



REPORT FOR ACTION

Status Update: Heritage Register and City-wide Heritage Survey

Date: August 22, 2017
Toronto Preservation Board
To: Planning and Growth Management
From: Chief Planner and Executive Director, City Planning Division
Wards: All Wards

SUMMARY

This report provides a description of a new procedure for batch listing 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 or heritage evaluations requested by Council. This report also provides an update on staff's work to date on the creation of a City-wide heritage survey, including preliminary recommendations.

RECOMMENDATIONS

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

1. The Planning and Growth Management Committee receive this report for information.

FINANCIAL IMPACT

Dedicated staff resources are required to advance this project and undertake the next phase of work, following the completion of a feasibility study. These resources will be identified and prioritized in the 2019 budget submission, taking into account City Planning's 2018-19 Study Work Program and any direction received from Budget Committee, the City Manager and Committee/Council.

DECISION HISTORY

On January 31, 2017 City Council directed the Deputy City Manager, Cluster B, to report to the Planning and Growth Management Committee by September 7, 2017 on the current process within City Planning to prioritize properties for addition to the City's Heritage Register and to make recommendations to improve or enhance the current process that will ensure better protection for properties with potential heritage values, including specific criteria for prioritization.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG17.4>

At its meeting of April 5, 2017, the Chief Planner and Executive Director, City Planning, presented a Heritage Studies Update report to the Planning and Growth Management Committee.

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

On April 26, 2017, City Council adopted Motions MM28.25, MM28.26 and MM28.27 together and directed the Chief Planner and Executive Director, City Planning, to report back to the Planning and Growth Management Committee in September 2017 on the creation of a City-wide heritage survey to list all buildings that have potential heritage value including providing a timeline for enactment of the survey, a plan to conduct public consultation, a system of prioritization for buildings and areas under threat of development, an engagement plan to recruit and train local volunteers to assist in the survey and any additional costs associated with the survey. It was also requested that staff undertake a jurisdictional scan of best practices in other jurisdictions, including but not limited to the City of Hamilton and the City of Ottawa, and that the feasibility and approximate cost of a heritage listing program, including an initial sweep of properties, list management, and ongoing operational costs be considered.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM28.25>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM28.26>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM28.27>

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. Within that report it was stated that as of March 1, 2017, the total number of properties identified with heritage potential and subject to further evaluation was 1,250 properties. Of these, more than 100 properties relate to redevelopment, 247 have come from Community Council requests for evaluation, 116 have been nominated by members of a community preservation panel or the public, with the balance coming from planning study surveys and heritage conservation district studies. To address the backlog and prepare for future demand, staff have developed enhanced procedures to streamline and accelerate the listing of heritage properties.

Enacting a City-wide heritage survey (not associated with related community planning work) was recently endorsed by several heritage experts as an alternative way to protect this City's heritage buildings, given that the current Planning Division approach

cannot keep up with the rapid pace of development and has left many areas of the City without adequate heritage protection. It was put forward that a city-wide survey would ensure that buildings outside of prioritized study areas are better protected.

COMMENTS

On June 20, 1973, Toronto City Council adopted the first list of nearly 400 properties as the official “Inventory of Heritage Properties.” Although being listed on the inventory gave no legal protection to properties, with the passage of the Ontario Heritage Act (OHA) in 1975, the City of Toronto began designating heritage properties. In accordance with the OHA, the City Clerk is required to keep a register of all property in the municipality that is of cultural heritage value or interest (the “Register”). The Register must list all property that has been designated under Part IV of the OHA and may in addition, list property that “the council of the municipality believes to be of cultural heritage value or interest.” With respect to such properties, the Register must include “a description of the property that is sufficient to readily ascertain the property.”

The OHA requires that Council consult with its municipal heritage committee prior to including a property that has not been designated on the Register. There is no provision for notice to owners of properties, nor any opportunity to object. Prior to including a property on the Register, City staff prepare a report for the consideration of the Toronto Preservation Board and Council. Owners are notified of the inclusion of properties on the City’s Heritage Register following Council approval.

Official Plan Heritage Policies and PPS 2014

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. Properties on the Register are subject to all heritage policies in the Official Plan (which require conservation) and therefore must have demonstrated significance. The identification of heritage values and attributes for Register properties guides development review and implements the Planning Act and Provincial Policy Statement, all of which rely on demonstrated significance as a means to evaluate conservation strategies and impacts.

Properties that demonstrate cultural heritage value (ie. all properties listed on the City Heritage Register) are significant for the purpose of section 2.6 of the Provincial Policy Statement (PPS 2014).

