



## STAFF REPORT ACTION REQUIRED

### Official Plan Five Year Review – Proposed Heritage Policies

<b>Date:</b>	May 24, 2012
<b>To:</b>	Planning and Growth Management Committee Toronto Preservation Board
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	Pg12037

#### SUMMARY

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This report presents the proposed official plan policies for heritage resources, as part of the Five Year Review of the Official Plan. The proposed policies provide policy direction to reflect changes to Provincial legislation and policies adopted after the 2002 adoption of the Official Plan by Council.

While extensive consultation was undertaken to inform the development of the policies, this report outlines a general public consultation strategy on the proposed policies to commence following Council's adoption of this report. Upon conclusion of the public consultation on the proposed policies, staff will present an official plan amendment for Council's adoption in the fall of 2012.

#### RECOMMENDATIONS

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

1. Council receive the proposed Official Plan Heritage Policies.
2. Council direct staff to consult with the public at large, heritage groups, councillors, City Divisions and BILD to obtain their comments and feedback regarding the proposed policies.
3. Council direct staff to conduct a public open house on the proposed Official Plan heritage policies in September of 2012.

4. The Chief Planner report back with final recommendations and an official plan amendment on heritage policies to the October 12, 2012 meeting of the Planning and Growth Management Committee for the special meeting in fulfillment of Section 26 of the Planning Act.

### **Financial Impact**

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

## **ISSUE BACKGROUND**

### **Existing Framework for Heritage Conservation**

In 2000, the current Official Plan Heritage policies were drafted in consultation with a staff established Heritage Advisory Group. The policies were adopted by Council in 2002 as part of the Official Plan and were broadly supported by the Heritage Conservation community. At the time Council adopted the policies, municipalities had limited powers to conserve heritage resources. Such powers were limited to a municipality's powers to delay demolition of heritage resources. Council's existing Official Plan policies reflect the limited powers for the retention of cultural heritage resources in existence at that time. The Official Plan's heritage policies were brought into force and effect by the Ontario Municipal Board on June 2006.

At the time the Ontario Municipal Board approved the Official Plan policies regarding heritage they did not reflect new powers granted to municipalities under the revised Ontario Heritage Act adopted in 2005. The revised Ontario Heritage Act radically altered a municipality's powers, responsibilities and tools to conserve heritage resources. The revised Act formalized the Municipal Register, created criteria for designation of heritage properties, provided tools for the maintenance of heritage properties, and created a detailed formalized process for the creation and conservation of Heritage Conservation Districts, among other matters.

In 2005, the Province also issued Provincial Policy Statements that required the conservation of significant built heritage resources, cultural heritage landscapes and significant archaeological resources. The 2006 Provincial Growth Plan for the Greater Golden Horseshoe then called for municipalities to develop and implement Official Plan policies to further the conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified. Changes to the Planning Act requiring consistency with the Provincial Plan and policy as well as the enactment of the City of Toronto Act, 2006, have also impacted the City's responsibility and ability to protect heritage resources.

Prior to the commencement of the statutory Official Plan Review under Section 26 of the Planning Act, the City's heritage policies were the subject of considerable public discourse. In the spring of 2010, Heritage Toronto and the Toronto Historical

Association held a series of consultation sessions to articulate significant issues facing heritage preservation and the heritage community in Toronto. These consultations were the basis of the February 2011 report 'Heritage Voices' issued by Heritage Toronto, which, among other matters, identified the need for improvements to the Official Plan on heritage policies. In the spring of 2011, the Chair of Planning and Growth Management held a Roundtable on heritage issues with a panel of experts presenting views on how heritage conservation could be strengthened in Toronto.

Toronto has accomplished a great deal to conserve heritage resources in the past decade despite the lack of revised policies. Council adopted the Federal *'Standards and Guidelines for the Conservation of Historic Places in Canada'* as a basis for the conservation of heritage properties. The City adopted an Archaeological Management Plan, policies for the identification and creation of Heritage Conservation Districts, and approved in principle a Heritage Management Plan. While there are doubtless properties of heritage interest currently without protection, Toronto has added approximately 6000 properties to the Heritage Inventory since 2000. Incentives to preserve heritage resources were created including a Heritage Property Tax Rebate program and the granting of over 200 heritage grants since 2005 to leverage private investment in heritage conservation.

## **COMMENTS**

### Public Consultation on Review

The most striking observation coming out of the public consultation on heritage policies is how important the conservation of heritage buildings, structures and landscapes is to the people of Toronto. This interest runs the range from dedicated heritage advocates who work on heritage conservation every day to the tens of thousands of Torontonians who line up one day each year for a glimpse of heritage building interiors during the springtime 'Doors Open' event. For some, heritage buildings and landscapes are a tie to their personal history, and for newcomers to Toronto it is a link to understanding the culture and history of their new home. In the past, Toronto has lost a number of its most important heritage buildings as the City has evolved and grown. The key message that arose consistently in the public consultations for the review of the Official Plan is that a greater effort must be made to retain our remaining important heritage resources, and to balance Toronto's growth while keeping important touchstones to our past. Heritage resources need to be viewed as contributing long-term value to our built fabric and individual developments, as well as our collective sense of ourselves.

