

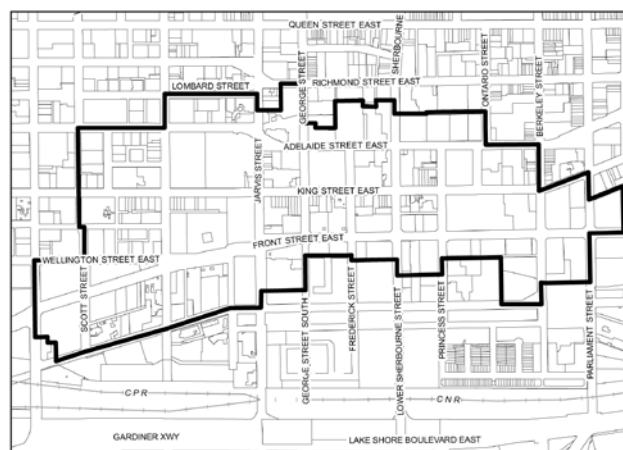
## Designation of the St. Lawrence Neighbourhood Heritage Conservation District under Part V of the Ontario Heritage Act

Date:	October 19, 2015
To:	Toronto Preservation Board Toronto and East York Community Council
From:	Director, Urban Design, City Planning Division
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	P:\2015\Cluster B\PLN\TEYCC\TE15128

### SUMMARY

This report recommends that City Council designate the area referred to as the St. Lawrence Neighbourhood, identified on the map, 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 the St. Lawrence Neighbourhood, for designation as a HCD was led by Heritage Preservation Services and its consultant, Fournier Gersovitz Moss Drolet Architectes (FGMDA). Heritage Preservation Services staff have reviewed the HCD Plan to ensure it was prepared in accordance with provincial legislation and Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference.



 **Toronto**

Proposed Boundary

**St. Lawrence  
Heritage Conservation District**



Not to Scale  
10/5/2015

## 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 (October 19, 2015) from the Director, Urban Design, City Planning Division, as the St. Lawrence Neighbourhood Heritage Conservation District.
2. City Council adopt by by-law the St. Lawrence Neighbourhood Heritage Conservation District Plan, dated October 2015, as the district plan for the St. Lawrence Neighbourhood Heritage Conservation District, attached as Attachment No. 5 to the report (October 19, 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, City Council direct the City Solicitor 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 upholds 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 September 28, 29 and 30, 2005 adopted a heritage conservation district study area under Part V of the Ontario Heritage Act for St. Lawrence Neighbourhood.

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050928/cofa.pdf>

City Council, at its meeting of October 26 and 27, 2009 amended the study area boundary to include lands north of King Street East, to the north side of Adelaide Street East.

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-10-26-cc41-dd.htm>

On March 5, 6 and 7, 2012, City Council adopted the document titled, "Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference" (January 2012) for the nomination, studying and planning of heritage conservation districts in Toronto.

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

On October 2, 3 and 4, 2012, City Council adopted a prioritization system and criteria included in the report (August 16, 2012) from the Acting Chief Planner and Executive Director, City Planning, and directed the Chief Planner and Executive Director, City Planning to initiate the study of the St. Lawrence Neighbourhood study area, as a result of the application of the prioritization criteria.

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

On May 23, 2015, the Toronto Preservation Board endorsed the St. Lawrence Neighbourhood Heritage Conservation District Study, including its recommended boundary and the recommendation to proceed to district designation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB31.3>

## **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 cultural 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 2014) provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial policy-led planning system.

The PPS 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS 2014 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 2014.

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 provincial legislation for the conservation of cultural 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 listing on the City's Heritage Register, designation of individual properties under Part IV of the OHA, or designation of entire districts under Part V of the OHA.

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 objectives, policies and guidelines for the conservation of the district's heritage character. The designation of a heritage conservation district does not preclude designation of individual properties under Part IV of the OHA, and the policies of the HCD Plan will continue to apply to Part IV designated properties.

Prior to designating a district, City Council must undertake an HCD Study to determine if the area merits designation, in accordance with the criteria in Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference. 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 St. Lawrence Neighbourhood HCD 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. In particular, the City's restructured Heritage Property Tax Rebate Program provides tax rebates for owners of eligible commercial property who undertake conservation and maintenance work.

