

Inclusion on the City of Toronto's Heritage Register - 188, 190, 200, 209, 210, 211, 212, 221 Berkeley Street and 210 Ontario Street

Date: November 9, 2020

To: Toronto Preservation Board
Toronto and East York Community Council

From: Senior Manager, Heritage Planning, Urban Design, City Planning

Wards: Ward 13 - Toronto Centre

SUMMARY

This report recommends that City Council include nine properties with cultural heritage value on the City of Toronto's Heritage Register. These properties were identified as warranting further evaluation through the Cabbagetown Southwest Heritage Conservation District (HCD) Study, completed and endorsed by the Toronto Preservation Board in 2019. The properties were located within the Cabbagetown HCD Study Area, however fall within a portion of the study area that was subsequently excluded from the proposed Cabbagetown Southwest HCD.

All of these properties meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, which the City also applies when assessing properties for its Heritage Register. The listing of non-designated properties with cultural heritage value on the Heritage Register will extend interim protection from demolition, should a development or demolition application be submitted. Heritage Impact Assessments (HIA) are required for development applications that affect listed and designated properties. Listing provides an opportunity for City Council to determine whether the property warrants conservation through designation under the Ontario Heritage Act.

RECOMMENDATIONS

The Senior Manager, Heritage Planning, Urban Design, City Planning recommends that:

1. City Council include the following nine properties on the City of Toronto's Heritage Register:

- 188 Berkeley Street

- 190 Berkeley Street
- 200 Berkeley Street
- 209 Berkeley Street
- 210 Berkeley Street
- 211 Berkeley Street
- 212 Berkeley Street
- 221 Berkeley Street
- 210 Ontario Street

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting on June 20, 2019, the Toronto Preservation Board endorsed the preparation of the Cabbagetown Southwest Heritage Conservation District Plan.

At the same meeting, The Toronto Preservation Board endorsed the research and evaluation of properties identified in Attachment 4 in the report (June 6, 2019) from the Senior Manager, Heritage Preservation Services, Urban Design, City Planning: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PB7.8>

BACKGROUND

Heritage Planning Framework

The conservation of cultural heritage resources is an integral component of good planning, contributing to a sense of place, economic prosperity, and healthy and equitable communities. Heritage conservation in Ontario is identified as a provincial interest under the Planning Act. Cultural heritage resources are considered irreplaceable and valuable assets that must be wisely protected and managed as part of planning for future growth under the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Heritage Conservation is enabled through the Ontario Heritage Act. The City of Toronto's Official Plan implements provincial policy regime, the Planning Act, the Ontario Heritage Act and provides policies to guide decision making within the city.

Good planning within the provincial and municipal policy framework has at its foundation an understanding and appreciation for places of historic significance, and ensures the conservation of these resources are to be balanced with other provincial interests. Heritage resources may include buildings, structures, monuments, and geographic areas that have cultural heritage value or interest to a community, including an Indigenous community.

The Planning Act establishes the foundation for land use planning in Ontario, describing how land can be controlled and by whom. Section 2 of the Planning Act identifies heritage conservation as a matter of provincial interest and directs that municipalities shall have regard to the conservation of features of significant architectural, historical, archaeological or scientific interest. Heritage conservation contributes to other matters of provincial interest, including the promotion of built form that is well-designed, and that encourages a sense of place.

The Planning Act requires that all decisions affecting land use planning matters shall conform to the Growth Plan and shall be consistent with the Provincial Policy Statement, both of which position heritage as a key component in supporting key provincial principles and interests.

<https://www.ontario.ca/laws/statute/90p13>

The Provincial Policy Statement provides policy direction on land use planning in Ontario and is to be used by municipalities in the development of their official plans and to guide and inform decisions on planning matters, which shall be consistent with the Provincial Policy Statement. The Provincial Policy Statement articulates how and why heritage conservation is a component of good planning, explicitly requiring the conservation of cultural heritage and archaeological resources, alongside the pursuit of other provincial interests. The Provincial Policy Statement does so by linking heritage conservation to key policy directives, including building strong healthy communities, the wise use and management of resources, and protecting health and safety.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development states that long-term economic prosperity is supported by, among other considerations, the promotion of well-designed built form and cultural planning, and the conservation of features that help define character. Section 2.6 Cultural Heritage and Archaeology subsequently directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved". Through the definition of conserved, built heritage resources, cultural heritage landscape and protected heritage property, the Provincial Policy Statement identifies the Ontario Heritage Act as the primary legislation through which heritage conservation will be implemented.

