

COMMITTEE REPORT



TO Planning & Building, Engineering and Environment
Committee

SERVICE AREA Planning, Building, Engineering and Environment

DATE April 16, 2012

SUBJECT Brooklyn and College Hill Heritage Conservation District
Designation Process – Phase 2: Process and Timeline to
Address Outstanding Boundary Issues and Proposed
Public Consultation Program

REPORT NUMBER 12-45

SUMMARY

Purpose of Report: To provide a report recommending

- a process and timeline to address outstanding boundary issues in the early stage of Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process and
- a proposed public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process.

Committee Action: To decide whether to approve the process to address outstanding boundary issues and the public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process.

RECOMMENDATION

“THAT Report 12-45 dated April 16, 2012 from Planning & Building, Engineering and Environment, regarding the recommendation of a process to address outstanding boundary issues and a proposed public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process be received;

AND THAT Planning staff be directed to carry out the necessary steps of the recommended process to address outstanding boundary issues in the early stage of Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT Planning staff be directed to carry out the recommended public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process.”

BACKGROUND

Municipal heritage conservation district studies have in the past generally followed a two-part process: a background study of the potential district’s heritage attributes together with identification of a boundary that appropriately encompasses those properties; and a heritage conservation district plan that provides guidance on how to manage properties within the area. This approach became formalized in 2005 when the Ontario Heritage Act was substantially amended to provide a comprehensive system of district study and designation.

The Ontario Heritage Act, (notably subsection 40(2)) prescribes that a study shall:

- (a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;
- (b) examine and make recommendations as to the geographic boundaries of the area to be designated;
- (c) consider and make recommendations as to the objectives of the Plan under Section 41.1;
- (d) make recommendations as to any changes that will be required to the municipality’s official plan and to any municipal by-laws, including any zoning by-laws.

There is a clear expectation as part of the study process that a boundary would be sufficiently firmed up to be able to advance into the second phase of the district designation process, namely preparation of the district plan. The Ontario Heritage Act specifies the content of a heritage conservation district plan but there is no explicit reference to further examination or refinement of the district boundary.

The Brooklyn and College Hill HCD Study process is following this two-phase process. Phase 1 was completed and the Assessment Report was received by Council on Feb 27, 2012 and Council directed that Phase 2 of the process commence.

Through Phase 1 of the Brooklyn and College Hill HCD Study process, the consultants have carefully evaluated the cultural heritage value of the subject area, examined all available research materials and considered the specific requirements of Ontario Heritage Act and identified a recommended district boundary.

As noted above, normally, a recommended boundary is determined and confirmed in Phase 1, however, due to public submissions regarding the boundary during the Phase 1 process the staff report recommended that the recommended boundary be

acknowledged and that staff be directed to report back to Council with a final recommended HCD boundary during the second phase of the district designation process.

At the February 27 Council meeting there were a number of delegations and written submissions raising concerns about the recommended boundary and the issues were discussed at length. There was also significant discussion regarding the Phase 2 public communication/engagement process and the need to consider enhanced approaches to increase community awareness and involvement in Phase 2.

As a result of the above noted discussions at the February 27 Council meeting, the following two additional resolutions were passed:

THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee to present a timeline to address the outstanding boundary issues.

THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee on a proposed public consultation program to be carried out as part of the second phase of the Heritage Conservation District designation process.

This report responds to these two resolutions.

REPORT

Recommended Process and Timeline to Address Outstanding Boundary Issues

As noted earlier, the recommended boundary in the Phase 1 Assessment Report was based on the consultant's careful evaluation of the cultural heritage value of the subject area, examination of all available research materials and consideration of the specific requirements of Ontario Heritage Act.

The public concerns raised with regard to the boundary generally fall into two categories:

- a) concerns that there are inaccuracies or errors in the Phase 1 Assessment Report which resulted in certain properties/areas being incorrectly included within the boundary; and,
- b) concerns about the implications about being included in a HCD and therefore wanting to be excluded.

In order to finalize the recommended boundary, it is proposed that a process be followed to allow the concerned landowners/stakeholders to submit new information to address the first category of concern.

Property owners/stakeholders who have expressed concerns regarding the proposed district boundary are being given an opportunity to provide any "new" information that they feel the consultants and staff should be made aware of. This

technical evidence could take the form of confirmation or correction of content found in the consultant's HCD Study – Heritage Assessment. This gives property owners the opportunity to provide a rationale based on technical information as the basis for potentially amending the boundary.

In terms of the second category of concerns, although it is completely legitimate to raise questions around the implications of being included within the HCD, these types of concerns are best addressed in Phase 2 during the HCD Plan development. They are not, in and of themselves, sufficient technical issues to support a re-evaluation of the recommended boundary.

