

<p>2. CULTURAL HERITAGE IMPACT STATEMENTS ENONCÉ D'INCIDENCE SUR LE PATRIMOINE CULTUREL</p>

COMMITTEE RECOMMENDATION

That Council adopt the “Guidelines for the Preparation of Cultural Heritage Impact Statements” included as Document 1.

RECOMMANDATION DU COMITÉ

Que le Conseil adopte les « Lignes directrices pour la préparation de l'énoncé d'incidence sur le patrimoine culturel » au document 1 ci-joint.

DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 25 July 2012 (ACS2012-PAI-PGM-0195).
Rapport de la Directrice municipale adjointe, Urbanisme et Infrastructure, le 25 juillet 2012 (ACS2012-PAI-PGM-0195).
2. Extract of Draft Minutes 24, Ottawa Built Heritage Advisory Committee meeting of 6 September 2012.
Extrait de l'ébauche du procès-verbal 24, Comité consultatif sur le patrimoine bâti d'Ottawa, réunion de 6 septembre 2012.
3. Extract of Draft Minutes, Planning Committee, 25 September 2012.
Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 25 septembre 2012.

Report to/Rapport au :

Ottawa Built Heritage Advisory Committee
Comité consultatif sur le patrimoine bâti d'Ottawa

and/et

Planning Committee
Comité de l'urbanisme

and Council / et au Conseil

July 25, 2012
25 juillet 2012

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice
municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°: ACS2012-PAI-PGM-0195

SUBJECT: CULTURAL HERITAGE IMPACT STATEMENTS

OBJET : ENONCÉ D'INCIDENCE SUR LE PATRIMOINE CULTUREL

REPORT RECOMMENDATION

That the Ottawa Built Heritage Advisory Committee recommend that Planning Committee recommends that Council adopt the "Guidelines for the Preparation of Cultural Heritage Impact Statements" included as Document 1.

RECOMMANDATION DU RAPPORT

Que le Comité consultatif sur le patrimoine bâti d'Ottawa recommande au Comité de l'urbanisme de recommander à son tour au Conseil d'adopter les « Lignes directrices pour la préparation de l'Énoncé d'incidence sur le patrimoine culturel » au document 1 ci-joint.

BACKGROUND

This report has been prepared to provide guidelines to consultants engaged in preparation of Cultural Heritage Impact Statements (CHIS) as part of an application under the *Ontario Heritage Act* or the *Planning Act*. There are provisions in the Official Plan, "Section 4.6, Cultural Heritage Resources" that require CHISs, but there are no Council-approved guidelines for the production of these documents.

Official Plan

The Official Plan requires a CHIS when a proposed development has the potential to adversely affect a designated heritage resource (Part IV or V of the *Ontario Heritage Act*) or when an intervention or development is proposed adjacent to the Rideau Canal, the Central Experimental Farm, a national historic site, a building designated by the Federal Heritage Buildings Review Office, a property with an heritage easement on it, or a building on the Municipal Register. An intervention may include the alteration, demolition (full or partial), or relocation of a heritage resource and development may include applications under the *Planning Act* such as re-zonings, site plan, etc.

The Official Plan requires that a qualified professional with expertise in cultural heritage resources undertake the CHIS, and that the CHIS do the following:

- (a) Describe the positive and adverse impacts on the heritage resource or heritage conservation district that may reasonably be expected to result from the proposed development;
- (b) Describe the actions that may reasonably be required to prevent, minimize, or mitigate the adverse impacts in accordance with the policies of the Official Plan; and
- (c) Demonstrate that the proposal will not adversely impact the defined cultural heritage value of the property, Heritage Conservation District, and/or its streetscape/neighbourhood.

Provincial Policy Statement

Section 2.6.3 of the Provincial Policy Statement states that:

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 protected.

The heritage community and the community at large have expressed concerns regarding CHISs. Some have maintained that a CHIS commissioned by an applicant tends to support the development. Impartiality and independence must be maintained

between applicants and their consultants, as well as between consultants preparing CHIS reports and the staff of the Planning and Growth Management Department who review them in both a heritage and a land use planning context. Comprehensive guidelines for the preparation of these documents will help ensure a high quality product.

