

COMMITTEE REPORT



TO **Planning & Building, Engineering and Environment
Committee**

SERVICE AREA Planning & Building, Engineering and Environment
DATE March 21, 2011

**SUBJECT Direction to Initiate the Brooklyn and College Hill
Heritage Conservation District Designation Process,
Pursuant to the Ontario Heritage Act**

REPORT NUMBER 11-24

SUMMARY

Purpose of Report:

- To recommend that Council initiate the Brooklyn and College Hill Heritage Conservation District Designation process; and
- To direct staff to retain services of a consultant to undertake the Heritage Conservation District Designation process in accordance with defined terms of reference to be prepared by staff.
- To direct staff to report back to Council at key decision making points in the HCD Designation process as identified in Attachment 6 of this report.

Council Action:

- To decide whether to approve the staff report recommendations.

RECOMMENDATION

“THAT the Planning & Building, Engineering and Environment Report 11-24, regarding a recommendation to initiate the Heritage Conservation District Designation process for the Brooklyn and College Hill area pursuant to Part V, Section 40(1) of the Ontario Heritage Act, dated March 21, 2011, be received;

AND THAT Council direct staff to initiate the Heritage Conservation District Designation process for the Brooklyn and College Hill area pursuant to Part V, Section 40(1) of the Ontario Heritage Act;

AND THAT staff be directed to retain services of a consultant to undertake the Heritage Conservation District Designation process in accordance with defined terms of reference to be prepared by staff;

AND THAT staff be directed to report back to Council at key decision making points in the HCD Designation process as identified in Attachment 6 of this report.”

BACKGROUND

Legislative and Policy Framework

The *Ontario Heritage Act*, the *Planning Act* and Provincial Policy Statement 2005 provide a clear framework for identification, conservation and protection of cultural heritage resources in a Heritage Conservation District.¹

Ontario Heritage Act

The *Ontario Heritage Act*, Part V, Section 41(1) enables municipal councils to designate any area of the municipality as a Heritage Conservation District (HCD).

Where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

Provincial Policy Statement 2005

The Provincial Policy Statement 2005 (PPS) is the current policy statement on municipal land use and planning matters of provincial interest. The policy statement is made pursuant to Section 3 of the *Planning Act*. The PPS promotes the wise use and management of cultural resources and contains two key policies that support the implementation of heritage districts:

Policy 2.6.1

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Policy 2.6.3

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development, may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

Conserving built heritage resources and cultural heritage landscapes means identifying, protecting, using and managing them in such a way that their heritage

¹ A cultural heritage resource is defined in the current City of Guelph Official Plan as meaning built heritage resources, cultural heritage landscape resources or archaeological resources. Further definition is found in Attachment 7.

values and attributes are retained. Conservation can be achieved through the establishment and use of a HCD plan and design guidelines.

City of Guelph Official Plan

Section 3.5.8 of the City of Guelph's Official Plan states that:

Pursuant to Part V of the Ontario Heritage Act and in consultation with the LACAC [Heritage Guelph], Council may by by-law, define any area of the City as an area to be examined for possible designation as a heritage conservation district. Prior to the designation of a heritage conservation district, the City will undertake a study for the area to determine the feasibility of the designation, the delineation of the district's boundaries, an evaluation of the area's historic and architectural character, development control measures that will conserve the heritage character of the area and any other matters deemed necessary.

1. Pursuant to the Ontario Heritage Act, and in consultation with the LACAC [Heritage Guelph], Council may, by by-law, designate any area within the Municipality as a heritage conservation district.

Based on staff's review of the *Ontario Heritage Act* and the *Ontario Heritage Toolkit*, Section 41.1(1) of the Act gives Council an option to formally designate the HCD Study Area at the beginning of the process through the passing of a by-law. The by-law formally alerts the property owners in the study area about the commencement of a study and also enables Council to enact interim control within the HCD Study Area for a period of one year. This by-law option is at Council's discretion and is only necessary if interim control is needed during the HCD Designation process. In the instance of the Brooklyn and College Hill area, passing a HCD Study Area By-law is considered unnecessary.

What is a Heritage Conservation District?

