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November 10, 2015

Toronto and East York Community Council
 Toronto City Hall, 2nd Floor, West Tower
 100 Queen Street West
 Toronto, Ontario M5H 2N2

Attention: Ms. Ros Dyers, Secretariat

Dear Chair and Members of the Toronto and East York Community Council:

Re: Item TE12.11, Designation of the St. Lawrence Neighbourhood Heritage Conservation District under Part V of the Ontario Heritage Act

We are writing to you on behalf of a series of property owners whom we are representing on the matter of the St. Lawrence Neighbourhood Heritage Conservation District Plan and By-law. While these property owners have been generally and strongly in support of heritage conservation and own significant resources within the district, they have specific concerns about lack of clarity in the Plan.

The property owners we represent feel that there is a disproportionate obligation on owners of contributing buildings; the principles and guidelines appear mandatory and, if they are mandatory, will have a negative impact on the financial viability of their properties; and there appears to be no positive benefit in the Plan for property owners. In addition, it is suggested that the boundary for the HCD Plan be extended further south to the railway lines. For these reasons these property owners do not support the Plan in either its draft form, dated September 2015, or its final form, released October 26, 2015.

The following is a list of some of their chief concerns raised.

1. There is no protocol for periodic review of the Plan as is required by policy 31 b) of OPA 199:

*31. Heritage Conservation District studies and plans shall, among other things:
 b) include protocols for amendment and periodic review;*

2. The objectives are excessively broad. This broadness of the objectives can be seen by looking at Objective #2.

Conservation (sic) the Heritage Attributes of the heritage resources as well as the general fabric of the District, including the predominantly one to four storey scale of buildings, and its character as a historic enclave in proximity and in contrast to the density and the built form of nearby areas such as the City's Financial District.

The conservation of the 'general fabric of the District' is not explained in the Plan and appears inconsistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, which has been adopted by the City of Toronto and which defines conservation as: "*all actions or processes that are aimed at safeguarding the character-defining elements of a cultural resource so as to retain its heritage value and extend its physical life.*"

There is a lack of clarity regarding the distinction between the objectives of the plan, the policies and the guidelines. Presumably, a heritage impact assessment would evaluate any potential impact and propose the appropriate mitigation based on the policies and guidelines.

There also appears to be a lack of coherence and alignment between the objectives, which define what the HCD Plan and By-law are trying to achieve, and the policies and guidelines, which provide measures for achieving the objectives. For example, it is unclear which objective the sustainability policy supports. It is equally unclear what measures must be taken to conserve the general fabric of the district.

3. The relationship between policies and guidelines is unclear. The policies are stated in an imperative tone. What is their status and is it the same or different from the guidelines? As examples consider the following policies:

5.13 Maintain all heritage fabric, with inherent qualities that enhance sustainability. Reinstate these features if they have been removed or have deteriorated beyond repair, where appropriate historical documentation exists.

Heritage fabric is a defined term: “all historic building materials including, but not limited to heritage attributes, and included those not visible from the public realm.” Would this mean that a previous window facing onto a lane, now bricked up, would be required to be made operable? Would this be mandatory?

In section 5.19 it is stated as a policy that banners mounted parallel to the building elevation will not be permitted on contributing properties. Would it be possible to consider a circumstance where this type of signage could be accomplished, not conceal significant heritage detailing, and enhance the property? And in that circumstance would compliance with the policy be mandatory?

Similarly the plan requires 5 and 10 metre setbacks in various guidelines. Will it be possible to consider, as a way of understanding how the objectives and guidelines may be used, whether a 9.5 metre setback might be sufficient in certain instances? Is there an analysis that confirms the 10 metre setback as appropriate and will compliance be mandatory?

Overall, there is concern that the proposed St. Lawrence Neighbourhood HCD Plan lacks the clarity and transparency of the Standards and Guidelines and introduces a rigidity and inflexibility through its policies, which run counter to the Standards and Guidelines. The latter recognizes that there may be many potential solutions to achieving an overall objective.

4. While the issue of boundaries was considered in the HCD Study, it is our understanding that the BIA has had a position for some time that the HCD Plan boundary should be extended south to the railway lines, capturing the properties on both the north and south sides of The Esplanade. ERA agrees with the BIA, and believes that the 1970s St. Lawrence Neighbourhood housing development that surrounds David Crombie Park should be protected.

While supportive of good heritage conservation and supportive of the heritage of the St Lawrence Neighbourhood, the following property owners are not supportive of the Plan in its current iteration:

- **Woodcliffe Landmark Properties**, owners of 87 Front St. E., 8-12 Market St., and 105-109 King St. E.
- **Greedy Esplanade Limited**, owners of 56 The Esplanade
- **Market Street Block Inc.** (a York Heritage Properties Limited Partnership), owners of 3-5 Church St. & 74 The Esplanade, and 9-11 Church St. & 67-69 Front St. E.

Yours truly,



Michael McClelland OAA FRAIC CAHP
Principal ERA Architects Inc.