Consultation and Jurisdictional Scan

HPS staff have gathered data from a number of sources to guide the review of the City of Toronto’s Heritage Register listing process. Advice has also been sought from the City Solicitor, a consultant provincial policy expert and the community preservation panels. The consultant’s advice took into consideration provisions of the OHA, the Planning Act, provincial regulations, the Provincial Policy Statement, the City’s Official Plan heritage policies and other relevant policies and best practices. Heritage staff met with each of the four Community Preservation Panels to seek input about how the City can be more responsive to community concerns. A jurisdictional scan was also undertaken.

The use of listing over the last ten years by Ontario municipalities — both how many are using it and how it is being used — is hard to assess. In the municipalities that maintain a Heritage Register, different listing approaches have evolved. One approach uses the tool more narrowly for properties that are deemed worthy of individual designation, i.e. clearly meet the criteria in Reg. 9/06 but have yet to go through the more lengthy, appealable, designation process. A second approach uses it more broadly for properties of interest that may not meet the criteria for designation and/or have not been fully assessed. In the extreme version of this latter approach, any property of interest could be listed so long as an address and identifying description is provided.

Many municipalities had no approved procedures for addition or removal of properties from the Register beyond the requirements of the Act, but several municipalities had approved requirements and procedures for the demolition of properties on the Register. Heritage Preservation Services staff also surveyed municipal planners from the Ontario Heritage Planners Network. Of the 22 respondents who completed a questionnaire about their municipality's listing and designation policies and practices, few indicated they have policies adopted by Council. Most of the respondents are also currently exploring best practices on how to list non-designated properties efficiently and effectively.

Those municipalities who included limited information about a listed property (i.e. street address and brief description) following an amendment to the OHA in 2005 have advised against this approach. In recent years staff time has been devoted to responding to requests from owners seeking the removal from the municipal heritage register.

Where the criteria in the regulation are used by other municipalities to screen properties, it appears that the greatest attention is given to design/physical value. Less attention is usually given to historical/associative values because these are often not visually evident or readily known without extensive time-consuming primary research being undertaken. Contextual values typically receive the least attention of all and usually only with respect to the property's immediate surroundings. It is fair to say that since 2006 the contextual criteria in O. Reg. 9/06 are generally under-appreciated and under-utilized. This presents an opportunity for approaches that use these criteria more broadly and effectively to accelerate the listing process.

Current Practice for Identification: Area Surveys

Starting with the Mimico 20/20 Revitalization Plan in 2012, City heritage staff have 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 have been preparing batch listings of multiple properties identified in planning study surveys once a detailed evaluation of potential heritage properties has been conducted.

The identification of potential individual heritage properties within planning studies has increased evaluation work exponentially. As of August 1, 2017, over 1000 properties

have been identified as having heritage potential and all should be subject to further evaluation. This number will grow exponentially as local area planning studies and HCDs currently underway are completed and new ones are commenced.

While the current practice is an effective and constructive way to undertake heritage survey work, add to the Register and provide a critical layer for context-specific policies, this approach only ensures that heritage surveys are undertaken in areas with high growth potential, where a companion planning study has been prioritized. Likewise, survey work undertaken as a part of prioritized HCD studies (11 are underway at present) leaves close to 20 areas (not prioritized) without any form of review.

Prioritization

All requests for evaluation are logged in a database and staff prioritize listing and designation reports on a monthly basis. Research and evaluation work is divided between two staff members. First priority is given to properties undergoing active redevelopment and/or properties at risk of demolition. Properties undergoing redevelopment have fixed timelines related to planning applications such as Zoning By-law Amendments, Site Plan Control and Minor Variance applications. Individual properties that have been nominated for study that are proposed for demolition are also a top priority.

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.

No changes are recommended to these methods of prioritization at this time.

Streamlined Listing within Area Surveys

As outlined in the previous section, great progress has been made in the identification of potential heritage properties within planning studies but the majority of identified properties await further evaluation and protection. Currently, potential heritage properties undergo rigorous historic research, review and analysis in order to ascertain all of the values and attributes that apply to the property. In essence, listing evaluations are conducted to the same standard as designations.

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 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.

Midtown in Focus Batch Listing Pilot

The Midtown in Focus Phase 1 batch list of 258 commercial Main Street properties within the growth area is the first large-scale pilot listing report to employ a more streamlined approach to evaluating properties for inclusion on the City's Heritage Register. The large number of properties being added to the Heritage Register at one time is unprecedented. During the next eight months, Heritage Preservation Services will monitor and review the preparation and implementation of batch listings to

determine any immediate or subsequent impacts on staffing and service levels and will determine if batch listing has any implications for the processing of planning applications.

City-wide Heritage Survey

Although Toronto City Planning has already informally embarked on an ambitious City-wide survey program that has the benefit of informing the conclusions of area planning policies, including appropriate zoning, policies and guidelines for built form, public realm and urban design and unique policies for heritage resources that are over and above the City's heritage OP, few of the over 1000 identified properties are on the Heritage Register (i.e. no protection from demolition) and the OPA policies that are intended to trigger further evaluation prior to development are long-delayed at the OMB.