## **Official Plan**

Amendment No. 199 to the Official Plan 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 2014, 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 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.

## **A Coordinated Approach**

Since the Ontario Heritage Act was amended and the issuance of the PPS in 2005, heritage policymaking has become more fully integrated with other planning objectives. This is especially true in Toronto, which is experiencing enormous pressures from growth and development within a complex policy context. In addition, because of the substantial breadth of HCD Plans, which address not only extant built heritage fabric, but also new development, open space and parks, streets and laneways, public works and archaeology, the development of these documents requires a coordinated approach between and within City divisions.

This HCD Plan, while led by Heritage Preservation Services and FGMDA, was undertaken in collaboration with the Community Planning, Urban Design and Public Realm sections of the City Planning Division, and with Parks, Forestry and Recreation.

In 2013, Heritage Preservation Services (HPS), along with its consultant Fournier Gersovitz Moss Drolet Architectes (FGMDA), initiated an HCD study for the St. Lawrence Neighbourhood. The Study, which was concluded in the spring of 2014, recommended that the area merited designation as an HCD on the basis of its historical, associative, physical, contextual, social and community values. The Study also recommended that an HCD be designated within a reduced boundary, excluding the lands generally situated south of the Esplanade, due to their distinct physical character and later period of development, and further suggested that these lands may be appropriate for a study as a separate HCD. The Study also recommended that the HCD Plan area be expanded to include some properties on the north side of Adelaide Street West, and the 51 Division police station on Parliament Street.

On May 23, 2014, the Toronto Preservation Board received a staff report and endorsed the HCD Study and its recommendations, including the revised boundary and the recommendation to proceed with the development of a Plan for the St. Lawrence Neighbourhood HCD.

In September 2014, HPS initiated the plan phase for the St. Lawrence Neighbourhood HCD, engaging FGMDA to prepare the HCD Plan. This phase of work in support of the HCD Plan objectives and Statement of Cultural Heritage Value and Interest included additional built-form analysis and 3D modelling, extensive community and stakeholder consultation and policy development.

The St. Lawrence Neighbourhood Heritage Conservation District (HCD) Plan will be enacted by by-law, and the Part V designation will be registered on the title of each property in the district. Owners of property within the district boundary will be notified of the enactment of the designation by-law.

## **Community Consultation**

The project team held two community consultation meetings during the HCD plan phase of the project, along with targeted stakeholder meetings. The first community consultation was held on March 23, 2015. Community members were given an opportunity to review the preliminary policy direction, to provide feedback, voice concerns and ask questions. This meeting resulted in refinements to the content of the plan for clarity and a minor revision to the boundary, as described below.

The second community consultation meeting was held on October 6, 2015. Prior to this meeting, a digital copy of the draft HCD Plan was made available for public review. At the meeting, the consultant team presented the draft Plan and received additional feedback from the community on its content and policy direction.

Throughout the Plan development process, the consultants held targeted stakeholder meetings with a number of parties, including the St. Lawrence Neighbourhood Association, the St. Lawrence Market BIA and numerous owners of property in the proposed district. On September 30, 2015, an open house was held for community stakeholders to preview the October 6 community consultation presentation material.

## **COMMENTS**

### **St. Lawrence Neighbourhood HCD Plan**

City Planning staff have reviewed the St. Lawrence Neighbourhood HCD Plan, prepared by Fournier Gersovitz Moss Drolet Architectes (FGMDA), dated October 2015, and are satisfied that it meets the provincial legislative requirements of the Ontario Heritage Act (OHA). The HCD plan includes a statement of cultural heritage value and interest, a statement of objectives for the HCD, policies and guidelines for conservation of contributing properties, alterations, new construction and infill, policies for streetscapes and open spaces, demolition control and archaeology. The St. Lawrence Neighbourhood HCD Plan is consistent with the City of Toronto's *Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference*.

Staff from the Legal Services, Transportation Services and Parks, Forestry and Recreation divisions have also reviewed this Plan and have provided comments.

### **Proposed Boundary**

The proposed boundary for the St. Lawrence Neighbourhood HCD is consistent with the boundary proposed in the HCD study, with the exception of the addition of a single property at 1 Scott Street. This addition was made to ensure that development on the north side of the Esplanade is consistent and compatible with the HCD.