During the public consultation phase of the Five Year Review of the Official Plan, a recurring theme was the need to strengthen the Official Plan's heritage policies. A team of consultants, led by Taylor, Hazell Architects and Archaeological Services Incorporated was retained by City Planning to work with staff on the creation of new heritage policies. In the summer and early fall of 2011 the consultant team carried out extensive group interviews with dozens of heritage consultants, community heritage groups, architects, planners, developers, lawyers, members of heritage panels, representatives of First

Nations groups, community heritage advocates and councillors. Staff from other municipalities and the Province were consulted to discuss best practices. A Heritage Advisory Committee was established composed of representatives of the aforementioned groups to discuss best practices in heritage resource conservation, and what policies should be included in the Official Plan. On December 1, 2011 the public consultation phase of the Heritage Study concluded with a Heritage Town Hall meeting attended by over 100 members of the public.

Specific points that emerged from the interviews, the Heritage Advisory Committee and the Heritage Town Hall meeting included:

- The Official Plan heritage policies need to be updated to reflect legislated municipal responsibilities and powers.
- Definitions are needed for key terms to provide clarity.
- The City needs emergency protocols for dealing with situations where heritage buildings and archaeological sites are threatened by unanticipated events (e.g. fire, flood) or discoveries.
- The need to balance the growth downtown with the preservation of our remaining important heritage buildings, landscapes and views, and recognize that heritage conservation adds value.
- The retention of facades alone is poor conservation practice and the City should emphasize the retention of significant portions of buildings.
- Stronger and more specific policies for the identification and protection of important views and vistas are required.
- More detailed policies for the identification, designation and protection of Heritage Conservation Districts are required.
- Cultural heritage landscapes should be recognized in the Official Plan.
- Stronger policies for maintenance of heritage structures are needed to avoid 'demolition by neglect'.
- Policies for consultation with First Nations Groups need to be expanded.

#### General Policies Addressing Many Types of Cultural Heritage Resources

The proposed policies contain the general heritage policies to cover a wide array of cultural heritage resources including: individually significant buildings and structures, properties that are part of a heritage conservation district and cultural heritage landscapes.

These proposed general policies commence with the establishment of a "Register" of properties of cultural heritage value or interest to be maintained by the City, as required by the 2005 amendments to the Ontario Heritage Act. Properties of potential cultural heritage value or interest are to be identified and evaluated using both Provincial criteria and Council-adopted policy. Where criteria set out in provincial regulation for determining whether a property has cultural heritage value or interest are met, the property will be included on the Register. The Register would include

both properties that are individually significant or part of a heritage conservation district including a cultural heritage landscape. As permitted by the Ontario Heritage Act, the Register could consist of both properties that are designated and those that are not. The City currently maintains an 'inventory' of properties of cultural heritage value, some of which are designated and some of which are simply listed on the inventory. The City's current inventory of heritage properties would comprise the initial Register and be added to incrementally over time.

The proposed Official Plan policies provide that all private and public properties of cultural heritage value or interest would be protected, conserved and maintained in keeping with Council adopted policies such as the 'Standards and Guidelines for the Conservation of Historic Places in Canada' and 'Heritage Conservation Districts in Toronto: Procedures, Policies and Terms of Reference'. Where there are site alterations, public or private developments, or public works either on or adjacent to a heritage property, the policies call for an evaluation to ensure that the heritage attributes and value is conserved. Schedule 3 of the Official Plan requires a Heritage Impact Statement/Conservation Strategy as part of any complete application on a property on the City's inventory or adjacent properties where there is an application for a zoning by-law amendment, a plan of subdivision, or consent to sever. Where there is an application for only site plan control, the City may request a Heritage Impact Statement. The proposed heritage policies would amend Schedule 3 to use the term 'Heritage Impact Assessment' and also require an assessment where applications for an Official Plan Amendment are being submitted, since major applications requiring an amendment to the Official Plan could genuinely impact heritage resources on or adjacent to a heritage property. The proposed heritage policies would also require a Heritage Impact Assessment where there is a demolition permit required under the Ontario Heritage Act on a heritage property or adjacent to one. The term 'adjacent' is defined for the purposes of the Official Plan heritage policies to include lands contiguous to the heritage property or separated from it by road, lane, walkway, green space, park or easement. Some individual Heritage Conservation Districts adopted by By-law contain specific definitions of 'adjacent' that would continue to be applied.

The proposed Official Plan policies call on the City to show leadership in the conservation of heritage resources under its stewardship. As well as protecting and conserving heritage properties owned by the City, a new proposed policy provides that where a city-owned property is no longer required for its current use, the City will promote its conservation and encourage an adaptive reuse of the building. The existing policy of designating and securing an easement agreement on a city-owned heritage property before it is disposed of is retained.