The Ontario Ministry of Culture has defined a Heritage Conservation District (HCD) as an area with a concentration of heritage resources with special character or historical association that distinguishes it from its surroundings.² The Ministry of Culture has also stated that the significance of a HCD often extends beyond its built heritage, structures, streets, landscapes and other physical and special elements to include important vistas and views between buildings and spaces within the district.³

² For further definition of cultural heritage resource, see Attachment 7.

³ *Ontario Heritage Toolkit*, Heritage Conservation Districts: A Guide to District Designation Under the Ontario Heritage Act (2006), page 5.

Why Initiate a HCD Designation Process for this Area?

Why Initiate the HCD Designation process?: In general there are numerous potential benefits of HCD Designation. HCD designation enables a municipality to manage and guide future change in the district, through the adoption of a district plan with policies and guidelines for conservation, protection and enhancement of the area's special character. The Ministry of Culture's *Ontario Heritage Toolkit* describes the immediate benefit of heritage district designation as the establishment of a planning process that respects a community's history and identity.

For the Brooklyn and College Hill area, undertaking a HCD Study and subsequently creating a HCD Plan and Design Guidelines has the benefit of:

- ensuring that members of the community become engaged in the planning process;
- developing an understanding and appreciation of the cultural heritage resources within the HCD area;
- recognizing and commemorating the values that can sustain a sense of place for Brooklyn and College Hill into the future;
- establishing clear objectives and guidelines regarding the conservation of cultural heritage resources within the HCD
- providing certainty and guidance regarding future developments to property owners, businesses and residents.

Heritage Conservation District designation defines and seeks to protect the cultural heritage value of a historically significant area as a whole, a value that is greater than the sum of its parts. The manner in which the combination of design or physical, historical or associative or contextual values comes together gives a heritage district its depth, richness and sense of time or place.

Why select the Brooklyn and College Hill Area?: One of the significant outcomes of the Old University and Centennial Neighbourhood Community Improvement Plan (OUCN CIP) (received by City Council on August 21, 2006) was a recommendation that a study be undertaken to determine the feasibility of a heritage district designation in the Brooklyn and College Hill area. Attachment 1 shows the approximate boundary recommended as a potential heritage conservation district study area for Brooklyn and College Hill, as presented in the OUCN CIP.⁴ The CIP's recommendations included the following:

- There is a strong desire from both the City of Guelph and residents to conserve heritage resources and the historic fabric of the area;
- Future development in the OUCN area should respect the heritage character of the area;
- The best method to protect clusters/groupings of heritage properties and ensure that compatible development occurs is to designate a heritage conservation district through the Ontario Heritage Act.

⁴ Old University and Centennial Neighbourhood Community Improvement Plan 2006, p.15.

Based in part on research material provided in Heritage Guelph's *Brooklyn and College Hill Conservation District: Background Research Report* (August 2006) the OUCN CIP identified the Brooklyn and College Hill area as an excellent candidate for HCD study area for the following reasons:

- it has a high percentage of individual heritage resources currently designated under the Ontario Heritage Act;
- it represents a distinctive time and character in Guelph's history;
- it contains architectural, natural, and cultural resources that are of significant importance to the community;
- it has been identified through a comprehensive Community Improvement Plan process, which included extensive public engagement, as being an area under pressure for change and therefore, in need of planning measures in order to preserve its historic character.

Initial Public Consultation - Open House for the Potential HCD Study

At the time that the OUCN CIP 2006 was received by Council, there was a high level of enthusiasm and support in the neighbourhood for the notion of a HCD study being initiated in the Brooklyn and College Hill area. Given the passage of time, staff determined it would be appropriate to gauge the current level of interest in this idea before deciding to make recommendations to Council to study the Brooklyn and College Hill as a potential heritage district.

To this end, on the evening of 27 January 2011, City staff held an Open House for preliminary public discussion of the potential for a Brooklyn and College Hill Heritage District Study. The purpose of the Open House was to provide an opportunity for City staff and Heritage Guelph members to provide information regarding the conservation of cultural heritage resources in the Brooklyn and College Hill area through the establishment of a Heritage Conservation District (HCD) under Part V of the Ontario Heritage Act and to provide an opportunity for public input on the potential for a HCD. Also, the meeting was intended to gauge area residents' current level of interest for a proposal to conduct a Heritage Conservation District Designation process.

Several general themes emerged from the questions and comments generated by the Open House as highlighted below.

