

## **Supplementary Report - Designation of the King-Spadina Heritage Conservation District under Part V of the Ontario Heritage Act**

**Date:** October 2, 2017

**To:** City Council

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

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

### **SUMMARY**

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At its meeting of September 5, 2017, Toronto and East York Community Council adopted TE26.14 and recommended that City Council designate the King-Spadina area as a Heritage Conservation District (HCD) and adopt the associated HCD Plan by by-law under Part V of the Ontario Heritage Act. Toronto and East York Community Council requested the Chief Planner and Executive Director, City Planning to report to the October 1 and 2, 2017 meeting of City Council, addressing concerns raised at the September 6, 2017 meeting of the Toronto and East York Community Council with respect to the extent of stakeholder notification, consultation and staff responsiveness to questions within the King-Spadina Heritage Conservation District study process, changes to the Heritage Conservation District Plan boundary, the rationale for the classification of contributing and non-contributing buildings, maintenance requirements, accessibility, permit applications and concordance with the forthcoming King-Spadina Secondary Plan.

This report provides staff comments addressing the concerns raised at the September 6, 2017 Toronto and East York Community Council Meeting.

### **RECOMMENDATIONS**

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

1. City Council receive the report (October 2, 2017) from the Acting Chief Planner and Executive Director, City Planning for information.

## FINANCIAL IMPACT

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

## DECISION HISTORY

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On October 2, 3 and 4, 2012, City Council directed staff to initiate the King-Spadina Heritage Conservation District study as a result of the application of prioritization criteria. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.12>

On May 23, 2014, the Toronto Preservation Board endorsed the King-Spadina Heritage Conservation District Study to proceed to district designation <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PB31.2>

On November 23, 2016, the Toronto Preservation Board received for information an update on the proposed King-Spadina Heritage Conservation District Plan <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PB18.4>

On December 16, 2016, City Council enacted the King-Spadina Heritage Conservation District Study Area By-law <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM23.41>

On September 6, 2017 Toronto and East York Community Council adopted, with amendments, recommendations to designate the King-Spadina Heritage Conservation District and adopt the King-Spadina Heritage Conservation District Plan. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>

## COMMENTS

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### Stakeholder Notification

Email addresses of stakeholders were collected throughout the HCD Study process, either during community meetings or through email correspondence.

- On December 16, 2016 City Council enacted the King-Spadina Heritage Conservation District Study Area By-law. Notification of the by-law was sent to all property owners within the HCD Study Area by mail through City Clerks.
- On June 15, 2017 an email was sent to stakeholders informing them that the HCD would be proceeding to the June 22, 2017 Toronto Preservation Board meeting.
- On June 16, 2017 an update was made to the website "Heritage Conservation Districts in Toronto" noting the same.

- On August 29, 2017 Toronto City Clerks mailed notices to all property owners within the HCD Plan Area informing them that the HCD would be proceeding to the September 5, 2017 Toronto and East York Community Council Meeting.

## Consultation

Consultation relating to the King-Spadina HCD was undertaken in a variety of ways and throughout the HCD process to ensure a range of stakeholders had an opportunity to participate in and contribute to the process.

Public meetings at which updates were provided to the general public and opportunities to provide feedback and ask questions were held at the dates below. Invitations were distributed in a variety of way, including but not limited to being posted on the City's website, emailed to stakeholders who had previously provided their email addresses, disseminated by the Councillor's offices and mailed to property owners.

- June 25, 2013 HCD Study public meeting
- March 18 2014 HCD Study public meeting
- April 20 2015 HCD Plan public meeting
- April 21 2015 HCD Plan public meeting
- June 23 2016 HCD Plan + Secondary Plan public meeting

As per section 40.(3) of the Ontario Heritage Act, consultation with the municipal heritage committee (Toronto Preservation Board) with respect to the HCD study is required.

- On May 23, 2014 the Toronto Preservation Board supported the preparation of the King-Spadina HCD Plan (East and West)

Section 41.1(6) of the Ontario Heritage Act requires that information relating to the HCD Plan, including a copy of the Plan, be made available to the public, that at least one public meeting be held regarding the HCD Plan, and that the municipal heritage committee (Toronto Preservation Board) be consulted with respect to the HCD Plan.

