

Supplementary Report: Inclusion on the City of Toronto's Heritage Register – Midtown in Focus – Phase 1: Main Street Properties

Date: October 2, 2017
To: Toronto City Council
From: Acting Chief Planner and Executive Director, City Planning Division
Wards: All Wards

SUMMARY

This report responds to issues raised by representatives from the building industry and Midtown land-owners since the August 24, 2017 meeting of the Toronto Preservation Board. The report also responds to depositions heard on item PG 22.5 at Planning and Growth Management Committee, September 7, 2017. It includes a description of City Planning's planning objectives with respect to the batch listing of heritage properties for inclusion on the City's Heritage Register within local area and planning studies, clarifies the difference between listing and designation under the Ontario Heritage Act and outlines the implications of being added to the Register generally. Specific reference will be made to the Midtown in Focus planning study, heritage survey and consultation as appropriate.

FINANCIAL IMPACT

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

DECISION HISTORY

On July 21, 2012, City Council established the Midtown Planning Group to create a proactive and comprehensive strategy for planning initiatives in the Yonge-Eglinton area. The Midtown Planning Group consists of the three local councillors for Wards 16, 22 and 25, representatives of local residents' associations and Business Improvement Areas, local citizens and City staff from North York and Toronto and East York Districts.

On June 12, 2015, City Council adopted Official Plan Amendment 289 as part of the implementation of Midtown in Focus: Parks, Open Space and Streetscape Plan for Yonge-Eglinton.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>)

The June 12th, 2015 Council decision also requested, among other matters, that the Chief Planner and Executive Director, City Planning undertake further review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan area. Staff initiated a Cultural Heritage Resource Assessment (CHRA) for the area as part of a series of parallel technical studies.

At its meeting of July 12, 2016, City Council adopted PG13.1 "Midtown in Focus: Growth, Built Form and Infrastructure Review - Status Report" including the findings and emerging directions of the first phase of the review. This report indicated that the Midtown study would result in additions to the Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG13.1>

On April 5, 2017, Planning and Growth Management Committee directed the Chief Planner and Executive Director, City Planning to report to the September 7, 2017 meeting of the Planning and Growth Management Committee on the result of City Planning's review of procedures and prioritization for the inclusion of potential heritage properties on the City's Heritage Register.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG19.2>

On Sept 7, 2017, Planning and Growth Management Committee considered two heritage planning related reports. PG22.5 recommends the listing of 258 properties within the Midtown in Focus study area.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.5>

PG22.6 outlines recent efforts within City Planning to conduct heritage surveys in areas of high growth or with growth potential, and makes recommendations about the next step to advancing a city-wide heritage survey program.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.6>

ISSUE BACKGROUND

In April 2017, the Chief Planner and Executive Director, City Planning provided an update to the Planning and Growth Management Committee on all of the heritage studies currently being undertaken in the city, including planning study surveys and heritage conservation district studies. Given the large number of potential heritage properties that have been identified to date that have not been evaluated and listed on the Heritage Register, the Committee directed staff to review its current listing procedures with the goal of streamlining and accelerating the listing process.

Concurrently, City staff is in the final phase of developing an updated Yonge-Eglinton Secondary Plan and related infrastructure implementation strategies. As a part of that work, a Cultural Heritage Resource Assessment report was completed in 2015-2017. The CHRA documents the area's archaeological and development history and identifies

properties of cultural heritage value or interest for listing and designation. Properties have been screened for their cultural heritage value or interest on the basis of direct evidence. This includes the assessment of the integrity of a property, the strength of its physical features or attributes and its historic context. The CHRA is informing the development of planning policies and guidelines for Midtown and includes data and analysis to support the inclusion of heritage properties on the City's Heritage Register.

The Midtown in Focus Phase 1 list of 258 commercial Main Street properties within the CHRA study area is the first large-scale listing report to employ a more streamlined approach to evaluating properties for inclusion on the City's Heritage Register. The more abbreviated format of the listings has raised a number of issues and concerns from various stakeholders and this supplementary report is intended to address issues that have arisen to date.