The proposed HCD Plan area generally includes those lands situated within the boundary of Adelaide Street East to the north, Yonge/Victoria Streets to the west, the Esplanade/Front Street East to the south, and Parliament Street to the east. (see Attachment No.1)

## **Cultural Heritage Value or Interest**

As a result of the additional built form analysis and community consultation work, refinements were made to the district's Statement of Cultural Heritage Value and Interest, which is a required component of the Plan under the Ontario Heritage Act. The refinements were largely undertaken to ensure clarity and consistency of language. The complete statement can be found in Attachment 2.

In brief, the St. Lawrence Neighbourhood HCD's cultural heritage value is based on its historical significance as the birthplace of the town of York, including its original ten blocks, its distinct physical character with an intact collection of 19<sup>th</sup> century commercial warehouse and industrial type buildings and, its contextual, social and community significance due to the presence of numerous institutions and landmarks.

### **Character Sub-Areas**

While there are shared heritage values and physical character throughout the district, the Plan identifies six Character Sub-Areas. The Sub-Area framework provides a more nuanced and context-specific understanding of the district's character. This framework informs policies for new construction, including additions and infill, so that development will be more responsive to, and compatible with the character of its immediate context. The character sub-areas are as follows:

- King-St. James
- Court House
- Flatiron
- Market
- Adelaide Street
- Front Street

## **Contributing and Non-Contributing Properties**

The HCD Plan identifies properties as "contributing" or "non-contributing". Contributing properties are those that support the identified significant cultural heritage values, character and integrity of the district. Contributing properties were identified through a review of a Built Form Inventory sheet for each property that was prepared during the Study phase, in order to identify whether the property meets at least two of the following criteria:

- Property is on the City of Toronto's Heritage Register
- Property belongs to one of the District's three Building Typologies
- Commercial Warehouse Buildings, Industrial Buildings or Landmark Buildings (*Section 3.2*)
- Property's age links it clearly to the history of the District

Managing change on non-contributing properties is also critical to protecting the character of the district and, for this reason, the Plan contains policies intended to inform property owners how they can ensure that proposed interventions on these properties are compatible with the district's character in order to mitigate potential impacts.

## **Statement of Objectives**

The Ontario Heritage Act requires that HCD plans contain a statement of objectives to be achieved in designating the district. These objectives are an important link between the values identified in the Statement of Cultural Heritage Value and Interest, and the policies which are intended to conserve those values. The objectives were refined from those contained in the Study, including being consolidated and simplified to better reflect how the policies and guidelines approach conservation and the management of change in the district.

The overall objective of the Plan is to protect and conserve the cultural heritage value and interest of the District as manifested by its heritage attributes, in order to preserve these qualities for the benefit of current and future generations. The statement of objectives further identifies objectives that are linked to the identified values of the district. (See Attachment No. 3)

## **District Policies and Guidelines**

The HCD Plan for the St. Lawrence Neighbourhood Heritage Conservation District contains guidelines that are intended inform decisions on alterations, new construction and demolition in the district (see Attachment No. 5 for the HCD Plan). The guidelines conserve the heritage attributes of the district and will ensure that development in the district maintains or complements its unique character as defined in the Statement of Cultural Heritage Value and Interest. (Attachment No. 2). This is consistent with the Ontario Heritage Act, which requires the plan to include "policy statements, guidelines and procedures for achieving the stated objectives and managing change" in the district.

In the HCD Plan, policies are broader statements intended to achieve the district objectives, and are supported by guidelines that provide more detailed guidance for how proposed work must be undertaken to comply with the policies.

The policies and guidelines contained in the Plan have been developed following a detailed review of existing planning policies for the district and discussion with City Planning staff. They are intended to complement existing policies, and to inform any future policy development.

## **Policies and Guidelines for Contributing Properties**

The policies and guidelines for contributing properties are focused on conservation, and are largely informed by the federal Standards and Guidelines for the Conservation of Historic Properties in Canada. The City's Official Plan requires that properties on the Heritage Register be conserved and maintained consistent with the Standards and Guidelines, and this HCD Plan gives context-specific guidance on how to achieve that consistency. The conservation policies address a broad range of building elements, including entrances, windows, roofs and exterior walls.

The Plan also contains policies for additions to contributing properties, in order to ensure that they are sympathetic to the heritage attributes of the property and the larger district.