- On April 20 and April 21 2015, and June 23, 2016 public meetings were held regarding the HCD Plan.
- On October 25, 2016 the draft HCD Plan was made public for a 3 week comment period.
- On November 2, 2016 the draft HCD Plan was provided to the Toronto Preservation Board
- On June 14, 2017 the final HCD Plan was made public.
- On June 21, 2017 the HCD Plan was presented to the Toronto Preservation Board.

Throughout the HCD Study process, meetings with property owners, stakeholders and representative organizations including the Entertainment District Business Improvement Area were held by Staff, the consultant team and the local Councillor's office.

The King-Spadina Secondary Plan Update has been under review concurrently with the King-Spadina HCD Study. The King-Spadina Secondary Plan Update has had six community consultation meetings between 2013 and 2017 which have allowed for an additional opportunity for public comment on heritage matters in the King-Spadina Area.

### **Staff Responsiveness to Questions**

Requests to staff from members of the public and stakeholders for clarification on the content and process of the HCD Study were received during and subsequent to public meetings, individual meetings with stakeholders and by email. Staff endeavoured to meet with each interested stakeholder; to ensure the most efficient use of Staff resources meetings with groups of similar stakeholders (i.e. landowners) were held as well.

Questions and comments received by email and through individual meetings following the release of the draft HCD Plan in October 2016 informed a number of refinements to the HCD Plan. This included a request for Staff to review the boundary, particularly the exclusion of the north side of Richmond Street West, and inclusion of the south side of Wellington Street West. Comments received concerning the lack of clarity and perceived rigidity of policies for commercial detached properties informed Staff's review and revision of massing policies, as well as the refinement of building typologies.

Questions regarding the implication of the HCD Plan on existing planning approvals informed Staff's preparation of the December 16, 2017 study area by-law, in particular the allowance for demolition to proceed where approvals had already been received, as well as where approvals would be received subsequent to the enactment of the by-law through the planning application process. This was in response to and in recognition of the dynamic environment of approvals within the study area and questions raised by stakeholders regarding the implication of the HCD on prior approvals.

### **Changes to the HCD Plan Boundary**

The HCD Study Area boundary was revised during the course of the study as the cultural heritage value of the study area was being refined and through the receipt of comments and feedback from stakeholders. Following release of the draft HCD Plan in October 2016 staff were requested to review the inclusion of the north side of Richmond Street West between Spadina Avenue and Bathurst Street for inclusion within the HCD Study area. Using the criteria provided by the Ontario Heritage Toolkit and Council-adopted Heritage Conservation Districts in Toronto, Staff determined that those properties were historically, contextually and physically related to the HCD Study area, and that their inclusion would better align with existing and emerging planning framework, namely the King-Spadina Secondary Plan. Owners of the affected properties received notification that their property was now included within the HCD Study Area following City Council's adoption of the study area by-law on December 16, 2016.

In spring 2017 Staff determined that the properties on the west side of Bathurst Street did not warrant inclusion within the HCD Study Area, following the review of comments from stakeholders and based on further survey and analysis. Similarly Staff determined

that the properties on the south side of Wellington Street West between Spadina Avenue and Draper Street, part of the "Well" development application which is in various stages of the approval process, no longer contained resources that contributed to the area's cultural heritage value. Existing heritage resources on that site are being addressed through the application process.

Staff have reviewed and considered all requests to revise the HCD Study Area boundary against the criteria prescribed in the provincial toolkit and HCDs in Toronto, and are of the opinion that the current boundary includes all properties that contribute to the area's cultural heritage value.

