

June 22, 2017

**Toronto Preservation Board Meeting**

Thursday, June 22, 2017 – 9:30 AM

City Hall Committee Room 2

**Item: PB24.1 – King-Spadina Heritage Conservation District**

Good morning. I am Janice Solomon, Executive Director of the Entertainment District Business Improvement Area.

It is with great disappointment that I am here today to say that after 4 years I must still oppose the planned King-Spadina Heritage Conservation District (HCD) and additionally I must state that I am opposing its flawed study process.

The property owners of King-Spadina impacted by this HCD are the very people who have invested heavily to save and restore these beautiful brick & beam buildings. Also, a number of buildings are family owned, and were originally manufacturing businesses, that the families have invested in repurposing their buildings into highly desirable commercial space. The majority of the properties are designated or listed and conserved through Section IV of the Planning Act. The very people who invested in the conservation of our heritage stock are now negatively impacted by this HCD plan.

The language in the plan is rigid, prescriptive and confusing. The plan establishes a new category as “contributing” to heritage character which seems to add an additional level of conservation to those properties. This has left everyone questioning how the city derived at the conclusions for contributing and the definition of “significant” vs “contributing” as most planning policy focuses on conserving “significant” resources.

At a King-Spadina meeting with the property owners held on March 31, 2017, the City staff indicated they would provide an avenue for landowners to challenge the “contributing” category through an independent heritage evaluation, but they also indicated they would provide this final report to the BIA prior to this meeting. A number of property owners who raised concerns indicated that there has been no communication since the March 31<sup>st</sup> meeting. Staff also indicated that the changes to the plan would be brought back to the BIA and then to Preservation Board in June. The BIA did not receive this in advance of the public notice on June 15<sup>th</sup>.

At this meeting Heritage staff and the Councillor assured the property owners that they want the plan to be a guide:

- Not too prescriptive
- Not an either - or
- It was further stated, heritage needs to be balanced with growth
- Certainty with flexibility

This plan is rigid and prescriptive there is nothing indicating “flexibility”. In fact, this plan is so rigid that it essentially removes the Councillor, the residents and the BIA from the planning process. The BIA invested heavily into our master plan with clearly defined development guidelines...this document is now a waste of our time and money and we will no longer have a voice when it comes to development.

As the Executive Director of the BIA, I have participated in thousands of hours of City meetings regarding various studies impacting the members of the BIA. I have never experienced such a flawed, unbalanced, non-consultative and non-transparent process as this HCD study. We have experienced huge lag times over the past four years, along with a lack of response to our meeting requests. When the draft HCD was finally released last October, we were given only

two weeks to respond. Now we have anxiously waited for the final plan, released less than one week prior to this meeting today – hardly enough time for anyone to thoroughly review it in time for this meeting.

This document is so rigid, the authority around future development for the area solely lies with the Heritage planners. This is not the way to address development concerns in this significant part of the downtown core.

The Councillor, residents and the BIA need to be kept involved in the development process. I want the Councillor to continue to have public, pre-application meetings where the community can meet with the developer and have a meaningful discussion around the shaping of our neighbourhood.

I asked for an HCD economic impact study and was told the City does not do this. (Although they are doing an economic impact study for the King St. Transit Pilot)

The current proposal is a rigid plan, with a lack of community consultation, a lack of one-on-one consultation with the impacted property owners, a plan that will go forward and NO one knows what the true impacts of this plan will be.

If it is this Committee's role to support and approve this plan and recommend it to Council, I would ask this committee to defer this item and allow us to enter into a consultative process where a meaningful discussion of zoning amendment alternatives can occur, a process that will better address the concerns of the Councillor, the residents, the property owners and the BIA.

If this plan in its current state is approved by Council, virtually every property owner will be compelled to appeal to the OMB in order to protect their property rights and to address the inconsistencies and flaws in the plan document.

With the changes to the OMB, and a new local review board, along with the fact that the majority of the properties are listed or designated and with the addition of the changes to the Secondary Plan – we believe the HCD is unnecessary.

#### Alternative Solutions:

The following ensure that the design framework/regulations are appropriate for managing significant new development, and not so strict as to stop change

#### *Alternative Solution:*

- *Have a clear design-related planning policy (statutory) for all designated heritage properties through the Secondary Plan process*
- *Council adopt Heritage Design Guidelines that apply to both "listed" & "designated" heritage properties, as well as those properties identified as "contributing"*

*By utilizing all of the work that has been done on the HCD, this implements it in a way...without the HCD designation under the Ontario Heritage Act HCD. Again, with the OMB changes, the new local review board and the Secondary Plan amendments, there are sufficient mechanisms to support the objectives of the HCD*

#### *Alternative Solution:*

- *Explore zoning changes where commercial development is encouraged. Existing residential would not conform however, this would support continued commercial growth in the core, with investment that supports heritage conservation by bringing commercial long-term investors/stakeholders into the community*

#### *Alternative Solution:*

- *Study the U.S. tax incentives for Heritage conservation. The balance of heritage in a downtown area where growth is requires significant incentives for Heritage ownership to be balanced by development restrictions*

#### *Alternative Solution:*

- *Provide zoning provisions for "Administrative Alternate" as implemented in Raleigh NC.*

- *The Alternate process is designed to allow some flexibility in meeting the requirements of our form-based code. There are currently nine Alternates; five relating to building design, and four relating to site design.*
- *More information available upon request*

On behalf of the members of the BIA, I would ask that you defer this item and to recommend a consultative process around alternative solutions for King-Spadina.

Thank you for your time today.

Sincerely

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