<https://www.ontario.ca/page/provincial-policy-statement-2020>

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) builds on the Provincial Policy Statement to establish a land use planning framework that supports complete communities, a thriving economy, a clean and healthy environment and social equity. Section 1.2.1 Guiding Principles states that policies in the plan seek to, among other principles, "conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Metis communities". Cultural heritage resources are understood as being irreplaceable, and are significant features that provide people with a sense of place. Section 4.2.7 Cultural Heritage Resources directs that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

<https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

The Ontario Heritage Act is the key provincial legislation for the conservation of cultural heritage resources in Ontario. It regulates, among other things, how municipal councils can identify and protect heritage resources, including archaeology, within municipal boundaries. This is largely achieved through listing on the City's Heritage Register, designation of individual properties under Part IV of the Ontario Heritage Act, or designation of districts under Part V of the Ontario Heritage Act.

Section 27 of the Ontario Heritage Act gives municipalities the authority to maintain and add to a publicly accessible heritage register. Council must consult with its municipal heritage committee before a property that has not been designated under Part IV is added or removed from the municipal register.

The City of Toronto's Heritage Register includes individual heritage properties that have been designated under Part IV, Section 29, properties in a heritage conservation district designated under Part V, Section 41 of the Act as well as properties that have not been designated but City Council believes to be of "cultural heritage value or interest."

<https://www.ontario.ca/laws/statute/90o18>
<https://www.ontario.ca/laws/regulation/060009>

The City of Toronto's Official Plan contains a number of policies related to properties on the City's Heritage Register and properties adjacent to them, as well as the protection of areas of archaeological potential. Indicating the integral role that heritage conservation plays in successful city-building, Section 3.1.5 of the Official Plan states that, "Cultural heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable City that can contribute to other social, cultural, economic and environmental goals of the City."

Policy 3.1.5.2 states that properties of potential cultural heritage value or interest "will be identified and evaluated to determine their cultural heritage value or interest consistent with provincial regulations, where applicable, and will include the consideration of cultural heritage values including design or physical value, historical or associative value and contextual value. The evaluation of cultural heritage value of a Heritage Conservation District may also consider social or community value and natural or scientific value. The contributions of Toronto's diverse cultures will be considered in determining the cultural heritage value of properties on the Heritage Register."

Policy 3.1.5.3 states that heritage properties "will be protected by being designated under the Ontario Heritage Act, and/or included on the Heritage Register". This includes designation under Parts IV or V of the OHA, as well as listing under Section 27 of the Act.

Policy 3.1.5.4 states that heritage resources on the City's Heritage Register "will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council." Policy 3.1.5.6 encourages the adaptive re-use of heritage properties while

Policy 3.1.5.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impacts on it. Heritage Impact Assessments (HIA) are required for development applications that affect listed and designated properties. An HIA shall be considered when determining how a heritage property is to be conserved.

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

<https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

The Ontario Heritage Toolkit also provides guidance on the listing of non-designated properties on the Heritage Register. The Tool Kit provides direction on the purpose of listing heritage properties, and explains how the Provincial Policy Statement and the Ontario Heritage Act provide a framework for how listed properties fit within the land use planning system.

https://www.mtc.gov.on.ca/en/heritage/heritage_toolkit.shtml

COMMENTS

Identification of Properties with Cultural Heritage Value

Properties that have potential cultural heritage value may be identified through a variety of methods. This includes nominations by members of the public, advocacy groups or councillors; as part of the development application process; and through heritage surveys that are related to planning studies, heritage conservation district studies, or other urban design initiatives.

As part of the Cabbagetown Southwest Heritage Conservation District (HCD) Study, the project consultant (EVOQ Architecture) was tasked with identifying properties that merit further research and evaluation based on their individual design value in order to determine whether they merit inclusion on the City of Toronto's Heritage Register. The HCD Study Staff Report (June 6, 2019) identified thirty-eight properties within the study area, and that the Toronto Preservation Board endorsed for further research.