Experience has demonstrated the need to address unexpected threats to important heritage properties. For example, the fire in the Empress Hotel required a response from numerous City divisions and agencies and external owners and interested parties. To be prepared for such emergencies, a proposed policy is included that

would require that the City establish an emergency management protocol to direct actions following such events. Sometimes, when excavating for new buildings or infrastructure important archaeological artifacts are unexpectedly uncovered, and the proposed emergency management protocol would extend to protecting and securing these finds.

A problem identified during the consultations is the loss of valuable heritage buildings that have fallen into disrepair to the extent that they are no longer usable or able to be retained. This problem is often referred to as 'demolition by neglect'. The existing policies provide for City-owned heritage resources to be conserved in a state of good repair. The City of Toronto Act gives the City powers to set out minimum standards for the maintenance of the heritage attributes of designated heritage properties, whether public or private, and the City has enacted a Heritage Property Standards By-law to implement this. The proposed policies would reinforce the application of property standards to protect them against demolition by neglect.

Heritage incentives are an important part of the balance between regulation and encouraging the correct treatment of heritage properties. They ensure access to specialized services or materials that may be required in the restoration or maintenance of heritage properties. Previously, policies for heritage incentives were limited to ensuring that incentives for conservation be created, but did not address expectations related to their issuance. Expanded and enhanced incentive policies are proposed which ensure access to incentives for heritage property owners is predictable and consistent while providing for the highest level of restoration and maintenance. The incentive policies also require that when public money is used to restore or maintain publicly funded properties that (a heritage easement agreement) is secured as a condition of accepting those incentives.

#### Policies for the Retention of Significant Heritage Properties

Policies are proposed to address the retention, alteration and demolition of heritage properties in both the general policies and those that specifically apply to individually significant heritage properties. The Provincial framework for the conservation of cultural heritage resources has moved in the direction of greater protection. The 2005 Provincial Policy Statement (PPS) speaks to protecting significant built heritage resources. Even where development is proceeding on lands adjacent to a protected heritage property, the PPS provides that mitigative measures or alternative development approaches may be needed to conserve the heritage attributes of the protected heritage property.

One of the highest forms of heritage conservation available to the City is a heritage conservation easement agreement with the owner securing the preservation and maintenance of the heritage property, which the City often requests as a condition of funding rehabilitation or where development is occurring on a site with a heritage

building. A proposed policy states that owners of designated heritage properties will be encouraged to enter into such agreements.

Toronto has experienced tremendous growth downtown in the past decade, and fewer significant heritage buildings remain in the Mixed Use Area and Regeneration Area designations where more intensive redevelopment is occurring. The development pipeline to the end of 2011 contains over 150,000 residential units, which is conservatively a ten to fifteen year supply of housing. There is a large pool of city-wide development sites in Toronto to meet future housing and employment needs without requiring the demolition of heritage buildings. The proposed Official Plan heritage policies therefore seeks to implement the Provincial policies for the conservation of built heritage resources and to balance the continued growth of our City with the retention of our important heritage buildings and structures.

In the instance where a development application proposes to retain only a portion of a heritage building, the retained portion should reflect the height and depth of the heritage building. The retention of heritage facades into buildings of another architectural form and scale is too often proposed and considered by applicants to be an appropriate form of heritage conservation. The proposed policies continue to discourage the retention of only the facades of heritage buildings. When a portion of a designated heritage building remains as a result of an alteration a heritage alteration permit is required. The proposed policies state that the alteration of a designated heritage property should not be approved if it will negatively affect the heritage attribute of the designated heritage property.

On many sites it is possible to preserve a portion of a heritage building and undertake new construction. As well new construction on a property beside or across the street from a heritage property may have an impact on the heritage property. The proposed policies provide that new construction will have a minimal visual and physical impact on the heritage property and will consider the massing, height, materials, building orientation and location relative to the heritage property. In keeping with the PPS, mitigative measures or alternative development approaches may be required to conserve the heritage attributes of the protected heritage property.

Heritage Conservation Districts (HCD's) have been a powerful and useful tool in the conservation of historically significant parts of the city; however the revisions to the OHA in 2005 substantially increased the requirements for the study and designation of HCDs in Ontario. These changes and Council's response to them have been addressed in the recently adopted *Heritage Conservation Districts in Toronto: Policies, Procedures and Terms of Reference*. However, Official Plan policies are required to ensure that a consistent and fair approach to HCDs is maintained.

The OHA requires the City to include policies in its Official Plan relating to the establishment of HCD's in order for Council to employ its powers to designate under Part V of the OHA and this has been provided for the new policies. Additional

policies implement complimentary heritage procedures and in policies already adopted by Council. Clear direction is also provided in the policies to ensure that the character values, attributes and integrity of these areas will be conserved by mitigating the impact of alterations or public works within, or adjacent to an HCD.

