

Supplementary Report: Prioritization of Outstanding Heritage Conservation District Studies and Interim Protective Measures

Date: January 31, 2018
To: Toronto City Council
From: Acting Chief Planner and Executive Director, City Planning Division
Wards: All Wards

SUMMARY

This report makes recommendations on the means to advance the multi-year heritage work program including the retention of a temporary project manager in 2018 utilizing funding from the City Planning capital budget. This report is in response to a request from the Planning and Growth Management Committee (January 15, 2018) concerning the Division's prioritization of outstanding Heritage Conservation District Studies and interim protective measures.

RECOMMENDATIONS

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

1. City Council approve an increase to the 2018 Budget Committee Recommended Operating Budget for City Planning by \$122,000 gross and \$0 net, and an increase of 1 temporary capital position, fully funded from a contribution from the Heritage Conservation District Capital Account CUR028-41.
2. Subject to the approval of recommendation 1, City Council directs Executive Committee at its meeting of February 6, 2018, to amend the 2018 Budget Committee Recommended Operating Budget for City Planning by \$122,000 gross and \$0 net, and the increase of 1 temporary capital position.

FINANCIAL IMPACT

The estimated cost for hiring a temporary project manager to assist with the delivery of the multi-year heritage work program in 2018 is \$122,000, to be funded utilizing the City Planning capital budget (CUR028-41).

The estimated cost of \$122,000 is not included as part of the 2018 Preliminary Operating Budget for City Planning. Should Council approve the temporary project manager, there will be a need to amend the Budget Committee 2018 Recommended Operating Budget for City Planning to reflect the recommendations in this report. The 2018 total expenditures would be increased by \$122,000 and \$0 net.

The Acting Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its March 2012 meeting, City Council adopted the document titled, "Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference", and directed staff to develop a prioritization system to determine which potential Heritage Conservation Districts should be undertaken first.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG11.5>

At its October 2013 meeting, City Council directed the Chief Planner and Executive Director, City Planning to add the initiation of three new Heritage Conservation District Studies to the Division's Workplan for 2014, to be started as the three Heritage Conservation Districts currently forecast for completion were concluding; and to build the base capacity to initiate and complete five Heritage Conservation Districts per year; and directed the Deputy City Manager to include the necessary resources in the 2014 budget.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG26.1>

At its January 2014 meeting, City Council approved the 2014 Recommended Capital Budget for City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EX37.1>

At its April 2017 meeting, Planning and Growth Management Committee directed staff to report back with recommendations for the prioritization of outstanding Heritage Conservation District Studies authorized by City Council, but not yet prioritized.

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

At its January 2018 meeting, Planning and Growth Management Committee requested the Acting Chief Planner and Executive Director, City Planning to report directly to City Council on means to advance the multi-year heritage work program including consideration of retaining a temporary project manager in 2018 utilizing funding from the City Planning capital budget.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG25.4>

ISSUE BACKGROUND

In 2017 Planning and Growth Management Committee directed City Planning to report back with recommendations for the prioritization (initiation) of the outstanding Heritage Conservation District (HCD) studies, and to suggest interim protective measures.

There remains a strong demand for HCD studies; Council has authorized thirteen areas for study which have yet to be prioritized and included in the Division's work program. The Division continues to receive and process new nominations for potential HCD studies as well as managing five HCD appeals to the Ontario Municipal Board.

Outstanding HCD studies will be considered in the 2019 City Planning Work Program. The number of studies will be determined only when existing HCD studies are completed.

COMMENTS

The City Planning Division initiated the Heritage Conservation District (HCD) Program in 2012. With the 2014 approval of a capital budget (\$1 million) and additional two staff, the program has made advancements since 2015. Currently two heritage planners are leading HCD studies, supported by an assistant heritage planner and overseen by the policy Program Manager, who also does a significant amount of HCD study related work.

Since the multi-year program was initiated, the Division has delivered five HCD plans to City Council. All are under appeal to the Ontario Municipal Board (OMB). In addition, four HCD studies have been completed and seven HCD studies are underway. The four completed studies will have HCD plans prepared for them.

While the Division has continued to deliver the HCD Program and accommodate an increased work load in response to the demand for cultural heritage resource assessments for planning studies, there have been challenges with policy and program implementation such as the number of community consultation and stakeholder meetings to schedule, communications, managing interim protection measures while HCDs are under appeal to the OMB and administrative challenges that, if addressed, could increase the efficiency of the program.

HCD Program Challenges

The key challenges of the first five years of initiating and delivering the HCD Program include:

Communications Tools

Staff has determined through the community consultation process for HCDs that there are a number of misconceptions as to the process, purpose, importance, use and

implications of HCDs, and that greater public awareness and education is required. There is need to develop user-friendly communication tools that engage with a broad demographic in order to demystify the HCD process. This includes the modernization of the City's website (underway), the implementation of a communication and engagement strategy relating to HCDs and additional research on the impacts and benefits (economic, environmental, and social) of HCD designation to respond to frequently asked questions and concerns.