Community Consultation

The HCD study process included two community consultation meetings and three community advisory group (CAG) meetings. City Planning, in collaboration with Lura Consulting, a sub-consultant retained to assist with community engagement, undertook these meetings in order to benefit from local expertise and receive community knowledge, views and ideas for consideration as part of the HCD study. The CAG process provided the study team with an opportunity to vet information and ideas and incorporate the community's perspectives and knowledge into the study.

The first community consultation meeting was held on July 5, 2018 to introduce the study to the community, present an overview of the study process and receive feedback on the area's cultural heritage value.

The first CAG meeting was held on October 2, 2018. At this meeting, City staff presented an overview of the study process and the consultant outlined research and survey work completed. The second CAG meeting was held on November 13, 2018, at which time the consultant team presented the draft character analysis and preliminary recommendations, including character areas, properties for further research, and building typologies. The third meeting was held on March 25, 2019, where the boundary was presented for discussion alongside the evaluation of the district for designation. The members also reviewed and provided feedback on the format and material for the second community consultation meeting.

The second community consultation meeting was held on April 25, 2019. The proposed list of properties for further research was shared with the public at this meeting, with opportunities to provide feedback both during and after the meeting. The local Councillor was in attendance as well to receive the community's perspectives and engage with residents of the neighbourhood.

The engagement process received a diverse range of comments and perspectives from the community which are generally supportive of the recommendations of the HCD study, which are further elaborated on in the Engagement Summary Report attached to the HCD study.

Heritage Survey Verification

This report recommends the inclusion of nine properties on the City's Heritage Register that are outside of the proposed Cabbagetown Southwest HCD. Eight of these properties are on Berkeley Street, and one is located on Ontario Street. All properties have been reviewed since the survey was completed to confirm their cultural heritage value, and to ensure that none have been demolished, irreparably altered, or evaluated through the course of a demolition application.

Three properties - 194, 196 and 198 Berkeley Street - were reviewed and removed from the list for inclusion. The remaining twenty-six properties identified for further evaluation in the June 20, 2019 report are within the boundaries of the proposed district, and will be evaluated as part of the current Cabbagetown Southwest HCD Plan project.

Preparation of Descriptive Listings

Over the course of 2020, staff individually reviewed each property to determine whether it has cultural heritage value, taking into consideration the property's age, design, and any known histories and associations. A short description of the property's design and appearance was prepared, which includes its primary address, photograph, estimated date of construction, and any historical information that may be pertinent.

The listing statements included in Attachment 2 identify the properties being recommended for inclusion on the Heritage Register in this report as having heritage

value relating to their design, physical and historical values. These properties relate to the initial period of residential development within the Cabbagetown South neighbourhood, and the former residential neighbourhood to the south, which was demolished in the mid-20th century and is now the site of the Moss Park Apartments. Many of these properties contain fine architectural details representative of mid- to late-Victorian residential architecture, and retain a high degree of integrity.

Implementation and Jurisdiction

Non-designated listed properties do not have any protection under the Ontario Heritage Act, except insofar as an owner must give Council at least 60 days' notice of their intention to demolish or remove a structure on the property. This allows the municipality time to decide whether to move forward with designation of the property under Part IV of the Ontario Heritage Act.

Listing does not trigger maintenance requirements over and above existing property standards and it does not restrict altering, removing or adding any features on the property. 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. Although inclusion on the Heritage Register as a listed property provides interim protection from demolition, it does not preclude an owner's ability to make exterior and interior alterations in the case when demolition or a planning application is not involved.

When a property is listed it does not necessarily mean that it will be subsequently "designated," which is legally binding and requires owners to seek heritage approval for alterations and additions. Designation generally happens within one of three scenarios:

- a property owner gives notice of an intention to demolish the listed building and further evaluation recommends designation
- a listed property is included within a planning application and subsequent evaluation directs appropriate conservation measures and designation within the planning approval process
- 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

Properties that are listed on the City's Heritage Register are flagged for review by Heritage Planning staff once a demolition permit has been submitted and owners must follow established Notice requirements under the OHA following this action. City Council has a fixed period of time to designate the property in order to halt the demolition of a listed property. In the case of development applications, staff will continue to require a Heritage Impact Assessment (HIA) for all listed properties. Following further research and evaluation, staff may recommend designation of the property under Part IV of the Ontario Heritage Act and seek appropriate conservation.

