

w e s t b a n k

June 21, 2017

BY EMAIL

Toronto Preservation Board
City of Toronto
100 Queen Street West
2nd Floor, West Tower, City Hall
Toronto, Ontario M5H 2N2

Attn: Lourdes Bettencourt, Secretariat Contact

Dear Members of the Toronto Preservation Board:

RE: PB24.1 Designation of the King-Spadina Heritage Conservation District under Part V of the Ontario Heritage Act (Ward 20)

I am writing on behalf of Westbank Projects Corp., both as a follow-up to previous correspondence we submitted on the Draft King-Spadina Heritage Conservation District (HCD) Plan (November 14, 2016, enclosed for reference) and in response to the proposed HCD Plan that was released on June 15th, 2017. We understand that the HCD Plan is being brought to Toronto Preservation Board for its June 22, 2017 meeting with a recommendation for approval, such that the Plan can then be considered by Toronto East York Community Council, and thereafter, Toronto City Council, in the fall of 2017. Following the submission of our November 2016 letter (which outlined a number of concerns as well as requested consultation with Staff), Westbank did not receive a response.

Westbank strongly believes in the importance of heritage conservation for city-building and supports the City of Toronto's efforts to protect valuable heritage assets in the downtown core. Nonetheless, we continue to have serious concerns about the form and content of the HCD Plan and the way in which it has been advanced to the Toronto Preservation Board without adequate time for stakeholder review. In addition to our concerns about the transparency and quality of community engagement, we reiterate our previous concerns and note the following high-level issues with the HCD Plan:

1. Appropriate Consideration of Regeneration Areas ("RA") Zoning

The proposed HCD Plan does not appear to fully consider the positive impacts that the RA zoning and policy framework of the 1990's has had on the King-Spadina district, and unduly prioritizes building typologies of the late-19th century and early-20th century. While we appreciate that the RA context is now being acknowledged in the HCD Plan for its



cultural significance, we are unclear how this acknowledgement carries forward into real policy objectives for the area, if at all.

2. Site-Specific Development Application Review

The proposed HCD Plan includes inflexible urban design guidelines and performance standards that impose an extremely rigid framework for development-review. We are concerned that the HCD Plan in its current form may prohibit the consideration of a range of policy objectives, including heritage preservation, as they might be achieved at any specific development site. In other words, we believe each development opportunity within the King-Spadina district deserves unique consideration and a review framework that allows for the balancing of multiple objectives.

3. Commercial Context and Growth

We continue to be concerned that the HCD Plan may not sufficiently consider the economic impacts of its own policies, especially as the eastern portion of the King-Spadina district begins to blend toward the City's central business district. Similarly, the development constraints imposed by the HCD Plan will certainly affect the ability for projects to achieve residential thresholds that address the City's density targets.

4. Diversity of Built Form

We note that the HCD Plan appears to contain internal inconsistencies and contradictions. For example, the Plan includes policies requiring new built forms to imitate historic street-wall compositions while Objective 12 encourages "high quality architecture that is of its time." Again, we believe that a detailed framework should allow for the balancing of policy objectives and should encourage a range of new building typologies and volumes that both respect and celebrate the district's heritage resources.

Similarly, policies related to the reconstruction of heritage resources (6.6.2) and for combined properties (6.4) appear to restrict the ability for creative built-form proposals. The policy for combined properties also prevents flexible and creative approaches to heritage conservation at a site scale. Given the Plan's interest in the urban contributions of the lane-way networks, it seems that policies should encourage, rather than restrict, proposals that engage with heritage resources both as individual buildings and as part of the district's urban fabric. We also note that the earlier draft of the HCD Plan allowed impacts to contributing properties to be assessed in a Heritage Impact Assessment, acknowledging that heritage resources can be conserved in different ways. Why has this recommendation been removed in the final Plan?



westbank

5. Diversity of Uses

The Plan regards adaptive reuse of contributing properties as a means of conserving and enhancing the social, cultural and community values of the District (Objective 16). We agree that adaptive reuse of heritage buildings is critical to maintaining the vitality of the district. We question, however, the ability for these adaptations to succeed under the current Plan. Numerous rigid policies, including those for new doors and windows (6.13.3) appear to contradict the intent of this Objective.

We reiterate our interest in meeting with the City to discuss our concerns with the HCD Plan and ask the Toronto Preservation Board to make no recommendations until further stakeholder engagement has occurred.

Thank you for your consideration.

Sincerely,



Anthony DeCarli
Westbank Projects Corp.

CC: City Clerk
Councillor Joe Cressy, Ward 20



November 14, 2016

Ms. Tamara Anson-Cartwright
Program Manager
Heritage Preservation Services
City of Toronto
City Hall, 17 East Tower
M5H 2N2

Sent by EMAIL to tansonc@toronto.ca

Dear Ms. Anson-Cartwright,

Re: Draft King-Spadina Heritage Conservation District Plan Comments from Westbank Corp.

I write on behalf of Westbank with respect to the Draft King-Spadina Heritage Conservation District (HCD) Plan, released for review and comment on October 25, 2016. In partnership with Allied – long-standing stewards of the district’s heritage – we are committed to innovative development projects that combine the old and the new as the basis for investment in the social, cultural, and economic vitality of the King-Spadina area.

Westbank is deeply supportive of heritage conservation in the City of Toronto and praises the efforts of Staff and others to protect these resources. Our concerns pertain to the strategies proposed to manage these resources and the ability for the Draft Plan to shape a vision for the future of this downtown area. These concerns include:

1. Over-Simplification of the District’s Character

Much of the built environment in King-Spadina is the product of the Regeneration Area (RA) Zoning from the late 1990s. As the City knows, the success of the RA Zoning was based on relaxing traditional and restrictive planning and zoning requirements in former industrial areas. This change in traditional land use restrictions focused on maximum flexibility and the encouragement of diverse uses. Its success is widely celebrated and its achievements – reinvestment, creation of housing, and provision of spaces for emergent and creative industries – should be carried forward into the future.