### Cultural Heritage Landscapes

Cultural heritage landscapes are areas that have been modified by human activity over time, possess cultural heritage value and combine different elements of individual heritage features. Typically, the most notable among these features are landscape, open space and natural elements, but they can also include buildings, structures, and open spaces, and archaeological sites. For example, Allan Gardens combines exquisite heritage greenhouse buildings, important formal gardens and is an important heritage space that is a focus for numerous communities. Fort York, another cultural heritage landscape combines some of Toronto's earliest buildings as well as battlefields and open spaces that frame the Fort and are of immense historical value to Torontonians and Canadians. The PPS provides that significant cultural heritage landscapes will be conserved. Accordingly the proposed policies state that Council will identify and evaluate potential cultural heritage landscapes and where they are significant they will be included on the register and conserved. Council may designate these cultural heritage landscapes under either Part IV or Part V of the Ontario Heritage Act.

### Protection of View and Vistas

Among the comments frequently heard during the Official Plan Review consultations on heritage was the need to strengthen the general policies on view protection in the current Official Plan. The inability of the existing policies to protect the view of the Queens Park Legislature from University Avenue at the Ontario Municipal Board was cited as an example. Toronto was initially planned with important landmark public buildings located in prominent locations that terminated view corridors from significant streets. The Queens Park Legislative Assembly terminates a ceremonial thoroughfare on University Avenue north of Queen Street. Osgoode Hall terminates the view up York Street and Old City Hall terminates the view from Bay Street to the south. Important views of the lake have been protected at the south end of certain City streets, and views of the downtown skyline and financial district are important place markers from various points in the waterfront, downtown and higher land in the former inner suburbs.

Staff have identified views and vistas of key landmark heritage buildings, the lake and river valleys and the downtown skyline and financial district and identified them on a new map which is proposed to be added to the Official Plan. New policies are proposed to be added to the Urban Design Public Realm Section 3.1.1 of the Official Plan that speak to the City protecting and preserving the key views of iconic heritage buildings, major natural features and the downtown skyline that are set out on the



new Map. The new view policies provide that City planning studies will identify additional views and vistas to be added to the Official Plan map through an official plan amendment, and the criteria for selecting additional views are clearly set out in the Plan policies. The new policies allow for a public process before any views are protected under the policies.

A policy providing for the protection of views and vistas of heritage properties and cultural heritage landscapes is included in the proposed heritage policies of Section 3.1.5 of the Plan that also cross-references the new map of significant views and vistas proposed to be added to the Official Plan.

Staff have also been working on a request from City Council on March 8, 2011 for a report on adopting an official plan amendment to protect views of the Queens Park Legislative Assembly building from University Avenue to the south. The proposed new Official Plan map outlining important views to be protected includes the view of the Queens Park Legislative Assembly from University Avenue at Queen Street, the beginning of the ceremonial route. A further report will be forthcoming that outlines the elements of the view to be protected.

### Archaeology

The Provincial policy framework for protecting archaeological sites and resources has also been strengthened considerably since the official plan was adopted by Council in 2002. The 2005 Provincial Policy Statement only permits development and site alteration on lands containing archaeological potential if any significant archaeological resources have been conserved by preservation on-site or by removal and documentation. The 2006 Growth Plan calls for the conservation of archaeological resources where feasible, as built-up areas are intensified.

The City has an Archaeological Management Plan that identifies areas of archaeological potential. While much of the City has been disturbed by past development excavation, there are areas of the City that retain archaeological potential. The proposed official plan policies set out the process for archaeological assessment in areas with archaeological potential. They require the owner of the lands to undertake studies by a licensed archaeologist to assess the property for archaeological resources and the impact of the proposed development on any archaeological resources. The archaeologist is to identify methods to mitigate the impacts of the proposed development on any archaeological resources, including whether there can be protection on-site and the curation of artifacts. A Provincial letter verifying that an Archaeological assessment has been satisfactorily completed is to be provided to the City, and if there are First Nations or Métis artifacts discovered, to the First Nation with the closest cultural affiliation.

In keeping with provincial policy, the proposed archaeological policies provide that only where archaeological resources have been satisfactorily assessed, may

development or site alteration be permitted on lands containing archaeological resources or areas of archaeological potential. Preservation on-site is the preferred conservation strategy for any archaeological site and where this occurs on-site conservation should be secured in a heritage easement agreement. While on-site conservation may often be accomplished in low-density greenfield development, the Plan policies recognize that in a built-up municipality such as Toronto this is not always possible with lands held in private ownership. The proposed policies state that where excavation of archaeological resources occurs, the information and artifacts are to be safeguarded in an alternative location. The City does not currently have a central repository for archaeological records or artifacts and these are held for safekeeping by individual archaeologists. A new policy recommends the City take possession of these important finds and provide a suitable repository where they can be safely stored for future research and exhibition. Staff will consult prior to the finalization of these policies on options to achieve this.