COMMENTS

Issues and Responses

Issue: Some property owners and BILD members believe that the Midtown listing report was premature and without sufficient consultation.

Response:

As part of the Midtown in Focus study, a robust consultation process was undertaken to solicit community input to the Cultural Heritage Resource Assessment (CHRA).

On November 30, 2015, a summary of the historical evolution of the area and the study methodology was presented to the Midtown Planning Group. Preliminary findings were subsequently shared and discussed with the Midtown Planning Group in March 2016, and with members of the public at a Midtown in Focus Open House in April 2016, as well as nine Planners in Public Spaces events in late 2015 and early 2016. Interviews with local historians, representatives from the North Toronto Historical Society, and the North York and Toronto and East York Community Preservation Panels were undertaken. The City also hosted an interactive online map--Map your Yonge-Eglinton--between December 2015 and February 2016, featuring questions related to cultural heritage insights and priorities from respondents. City staff provided notice regarding these events to over 500 email contacts and, in the case of the Open House, advertised the event through Councillor newsletter and contact lists and in a local newspaper.

Preliminary findings were included in the "Midtown in Focus: Growth, Built Form and Infrastructure Review - Status Report," which was considered by City Council in July 2016. The report included study findings and emerging directions of the first phase of the review and indicated that the Midtown study would result in additions to the Heritage Register. "Midtown Village" (Main Street) character areas were also identified based on common development histories, physical features and land use functions, including cultural heritage values and attributes that underpin the identity of these Midtown sub-areas.

City staff reviewed study findings and directions with landowners and developers at a meeting on November 14, 2016. The City and BILD cooperated on distributing invitations to BILD members and subsequently adding BILD members to the City's project contact list.

City staff discussed the study findings and draft preliminary recommendations with the Midtown Planning Group in February 2017 and subsequently with representatives from the North Toronto Historical Society and resident associations. On June 3, 2017, the study findings were presented at the Midtown in Focus Open House. City staff distributed over 40,000 postcards to addresses in the study area advertising the event in addition to newspaper advertising and email notices to City Planning and Councillor contact lists. Three Planners in Public Spaces events were held in June 2017 presenting the study findings and draft preliminary recommendations.

Throughout the community consultation and engagement activities, meeting participants have supported the CHRA and have clearly indicated the extent to which they value heritage preservation in face of significant intensification in the area. Attendees emphasized the North Toronto's rich history, and the contextual and community value of the area, particularly in historic village areas along main streets.

While the City staff was undertaking the CHRA, the former Bank of Montreal building located at 2444 Yonge Street was demolished on January 21, 2017. Although the property had been identified in the assessment, it had yet to be included on the City's Heritage Register. This demolition highlighted the urgent need to accelerate protections for potential heritage properties in the area, to prevent additional losses.

Issue: Insufficient understanding of the difference between listed and designated properties

Response:

On June 20, 1973, Toronto City Council adopted the first list of nearly 400 properties as the official Inventory of Heritage Properties. The Heritage Register now comprises over 12,000 properties that are either designated under Part IV (individual) or Part V (heritage conservation district) of the Ontario Heritage Act (OHA) or are properties that Council believes to be of cultural heritage value or interest (ie. listed properties).

Heritage designation is a protection mechanism with long-term implications for the alteration and demolition of a cultural heritage property. It is important to note that when a property is listed it does not necessarily mean that it will be subsequently "designated". Designation generally happens within one of three scenarios. 1) a property owner gives notice of an intention to demolish the listed building and staff evaluation recommends designation; 2) a listed property is included within a planning application and subsequent evaluation directs appropriate conservation measures and designation within the planning approval process and 3) a property owner wishes to take advantage of one of the city's incentive programs and requests a further staff evaluation and designation, as appropriate.

Non-designated listed properties do not have any protection under the OHA, except insofar as an owner must give the City a 60-day notice of his or her intention to demolish the listed property. Listing does not trigger maintenance requirements over and above existing property standards, it does not allow the City to withhold a building permit for non-demolition related alterations and it does not preclude a property from undergoing renovation or development.

Issue: How will listings be used to inform development applications?

