

Historic Yonge Street - Study Area Designation By-Law

Date:	February 11, 2015
To:	City Council
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 27 – Toronto Centre - Rosedale
Reference Number:	P:\2015\Cluster B\PLN\City Council\CC15031

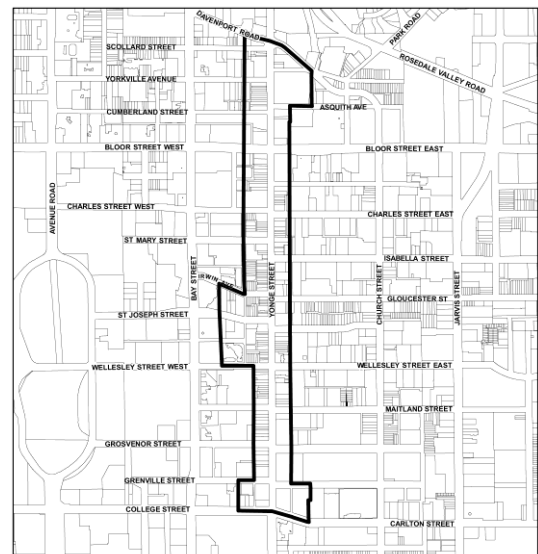
SUMMARY

This report proposes that a Heritage Conservation District Study Area Designation By-law be enacted for a period of one year to prohibit and set limitations with respect to the demolition and exterior alteration of properties in the proposed Historic Yonge Street Heritage Conservation District Study Area. The proposed By-law will protect the integrity of the area while the City completes a council authorized and prioritized heritage conservation district study.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Pursuant to Section 40.1 of the Ontario Heritage Act, City Council enact the Historic Yonge Street Heritage Conservation District Study Area By-law, substantially in accordance with the draft by-law attached as Attachment 1 to the report (February 11, 2015) from the Chief Planner and Executive Director, City Planning Division, for a period of one year to prohibit and set limitations with respect to the alteration, demolition or removal of buildings or structures within the study area boundaries, while the City completes a heritage conservation district study.



TORONTO City Planning
Study Area

Historic Yonge Street
Heritage Conservation District



Not to Scale
12/2/2014

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft By-law as may be required.

Financial Impact

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

DECISION HISTORY

Historic Yonge Street was nominated for study as a heritage conservation district by the Bay Cloverhill Community Association and the Church Wellesley Neighbourhood Association, through the City's nomination process outlined in "Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference" (January 2012).

At its meeting on October 2, 3 and 4, 2012, City Council authorized Historic Yonge Street for a Heritage Conservation District Study.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

ISSUE BACKGROUND

City Planning is currently assessing the cultural heritage value of Yonge Street between Davenport Avenue and College Street, as part of undertaking a heritage conservation district (HCD) study to meet the requirements of the Ontario Heritage Act.

Properties located in the Historic Yonge Street HCD study area that have not been listed or designated under the Ontario Heritage Act are at risk of demolition as the City cannot deny or withhold a demolition permit where the applicant has complied with all applicable law. Similarly, the owner of a property within the study area that has not been designated can currently obtain a building permit that could result in the permanent alteration of a building's exterior appearance.

Under section 40.1 of the Ontario Heritage Act, municipalities have the option to enact a heritage conservation district study area by-law to maintain the stability and integrity of the area while a study is being undertaken, but before a heritage conservation district designation by-law is passed and a heritage conservation district plan is adopted by Council.

Context

Historic Yonge Street has been identified as likely to meet the criteria for determination of cultural heritage value under the Ontario Heritage Act. The area's significance lies in the area's role as Toronto's main street with a continuous presence of retail and commercial uses at grade and as the key corridor from Toronto to the interior of the province since the city's earliest days.

The study area contains 257 properties. Approximately seventy-five per cent of the buildings in the study area were built between 1870 and 1930 and many are similar in their use of brick and stone masonry, architectural detailing and high quality of design and construction. Despite their age, architecture and unity, and the important connection

that they have to the history of Toronto and its premier main street, eighty-nine percent of all of properties in the study area are not protected by any individual heritage designation.