Further, given that the surveys currently being completed focus on high growth or at-risk areas, many parts of the city do not have any area studies to prompt a heritage survey and resources are easily lost through low-scale neighborhood development. The West, North and East Districts in particular are vastly under-represented on the Heritage Register.

City Planning has undertaken preliminary research and analysis to determine the most effective approach for creating a City-wide heritage survey that can be advanced to respond to Council's direction. Toward this work, City staff have sought the advice from a number of jurisdictions including the City of Ottawa and City of Hamilton and leading heritage organizations, including the Getty Conservation Institute (Arches program) and the City of Los Angeles (Survey LA).

SurveyLA – the Los Angeles Historic Resources Survey

The Department of City Planning's Office of Historic Resources (OHR) city wide survey was recently completed after 10 years, costing approximately \$7 million (US dollars) to create a comprehensive, state-of-the-art, and balanced historic preservation program for the City of Los Angeles. SurveyLA is the OHR's multi-year project, in partnership with the J. Paul Getty Trust, to identify significant historic sites throughout LA. The list of properties identified under Survey LA was not formally adopted by Los Angeles Council. Rather the heritage survey informs Community Plan Area studies for individual landmark status or historic district designations.

LA City Planning undertook an extensive community outreach program, in conjunction with hiring consultants in 3 groups, to survey 35 areas in Los Angeles totaling approximately 880,000 land parcels. They also created an online information and management system specifically, ARCHES, created to inventory, map and describe Los Angeles' significant cultural resources, including the findings from SurveyLA. The City of Los Angeles received approximately \$4.2M USD funding for its SurveyLA project, including from J. Paul Getty Trust (\$2.5M USD) and federal and state government funding totaling (\$600K USD). 1 FTE within LA City Planning (Office of Historic Resources) does on-going project administration as a project manager.

It should be noted that despite the completion of this broad survey, SurveyLA properties not on the National Register of Historic Places are not subject to planning policy and

protective measures. Were it not for a 1960s City of Los Angeles municipal ordinance that freezes applications for development on nominated heritage properties until a heritage evaluation is completed survey properties, survey properties would have no protection at all.

Distinct from SurveyLA Los Angeles has instituted a collection of planning tools in order to conserve historic resources. On March 25, 2015 the Los Angeles City Council approved two Interim Control Ordinances (ICOs), one ordinance prohibiting demolitions and substantial alterations of homes in five proposed Historic Preservation Overlay Zones (HPOZs), and a second ordinance limiting the scale of new construction in 15 additional neighborhoods.

Further research has been done into city-wide survey projects in Dallas and San Francisco, City of Montreal, Quebec City and in the United Kingdom by Historic England. The City of Chicago also undertook The Chicago Historic Resources Survey (CHRS), which was a decade-long research effort completed in 1995 to analyze the historic and architectural importance of all buildings constructed in the city prior to 1940. While each jurisdiction has unique regulatory frameworks, reviewing the methodology, structure and utility of existing survey programs will aid an understanding of best practices.

To date, lessons learned from recent examples of cities that have undertaken a city-wide survey include:

1. The necessity of having a specialist firm to undertake a feasibility study.
2. The importance of piloting the survey, community engagement and training.
3. Understanding that the survey is an evaluation tool for heritage potential to inform planning studies rather than a regulatory listing/designation.
4. The importance of having clear criteria for identifying heritage value to ensure consistency.
5. The advisability of having a regulatory safety net for identified survey properties (such as a stop order provision, a planning application freeze or other similar mechanisms) to ensure adequate time to undertake formal evaluation for listing or district designation if the resource becomes under threat.

CONCLUSION

In response to the need for a more efficient listing process, City staff are piloting a more streamlined approach to the application of provincial criteria. Batch 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.

Following preliminary research, including a jurisdictional scan of contemporary approaches to city-wide heritage surveys, staff recommend that a feasibility study be undertaken, including community consultation. Once a feasibility study is completed, the

Chief Planner and Executive Director will report on the results of the study and the resources necessary to undertake the work.

A City-wide heritage survey would have many beneficial outcomes, including community and civic pride and engagement, pro-activity, geographic equity, a diverse lens of community values, city-building, informed planning policy and decision-making, increased heritage awareness and the creation of a culture of conservation. While a city-wide survey cannot be completed with the existing staff complement, it is an important planning initiative.

CONTACT

Tamara Anson-Cartwright, CAHP
Program Manager
Heritage Preservation Services
Tel: 416-338-1083; Fax: 416-392-1973
Email: tamara.anson-cartwright@toronto.ca

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

SIGNATURE

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