CONCLUSION

The listing of non-designated properties with cultural heritage value on the Heritage Register will extend interim protection from demolition, should a development or demolition application be submitted. Listing provides an opportunity for City Council to determine whether the property warrants conservation through designation under the Ontario Heritage Act.

Following research and evaluation, it has been determined that the properties at 188, 190, 200, 209, 210, 211, 212, 221 Berkeley Street and 210 Ontario Street have cultural heritage value and warrant inclusion on the City's Heritage Register.

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SIGNATURE

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ATTACHMENTS

Attachment 1 - Listing Statements for 188, 190, 200, 209, 210, 211, 212, 221 Berkeley Street and 210 Ontario Street
Attachment 2 - Proposed Cabbagetown Southwest Heritage Conservation District Boundary

Address: 188 & 190 Berkeley Street
Year Built (est.): pre-1870



Description: 188 & 190 Berkeley Street are two semi-detached houses, and are early representative examples of a vernacular townhouse style with Georgian influence. Each house is two storeys with brick cladding and minimal ornamentation. The primary east façades of each house is organized into 2 bays, with steps up to arched entrances – originally recessed and likely featuring fanlight transoms but later infilled – and segmental arched header openings, except for the first floor window on 190 Berkeley Street, which was rebuilt with a flat window head. The houses have a shared side gable roof, punctuated by a chimney at the roof ridge on 190 Berkeley Street.

Address: 200 Berkeley Street
Year Built (est.): pre-1878



Description: 200 Berkeley Street is three storey brick clad house and a representative example of the Victorian Bay and Gable style. The façade is defined by a deep two storey verandah – likely a later addition - which extends the full width of the house with turned spindle railings, Doric columns and a deep overhang. The side hall entrance is defined by a double door and transom window, adjacent to a two storey bay window that culminates at the top of the second floor. A steeply pitched mansard roof is defined by a jerkinhead gable above the bay windows, and adjacent to a smaller jerkinhead dormer window.

Address: 209 & 211 Berkeley Street
Year Built (est.): pre-1870



Description: 209 & 211 Berkeley Street are two semi-detached houses that are representative of the Romanesque Revival style applied to a vernacular bay and gable house. These two storey houses are clad in red brick, with rectangular bays culminating in a gable end flanked by brick corner turrets and with brick corbelling. The first storey windows have large stained glass lunettes, with segmental arched window openings on the second storey, both with brick drip moulds that extend the width of the bay. The side hall front entrances are raised, with transom windows and below simple flat headed second storey windows. Both entrance porticos are later additions.

Address: 210 & 212 Berkeley Street
Year Built (est.): pre-1870



Description: 210 & 212 Berkeley Street are two pre-confederation semi-detached houses that are fine representative examples of the Romanesque Revival style as applied to a vernacular bay and gable house. These two storey houses are clad in red brick, with a prominent shared front gable and two chamfered and gabled bays, slightly set back. The front gable is flanked by brick turrets, with decorative wood vergeboard, a drop pendent and finial. Below, two separate entrances are deeply recessed within arched openings, decorated with brick drip moulds and detailing. The houses are notable for their fine brick detailing, including spandrel panels, string courses, and an attached pendent in the gable end.