Consultation with First Nations and Métis is a practice to balance the history and spiritual values of First Nations and Métis. The City was one of the first municipalities to include policies in its Official Plan dealing with the identification, protection and preservation of First Nations cultural sites such as burial sites. In the past decade other Ontario municipalities have established much more extensive official plan policies on consultation with the First Nations and Métis. The First Nations have a recognized interest in these sites, particularly burial sites as the bones in ossuaries are regarded as living spirits of their ancestors, and the natural areas of the City—the river valleys are where many of their important settlements once existed. The proposed Official Plan policies provide that after an archaeological assessment has been completed, the landowner provide the Provincial concurrence letter to both the City and any applicable First Nations or Métis group. Where the archaeological resources are found to be First Nations or Métis in origin, the landowner is required to give the Stage 1 and Stage 2 Archaeological reports, prior to development, to the First Nations or Métis group with the closest cultural affiliation and in whose traditional territories the archaeological resources were found. The landowner is to consult with that First Nations or Métis group to discuss conservation and interpretation approaches.

In some municipalities with primarily greenfield development, the official plan requires on-site preservation of significant First Nations archaeological site. The sites are often the 'open space' component of the development and are excluded from density calculations. However, Toronto is a built-up city and outside of parks and natural areas, large tracts of land have been disturbed for infrastructure and development excavation. The valleys and ravines are also the location of much former First Nations settlement and activity. The parks and natural areas are generally owned by the City or other public agencies such as the TRCA. The proposed official plan policy therefore provides that where significant First Nations or Métis archaeological resources are found on publicly owned lands, the City may deem these lands as not suitable for development. The City will endeavour to

develop a consultation protocol to govern consultation with First Nations and Métis on archaeological matters.

### Heritage Awareness

Heritage issues are a component part of the planning evaluation process. Whenever a study such as a Secondary Plan or Avenue Study is undertaken, heritage matters should be part of the study. A proposed policy provides that area planning studies and plans identify potential and existing cultural heritage resources, including possible heritage conservation districts and cultural heritage landscapes.

The increasing interest in Toronto's past and heritage buildings is evidenced by the large attendance at heritage walks, 'Doors Open', and public consultations on heritage issues. A proposed policy provides that knowledge of our collective past should be promoted through public and private educational programmes and Toronto's excellent historical venues and museums.

There are many sites that were important civic landmarks that have disappeared from Toronto's landscape. When a new development is constructed on one of these sites there is an opportunity to convey to Torontonians the importance of the site through interpretive means such as permanent displays, public art, naming of the building, architectural features or simple heritage plating...and a Plan policy encourages this. A similar policy is proposed to communicate to the public the importance of archaeological discoveries uncovered during the excavation for new development. A good example of this in recent years is the Bishops Block at Richmond and Duncan Streets. At this site thousands of artifacts of Toronto's history were unearthed and it became an important point of interest for the public to learn more about the site and the archaeological process given its public location. Some of the artifacts uncovered were part of a temporary exhibit at City Hall to show evidence of how people lived when these Georgian row houses were occupied. The development which will be the home of the Shangri-la hotel is, through the development process, required to include interpretation of the Bishop's Block within the hotel development.

### **Next Steps - Public Consultation**

Over the course of the summer and early fall, consultation will take place on the draft policies. The draft policies will be communicated using a variety of tools including:

- posted to the City's Official Plan Review website, [www.toronto.ca/opreview](http://www.toronto.ca/opreview);
- posted to the City's social media sites,
- by mail/email to those on the Official Plan Review mailing lists;

Consultation is proposed to take place with various identified stakeholders such as heritage groups, BILD, members of council at two information sessions. A public open house will be held to give the public an opportunity to discuss the proposed policies and comment upon them. Staff will summarize the findings from the public consultation and report back to a statutory public meeting to be held at the Planning and Growth Management Committee meeting of October 12, 2012, in fulfillment of the Planning Act requirement for a Section 26 review of the Official Plan Heritage policies.

## **CONTACT**

Kerri A. Voumvakis, Acting Director  
Policy and Research  
Tel: 416-392-8148  
Fax: 416-392-3821  
E-mail: [KVoumva@toronto.ca](mailto:KVoumva@toronto.ca)

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

Attachment No. 1	Proposed Heritage Policies
Attachment No. 2 –	List of Important Views & Vistas to be on OP Map for Conservation

## Proposed Heritage Policies

### 1. Section 3.1.5. Heritage Resources is deleted in its entirety and replaced with the following new Section.

The City's cultural heritage resources stretch throughout the City. Their protection and wise management demonstrate the City's goal to integrate the significant achievements of our people, their history, our landmarks, and our neighbourhoods into a shared sense of place and belonging for its inhabitants.

The City's significant buildings, archaeological sites, heritage conservation districts, and cultural heritage landscapes tell stories about the forces and events that have shaped Toronto. They reveal the city's historical geography; a lakefront terrain carved by rivers and valleys that 11,000 years ago first encouraged Indigenous people to hunt and fish, and 10,500 years later facilitated the development of agricultural communities occupied by thousands of people, many descendants of whom call Toronto home today. These resources represent the unique towns, villages, and cities that have come together to create Toronto; the city's different character through time; and its role as a provincial capital. The scale, number and significance of our cultural heritage resources is described in an on-going process of identification, evaluation and preservation that includes a Heritage Register and a comprehensive mapping of the City's archaeologically sensitive areas and sites. The identification of sites that tell our City's stories is an on-going process.

