

# King-Spadina - Study Area Designation By-Law

**Date:** December 13, 2016

**To:** City Council

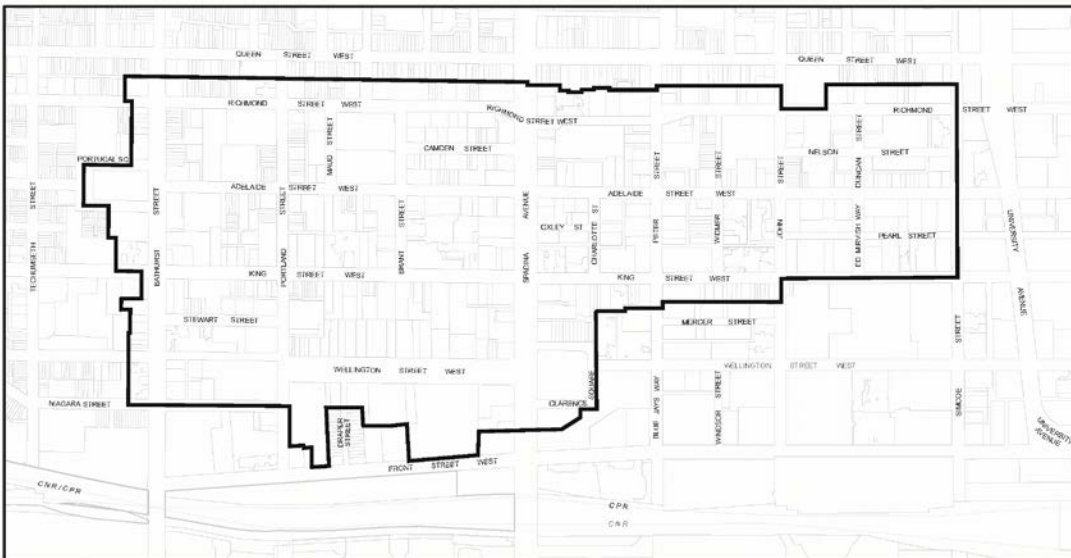
**From:** Chief Planner and Executive Director, City Planning

**Wards:** Ward 20 Trinity-Spadina and Ward 19 Trinity-Spadina

## SUMMARY


This report proposes that a Heritage Conservation District Study Area Designation By-law under the Ontario Heritage Act be enacted for a period of one year to prohibit the demolition or removal of any buildings or structures on those properties that have been identified as potentially contributing to the proposed King-Spadina Heritage Conservation District Study Area, a 45-hectare area in the southwest of the downtown core roughly bounded by Richmond Street West to the north, Simcoe Street to the east, Wellington and King Street West to the south and Bathurst Street to the west.

The proposed By-law will protect the integrity of the area while City Planning is assessing the cultural heritage value of King-Spadina as part of undertaking a heritage conservation district (HCD) study to meet the requirements of the Ontario Heritage Act.



 **Toronto**  
Study Area

King-Spadina  
Heritage Conservation District Study Area

 Study Area Boundary

   
Not to Scale  
December 2016

## **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning recommends that:

1. Pursuant to Section 40.1 of the Ontario Heritage Act, City Council enact the King-Spadina Heritage Conservation District Study Area By-law, substantially in accordance with the draft by-law attached as Attachment 1 to the report (December 13, 2016) from the Chief Planner and Executive Director, City Planning Division, for a period of one year, to prohibit the demolition or removal of any buildings or structures on properties that have the potential to contribute to the cultural heritage value of King-Spadina within the study area boundaries, listed in Schedule "B" to the attached draft by-law.
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**

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The recommendations in this report contain no financial impact.

## **DECISION HISTORY**

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On March 5, 6, and 7, 2012, City Council adopted the document titled "Heritage Conservations 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://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE11.43>

At its meeting on October 2, 3 and 4, 2012, City Council authorized King-Spadina for a Heritage Conservation District Study.