This policy context is historic and is as significant as the social and economic forces that created the two late 19th- and early 20th-century building typologies that the Plan prioritizes and seeks to



protect above all others. The current Draft Plan, specifically Sections 4.2 and 4.3, do not adequately reflect this important history. This is a fundamental failing of the Draft Plan and we request that the document be revised to reflect the RA Zoning and its influence – both tangible and intangible – on the District’s character.

2. Need for Balanced and Site-Specific Responses to Development Applications

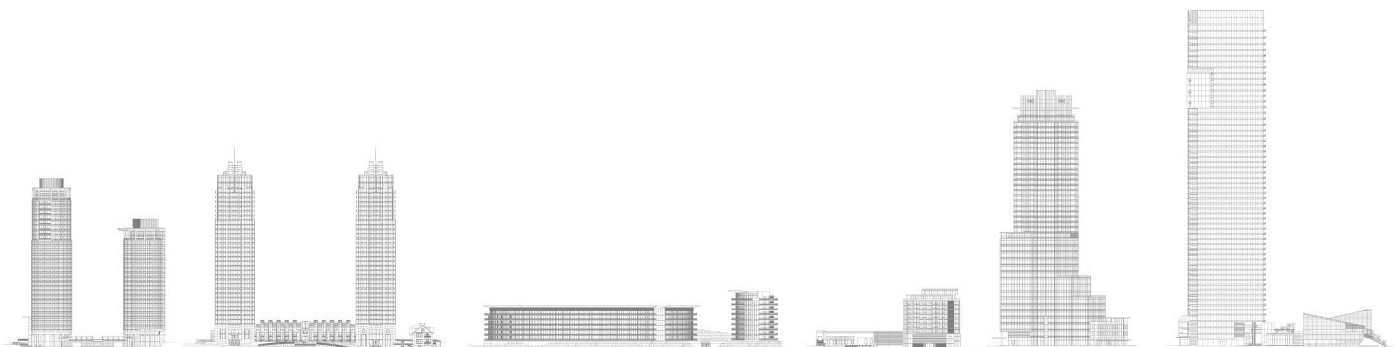
Guidelines in the context of city planning are typically flexible tools. They inform property owners’ expectations of what might be permitted on our lands while allowing City Staff to review development applications using their professional judgment. Mandatory urban design guidelines, like those contained in the Draft Plan, are in stark contrast to the flexible approach to RA Zoning and significantly compromise, if not prohibit, our proposed development at 485-539 King Street West. Rather than encouraging thoughtful approaches to heritage conservation on a given property, the Draft Plan uses mandatory language to impose planning tools typically found in urban design guidelines. We view this as an inappropriate and misapplied use of both heritage conservation districts and urban design guidelines. Policies and guidelines related to combined properties create further restrictions and prevent creative design solutions to complex urban spaces.

This project, designed by Bjarke Ingles Group (BIG), uses the site’s context, including its built form, current uses, patterns of laneways, public spaces, and heritage buildings, as the basis for its design. We ask by what measure are the mandatory urban design guidelines deemed the best design approach to conserving the district’s heritage? Furthermore, by including mandatory design guidelines, the built form generated by these guidelines will become *de facto* character defining elements of the District. Is this the intent of the Plan?

3. “Top-Down” Policy Initiatives and Inadequate Consultation

Only through the draft policies and guidelines (released under three weeks ago) can stakeholders begin to assess the intention of the HCD Plan and its impact on the area. Given the recent release of this information to the public, we request that the City and their consultants undertake renewed consultation and invite individual property owners to discuss the Draft Plan. In particular, we ask that architects and designers be meaningfully recognized in the consultation process, particularly with respect to restrictive urban design guidelines.

Consensus is critical to successful municipal initiatives. Nowhere was this clearer than with the RA Zoning. The initiative was championed and supported by a broad constituency including prominent architects and planners. We urge the City to seek consensus on this powerful document and to actively reach out to all stakeholders, including property owners, business owners,



commercial tenants, as well as neighbourhood residents living in condominiums and more traditional dwellings, alike.

4. Heritage Conservation and Economic Impacts

The use of Heritage Conservation Districts in commercial areas is a relatively new concept for the City and, to our knowledge, no substantial analysis has been undertaken either to understand potential impacts or to evaluate the success of the recent Queen West HCD. We seek an open conversation around heritage conservation and its intersection with the City's economy and growth. The Draft plan references the connection between heritage conservation and economic development citing the value of place-making for economic prosperity. Has the City considered, for example, the economic impact of design guidelines? How does the loss of GFA as the result of stepback requirements impact the tax-base of a neighbourhood? Have these impacts been assessed and balanced with the goals of heritage conservation?

In addition to potential impacts on commercial properties, the policies and guidelines in the Draft Plan represent substantial constraints on future residential development in a downtown neighbourhood that is critical to meeting density targets in the City. We urge the City to study and analyze the economic impacts of this Draft Plan prior to its finalization and that the Draft Plan be revised to include a thorough discussion and analysis of other related planning tools (e.g. the Growth Plan), their respective intents, and how they are interrelated. Potential conflicts should be noted and addressed in the revised Draft.

We welcome an opportunity to discuss these and additional concerns through constructive conversations with the City and to seek consensus around a document that is too important to finalize in haste.

Sincerely,



Ian Duke

CC:
City Clerk
Councillor Joe Cressy, Ward 20