Response:

All properties on the Heritage Register are subject to the heritage policies in the Official Plan. The identification of heritage values and attributes for Register properties guides development review and implements the Planning Act and Provincial Policy Statement.

The City's Official Plan Heritage policies direct that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it. And, where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged. In this way, conservation expectations are directly linked to the specific values and attributes of each building. Conservation objectives can be met in a variety of ways and will be as individual as the properties themselves.

Ultimately, the conservation of the proposed Midtown listed properties will be guided by the Official Plan and the Yonge and Eglinton planning framework. And, the appropriateness of any conservation strategy will be determined through the Heritage Impact Assessment process and additional staff review.

Issue: Some stakeholders believe that evaluation information for each property should be made available and consultation should be undertaken with each landowner prior to listing.

Response:

The City's Official Plan Heritage Policy 3.1.5.2 states that candidate properties for the Register will be evaluated for their cultural heritage value using provincial criteria, including consideration of design or physical value, historical or associative value and contextual value.

In reviewing properties for listing in the Midtown area, it was determined that all of the proposed listings met the Ontario Regulation 9/06 under the categories of design and contextual value. Detailed historical research was not undertaken at this time to determine potential additional values, including historical associations with individuals,

communities and architects. Archival maps and city directories were consulted to determine building dates for the Statements of Significance.

Each property proposed for listing had a statement of significance prepared for it, and each listing provides a description of how each criterion has been applied to the property. This evaluation information is already publicly available within the listing report and can be reviewed prior to the report being considered by a committee of council.

Issue: What is the Planning objective of undertaking surveys and multiple listings within planning studies?

Response:

Official Plan Policy 3.1.5.14 directs that potential and existing properties of cultural heritage value or interest, including cultural heritage landscapes and Heritage Conservation Districts, will be identified and included in area planning studies and plans with recommendations for further study, evaluation and conservation.

Starting with the Mimico 20/20 Revitalization Plan in 2012, City heritage staff has instituted the practice of undertaking heritage surveys in tandem with area planning studies. These surveys, conducted both by city staff and consultants identify properties of potential heritage value, make recommendations for further study and sometimes recommend more immediate protection. Recently, beginning with the Bathurst Four Corners study, heritage staff has been preparing multiple listings of properties identified in planning study surveys once an evaluation of potential heritage properties has been conducted.

With numerous planning studies underway in high growth areas, the multiple-listing strategy is intended to provide a more efficient approach to assessing heritage value as a critical input into the Division's planning frameworks. The overall CHRA maximized the opportunities for analysis and consultation that came through a multi-year, multi-disciplinary area planning study. Given the number of nominations and pending studies before City staff, the efficiencies resulting from planning studies are an important tool in updating documented research and addressing gaps in the Heritage Register.

The size and area of the Secondary Plan can affect the number of properties listed on the Heritage Register. The number of properties contained in the Midtown in Focus listing is reflective, in part, of the scale of the Yonge-Eglinton Secondary Plan area: six square kilometres, one of the largest in Secondary Plan areas in the city. The recommended listings resulting from the CHRA includes properties in five character areas and on four major streets: Eglinton Avenue, Yonge Street, Mount Pleasant Road and Bayview Avenue.

The objective of the Midtown in Focus planning review is to ensure that growth positively contributes to Midtown's continued livability and vitality by establishing a clear and up-to date planning framework. Without robust planning and built form policy direction and adequate infrastructure, significant intensification may alter the physical character and neighbourhood structure that has supported a vibrant community to date.

Recommendations regarding the conservation of heritage resources in the area are an important component of the Midtown in Focus plan and the City's vision for an evolving neighbourhood.

The CHRA has provided valuable information and context for the development of an updated Yonge-Eglinton Secondary Plan, including policy direction for specific character areas within Midtown. The proposed Secondary Plan, to be presented to Planning and Growth Management Committee in November 2017, outlines the distinguishing features of each character area and reinforces these characteristics in area-specific planning frameworks. Overall, the proposed plan is supportive of mid-rise development in Midtown Villages (historic Main Streets), and identifies significant opportunities for intensification at a scale and intensity that is appropriate to the vision for each character area.

