

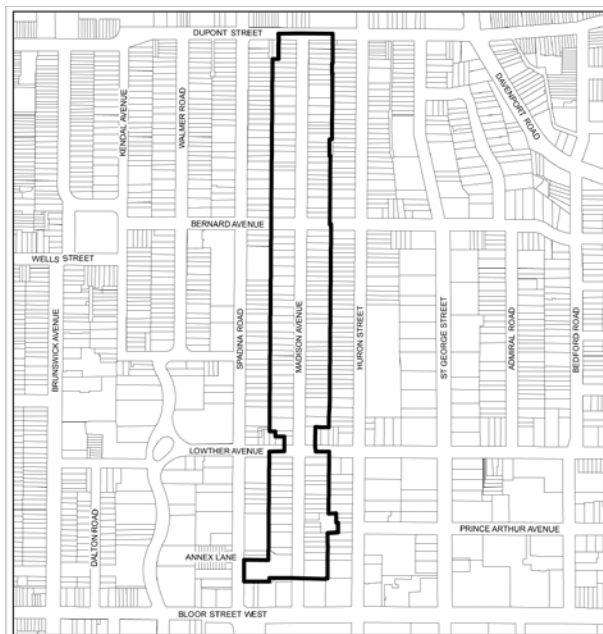
**Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act**

<b>Date:</b>	July 7, 2015
<b>To:</b>	Toronto Preservation Board Toronto and East York Community Council
<b>From:</b>	Director, Urban Design, City Planning Division
<b>Wards:</b>	Ward 20 – Trinity Spadina
<b>Reference Number:</b>	P:\2015\Cluster B\PLN\TEYCC\TE15086

**SUMMARY**

This report recommends that City Council designate the area referred to as the West Annex Phase 1 (Madison Avenue), identified in the map to the right, as a Heritage Conservation District (HCD) and adopt an HCD Plan by by-law under Part V of the Ontario Heritage Act.

The study of Madison Avenue, between Dupont Street and Bloor Street West, for designation as a HCD was led by the Annex Residents' Association (ARA) with their heritage consultant, Catherine Nasmith Architect. Heritage Preservation Services staff have reviewed the HCD Study & Plan to ensure it was prepared in accordance with provincial legislation and the Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference.



Toronto City Planning  
**Madison Avenue  
Heritage Conservation District**  
 District Boundary

↑  
Not to Scale  
03/04/2015

Heritage Preservation Services staff also held a community consultation meeting in mid-April and a period of public consultation concluded on May 15, 2015.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. In accordance with Section 41 of the Ontario Heritage Act, City Council designate by by-law the area shown on Attachment No. 1 to the report (July 7, 2015) from the Director, Urban Design, City Planning Division, as the West Annex Phase 1 (Madison Avenue) Heritage Conservation District.
2. City Council adopt by by-law the West Annex Phase 1 (Madison Avenue) Heritage Conservation District Part II: Plan, dated May 2015, as the district plan for the Madison Avenue Heritage Conservation District, attached as Attachment No. 3 to the report (July 7, 2015) from the Director of Urban Design, City Planning Division.
3. If there are any objections to the by-law under Section 41 of the Ontario Heritage Act, the City Solicitor be directed to appear before the Ontario Municipal Board to defend the by-law.

### **Implementation Points**

In accordance with Section 41 of the Ontario Heritage Act, a Heritage Conservation District designation comes into force at the end of the 30-day appeal period following City Council's passage of the by-law, if there are no objections. In the case of an appeal the matter will be referred to the Ontario Municipal Board (OMB) for a hearing. Should the OMB approve all or part of the by-law, the by-law comes into force when the OMB issues its decision, provided the OMB approves the by-law.

### **Financial Impact**

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

### **DECISION HISTORY**

City Council, at its meeting of October 28, 2004 adopted a heritage conservation district study area under Part V of the Ontario Heritage Act for Madison Avenue:

<http://www.toronto.ca/legdocs/bylaws/2004/law0986.pdf>

City Council, at its meeting of March 5, 2012 adopted the document titled, "Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference" (January 2012), Attachment 1 of the report (January 25, 2012) from the Chief Planner and Executive Director, City Planning for the nomination, studying and planning of heritage conservation districts in Toronto:

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-44992.pdf>

## **Legislative framework**

### **Provincial Policy Statement and Planning Act**

The Planning Act and associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

Provincial Policy Statement 2.6.1 reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

### **Ontario Heritage Act**

The Ontario Heritage Act (OHA) is the key piece of legislation for the conservation of heritage resources in Ontario. It regulates, among other things, how municipal councils can identify and protect heritage resources, including archaeology, within municipal boundaries. This is largely achieved through designation of individual properties under Part IV of the OHA, or designation of entire districts under Part V.

Part V of the OHA empowers municipalities to designate any defined area as a heritage conservation district (HCD). Part V designation enables municipal councils to guide change in an HCD through the adoption of an HCD Plan containing policies and guidelines for the conservation of the district's heritage character.