<http://www.toronto.ca/legdocs/mmis/2012/te/bqrd/backgroundfile-49461.pdf>

## **ISSUE BACKGROUND**

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City Planning is currently assessing the cultural heritage value of the area known as King-Spadina, as part of undertaking a heritage conservation district study to meet the requirements of the Ontario Heritage Act (OHA).

Properties location in the King-Spadina study area that have the potential to contribute to the cultural heritage value of King-Spadina are at risk of demolition as the City cannot deny or withhold a demolition permit where the applicant has complied with all applicable law.

Under section 40.1 of the OHA, municipalities have the option to enact a HCD Study Area By-law to maintain the stability and integrity of the area while the study is being undertaken and is restricted to a one year period.

## **Context**

The King-Spadina HCD study area is approximately 45-hectares in the southwest of the downtown, roughly bounded by Richmond Street West to the north, Simcoe Street to the east, Wellington and King Street West to the south and Bathurst Street to the west. There are 565 properties located in the HCD study area, 303 of which potentially contribute to the area's cultural heritage value.

At present City staff are seeking community feedback on draft documents and are engaging with property owners on the proposed HCD Plan.

## **COMMENTS**

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The City of Toronto's Official Plan contains policies that seek to protect and manage cultural heritage resources, including significant buildings, properties, districts, landscapes and archaeological sites. The Official Plan recognizes the contribution of these resources to sustainable development and place making, and provides policies to guide their conservation and wise use. Revisions to the Official Plan in 2015 (OPA 199) have provided clarification and direction on the identification, study and evaluation of cultural heritage resources, including Heritage Conservation Districts (HCD) in Toronto. Section 5.1.3 Heritage Conservation states that HCDs will be protected by being designated under the Ontario Heritage Act.

### **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 archaeological resources, within municipal boundaries. This is largely achieved through designation of individual properties under Part IV, or designation of HCDs under Part V.

Part V of the OHA empowers municipalities to designate any defined area as an HCD. Central to Part V designation is the adoption of an HCD plan, which enables municipal councils to conserve the district's heritage character through the application of policies and guidelines specific to the district.

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

The OHA requires an HCD plan to include "policy statements, guidelines and procedures for achieving the stated objectives and managing change" in the district. A HCD plan contains policies and guidelines that are intended to conserve and enhance the cultural heritage value and heritage attributes of the district. These policies and guidelines will inform decisions on alterations, new construction and demolition in the district.

Under section 40.1 of the OHA, municipalities have the option to enact a HCD Study Area By-law while the study is being undertaken. A study area by-law under section 40.1 of the OHA is restricted to a period of up to one year.

### **Rationale for Proposed HCD Study Area By-law**

The King-Spadina HCD study area is experiencing unprecedented growth and change. Properties located within the study boundary that have not been listed or designated under the OHA are currently at risk of demolition as the City cannot deny or withhold a demolition permit where the applicant has complied with all applicable law. Without a study area by-law designation the City cannot proactively protect potential heritage properties in a timely manner as there is insufficient time and staff resources to evaluate all of the properties at risk.

Since the King-Spadina HCD study commenced in 2012 four properties identified as potentially contributing to the cultural heritage value of the area have been demolished. An additional four properties have recently been proposed for demolition, permits for which could be applied for at any time. Of the properties identified as potentially contributing to the cultural heritage value of King-Spadina, over 50% have no heritage protection.

Additionally, City Planning is reviewing numerous large scale development applications, and participating in an equal number of pre-application discussions, that include potentially contributing properties that have demonstrated cultural heritage value yet are not on the city's heritage register. In the past two years Heritage Preservation Services has been overwhelmed by the volume and urgency of evaluation of individual properties to prevent the loss of heritage resources. An HCD study area by-law would protect the integrity of the district and provide necessary stability for the Council authorized and prioritized King-Spadina HCD study area.

The HCD Study Area By-law will also provide the opportunity for City staff to undertake further community consultation to complete the HCD study. In October 2016, City staff released a draft HCD Plan for a period of 3 weeks to solicit public comment and feedback. City staff are currently analyzing the numerous comments received on the draft HCD Plan, in advance of additional consultation in January 2017. This next phase of consultation will provide further opportunity for City staff to engage the community and property owners alongside the proposed King-Spadina Secondary Plan.