Address: 221 Berkeley Street
Year Built (est.): pre-1870

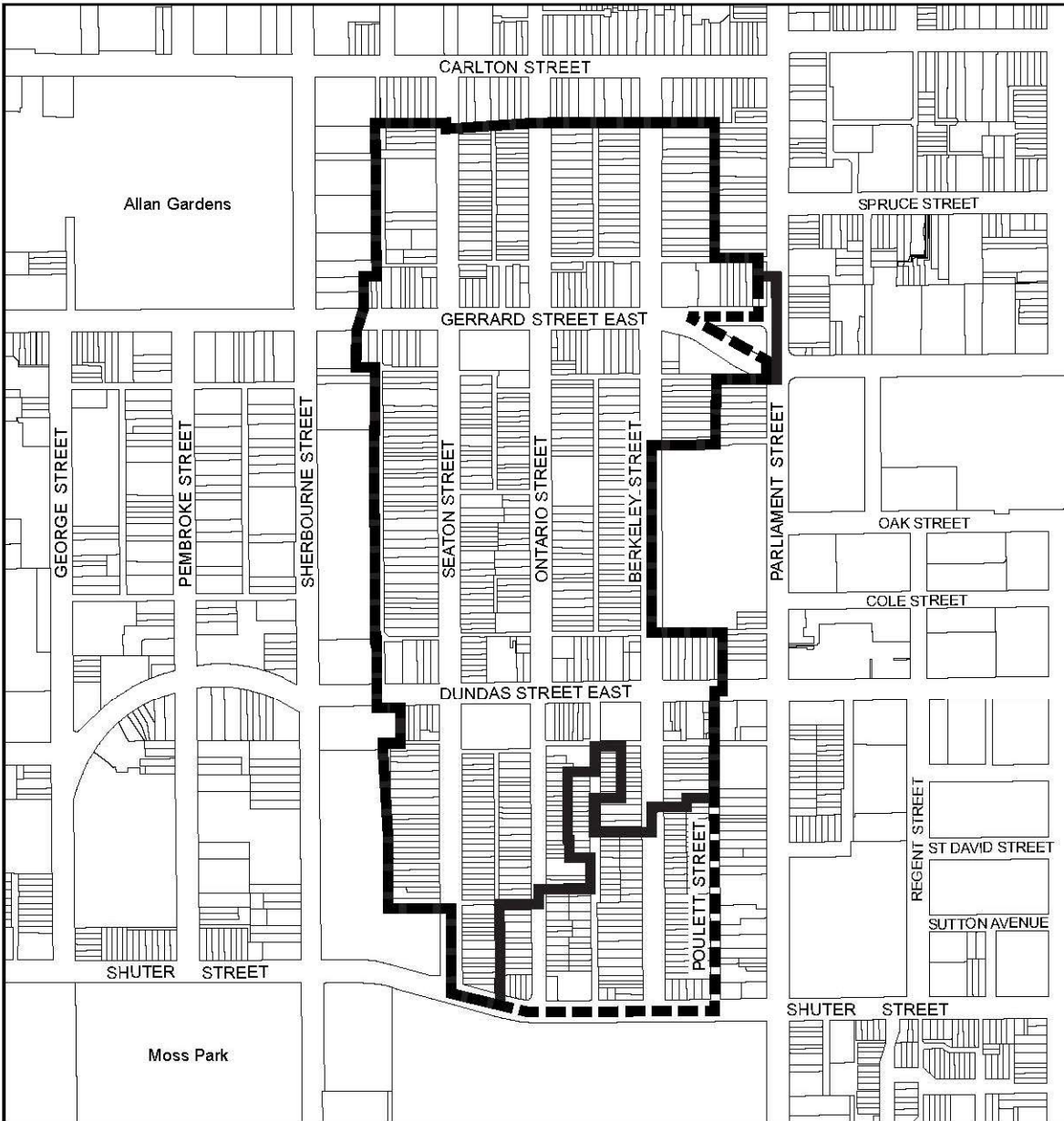


Description: 221 Berkeley Street is a two storey brick house, and is representative of a vernacular style with Georgian influences. The side gable house is divided into three bays, and is clad in painted common bond brick. A side hall entrance in the southernmost bay is set within a classical door surround with entablature and projecting cornice and a modified fanlight transom, while the other two bays feature windows set within segmental arched window head openings with splayed brick lintels. A small brick chimney rises from the roof ridge, and is likely original to the house.



Address: 210 Ontario Street
Year Built (est.): pre-1878



Description: 210 Ontario Street is a one and a half storey house, and is a representative example of the Ontario house style, with Gothic Revival influences. The three bay house is clad in vertical board and batten siding, with a side gable roof and a centre gabled dormer, above a centre hall entrance. Two windows flank the entrance, and a single small window is set within the gable above. The portico entrance is likely a later alteration to the house.



Cabbagetown Southwest Proposed Heritage Conservation District

-  Study Area Boundary
-  Proposed HCD Plan Boundary



Not to Scale
04/09/2019