Cultural heritage is an important component of sustainable development and place-making as well as being a matter of Provincial interest in the Provincial Policy Statement. Identification of properties with cultural heritage value or interest within areas under study improves the quality and scope of information documented in the City's Heritage Register for the area, supports the ongoing refinement of the Midtown planning framework and provides a critical layer for context-specific policies. Good heritage planning is good planning.

Pro-active listing of properties is intended to give greater clarity to property owners with regards to the City's interest and the application of Official Plan policies. Area-specific heritage surveys are advanced that meet a series of criteria directly tied to implementing the Official Plan and the City Planning Division Strategic Work Program.

Issue: What is the process of notification and consultation for property listings, including multiple listings?

Response:

The OHA does not require that owners are given notice about the listing of their property. Additionally, there is no appeal process for owners when their property is listed. However, prior to including a property on the city's Heritage Register, staff prepare a report for the consideration of the Toronto Preservation Board (which is a public meeting that allows for deputation), a Council committee (usually the local Community Council) and Council. Owners are notified of the inclusion of properties on the City's Heritage Register prior to each public meeting and they receive final notification following Council approval.

All affected property owners received individual notification of the September 7, 2017 Planning and Growth Management meeting at which the listings were considered. While notification in advance of listings is good practice, City staff has to weigh the potential negative outcomes of revealing the actual addresses too soon. With no protections for commercial properties, it is possible to trigger a demolition application should owners become aware of the listing too far in advance. In recent years, there have been several examples of demolition permits being issued on properties with potential heritage value

and the City had no opportunity to assess the heritage values in sufficient time to protect them.

Issue: How does the City plan to move forward with future area surveys?

Response:

As of August 1, 2017, over 1000 potential heritage properties have been identified during area studies. All will be subject to further evaluation and multiple listing reports. In order to shorten the time it takes to research and evaluate properties for listing, staff recommend an abbreviated approach, one that still applies provincial criteria as required in the Official Plan, but which sets out a preliminary, not exhaustive, set of unique values. An understanding and articulation of contextual value will be prioritized and, where information is readily available, additional values may be identified. The primary aim will be to achieve an informed, timely listing of properties in tandem with local area studies, and in some cases, subject to site-specific conditions.

The multiple-listing process is an efficient and effective practice that balances the need to respond to unprecedented growth within Toronto with the need to account for the cultural heritage value that adds character to our neighbourhoods. The Midtown multiple-listing report was undertaken within the framework as described and staff were able to leverage the work of heritage consultants to achieve the end result.

CONCLUSION

In response to the need for a more efficient listing process, City staff is advancing a more streamlined approach to the application of provincial criteria. Multiple listings of properties will be brought forward on a routine basis and it is anticipated that additions to the Heritage Register will be faster to complete, while still remaining consistent with the Ontario Heritage Act and Official Plan requirements.

The Midtown in Focus list of 258 commercial "Main Street" properties in the CHRA study area implements this improved procedure for identifying potential heritage properties for inclusion on the City's Heritage Register with the aim to achieve timely listing of properties when undertaking local area studies. Timely listing of heritage properties and the advancement of a city-wide survey program is a Council priority.

Heritage Preservation Services will monitor and review the preparation and implementation of multiple listings to determine any immediate or subsequent impacts on staffing and service levels for research and development review, and will determine if multiple listings has any implications for the processing of planning applications. Staff will also review the notification process to ensure that owners receive sufficient notice of public meetings related to listing reports, while ensuring the safety of the identified heritage resources. City Planning will continue to support growth in keeping with the Official Plan, Secondary Plans, and relevant guidelines while identifying and integrating valuable heritage resources.

City Planning encourages all landowners within planning study areas to attend community meetings throughout the study process.

CONTACT

Mary L. MacDonald, MA, CAHP
Senior Manager
Heritage Preservation Services, City Planning
Tel: 416-338-1079 Fax: 416-392-1973
Mary.MacDonald@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Acting Chief Planner and Executive Director
City Planning Division