Additionally, the HCD Study Area By-law provides the opportunity for the King-Spadina HCD Study to be finalized in the context of other City initiatives, including TOCore's *Cultural Spaces Retention Study, King-Spadina: Strengthening the Creative Economy in Toronto's Downtown Core*.

### **HCD Study Area By-law designation**

The proposed HCD Study Area By-law prohibits demolition or removal of any buildings or structures on 303 properties that have been identified as potentially contributing to the proposed King-Spadina Heritage Conservation District Study Area. The by-law will also:

- Allow demolition of any building or structure on any property not listed in Schedule "B" to the attached draft by-law;

- Allow alterations or erection of new buildings or structures on all properties;
- Allow demolition or removal of any buildings or structures on any property listed in Schedule "B" to the attached draft by-law with approved zoning in place, in accordance with the approved zoning; and
- Allow demolition or removal of any buildings or structures on any property listed in Schedule "B" to the attached draft by-law in accordance with approved zoning, if final zoning approval is obtained during the one year study period.

## **Conclusion**

The purpose of the proposed HCD study area by-law is to protect the integrity of King-Spadina while the City completes a Council authorized and prioritized HCD study. If a HCD study area by-law is not enacted, potential heritage properties will be at risk of demolition and the heritage value of the area be diminished before a HCD designation by-law is passed by City Council and the adopted HCD plan comes into force.

The proposed HCD Study Area By-law prohibits demolition or removal of any buildings or structures on 303 properties that have been identified as potentially contributing to the proposed King-Spadina Heritage Conservation District Study Area. It 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. It also allows for alterations, new construction and demolitions

## **CONTACT**

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Heritage Preservation Services  
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Fax: 416-392-1973  
E-mail: [mmacdon7@toronto.ca](mailto:mmacdon7@toronto.ca)

## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

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Attachment No. 1 – King-Spadina HCD Study Area By-law

Authority: MM , moved by Councillor Cressy, seconded by Councillor ,  
adopted by City of Toronto Council on December 13 and 14, 2016

CITY OF TORONTO

Bill No.

BY-LAW No. -2016

To designate the King-Spadina area between Simcoe Street to the East, Bathurst Street to the West, Richmond Street West to the North and Wellington Street and King Street West to the South as a Heritage Conservation District Study Area.

Whereas the area known locally as King-Spadina, between Simcoe Street to the East, Bathurst Street to the West, Richmond Street West to the North and Wellington Street and King Street West, to the South, shown outlined in bold on Schedule "A" attached to this by-law includes a concentration of residential/mixed use/commercial/park properties that represent a key period in the City of Toronto's development and which may have cultural heritage value; 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 district 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 "King-Spadina 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 of the King-Spadina 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 demolish or remove or permit the demolition or removal of any buildings or structures on those properties identified in Schedule "B" to this by-law as having the potential to be contributing properties within a King-Spadina Heritage Conservation District.

4. Despite section 3 of this by-law:

A. Any properties listed in Schedule "B" that have prior to the date of enactment of this by-law, obtained approval to demolish or remove buildings or structures located thereon, in accordance with a final zoning by-law amendment approval, shall be permitted to proceed with any such demolition or removal in accordance with the approval granted.

B. Any properties listed in Schedule "B" that during the one year term of this by-law, obtain final approval for a zoning by-law amendment, such amendments to have come into full force and effect, which amendment permits the demolition or removal of buildings or structures located on those properties, shall be permitted to proceed with any such demolition or removal in accordance with the approval granted.