COMMENTS

HCDs are an important part of the heritage planning framework in Ontario and the City of Toronto. They serve to ensure that historically significant neighbourhoods and areas are protected and reflect Toronto as a place and people through their cultural heritage values and characteristics. HCDs are maintained so that every Torontonian, present and future, can appreciate and take pride in the City's rich cultural heritage. Toronto currently has twenty heritage conservation districts, seven more are currently under study and sixteen are awaiting prioritization.

An HCD study inventories and examines the character and appearance of a study area, including its buildings, structures, streetscape and other property features, to determine if a specified area qualifies for designation as a heritage conservation district under Part V of the Ontario Heritage Act. The study also examines and recommends geographic boundaries, considers and makes recommendations as to the objectives of the designation and the content of the heritage conservation district plan and makes recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws.

An HCD study area by-law can prohibit or set limitations with respect to the alteration, erection, demolition or removal of buildings or structures, or classes of building or structures, in the study area, for up to one year. A heritage conservation district study area by-law comes into force upon enactment, although the by-law can be appealed to the Ontario Municipal Board by any person within 30 days of the publication of notice of the by-law.

Although a HCD study area by-law generally limits and prohibits change to the exterior appearance of properties for one year, the proposed by-law set out in Attachment 1 allows for unrestricted interior alterations that have no exterior impact, and for the installation of signs in accordance with the Municipal Code. Routine maintenance and repair are permitted. Further, the by-law does not affect the processing of planning applications, the adoption of zoning by-laws or official plan amendments, the granting of variances by the Committee of Adjustment or any other city approvals required by City Planning or other divisions.

Finally, the by-law proposes that the owners of the twenty-eight properties located within the study area that are presently designated under Part IV of the Ontario Heritage Act be permitted to undertake alterations in accordance with the requirements of the Ontario Heritage Act and the Municipal Code, although they will not be permitted to demolish during the study period. It is also proposed that Council may continue to designate individual properties under Part IV of the Ontario Heritage Act during the one year

period, and that once designated the owners of these properties will also be permitted to undertake approved alterations

Rationale for an HCD Study Area By-law

The recent demolition of 1 Bloor Street West (Stollerys) illustrates the inadequate level of existing heritage protection for properties that are not listed or designated within an HCD study area. Since that demolition three more demolition permits have been applied for within the study area and two have been released. The third, a listed building, can only be protected from demolition if heritage staff can research and evaluate the property for Part IV designation, and report to the Toronto Preservation Board and City Council, within 60 days of the owner supplying all the required materials accompanying a notice of intention to demolish a listed building. The practical reality of this is that staff time and resources will have to be redirected from planned studies to emergency reviews.

Without a study area by-law designation for Historic Yonge Street the City cannot proactively protect potential heritage properties in a timely manner as there is insufficient time to evaluate all of the properties at risk.

Demolitions and exterior alterations should be prohibited for a period of one year within the study area boundary. This will provide City Planning staff sufficient time to complete the study. Staff will report to the Toronto Preservation Board, Toronto and East York Community Council and City Council on the findings of the Historic Yonge Street Heritage Conservation District Study prior to conclusion of the one year study period.

CONCLUSION

The purpose of the proposed HCD study area by-law is to protect the integrity of Historic Yonge Street while the City completes a Council authorized and prioritized heritage conservation district study. If a heritage conservation district study area by-law is not enacted, staff are concerned that properties within the study area will be at risk of demolition or exterior alteration that could diminish the heritage value of the area before a HCD designation by-law is passed, and an HCD plan is adopted by Council.

Although a HCD study area by-law generally limits and prohibits change to the exterior appearance of properties for one year, the proposed by-law allows for unrestricted interior alterations that have no exterior impact, allows for the installation of signs in

accordance with the municipal code and permits routine maintenance and repair. The by-law does not affect the processing of planning applications, the adoption of zoning by-laws or official plan amendments, the granting of variances by the Committee of Adjustment or any other city approvals required by City Planning or other divisions.