The preservation of our cultural heritage is essential to the character of this urban and liveable city. Protection can coexist with growth and intensification while new development is pursued, as sustainability goals are met and as we position Toronto as a unique and dynamic place to invest, visit, live and work. Preservation of cultural heritage resources is an important shared responsibility and is the most prominent civic legacy that we can leave to future generations.

## Policies

1. A register of properties of cultural heritage value or interest will be maintained.
2. Properties of potential cultural heritage value or interest will be identified and evaluated using Provincial criteria and Council adopted policy, including the consideration of design or physical value, historical or associative value and contextual value.
3. Private and public properties of cultural heritage value or interest

- will be protected, conserved and maintained consistent with Council approved standards and guidelines.
4. The impacts of site alterations, development, and/or public works within or adjacent to a property of cultural heritage value, shall be evaluated to ensure that the resources' cultural heritage value, heritage attributes, and integrity will be conserved.
  5. When a City-owned property of cultural heritage value or interest is no longer required for its current use, the City will promote its conservation, maintenance and compatible adaptive reuse.
  6. When a City-owned individual, significant property of cultural heritage value or interest is sold, leased or transferred to another owner, it will be designated under Part IV of the Ontario Heritage Act. A heritage easement agreement will be secured and monitored, and public access maintained to portions of the property that demonstrate its cultural heritage value and attributes.
  7. Cultural heritage resources, including archaeological resources will be protected in the event of emergency or threat, such as fire, flood, wilful damage and other unanticipated situation or discoveries. An emergency management protocol to direct actions during such emergencies will be prepared.
  8. Cultural heritage resources will be protected against demolition by neglect through enforcement of heritage property standards by-laws.
  9. Prior to alteration, cultural heritage resources will be recorded and documented to the satisfaction of the City.
  10. A Heritage Management Plan will be adopted. The Heritage Management Plan will be a comprehensive and evolving strategy for the conservation and management of the City's cultural heritage resources.
  11. Potential and existing cultural heritage resources, including cultural heritage landscapes and heritage conservation districts, will be identified and included in area planning studies and plans.
  12. Cultural heritage resources will be promoted through educational programs and museums.
  13. Interpretation of lost historical sites will be encouraged whenever a new private development or public work is undertaken in the vicinity of sites such as those where major historical events occurred, important buildings or landscape features have disappeared or important cultural activities took place.

## **Incentives**

14. Incentives for the conservation and maintenance of designated cultural heritage resources will be created.
15. Conservation and maintenance of heritage properties funded in whole or in part through incentives such as grants, tax rebates or other mechanisms will be completed to the highest standard of conservation.

16. Owners of publically funded designated heritage property will be required to enter into a heritage easement agreement as a condition of accepting heritage conservation or maintenance incentives.

## **Heritage Impact Assessments**

Heritage Impact Assessments enable the City to obtain information about the potential impacts a development may have on a cultural heritage resource. They provide a basis for establishing how impacts may be mitigated or avoided.

17. A Heritage Impact Assessment will evaluate the impact of a proposed alteration to properties on the register, or the impact of the development of adjacent properties, upon properties on the register.
18. In addition to requirements for a Heritage Impact Assessment set out in Schedule 3, Assessments will be required for all properties that are on the register, or are adjacent to properties on the register when a demolition permit is required under the Ontario Heritage Act.
19. A Heritage Impact Assessment will be requested where a development application may obstruct or detract from the visual integrity of a significant heritage view and/or vista indentified on Map.(See attachment No. 2)

## **Built Heritage**

20. Owners of designated heritage properties will be encouraged to enter into a heritage conservation easement agreement.
21. New construction on, or adjacent to, properties on the register will be designed to protect the heritage attributes and character of those properties to minimize visual and physical impact on the resource and address among other matters: scale, massing, materials, height, building orientation and location relative to the heritage property.
22. The conservation of whole buildings on the register is encouraged and the retention of facades alone is discouraged. The portion of a heritage building to be conserved should reflect its height and depth. Alteration of a designated property shall not be approved if the alteration is likely to negatively affect the heritage attributes of the property.

## **Heritage Conservation Districts**

23. Potential Heritage Conservation districts will be identified and evaluated in a Heritage Conservation District study. Significant Heritage Conservation Districts will be designated and conserved.
24. Heritage Conservation District studies and plans will be conducted in accordance with Council-adopted policies.

25. Impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be evaluated to ensure that the resources' heritage values, attributes, and integrity are conserved.
26. Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

## **ARCHAEOLOGICAL RESOURCES**

27. The Archaeological Management Plan will be implemented and maintained to manage archaeological resources and areas of archaeological potential.
28. Development and site alteration shall be permitted on lands containing archaeological resources or areas of archaeological potential where the archaeological resources have been assessed.
29. Preservation -site is the preferred conservation strategy for an archaeological site. Where on-site preservation is not possible, archaeological resources may be subject to excavation whereby the information and artifact assemblages are safeguarded in an alternative location, to the City's satisfaction.
30. Where an archaeological feature is found to have cultural heritage value, and on-site conservation is possible, on-site conservation should be secured in a heritage easement agreement.
31. Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, the owner of such land shall undertake studies by a licensed archaeologist to:
  - a) assess the property in compliance with Provincial standards and guidelines for consulting archaeologists and to the satisfaction of the City;
  - b) assess the impact of the proposed development on any archaeological resources;
  - c) identify methods to mitigate any negative impact that the proposed development may have on any archaeological resources, including methods of protection on-site or investigation and curation; and
  - d) provide to the City, and where applicable, to First Nations and Métis, a Provincial concurrence letter recognizing the completion of the Archaeological assessment.



32. Where archaeological resources are encountered or documented and found to be First Nations or Métis in origin:
- a) the proponent shall ensure that those First Nations or Métis with the closest cultural affiliation, and in whose traditional territories the archaeological resources were found, receive a copy of the Stage 1 and 2 Archaeological Assessment report(s) prior to the development proceeding;
  - b) The First Nation or Métis with the closest cultural affiliation and in whose traditional territory the significant archaeological resources is situated, should be consulted to identify conservation or interpretation approaches; and
  - c) Publically owned lands with significant archaeological resources of First Nations or Métis origin may be deemed not suitable for development.
33. The City shall develop a consultation protocol for cultural heritage resource matters in co-ordination with the First Nations, the Métis and the Province.
34. Archaeological discoveries, and their cultural narratives, should be communicated to the public through innovative architectural and/or landscape architectural design, public art installations, or other public realm projects associated with development.
35. The City will take possession of, and provide a repository for all archaeological artefacts' and records of archaeological assessment activities undertaken in the City, for the purpose of maintenance, research and exhibition.

## **CULTURAL HERITAGE LANDSCAPES**

36. Council will identify and evaluate potential cultural heritage landscapes. Significant cultural heritage landscapes will be included on the Register and conserved.
37. Significant cultural heritage landscapes shall be designated under either Part IV or Part V of the *Ontario Heritage Act*.

### *Side Bar:*

*A cultural heritage landscape is a geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a group(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts.*

*These resources may retain heritage significance based on their design, associative, and/or contextual values, which may include consideration of their natural aesthetic, scenic, scientific, social and/or spiritual values.*

*Examples of cultural heritage landscapes may include, but not be limited to: urban streetscapes; established commercial main streets; established historical neighbourhoods; significant archaeological features; distinctive roads of transportation corridors; and City-wide character-defining landforms and natural heritage features that have been modified by human activities. Allan Gardens and the Fort York and Garrison Common National Historic Site and Heritage Conservation District are examples of significant cultural heritage landscapes in the City of Toronto.*

## **VIEWS AND VISTAS**

38. The view and/or vista of a heritage property or cultural heritage landscape on the heritage register will be conserved where the view and/or vista is included on Map (see Attachment 2) and;
- a) The view and/or vista is identified in the cultural heritage values or attributes for the property; and/or
  - b) It is identified as a landmark in the cultural heritage values or attributes of the property.

### Sidebar

*A significant heritage view and/or vista represents the visual relationship between an observer and a significant cultural heritage resource. Heritage views and vistas may be experienced to or from significant cultural heritage resources, which may include significant cultural landscapes, landforms, buildings, complexes of buildings parts of the public realm, and/or prominent areas.*

## **DEFINITIONS**

39. For the purposes of Section 3.1.5 the following definitions shall apply:

*Alteration:* is any change to a heritage resource, including its restoration renovation, repair or disturbance.

*Demolition:* is the complete demolition of a heritage resource from its site, including the disassembly of designated heritage resources for the purpose of reassembly at a later date.

*Removal:* is the complete and permanent removal of a heritage resource from its site, including removal and relocation of structures to another property.

*Adjacent:* shall refer to those lands contiguous to a property on the register of heritage properties; lands that are separated from a property on the register by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, green space, park and/or easement, or an intersection of any of these; or, as otherwise defined in a heritage Conservation District Plan adopted by by-law.

*Visual Integrity:* is the ability to read and understand a view or vista, as it relates to a property's cultural heritage value, without impediment of other obstructions or intrusions. High visual integrity exists when the full extent of a significant heritage view or vista can be read and understood, without impediment of obstructions or intrusions. This definition also applies for the purposes of Section 3.1.1 of this Plan.

### **Revised View and Vista Policies Section 3.1.1**

Delete Policies 8 and 9 of Section 3.1.1, replace them with the following and re-number subsequent policies.

