 & 3:

The first sentence in Policy 3 repeats what is stated in Policy 1. This risks creating confusion. The second part of Policy 3 addresses a separate issue, namely the benchmark for the maintenance and conservation of properties listed on the Heritage Register.

We would also like to reiterate our original recommendation that a heritage assessment process be established, to supplement proactive listing of cultural heritage on the city's Heritage Register. This alternative process would be aimed at any property that is forty years of age or older, which are proposed for demolition. Its purpose would be to determine whether the property includes resources that would be eligible for listing on the City of Toronto's proposed Register or would meet the criteria for Part IV designation under the Ontario Heritage Act.

A two-tiered approach will help to ensure that more modest sites of heritage value within both urban and suburban neighbourhoods are not overlooked and could provide a more streamlined and financially sustainable approach for identification and stewardship.

Draft Policy 4:

In order to provide transparency for the policies, it is recommended that the trigger for a Heritage Impact Assessment (previously a planning application) be clarified. The term 'integrity' has not been defined and could be subject to a range of interpretations; its use in this context may be unnecessary.

Draft Policy 5:

As written, the purpose of this policy is unclear. The policy might be more meaningful if, as an incentive, a broader range of uses were permitted in order to encourage the adaptive reuse of heritage policies. As a result, the viability of heritage resources is enhanced and can be used as assets to be leveraged rather than liabilities.

Draft Policy 7:

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

Draft Policy 11:

Since recording and documentation of heritage properties can be both costly and time-consuming, it is recommended that the trigger for this requirement be clarified, the goal of the recording be explained and that guidelines regarding the level of recording and documentation be made available to property owners.

Draft Policy 15.

It is unclear why this policy would apply only to 'lost' heritage properties. It is recommended that this apply to heritage sites, more broadly.

Draft Policy 16:

It is recommended that incentives programs for the conservation and maintenance of heritage properties be expanded to include those that are listed on the Heritage Register, but not necessarily designated under the Ontario Heritage Act. This is particularly important as the incentive programs are not described and it may be beneficial to develop incentive programs specifically for listed properties.

Draft Policy 17:

Since the 'highest standard of conservation' is ambiguous (it would be difficult to define 'high' and 'low' standards of conservation), it is recommended that conservation and maintenance be consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Draft Policy 18:

It is unclear which incentives this policy refers to. In order to encourage the retention and reuse of hospitals and educational facilities, it is strongly recommended that the requirement for an easement be waived.

Draft Policy 19:

F) Heritage Easement Agreements should be entered into by mutual agreement, as stated in Policy 24. There is currently a tendency to overuse this instrument, notably in the context of any planning applications involving heritage properties. It should be clarified in which circumstances this additional protection beyond designation is desirable.

Draft Policy 22:

As noted by the Ministry of Municipal Affairs and Housing in its letter of August 28th, 2012, it is important that the proposed policies be clear and that direction be provided regarding their implementation. It does not appear that the proposed views or the means by which they will be regulated have been sufficiently studied.

Draft Policy 25:

This policy appears to repeat what has already been set out in the Heritage Impact Assessment policies (Policies 20 – 23).

Draft Policy 26:

Please see comment above regarding Policy 25.

Draft Policy 27:

In order to maintain a consistent approach, this policy should be reworded to state that: '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'. Equally, this policy enters into too much detail as noted in comments on Draft Policy 28.

Draft Policy 28:

The policy regarding the relocation of buildings and structures on listed or designated properties on the Heritage Register enters into too much detail. It also neglects the fact that Council may, on the advice of a Heritage Impact Assessment, the *Standards and Guidelines for the Conservation of Historic Places in Canada*, the Provincial Policy Statement and other considerations, decide to approve the relocation of a building or structure (something that

has happened frequently within the downtown core). E) Similar to Policy 27, the extent of a building or structure to be retained should be defined in relation to its heritage attributes.

Draft Policy 31:

The term 'integrity' should be removed from this policy.

Draft Policy 34:

It is recommended that the word 'will' be replaced with the word 'may'.

Draft Policy 35:

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

Draft Policy 39:

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

Draft Policy 41:

It should be determined whether the feasibility of this policy has been assessed, and whether the City of Toronto is in a position to assume this responsibility.

Draft Policy 43:

This policy limits the potential to identify, sustain and enhance cultural heritage landscapes, by requiring that they be designated under Part IV or Part V of the Ontario Heritage Act. Rather, it is recommended that appropriate preservation measures for significant cultural heritage landscapes be derived from the evaluation of their cultural heritage values and on an informed understanding of how they function.

Draft Policy - Heritage Views

Please see comments regarding Policy 22.

Draft Policy - Definitions

We would support a series of broad based definitions, which will enable careful consideration of heritage resources, be included in the Official Plan including the following:

Cultural heritage: a group of resources inherited from the past, which people identify as a reflection of their constantly evolving values, beliefs, knowledge and traditions. It includes all

aspects of the environment resulting from the interaction between people and places through time. (adapted from the Council of Europe Faro Convention, 2011)

Historic environment: all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible or buried. (adapted from English Heritage Conservation Principles, Policies and Guidance on the Sustainable Management of the Historic Environment, 2008)

Cultural landscape: any geographical area that has been modified, influenced or given special cultural meaning by people, and that has been formally recognized for its heritage value. Cultural landscapes are often dynamic, living entities that continually change because of natural and human-influenced social, economic and cultural processes. (Standards and Guidelines for the Conservation of Historic Places in Canada, 2010)

Conservation: the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment. (Provincial Policy Statement, 2005)