CONTACT

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SIGNATURE

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Chief Planner and Executive Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Historic Yonge Street - Designation Study Area By-law

Authority: MM __, moved by Councillor Kristyn Wong-Tam, seconded by Councillor McConnell, as adopted by City of Toronto Council on February 10 and 11, 2015

CITY OF TORONTO

Bill No.

BY-LAW No. -2015

To designate Historic Yonge Street as a Heritage Conservation District Study Area.

Whereas the area known locally as Historic Yonge Street and shown outlined in bold on Schedule "A" attached to this by-law, includes a concentration of residential/mixed use/commercial/ main street properties that represent a key period in the City of Toronto's development and which may have cultural heritage significance; and

Whereas the purpose of a heritage conservation district study is to examine the character and appearance of an area to determine if the area should be preserved as a heritage conservation district and to consider and make recommendations with regard to the establishment of a district plan to guide changes to properties located within the district; and

Whereas the *Ontario Heritage Act* provides that if the council of a municipality undertakes a study of a heritage conservation district, the council may, by by-law, designate the area specified in the by-law as a heritage conservation study area for a period of up to one year; and

Whereas the *Ontario Heritage Act* provides that a heritage conservation district study area by-law may prohibit or set limitations with respect to the alteration of property and the erection, demolition or removal of buildings or structures, or classes of buildings or structures within the heritage conservation district study area;

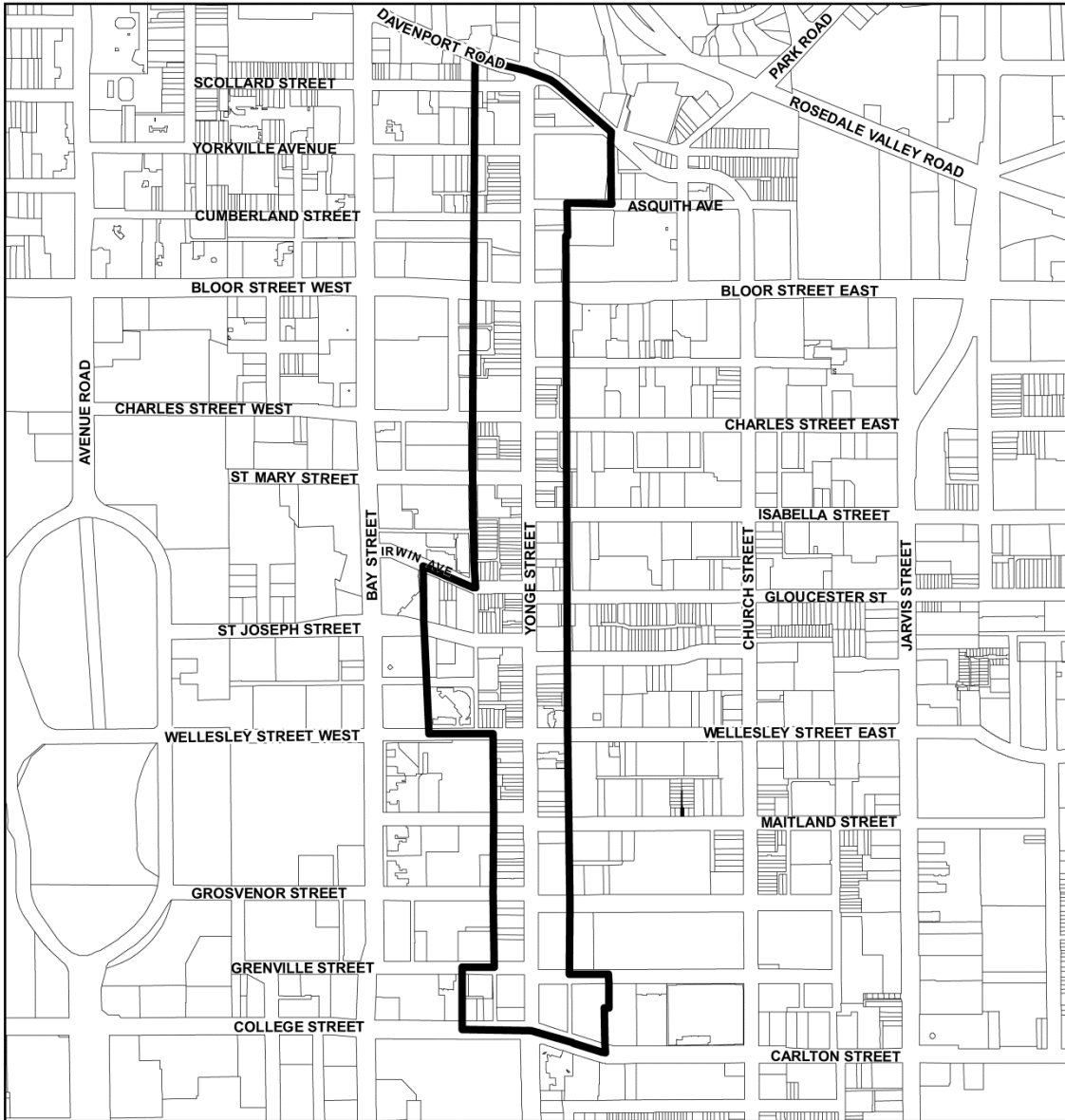
The Council of the City of Toronto enacts:

1. The area shown outlined in bold on Schedule "A" attached this by-law (the "Historic Yonge Street Heritage Conservation District Study Area") is designated as a heritage conservation district study area for a period of one year from the date of enactment of this by-law.
2. The City shall undertake a heritage conservation district study in the Historic Yonge Street Heritage Conservation District Study Area in accordance with the requirements of the *Ontario Heritage Act*, for the purpose of examining the character and appearance of the area to determine if the area, or any part of the area should be preserved as a heritage conservation district and to make recommendations with respect to the content of a heritage conservation district plan.

3. During the period of one year from the date of enactment of this by-law (the "Study Period"), no person shall:
 - (a) alter or permit the alteration of any property situated in the Historic Yonge Street Heritage Conservation District Study Area, save and except for routine maintenance and repairs and the minor alterations not materially affecting the property or any building or structure located on the property more particularly set out in Schedule "B" attached to this by-law; or
 - (b) erect, demolish or remove or permit the erection, demolition or removal of any buildings or structures within the Historic Yonge Street Heritage Conservation District Study Area,
 - (c) despite subsection 3(a) above, where a property within the Historic Yonge Street Conservation District Study Area has been designated by by-law under Part IV of the *Ontario Heritage Act*, the Owner may apply to Council or the Minister of Tourism, Culture and Sport, as applicable, for consent to alter the property in accordance with section 33 or 34.5 (4) of the *Ontario Heritage Act*.
4. During the Study Period, Council may continue to designate properties in the Study Area under section 29 of the Ontario Heritage Act. Once designated, subsection 3(c) shall apply to the designated property.
5. That portion of the property known municipally as 2 Bloor Street West located west of Mayfair Mews and within the Study Area boundary is not subject to this by-law.
6. The City Clerk shall cause a copy of this by-law to be served upon the owners of all of the properties within the Historic Yonge Street Conservation District Study Area within 30 days of the passage of this by-law and upon the Ontario Heritage Trust and to cause notice of this by-law to be posted on the City's web site for a period of 30 days in accordance with Municipal Code Chapter 162, Notice, Public, Article II, § 162-4.1, Notice requirements under the *Ontario Heritage Act*.

Enacted and passed on February , 2015.

SCHEDULE "A"
HISTORIC YONGE STREET HERITAGE CONSERVATION DISTRICT STUDY
AREA



Study Area

**Historic Yonge Street
Heritage Conservation District**



Not to Scale
12/2/2014

SCHEDULE "B"
ROUTINE WORKS AND MINOR ALTERATIONS PERMITTED
DURING THE STUDY PERIOD

In accordance with subsection 3(a) of this by-law, the following shall be considered minor alterations not materially affecting the property or any building or structure located on the property that the owner of a property may carry out or permit to be carried out during the Study Period:

- Works on the interior of a building or structure that have no impact on the exterior of the building or structure;
- Installation, removal or alteration of signage, in accordance with the Municipal Code, Chapter 694.