Questions

- Would my property be considered a contributor to the cultural heritage value of the district?
- How would non-contributing properties and properties adjacent to an approved HCD be impacted?
- What would the financial effects of designation be (e.g. on property values and taxes) and would the City offer financial incentives / off sets?
- Would an HCD place restrictions on building demolitions, additions or landscape changes?

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- Does the district designation just protect heritage or can it influence land use?

Comments

- It is important to conduct a study first to see if the district is justifiable.
- Districts tend to hold property values (as opposed to lowering them).
- Municipal lands and public works also need to conform to the district plan.

A summary of submissions is included in Attachment 4.

Consultation with Heritage Guelph

The Ontario Heritage Act requires that Council consult with its Municipal Heritage Committee about any area being considered as a heritage conservation district study area. Heritage Guelph has promoted the idea of district designation for the Brooklyn and College Hill area since well before the completion of the OUCN CIP in 2006 and included this HCD project in their long-term objectives. After many of the Heritage Guelph committee members attended the January 2011 Open House, the committee passed the following motion at their meeting of 14 February 2011:

“THAT Heritage Guelph recommend that Council direct staff to undertake a study of the Brooklyn and College Hill area for the purpose of designating a heritage conservation district according to Part V, Section 40(1) of the Ontario Heritage Act.”

REPORT

The *Ontario Heritage Toolkit*⁵ and *Heritage Districts Work!*⁶ (a major study conducted in 2009 by the Architectural Conservancy of Ontario) have both concluded that heritage conservation districts are now considered one of the most effective tools for the conservation of cultural heritage resources as well as for good urban design and sound planning. The adoption of a heritage conservation district plan as part of the designation process ensures that the community’s heritage conservation objectives and stewardship will be respected during the municipal decision-making process of the implementation of the HCD Plan.

Existing legislation, the Provincial Policy Statement 2005 and the City’s Official Plan all support and enable the conservation of built heritage resources and cultural heritage landscapes through the establishment of a heritage conservation district. The OUCN CIP has recommended that the Brooklyn and College Hill area be studied

⁵ *Ontario Heritage Toolkit*, Heritage Conservation Districts: A Guide to District Designation Under the Ontario Heritage Act (2006), page 8.

⁶ *Heritage Districts Work! Heritage Conservation District Study Summary Report 2009*, page 1.

to determine its feasibility as a potential HCD. Heritage Guelph has supported and encouraged the initiation of a HCD study for the area. The public comments and questions received in response to the preliminary Open House will be addressed and discussed with the public during the HCD process.

Based on the background described earlier in this report and the public input received at the 17 January 2011, Open House, it is appropriate for Council to initiate the Heritage Conservation District Designation process pursuant to Part V of the Ontario Heritage Act.

The HCD Designation process is explained in Attachment 5 of this report. In addition, a chart depicting the process is included as Attachment 6.

Next Steps

The first official step in the Heritage Conservation District (HCD) process is for Council to direct staff to initiate the Heritage Conservation District Designation process for the Brooklyn and College Hill area. Once approved, staff would prepare terms of reference for carrying out the HCD Designation process and procure the services of a heritage consultant to carry out the HCD Study, and subsequent steps of the designation process if authorized by Council. It is important to emphasize that upon completion of the HCD Study, the findings and recommendations will be presented to Council and Council will decide whether to proceed with the subsequent steps of the process.

Public Consultation

The *Ontario Heritage Toolkit* advises that the successful implementation of a HCD will ultimately depend on wide-spread public support for district designation based on a clear understanding of the objectives for designation and appreciation of proposed HCD plan, policies and guidelines.

Although the Ontario Heritage Act only requires one public meeting before the passing of a by-law to designate an HCD, the Province recommends that there be three or more well-advertised public meetings before the draft district plan and by-law is submitted for public comment at the statutory public meeting. The suggested approach to these meetings is as follows:

- The initial public meeting allows municipal staff and Heritage Guelph to introduce the heritage consultant who will explain the heritage designation process and its potential benefits. Initial comments and views would be received;
- The second meeting allows for municipal staff and the heritage consultant to consult and discuss the proposed boundary and results of the HCD Study research. It is at this point that Council would determine whether or not to proceed with designation process and preparation of the draft HCD Plan and Guidelines;
- The third public meeting provides opportunity for review of the draft HCD plan and design guidelines.