Prior to designating a district, City Council must undertake an HCD Study to determine if the area merits designation. Section 40 (2) of the OHA identifies the scope and required components of an HCD study. These include: an analysis of the character and appearance of the district; recommendations for the district's boundaries; recommendations for the objectives of the HCD Plan; and recommended changes to the Official Plan and municipal by-laws, including zoning by-laws.

Section 41.1 describes the requirements for the HCD Plan, including: a statement of objectives; a statement of district significance; a description of heritage attributes; policies, guidelines and procedures for achieving the stated objectives; and a description of alterations that may be undertaken by property owners without obtaining a heritage permit.

The designation of an HCD is accompanied by the adoption of an HCD plan by by-law, as required by the Ontario Heritage Act. The HCD Plan, once adopted by City Council, will provide an effective heritage planning framework for the protection, conservation and management of the attributes and heritage resources of the Madison Avenue district so that the area's historic significance, cultural heritage value, and character are protected in the long-term. Part V designation also gives property owners access to the City's heritage incentive programs to assist with eligible conservation work as outlined in the HCD Plan.

## **Official Plan**

Amendment No. 199 to the Official Policies provides the City's policy framework for heritage conservation in the City. OPA 199, Policy 30 states that, "Potential Heritage Conservation Districts will be identified and evaluated to determine their significance and cultural heritage values, in a Heritage Conservation District study. Heritage Conservation Districts that have been evaluated to be *significant* for their cultural heritage value will be designated and *conserved*."

Consistent with the PPS, the OP requires that all alterations and demolitions on properties adjacent to properties on the Heritage Register, including Heritage Conservation Districts, will be evaluated against Policy 26 in OPA 199.

## **BACKGROUND**

As stated in Amendment no. 199 to the Official Plan, "Cultural heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable city that can contribute to other social, cultural, economic and environmental goals of the City". Heritage Conservation Districts (HCDs) are distinct areas in our city, comprised of a collection of buildings, streets and landscapes that together form a unique character with significant heritage value.

In 2004, the Annex Residents' Association initiated Phase I of a future West Annex HCD. This work commenced prior to amendments to the Ontario Heritage Act and City Council's endorsement of the City of Toronto's *Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference (HCDs in Toronto)* in 2012. Significant changes to the Ontario Heritage Act and the Provincial Policy Statement in 2005 prompted the City to develop a terms of reference for designation of HCDs in Toronto.

By the time a draft HCD study and plan for Madison Avenue was submitted in May 2010, the City had already initiated the development of a terms of reference for the study and planning of HCDs and was not in a position to designate new HCDs until its completion. Subsequent to Council adoption of *HCDs in Toronto*, City staff coordinated with the ARA and Catherine Nasmith Architect to revise the draft Madison Avenue HCD Study & Plan for consistency with the newly adopted policies. The City received a final draft of the ARA report in April 2015.

Staff undertook an internal review of the draft that resulted in some minor changes to the HCD Plan related to consistency of language (definitions and terms) with the City of Toronto's Official Plan and the HCDs in Toronto: Procedures, Policies and Terms of Reference. These changes have been incorporated in the district study and plan attached to this report as the West Annex Phase 1 (Madison Avenue) Heritage Conservation District Study & Plan (Attachment No. 2). On April 13, 2015, City staff held a public meeting with area residents to discuss a draft of the HCD Study & Plan. The residents that attended the meeting were generally supportive of the district.

## **COMMENTS**

### **Study Overview**

Staff have reviewed the West Annex Phase 1 (Madison Avenue) Heritage Conservation District (HCD) Study & Plan, prepared by Catherine Nasmith Architect and the Annex Residents' Association (ARA), dated May 2015 and are satisfied that it meets the requirements of the Ontario Heritage Act (OHA) and is consistent with the City of Toronto's *Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference*.

### **Madison Avenue HCD Part I: Study**

The HCD study, contained in Part I of the ARA report, was undertaken to address the requirements of Section 40 (2) of the OHA.

The Study included public consultation, historical research, and analysis. Neighbourhood volunteers, through the ARA community research team, researched historical data and compiled property datasheets for each property within the study boundary. The volunteers established dates of construction, builders, ownership since construction and other information, whenever available. The study recommended:

- That Madison Avenue qualifies for designation under Part V of the Ontario Heritage Act as a Heritage Conservation District; and
- That the boundaries of the HCD exclude the Bloor Street properties included in the study area due to inconsistencies of character, built form, period of development, scale and materials.

A community consultation meeting for all property owners in the study area was conducted on November 3, 2005 to discuss initial study findings and gather input on heritage character and goal setting for the district. Councillor Olivia Chow attended the meeting.

### **Madison Avenue HCD Part II: Plan**

The HCD plan, contained in part II of the ARA report, satisfies the provincial legislative requirements of Section 41.1 (5) of the OHA. The HCD plan includes a statement of significance, policies for demolition control and management of the district and guidelines for alteration and new construction.

## **Proposed Boundary**

The West Annex Phase 1 (Madison Avenue) Heritage Conservation District consists of properties on Madison Avenue from Dupont Street to just north of Bloor Street West. It includes the empty lots north of Bloor Street West over the subway station and Paul Martel Park (formerly Ecology Park), but excludes properties fronting on Bloor Street West (see Attachment No.1).