In HCD study areas where significant archeological resources are known or anticipated staff have also recognized the need for improved indigenous engagement in the HCD process and a clear understanding on engagement procedures with indigenous communities.

Complexity of Multi-Year Project Management

While it was originally estimated that HCD study and HCD plan reports could be completed in one year each, staff has encountered several challenges in delivering HCDs within this time frame due to:

- the amount of time required to prepare, issue, review and award contracts for external consultants
- the necessity of undertaking a flexible and meaningful community consultation process, including the use of community advisory groups
- the coordination and integration of HCDs with other City Planning initiatives being undertaken in the same geographic area
- managing OMB appeals which requires additional time and resources and extends the life-cycle of an HCD

Business Practice

The HCD Program has a substantial number of administrative activities at every stage of work. These include:

- The processing of HCD nominations, including staff review and evaluation, community consultation and reports to Council
- The procurement process, beginning from the prioritization of an HCD study to the issuance of a consultant contract and on-going contract management
- The coordination of mailing notices to property owners, residents, business owners and other interested parties, including notification to multi-residential buildings which can number in the thousands, for consultation, committee meetings and Council
- The preparation of legal surveys and by-law registration for each property within the district, updating and maintaining the Heritage Register database in IBMS

Interim Protective Measures

While an HCD study or plan is underway, Staff may deem it necessary to provide interim protection to properties within the study area. This may include preparing a multiple listings report or bringing forward a Study Area By-law under the Ontario Heritage Act to prevent the demolition and/or alteration of properties for a period of up to one year. Both of these actions are complex and time consuming.

Under the Ontario Heritage Act, Part V designations are not in force during the appeal of the HCD to the OMB.

HCD Staffing, Capital and Operating Budgets since 2012

At its September 2013 meeting the Planning and Growth Management Committee, as part of the 2014 Service Level Review, recommended that Council direct the City Planning Division to build the base capacity to maintain five HCD studies/plans a year. The Division reported to Council in October 2013 that incremental funding for the HCD Program of \$0.500 million in each of 2014 and 2015 resulting in base funding of \$1 million in 2016 onwards would be required in the capital budget.

The Division also recommended that two additional FTEs, dedicated exclusively to undertake HCD studies, would be required at a cost of \$0.175 million in order to increase the number of HCDs studies and plans underway.

The approved 2014 Capital Budget included \$0.500 million in 2014 and \$1.000 million in each year thereafter, to add three additional HCD studies to the 2014 work plan, and to complete five HCDs per year in each subsequent year.

The approved 2014 Operating Budget included \$0.088 million in 2014 with annualized impacts of \$0.088 million in 2015 for the two recommended positions needed to initiate three additional HCD studies in 2014. As a result the City Planning Division created one Heritage Planner position and one Assistant Heritage Planner position to support the HCD Program. The positions were both filled.

The implementation of new HCDs (designation) and interim protection measures (multiple listings and/or interim by-laws) results in a significant increase of building permit reviews and development applications, particularly in the downtown. It was anticipated that to support the eight HCDs under development, four additional FTEs would be required to address the development workload at a cost of \$0.356 million.

These positions were necessary to support the enhanced service levels due to the interrelationship between increases in the register and increases in review staff. HCD permits have legislative time frames (90 days) and our downtown HCDs needed Senior Heritage Planners to lead files. In addition, City Planning has a service level requirement that all new permits on heritage properties receive a first review within three days.

To support the enhanced service level, the approved 2015 Operating Budget included \$0.239 million in 2015 with annualized impacts of \$0.171 million in 2016 for four new positions. As a result, the Division created two Senior Heritage Planner positions and

two Assistant Heritage Planner positions to support the development review team's increased workload. These positions were filled that same year. Future enhancements will be necessary and recommended as needed.

Project Management to advance the Division's multi-year heritage work program

A temporary Project Manager (Heritage Planning) is needed to support the HCD Program and would be responsible for co-ordinating HCD studies and plans, strategic initiatives, implementing business performance improvements and finding efficiencies in the procurement of consultants and management of the capital budget. The Project Manager will also facilitate the co-ordination and consistency of various HCD studies and plans with Legal Services.

This temporary position would enable the two dedicated Heritage Planners to focus exclusively on the development of HCD studies and plans. This position would also assist the Division in undertaking the Council-directed Citywide Heritage Survey Feasibility Study. It is expected that a temporary Project Manager (Heritage Planning) will provide necessary assistance toward the completion of current HCD projects and the initiation of outstanding HCD studies.

Conclusion

In response to the need to advance the multi-year heritage work program, and to support the inherent complexities of the HCD study process, the Acting Chief Planner and Executive Director, City Planning recommends the immediate retention of a temporary Project Manager (Heritage Planning) utilizing the City Planning Division's Capital Budget.

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SIGNATURE

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