Given the importance of building wide-spread community support for a HCD, staff will ensure that the project terms of reference provides for these three recommended additional public meetings and other appropriate forms of public engagement such as establishing a community advisory committee to provide advice and input during the process and conducting targeted focus group sessions.

A consultant will provide necessary technical expertise and experience which does not reside in-house. This will benefit the City by bringing together a team with a range of experience in cultural heritage research, policy and development planning in the context of heritage conservation and urban design. See Attachment 8 for a list of the scope of work involved in the study. Heritage Guelph's Four Year Heritage Work Plan sets out a 12-month timeframe for this process.

CORPORATE STRATEGIC PLAN

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.

FINANCIAL IMPLICATIONS

An estimated \$90,000 will cover costs related to the retention of a heritage consultant to carry out the Brooklyn and College Hill Heritage Conservation District Design Process, including the HCD Study and the HCD Plan and Design Guidelines. Funding for this project was approved as part of the 2007-2009 budget processes with the purpose of developing and implementing a Heritage Conservation District Study and Implementation Plan.

DEPARTMENTAL CONSULTATION

Heritage Guelph
Legal Services

COMMUNICATIONS

The January 27, 2011 Open House was advertised in the Guelph Tribune and an information page was established on the City's Heritage Planning webpage. As well a mail out was sent to 191 property owners within the potential study area (Attachment 1) and also to just over 400 property owners within a 120m buffer area around the potential study area.

ATTACHMENTS

- Attachment 1 Proposed Brooklyn and College Hill Heritage Conservation District Study Area (From Old University and Centennial Neighbourhood Community Improvement Plan, 2006)
- Attachment 2 Heritage Properties Within and Near Proposed Brooklyn and College Hill Heritage Conservation District Study Area
- Attachment 3 Individually Designated Heritage Properties within the Proposed Brooklyn and College Hill Heritage Conservation District Study Area
- Attachment 4 Comments /Questions from Open House (27 January 2011)
- Attachment 5 HCD Designation Process Overview – City of Guelph
- Attachment 6 Heritage Conservation District Designation Process – City of Guelph
- Attachment 7 Definition of Cultural Heritage Resources
- Attachment 8 Key Tasks Associated with an HCD Designation Process