Following Council's direction to staff to provide a recommended process for finalizing the HCD boundary early in the district plan portion of the study process, and to consider new information that may provide a rationale for refining the boundary in certain areas staff is proposing the following process of review:

- 24 April 2012, staff contacts property owners and stakeholders that have expressed boundary concerns and invites them to discuss their concerns, clarify the process and rationale for the current proposed boundary and for them to provide additional technical information to assist staff and consultant to evaluate the boundary.
- 18 May 2012, formal submission process closes
- late May/early June 2012 staff review findings and develops final recommendations
- July 3rd Council Planning makes formal decision on district boundary

Proposed Public Consultation Program for the Phase 2 of the HCD Process

The initial identification of this area as a priority candidate for a HCD arose out of the Old University and Centennial Neighbourhood Community Improvement Plan which was a community-based and highly participatory process. From the outset of the Brooklyn and College Hill Heritage Conservation District designation process the City has been committed to a significant public consultation program that is well over and above the Ontario Heritage Act requirements as set out in the consultant's current work plan.

Recognizing the issues expressed as part of Phase One of the heritage conservation district process, and given Council's direction in this matter, staff and consultant team have developed a proposed enhanced consultation program described below. In preparing this program, the consultant has considered approaches and techniques that have been effective in other HCD studies they have managed and staff have conducted a best practice review of several other comparable municipalities with active HCD programs. (It should be noted that this process of engagement is distinct and separate from the matter of finalizing the proposed district boundary described previously.)

Key elements of the enhanced public consultation program are:

- HCD FAQ sheet presented on City website
- focused community workshop (using work books and smaller, rotating breakout discussion groups)

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- workshop summary report
 - 3 community newsletters at key stages in the Phase 2 process (generally prior to public meetings)
 - meetings with individual landowners/stakeholders as requested
 - 3 public meetings during HCD Plan development and finalization (including statutory public meeting and Council decision meeting)

A key first step in this proposed enhanced public consultation program is a focused community workshop, in early June 2012, the objective of which would be to address those matters that arose out of the earlier public meetings whereby property owners were concerned about how new infill would be accommodated within the district, what types of alterations (such as changing windows) would be acceptable and where additions should be placed. Staff is suggesting that such a workshop be conducted using a variety of tools including presentations on particular themes, examples from elsewhere, the use of work books and smaller, rotating breakout discussion groups. Prior to the workshop, a community newsletter would be distributed providing information on Phase 2 of the HCD process and describing the community workshop and inviting participation. This information would also be available on the City's website.

Following the conclusion of the focused workshop, the consultant will be producing a workshop summary report which would be distributed to all participants and posted on the City website. It is anticipated that staff and the consultants would advise the HCD Community Working Group and Heritage Guelph of findings to date and future work to be carried out.

With feedback gained from this first workshop the consultants would then commence work on a preliminary draft of the heritage conservation district plan and guidelines addressing those matters identified in the background study report and as required by the Act as well as any critical issues arising from the workshop. Early in July it is anticipated that the consultant team and staff would also be working with a confirmed district boundary. The consultant team work would continue during July on preparing a preliminary draft plan for internal City review and comment during August.

In early Fall 2012 it is expected that a preliminary draft heritage conservation district plan and guidelines would be released for public comment and presented at a non-statutory public meeting in October.

Following receipt of comments, further revisions may be made to the draft in response to public submissions. The HCD plan and design guidelines would then be considered a final draft for formal consideration at a statutory meeting required by the Ontario Heritage Act. The statutory meeting would form part of a regularly scheduled Council Planning meeting that would allow for consideration of any further comments and refinement. The final refined draft would then be considered at a Council meeting whereby any final submissions by property owners or other interests could be considered prior to Council decision on designation and adoption of the District Plan in late Fall/early Winter.

CORPORATE STRATEGIC PLAN

Strategic Plan Mission – To achieve excellence through leadership, innovation, partnerships, and community engagement.

Goal 4 – A vibrant and valued arts, culture and heritage identity.

Strategic Objective 4.4 – Intact and well managed heritage resources.

Strategic Objective 4.5 – Capitalize on our cultural and heritage assets to build economic prosperity, quality of life and community identity.

Goal 5 – A community-focused, responsive and accountable government.

Strategic Objective 5.2 – A consultative and collaborative approach to community decision making.

FINANCIAL IMPLICATIONS

The proposed enhanced public consultation program may cost from \$10,000 to \$15,000. This additional expense can be accommodated in the Council approved budget upset limit of \$90,000 for the Brooklyn and College Hill Heritage Conservation District designation process.

DEPARTMENTAL CONSULTATION

Not applicable

COMMUNICATIONS

Not applicable

ATTACHMENTS

Not applicable

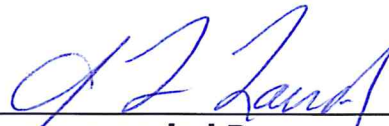
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