8. Scenic routes are streets that provide public views of important natural or human-made features. The views from these scenic routes should be preserved and, where possible, improved by:
  - a) Maintaining and enhancing views and vistas as new development occurs;
  - b) Creating new scenic routes and/or views when an opportunity arises; and
  - c) Increasing pedestrian and cycling amenities along the route.
9. Public works and private development will maintain, frame and, where possible, create public views to important natural and human-made features from the public realm. The visual integrity of views and vistas of important buildings and structures, the downtown skyline, and important natural heritage features shown on Map (See attachment 2) will be protected and preserved. The City will seek to ensure that new buildings, building additions and structures, and public undertakings do not obstruct or detract from these significant views and vistas. The retention of the integrity of the significant view vista shown on Map (see attachment 2) will be an important element of the consideration of such a development application or public undertaking. Where a development proposal may obstruct or detract from the visual integrity of views and vistas shown on

Map (see Attachment 2), the Planning Rationale Study submitted as part of a complete application will address the impact upon the significant view and vista.

10. Secondary plan studies, intensification corridor studies, mobility hub Studies, Avenue studies, heritage conservation district studies, precinct and context plan studies, local area studies and urban design guidelines will identify additional significant views and vistas to be added to Map (see attachment 2) through amendment to this Plan. Criteria for the addition to Map (see attachment 2) include views and vistas of:
  - a) Important heritage properties or cultural heritage landscapes on the City's register;
  - b) Important venues and gathering places;
  - c) Lake Ontario, river valleys and ravines and important natural topographical features through streets parks and open space; and
  - d) The downtown skyline and financial district.

Schedule 3 of the Official Plan is amended by:

- a) Deleting the term "Heritage Impact Statement" wherever it appears and replacing it with the term "Heritage Impact Assessment".
- b) Placing a dot in the matrix box that has "Official Plan" as the vertical axis and "Heritage Impact Assessment/Conservation Strategy" as the horizontal axis.
- c) Delete the words "Inventory of Heritage Properties" and replace them with the words "Registry of Heritage Properties".

## List of Important Views and Vistas to be on OP Map for Conservation

### A. Of Landmark Buildings and Structures

<u>View Of</u>	<u>From</u>
Queens Park Legislature	University Avenue at Queen Street
Old City Hall	Bay Street at Temperance
University College	Kings College Rd at College Street
Knox College (Spadina Circle)	Spadina Ave, at Queen Street, Spadina Ave at Sussex St., SE corner Bloor
Prince's Gates	Lake Shore Boulevard
Rogers Centre	Toronto Islands
	John Street at King Street
Osgoode Hall	York Street at Richmond Streets
	South side Queen Street at University Avenue
Fort York	Lake Shore Boulevard (as per Secondary Plan)
	Garrison Common
Upper Canada College	Avenue Road at Balmoral Avenue
Summerhill Clock tower	West Side Yonge at both Alcorn Ave and Walker Avenue
Casa Loma	Spadina Road and Dupont
	Southwest corner Dupont and Kendal Avenue
Yorkville Library/Firehall tower	West side of Yonge Street at Yorkville Avenue
R.C. Harris Treatment Plant	Lake Ontario
St. Augustine Seminary	Lake Ontario
York University Central Complex	Keele Street at York Boulevard
North York Civic Centre	East Edge of Mel Lastman Square at Yonge Street
Toronto City Hall	South edge of east half of Nathan Phillips Square at Queen Street W
Scarborough Civic Centre	North edge of Albert Campbell Square
Etobicoke Civic Centre	The West Mall at Burnhamthorpe Road
East York Civic Centre	Coxwell Avenue at Barker Avenue
York Cemetary War Memorial	Yonge Street
Scarborough Cenotaph	Kingston Road looking west
University of Toronto/Scarborough	Morningside Avenue

## **B. of Downtown/Financial District**

<u>View of</u>	<u>From</u>
Downtown/Financial District	Gardiner Expressway at Kipling Avenue, Gardiner Expressway at Humber Bay Shores, Polson Park 401 Bridge over West Don River, Don Valley Parkway south of Leaside Bridge Broadview Avenue at Bain Street, Sir Winston Churchill Park, Downsview Park hill

## **C. Of Important Natural Heritage Features**

<u>View Of</u>	<u>From</u>
Lake Ontario	Second Street, Third Street, Fourth Street, Tenth Street Eleventh Street, Miles Road, Lake Crescent, Royal York Road, Norris Crescent, Sand Beach Road
Humber River Valley	Bloor Street West, Dundas Street West, Downsview Park hill
Humber Marshes	South Kingsway
Rosedale Ravine	Rosedale Valley Road
Don Valley	Prince Edward Viaduct, 401 west of Yonge Street
Scarborough Bluffs	Scarborough Heights Park, Guildwood Park
Cathedral Bluffs	Bluffer's park
Rouge Marsh	Lawrence Avenue east
Rogue River	Kingston Rd Bridge looking north
Rouge Valley	Sheppard Ave looking east, north
Highland Creek	Lawrence Avenue Bridge looking north and south