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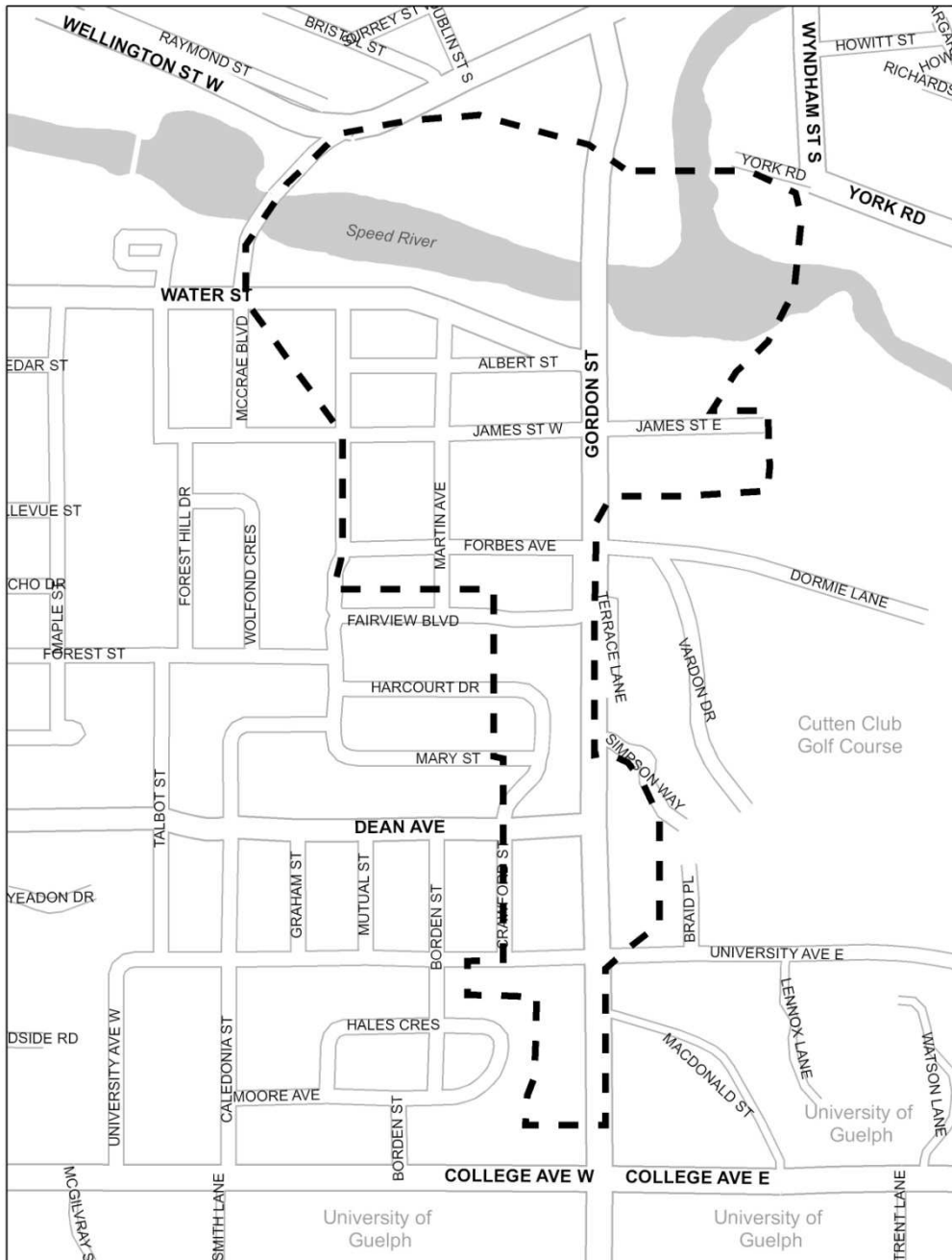
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ATTACHMENT 1

Proposed Brooklyn and College Hill Heritage Conservation District Study Area (From Old University and Centennial Neighbourhood Community Improvement Plan, 2006)



ATTACHMENT 2

Heritage Properties Within and Near Proposed Brooklyn and College Hill Study Area



Of the 191 properties within the potential study area...

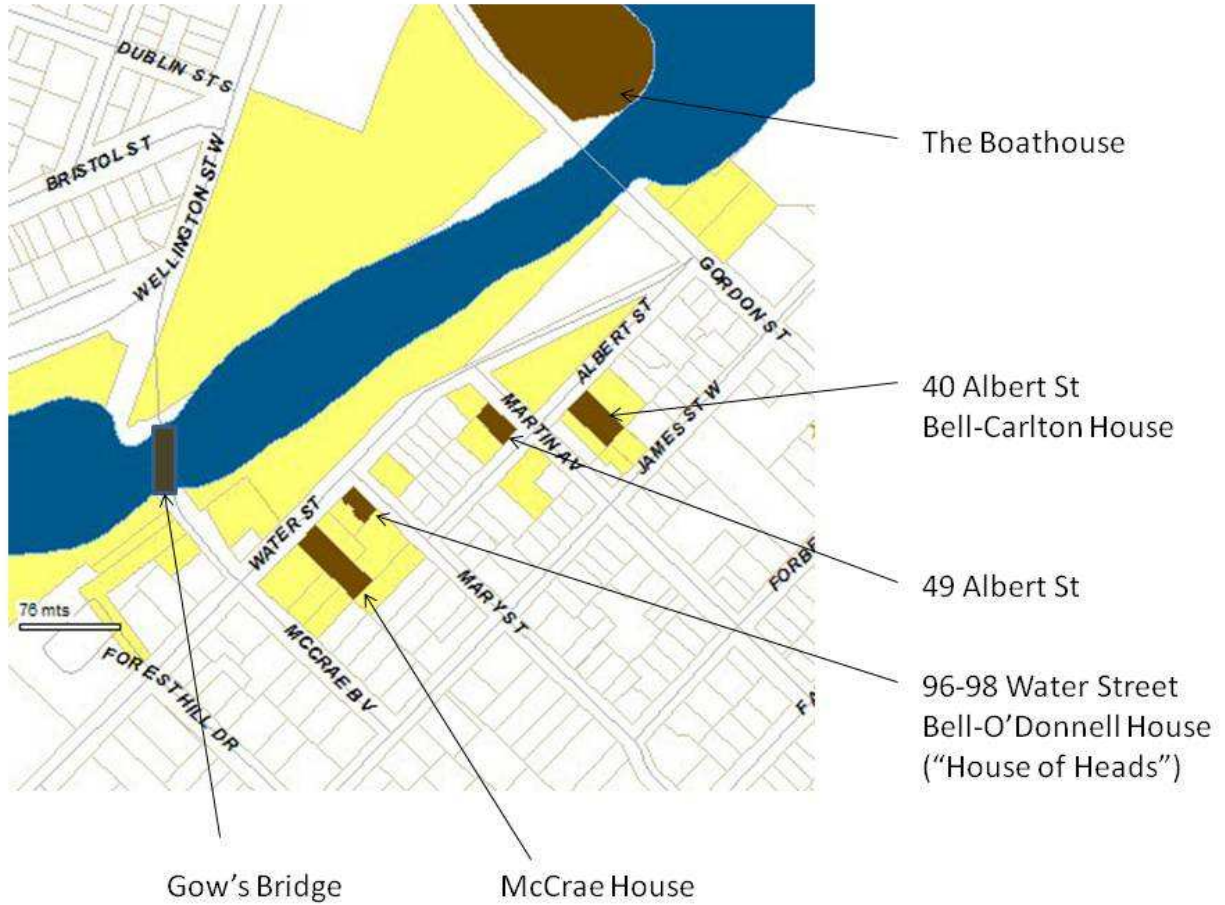
6 properties
are listed in the **Municipal Register as Designated Properties**