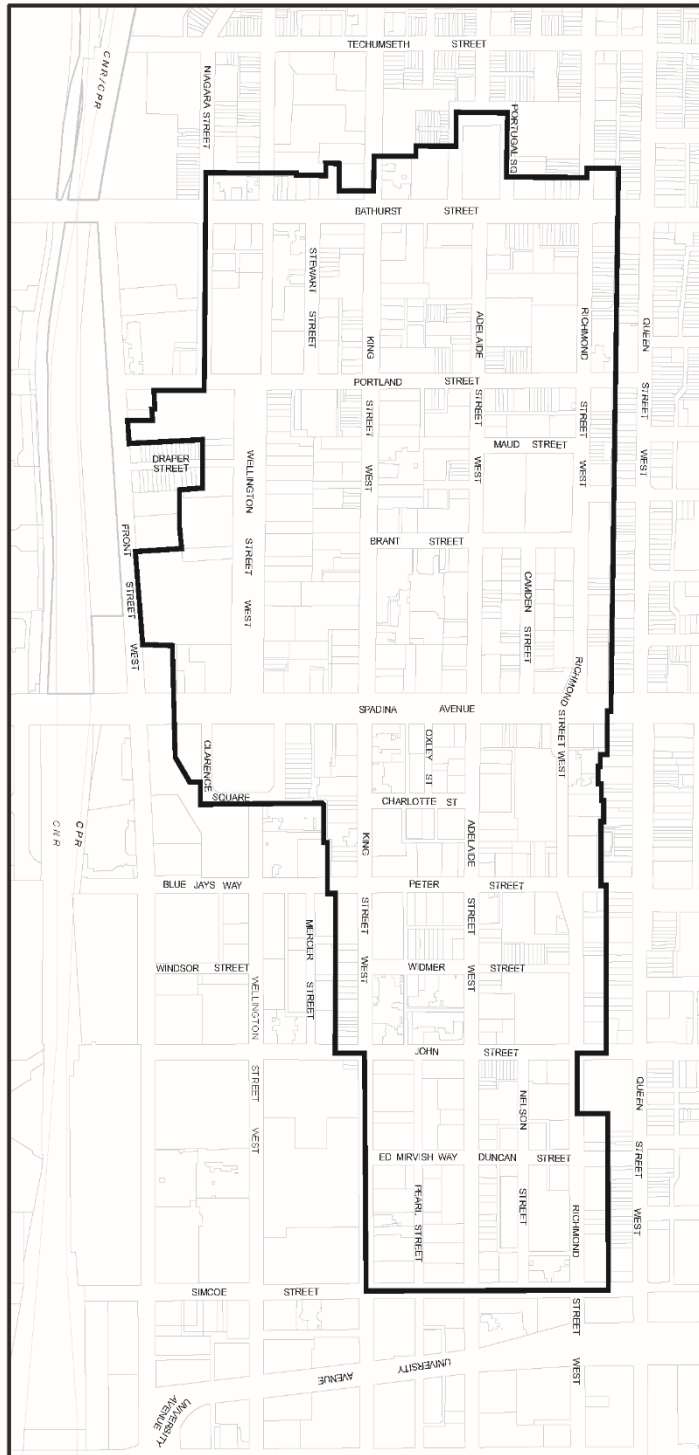
5. The City Clerk shall cause a copy of this by-law to be served upon the owners of all of the properties within the King-Spadina Heritage Conservation District Study Area and upon the Ontario Heritage Trust within 30 days of the passage of this by-law and shall cause notice of this by-law to be posted 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 December , 2016.

Frances Nunziata, Ulli S. Watkiss,  
Speaker City Clerk

(Seal of the City)

# SCHEDULE "A" KING-SPADINA HERITAGE CONSERVATION DISTRICT STUDY AREA



**City of Toronto**  
Study Area

**King-Spadina**  
Heritage Conservation District Study Area

Study Area Boundary

Not to Scale  
December 2016



SCHEDULE "B"  
LIST OF POTENTIALLY CONTRIBUTING PROPERTIES WITHIN A KING-SPADINA  
HERITAGE CONSERVATION DISTRICT

1 Adelaide Place  
3 Adelaide Place  
5 Adelaide Place  
7 Adelaide Place  
9 Adelaide Place  
11 Adelaide Place  
200 Adelaide Street West  
208 Adelaide Street West  
212 Adelaide Street West  
224 Adelaide Street West  
244 Adelaide Street West  
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263 Adelaide Street West  
266 Adelaide Street West  
268 Adelaide Street West  
270 Adelaide Street West  
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