DISCUSSION

The function of a consultant hired to prepare a supporting study, such as a CHIS, or any of the other studies required at application submission, is to present information. To date, the lack of formal guidelines for CHISs has led to a lack of uniformity in the studies, which has affected their usefulness. The approval of CHIS Guidelines is expected to result in improved CHISs which will be more informative and applicable.

Guidelines

Council has not adopted Guidelines for the preparation of CHISs. To date, heritage staff has supplied consultants with short, unapproved draft Guidelines to provide direction. This has led to great variety in CHISs. Comprehensive Council-approved Guidelines will assist consultants preparing CHISs as they will provide clear direction regarding content, structure, length and expectations. This will ensure that statements received will be similar and of a high calibre. The Guidelines in Document 1 reflect current practice throughout Ontario for the preparation of these studies. The Department recommends the adoption of these Guidelines to ensure that CHISs prepared in the future are of a high quality and address the appropriate questions in a concise, professional manner.

RURAL IMPLICATIONS

This is a city-wide initiative and applies equally to all areas.

CONSULTATION

There has been extensive public consultation on the development of the guidelines. A previous version of the Guidelines met with considerable opposition at a meeting of the Ottawa Built Heritage Advisory Committee (OBHAC) and were not brought forward for approval. Subsequent to the OBHAC meeting, it was determined that a new approach should be developed. In April 2011, a workshop was held to brainstorm around the issue in order to better understand the concerns associated with the earlier Guidelines. A total of about 60 people from community associations, heritage groups, members of the Canadian Association of Heritage Professionals, developers and architects and organizations were invited to the meeting. Twenty-five representatives from these groups attended while others submitted written comments.

In April 2012, a subsequent meeting was held to present the final Guidelines, which addressed the views and opinions expressed at the April 2011 meeting. The final Guidelines were circulated prior to the April 2012 meeting to the same parties that had been notified of the previous meeting and a total of five people attended.

Comments received were incorporated into the Guidelines now being recommended for adoption by City Council. In addition, heritage staff incorporated changes suggested by the New Edinburgh Community Association as appropriate. Finally, the proposed Guidelines owe a great deal to the advice of late Professor Herb Stovel whose written submission to staff was consulted extensively in the preparation of these Guidelines.

COMMENTS BY THE WARD COUNCILLORS

There are no Councillors' comments as this is a City-wide report.

LEGAL IMPLICATIONS

There are no direct legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this project.

FINANCIAL IMPLICATIONS

There are no financial direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no Environmental Implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no direct technical implications associated with this report.

TERM OF COUNCIL PRIORITIES

HC4 Improve Arts and Heritage

APPLICATION PROCESS TIMELINE STATUS

There is no application process timeline status.

SUPPORTING DOCUMENTATION

Document 1 Guidelines for the preparation of Cultural Heritage Impact Statements

DISPOSITION

City Council to adopt the Guidelines.

**GUIDELINES FOR THE PREPARATION OF
CULTURAL HERITAGE IMPACT STATEMENTS**

DOCUMENT 1

1.0 Introduction

This document has been prepared to provide clarity regarding the requirements of Cultural Heritage Impact Statements for those preparing them as a requirement of the Official Plan. A Cultural Heritage Impact Statement is an arm's length, independent study to determine the impacts of proposed future development on cultural heritage resources.

2.0 When is a CHIS required?

Section 4.6.1 of the Official Plan has policies that outline when a Cultural Heritage Impact Statement (CHIS) is required. Generally speaking, the purpose of a cultural heritage impact statement is to evaluate the impact of a proposed intervention (alteration, addition, partial demolition, demolition, relocation or new construction) on cultural heritage resources when that intervention has the potential to:

- Adversely impact the cultural heritage value of properties designated under Part IV of the *Ontario Heritage Act* (OHA);
- Adversely impact the cultural heritage value of districts designated under Part V of the OHA.

In addition:

- A CHIS may also be required for development applications adjacent to or within 35 metres of, designated buildings and areas;
- A CHIS may also be required for development applications adjacent to the Rideau Canal, the Central Experimental Farm, a national historic site, a federally designated (FHBRO) building, a building with a heritage easement, or a building on the heritage register.

3.0 Purpose of a CHIS

Section 4.6.1 of the Official Plan provides broad guidance regarding the content of Cultural Heritage Impact Statements, requiring that they:

- describe the positive and adverse impacts on the heritage resource or heritage conservation district that may reasonably be expected to result from the proposed development;
- describe the actions that may reasonably be required to prevent, minimize or mitigate the adverse impacts;
- demonstrate that the proposal will not adversely impact the defined cultural heritage value of the property, Heritage Conservation District, and/or its streetscape/neighbourhood.