40 properties
(from the Burcher-Stokes Inventory)
are now included in the **Municipal Register as Non-Designated Properties**

(approx.)
60 Properties
Are in the Gordon Couling Inventory as **Built heritage resources**

ATTACHMENT 3

Individually Designated Heritage Properties within the Proposed Brooklyn and College Hill Heritage Conservation District Study Area



ATTACHMENT 4

Summary of Comments /Questions from Open House (27 January 2011)

The following is a paraphrased summary of the comments and questions received in response to the Brooklyn and College Hill HCD Open House of 27 January 2011:

- Many people outside of Guelph are surprised to learn Guelph does not have a HCD yet.
- Would my property contribute to the cultural heritage value of the district?
- My house is not heritage!
- If the HCD is in place, what will happen to my property value?
- Will a district designation affect my property taxes?
- Would an HCD place restrictions on building additions? or landscape changes?
- How will the HCD affect my ability to demolish or make changes to my house?
- Will the City contribute to repair costs within a HCD?
- Will a HCD help to control or eliminate inappropriate shared rental housing and student housing?
- How would properties adjacent to an approved HCD be impacted?
- It is important to conduct a study first to see if the district is justifiable; when Guelph City Hall teams up with residents who see heritage value good things can happen. It's happened elsewhere and it can happen in Guelph too.
- Some who attended the Open House were under the impression that heritage property tax benefits would be given in the HCD plan.
- My real estate agent has told me that heritage designation lowers property values.
- Owners get nervous when they hear plans for designation.
- Many owners in the Brooklyn area are seniors on a fixed income and are worried about increased property costs associated with district designation.
- What are the development pressures on this neighbourhood?
- Don't rely on third party consultants to legislate taste in the area.
- Can we have the advantages and disadvantages listed for comparison?
- The alarming increase in property taxes brought on by district designation is a huge penalty that the City should pay.
- It is extremely unfair to penalize non-heritage properties within a district.
- Why have University of Guelph lands / properties not been included in the proposed district study area?
- Macdonald Stewart Art Centre asked if it could be included in the district study area
- I am opposed to the designation of this proposed district. A study is just the first part of pushing through an unwanted designation. Guelph residents do not need this unwanted and unnecessary cost.