Over the course of the study it was determined to exclude the Bloor Street West properties despite their inclusion in the original study area boundary. This is due to the demolition of the original buildings on these properties that were associated with the plan of subdivision for Madison Avenue, registered in 1885.

The Toronto and East York Community Council has requested City Planning staff to undertake a Bloor Corridor/Annex Block Study of properties on the north side of Bloor Street West, between St. George Street and Walmer Road, to assist in assessing the appropriate height and massing for a proposed development.

Although the ARA report recommended that the Downtown Tall Buildings Guidelines for areas on Bloor Street adjacent to the HCD be amended to be consistent with the Zoning By-law, the consultant's recommendation was not included in the HCD Plan (Part II) because it is not consistent with existing City planning policies for the portion of Bloor Street West. Once the HCD by-law is in force, the City's Official Plan Heritage Policies related to adjacent development will be used to guide appropriate neighbouring development.

## **Cultural Heritage Value & Integrity**

The HCD study found that Madison Avenue has significant cultural heritage value as an intact "Toronto Annex" streetscape and merits designation under the Ontario Heritage Act. A Statement of Significance has been created for the district as required by the Ontario Heritage Act (see Attachment No. 4).

The Madison Avenue Heritage Conservation District possesses sufficient integrity to communicate the cultural heritage values expressed in the plan. The district retains its early built form integrity, its cohesive and intact scale and massing and the aesthetic value expressed in its streetscape and private landscapes.

## **Built Form and Current Conditions**

Madison Avenue, located to the west of Spadina Road and between Dupont Street and Bloor Street West, is a north-south street lined with two-and-a-half storey, house-form, brick buildings built predominantly between 1885-1925. Madison Avenue is an intact "Toronto Annex" streetscape with well-preserved, fine examples of residential architecture. Madison Avenue is considered the origin of the "Toronto Annex" residential architectural style that is found across the larger Annex neighbourhood with the house at 37 Madison Avenue, designed by E.J. Lennox in 1887, cited as the first example of the style.

The built form is characterized by the pattern of brick houses with front facing gables and fine architectural details – unglazed terracotta, carved stone, decorative windows, front porches, etc. Buildings are set back from the street with landscaped front yards, expanding the soft landscaped public boulevard with mature tree canopy.

Several houses were listed on the Heritage Register in the 1970s, primarily as a response to the threat of the Spadina Expressway, which would have demolished the western portion of Madison Avenue.

A large proportion of houses along Madison Avenue were designed and/or built by prominent Toronto architects and builders. Although some unsympathetic alterations have occurred, the overall integrity of the area is remarkable.

### **District Guidelines**

The HCD Plan for the West Annex Phase 1 (Madison Avenue) Heritage Conservation District (HCD) will be registered by by-law and contains guidelines that are intended to provide assistance to all those proposing and reviewing alterations, new construction and demolition in the district (see Attachment No. 3 for the HCD Plan). The guidelines conserve the heritage attributes of the district and aim to ensure that development in the district maintains or complements its unique character as defined in the Statement of District Significance and are intended to conserve the heritage attributes of the district (see Attachment No. 4).

The HCD Plan identifies "contributing properties" that contribute to the heritage value of the district. The guidelines state that "contributing properties" shall not be demolished. In accordance with Article IV of Chapter 103, Heritage, of the Municipal Code, proposals that comply with the guidelines set out in the HCD Plan may be approved by staff, while proposals that do not comply or that involve demolition, will require City Council approval. Applicants are encouraged to consult with staff prior to making an application.

The plan provides an overview of the heritage permit process and provides advice to property owners regarding the specific works to their property which would require a heritage permit.

### **CONCLUSION**

The West Annex Phase 1 (Madison Avenue) Heritage Conservation District Study & Plan concludes that the area merits designation as a Heritage Conservation District under Part V of the Ontario Heritage Act. The HCD Plan defines the boundaries and heritage character of the area and provides objectives, guidelines for demolitions, alterations and new development in order to conserve and complement the heritage value of the district.

The HCD Plan, once adopted, will enable Council to conserve the heritage character of Madison Avenue and manage and guide future change in accordance with the Official Plan and the Ontario Heritage Act.

City Planning staff recommend designation of the district under Part V of the Ontario Heritage Act, including adoption by by-law of the West Annex Phase 1 (Madison Avenue) Heritage Conservation District Plan.

## **CONTACT**

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## **SIGNATURE**

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City Planning Division

## **ATTACHMENTS**

- Attachment No. 1 – West Annex Phase 1 (Madison Avenue) Heritage Conservation District – Boundary
- Attachment No. 2 – West Annex Phase 1 (Madison Avenue) Heritage Conservation District Part I: Study
- Attachment No. 3 – West Annex Phase 1 (Madison Avenue) Heritage Conservation District Part II: Plan
- Attachment No. 4 – West Annex Phase 1 (Madison Avenue) Heritage Conservation District Statement of District Significance