These policies identify appropriate setbacks, angular planes and setbacks, which vary by character sub-area; in this way, they are intended to be context-specific.

The Plan prohibits demolition of contributing properties, except in very specific circumstances, where:

- the heritage integrity and value of the contributing property has been lost
- the loss of heritage integrity and value of the contributing property is not the result of demolition by neglect, deferred maintenance or purposeful damage to the property

Dismantling of a building for the purpose of relocation or reconstruction is considered a demolition.

Additional special policies address the particular characteristics of the two predominant building typologies in the district, commercial warehouses and industrial buildings, as well as for buildings identified as landmarks.

Other policies address less heritage-specific topics, such as commercial signage, sustainability and code compliance, which nonetheless can have an impact on the integrity of contributing properties and the district.

### **Policies and Guidelines for Non-contributing Properties**

The policies and guidelines for non-contributing properties focus mainly on additions, new construction and infill development. These policies intend to ensure that development in the district is compatible with its heritage character. Among other matters, the policies address massing, streetwall composition, shadows and the treatment of corner lots.

The Plan contains additional policies and guidelines that are not development-specific, but address alterations to non-contributing properties that are more minor in nature. These policies seek to ensure that alterations to non-contributing properties do not detract from the district's heritage character, and address such matters as commercial signage, appropriate cladding materials and placement of mechanical elements.

Buildings on non-contributing properties may be demolished, but only upon approval of a replacement building. The replacement building must conform to the policies and guidelines for non-contributing properties.

### **Adjacency to the District**

The City's Official Plan policies for properties adjacent to a property on the heritage register apply.

### **Policies and Guidelines for Streetscapes and Open Spaces**

These policies build on existing previous studies, guidelines and plans, including but not limited to the King-Parliament Secondary Plan, the City of Toronto Streetscape Manual,

the St. Lawrence Neighbourhood Focused Urban Design Guidelines and the Heritage Lighting Master Plan for Old Town Toronto.

These policies and guidelines, which will be largely implemented by the City during phases of capital improvements, and by private landowners during development, address lighting, street trees, public art and views. The policies also recognize the importance of the historic street and block pattern, and encourage the retention and extension of mid-block connections through the laneway system.

The policies also recognize the importance of parks and other open spaces, and seek to ensure that historical public access and visual relationships are maintained.

## **Archaeology**

The City's Official Plan policies for archaeological resources apply for the Plan area. In addition, the HCD Plan identifies properties that are within areas of archaeological potential, and describes six categories of work that may require an archaeological assessment, depending on the sensitivity of a particular area. Properties subject to the archaeology policies include both contributing and non-contributing resources.

These policies have been developed in accordance with the City of Toronto Archaeological Management Plan. The research and analysis undertaken for the HCD Plan will inform ongoing updates of the Archaeological Management Plan.

## **Implementation**

The Plan identifies circumstances when a Heritage Impact Assessment will or may be required, for both contributing and non-contributing properties.

The Plan also describes the heritage permit process, including categories of work for which no heritage permit is required.

## **CONCLUSION**

The proposed St. Lawrence Neighbourhood Heritage Conservation District has cultural heritage significance that stretches back to the origins of the city of Toronto, and district designation will provide a much-needed framework to help conserve the character of this important neighbourhood.

The St. Lawrence Neighbourhood HCD Plan defines the boundaries of the area, describes its heritage value and interest, states objectives to be achieved in designating the HCD, and provides guidelines for demolitions, alterations and new development that will conserve and complement the heritage value of the district.

The HCD Plan was undertaken in a coordinated approach within City Planning and with other City divisions, and in consultation with the community and targeted stakeholders. Once adopted, the Plan will enable City Council to conserve the heritage character of the St. Lawrence Neighbourhood and to 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 St. Lawrence Neighbourhood Heritage Conservation District Plan.

## **CONTACT**

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## **SIGNATURE**

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## **ATTACHMENTS**

- Attachment No. 1 – St. Lawrence Neighbourhood Heritage Conservation District – Boundary
- Attachment No. 2 – Statement of Cultural Heritage Value and Interest
- Attachment No. 3 – Statement of HCD Objectives
- Attachment No. 4 – Map of Contributing and Non-Contributing Properties
- Attachment No. 5 – St. Lawrence Neighbourhood Heritage Conservation District Statement of District Significance