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- This district would increase property taxes when they are already high due to the University of Guelph.
 - Designate buildings that have heritage value – but leave the balance alone.
 - Full steam ahead and get the job done.
 - This district designation should have been started in 2006 as recommended in the CIP.
 - HCDs bring more property pride and, therefore, improved upgrades and maintenance.
 - Districts tend to hold property values (as opposed to lowering them).
 - Proximity to a HCD is a selling feature in real estate.
 - Will the HCD plan protect the look and feel of the neighbourhood?
 - Will the HCD enhance the people to invest and improve their properties?
 - Does the district designation just protect heritage or can it influence use?
 - I had no idea that the neighbourhood was historic when I purchased my property in 2010.
 - Would municipal land also need to conform to the district plan?

ATTACHMENT 5

HCD Designation Process Overview – City of Guelph

HCD Designation Process Overview

The following steps are based on information found in the Ministry of Culture's *Ontario Heritage Toolkit*, which outlines the key steps in the heritage district designation process. A summary in flow chart format is presented in Attachment 6.

Step 1 – Council considers approval of initiation of HCD Designation process

If approved, HCD Study commences and is carried out in the following manner:

- Historical and documentary research; field studies to examine the character and appearance of the area (buildings, structures and other property features) to determine heritage attributes;
- Public Meeting 1 to introduce consultant and HCD Designation process
- Public participation to add value and meaning to research results;
- Consider and recommend objectives of designation and content of the HCD Plan and Guidelines.

Step 2 – HCD Study provides final definition and recommendation of the HCD boundaries and recommendation of potential changes to the Official Plan and municipal by-laws including zoning by-laws.

- Public Meeting 2 to consider HCD Study findings and recommendations;
- HCD Study findings and recommendations are considered for approval by Council;
- Council decides whether or not to proceed with HCD Designation process.

Step 3 – If Council proceeds with HCD Designation process, the HCD Plan and Guidelines are prepared containing the following:

- Statement of objectives to be achieved in designation of the area as a HCD;
- Statement of district's cultural heritage value or interest;
- Description of district's heritage attributes and all properties within the district;
- Policy statements, guidelines and procedures for achieving stated objectives and managing future changes;
- Description of external alterations or classes of external alterations that are of a minor nature that an owner can carry out without obtaining a permit;
- Public Meeting 3 to consider Draft HCD Plan and Design Guidelines.

Step 4 – Public Notification and Statutory Council Meeting to consider HCD Plan and decision on the Designation By-law:

- Before passing the designation by-law and adopting the HCD plan, Council is required to notify the public about the proposed HCD plan and hold at least one public meeting to discuss the plan. Following