### **Rationale for Contributing/Non-Contributing Classification**

As per HCDs in Toronto, all properties that contribute to the cultural heritage values of the HCD must be identified and included in the HCD Plan. The first test to determine those properties that are classified as "Contributing" was to identify buildings constructed during the District's Period of Significance (1880-1940). The second test was that each property was then examined individually to evaluate if it supported one or more of the District's cultural heritage values, and retained sufficient integrity to communicate so. In addition all properties that are currently on the Heritage Register were identified as contributing. The Index of Contributing Properties includes 20 properties that were individually evaluated, are not on the Heritage Register and that were constructed +/- 10 years of the period of significance based upon their relation to other contributing properties, their integrity and ability to contribute to the District's cultural heritage value.

This criteria is the same as that used in the Council-adopted Historic Yonge HCD, and is the same intent as that used in the Council-adopted St. Lawrence Neighbourhood HCD and Garden District HCD. An inter-jurisdictional scan of the criteria used to determine contributing properties within HCDs in Ontario by Staff determined that the use of the period of significance, a property's existing heritage status and its integrity is consistent with best practices while providing greater specificity and transparency through the provision of specific criteria against which each property has been evaluated.

### **Maintenance Requirements**

All properties within the King-Spadina HCD are required to conform to the City of Toronto Property Standards By-Law. Article V Heritage Property Standards requires that the owner of a property within an HCD maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural integrity of the building or structure, and to maintain the property in a manner that will ensure the protection and preservation of the heritage values and attributes.

The HCD Plan reiterates the requirement to maintain heritage attributes in policy 6.8.1:

- Contributing properties shall be maintained to ensure the conservation and integrity of the District's cultural heritage value and heritage attributes

The King-Spadina HCD Plan does not require property owners to maintain their properties beyond the requirements established in the Toronto Property Standards By-law, although section 629-49 Conflict notes that in the case of a conflict between Article V and any other City By-law, the provision that establishes the highest standard for the protection of heritage attributes shall prevail.

Designation under Part V of the Ontario Heritage Act will enable property owners within the King-Spadina HCD to access the City's Heritage Property Tax Rebate Program, which provides a rebate for eligible maintenance work on commercial and industrial properties.

### **Accessibility Provisions**

Code compliance, including undertaking work to comply with accessibility, health, safety, security and sustainability requirements is accounted for in policy 6.5.1 of the HCD Plan:

- Upgrades to contributing properties that are required to comply with current codes pertaining to health, safety, security, accessibility and sustainability shall conserve the District's cultural heritage value and heritage attributes, as well as the integrity of the property.

Property owners within HCDs are encouraged to comply with the Accessibility for Ontarians with Disabilities Act. Staff have extensive experience working on integrating accessibility upgrades to heritage properties while conserving their heritage attributes.

### **Permit Applications**

The heritage permit application process is streamlined with the building permit process. A single application is submitted to Toronto Building for properties within an HCD, at which point it is sent to Heritage Preservation Services Staff. An average of 94% of applications since 2014 receive a first review within 3 days of receipt.

Section 11.2 of the HCD Plan explains the heritage permit process. Section 11.1 lists the classes of alterations that may be made to a property within an HCD that do not require heritage permit approval, such as the repair and maintenance of existing features, weatherproofing, exterior lighting and landscaping.

### **Concordance with the King-Spadina Secondary Plan Update**

The King-Spadina HCD Study and Secondary Plan Update have been developed in coordination to ensure overall consistency in the vision and objectives for this area, and in the development of mutually supportive yet independent policies. On June 23, 2016 a joint public meeting was held at which updates were provided on both the Secondary Plan Update and HCD Plan.

On September 6, 2017 the King-Spadina Secondary Plan Update - Draft Policy Directions Report was received by Toronto and East York Community Council, and Staff was requested to continue consultation on the draft policy directions as outlined in the

report. The consideration of heritage buildings in the context of adjacent new development and the conservation of the area's heritage character are outlined in the draft policy directions and are in concordance with the HCD Plan.

The final report on the King-Spadina Secondary Plan is targeted for the November, 2017 Toronto and East York Community Council and the December, 2017 City Council. Following consultation with Staff in City Planning and Legal Services this minor difference in timing between the Secondary Plan Update and the HCD is not expected to have an impact on the implementation of the HCD or Secondary Plan Update

## **CONTACT**

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## **SIGNATURE**

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