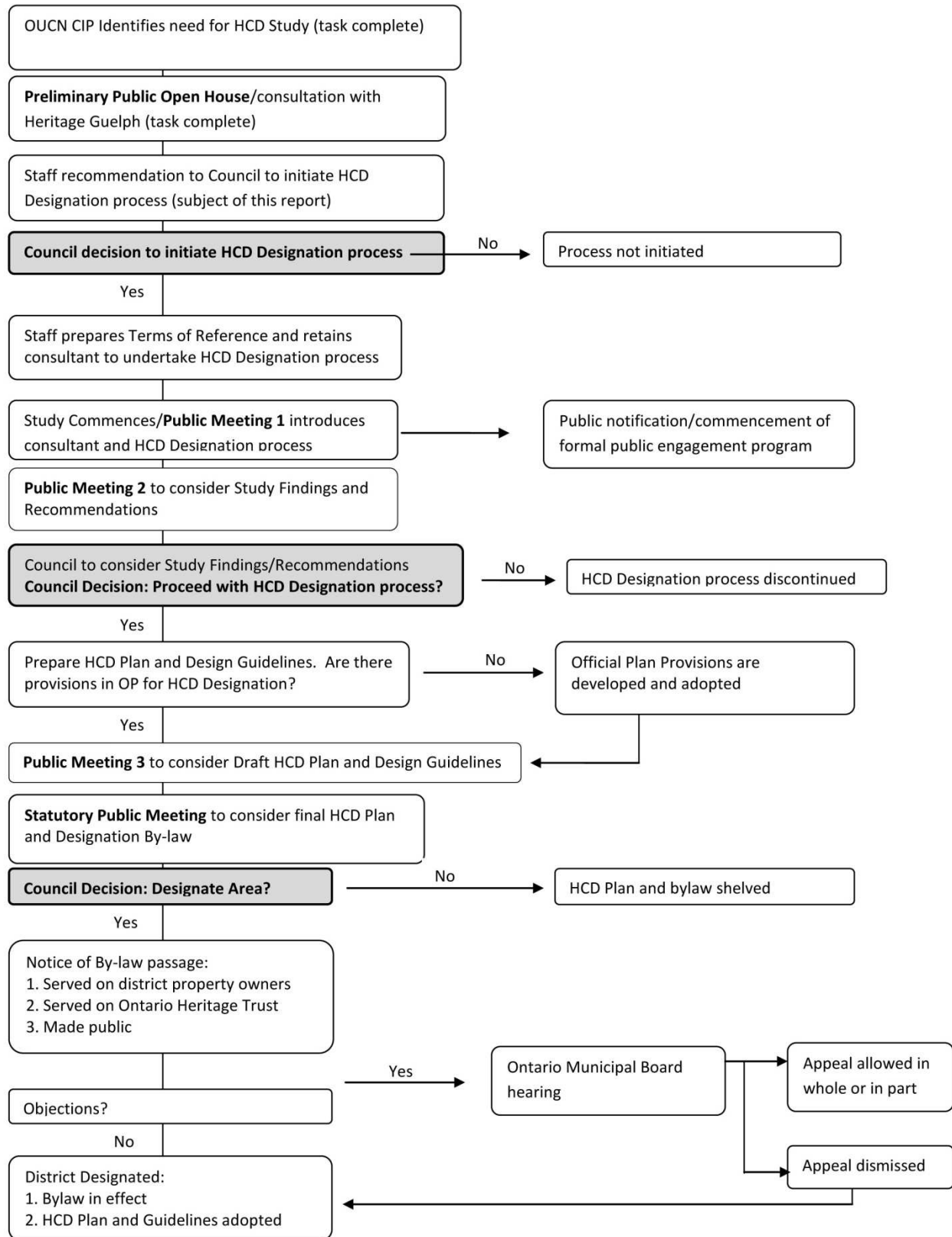
Council passage of the by-law and within 30 days of the date of notification, any person who objects to the by-law can appeal the by-law to the Ontario Municipal Board (OMB).

Step 5 – Implementation of the District Plan:

- Review of alteration, new construction and demolition applications in a HCD with decisions to be guided by the approved HCD Plan and Design Guidelines;
- Municipal consideration of other implementation tools (eg. financial incentives).

ATTACHMENT 6

Heritage Conservation District Designation Process – City of Guelph



Attachment 7

Definition of Cultural Heritage Resources
(Source: Provincial Policy Statement 2005)

Cultural Heritage Resource means a built heritage resources, cultural heritage landscape resources or archaeological resource.

Built Heritage Resource means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community.

Cultural Heritage Landscape means a defined geographical area of heritage significance which has been modified by human activities and is valued by the community. It may involve a grouping(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. Examples may include but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; parks, gardens, neighbourhoods, townscapes, farm-scapes, battlefields, main streets, cemeteries, trail ways and industrial complexes of cultural heritage value.

Archaeological Resources include artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

A property is of **Cultural Heritage Value or Interest** if, where criteria for whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the criteria. For a **built heritage resource** or a **cultural heritage landscape** to have cultural heritage value or interest they must be "valued for the important contribution that they make to our understanding of the history of a place, an event, or a people."

Attachment 8
Key Tasks Associated with an HCD Designation Process

Key tasks associated with an HCD Designation process, include:

- complete/augment research history of the study area
- determine existing land use patterns in study area;
- describe the current and planned (transport) movement system;
- identify all properties, contextual features and landscaping of cultural heritage significance;
- evaluate the integrity of the building stock;
- inventory all built features and structures within the study area;
- identify the visual environment (positive and negative aspects) including distinctive spaces, significant streetscapes, views and topographical features;
- prepare a socio-economic profile of the study area;
- conduct property owner interviews to gain insight into attitudes regarding the study area;
- identify how the proposed district could be promoted within a broader heritage tourism program;
- identify approved or pending plans or policies that would affect the study area;
- prepare the HCD Study document with relevant information and illustrations;
- attend and participate at all required public meetings, community advisory committee meetings and Heritage Guelph meetings;
- prepare the HCD Plan and Design Guidelines document with relevant information and illustrations.