A CHIS is intended to provide an independent professional opinion regarding the impact of proposed developments on cultural heritage resources; it is not intended to form the City's professional opinion.

Land use planning policies, and guidelines, such as those contained within Secondary Plans, Community Design Plans, the Official Plan and documents such as infill guidelines etc. are not addressed in a CHIS. When a CHIS is prepared in response to an application under the *Planning Act*, the impact of the proposed application on cultural heritage resources will be addressed.

4.0 Contents of a CHIS

A Cultural Heritage Impact Statement will provide:

a. General Information

- Address of current property;
- Current owner contact information.

b. Current Conditions/ Introduction to Development Site

- A location plan indicating subject property (map and aerial photo);
- A concise written and visual description of the cultural heritage value of the development site and/or the cultural heritage value of adjacent sites, noting whether the site has: a heritage easement, designation under Part IV or V of the OHA, inclusion on the "Municipal Register," designation as a "Recognized" or "Classified" building by the Federal Heritage Buildings Review Office, commemoration as a National Historic Site of Canada, or inclusion on the Canadian Register of Historic Places.

Existing heritage descriptions should be included.

- A concise written description of the context including adjacent heritage properties and their recognition (as above);
- Digital images documenting all cultural heritage attributes;
- Site Plan showing lot dimensions as well as the location/setbacks of all existing buildings;
- Relevant information from Council-approved documents such as "Heritage District Plans" or "Heritage Guidelines." This information should include the guidelines contained within the "Heritage District Plans" and the "Heritage Guidelines" that apply to the proposed project.

c. Background Research and Analysis

- Comprehensive written and visual research and analysis related to the cultural heritage value or interest of the site, including physical or design, historical or associative, and contextual value;
- A development history of the site including original construction dates, additions and alterations;

- Primary research material consulted may include relevant historic maps and atlases, drawings, photographs, sketches/renderings, permit records, land records, assessment rolls, city directories, etc;
- Secondary sources may include City of Ottawa Heritage Survey and Evaluation forms, FHBRO reports, Historic Sites and Monuments Board of Canada papers, Commemorative Integrity Statements, CHRP listing etc;
- Parks Canada's "Standards and Guidelines for the Conservation of Historic Places in Canada," as approved by City Council in 2008.

d. Statement of Significance

A Statement of Significance identifying the cultural heritage value and heritage attributes of the cultural heritage resource(s). In many cases, this statement will be the Statement of Reasons for Designation or the Statement of Cultural Heritage Value that forms part of the designation by-law (Part IV buildings) or the description of the attributes of the heritage conservation district (Part V districts). In cases where this information is deemed to be inadequate or outdated, heritage staff will prepare a Statement of Significance to guide the CHIS.

e. Description of the Proposed Development

A written and visual description of the proposed development.

f. Impact of Proposed Development

An assessment identifying any positive and adverse impacts the proposed development may have on the heritage value of cultural heritage resource(s), as listed in Section 2, above.

Positive impacts of a development on cultural heritage resources districts include, but are not limited to:

- restoration of building, including replacement of missing attributes;
- restoration of an historic streetscape or enhancement of the quality of the place;
- adaptive re-use of a cultural heritage resource to ensure its ongoing viability;
- access to new sources of funds to allow for the ongoing protection and restoration of the cultural heritage resource.

Adverse impacts include, but are not limited to:

- Demolition of any, or part of any, heritage attributes or features;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance of a building;
- Shadows created that obscure heritage attributes or change the viability of the associated cultural heritage landscape;
- Isolation of a heritage resource or part thereof from its surrounding environment, context or a significant relationship;

- Obstruction of significant identified views or vistas within, from heritage conservation districts;
- Obstruction of significant identified views or vistas within, from individual cultural heritage resources;
- A change in land use where the change affects the property's cultural heritage value;
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource.

g. Alternatives and Mitigation Strategies

The CHIS must assess alternative development options and mitigation measures in order to avoid or limit the adverse impact on the heritage value of cultural heritage resources.

Methods of minimizing or avoiding an adverse impact on a cultural heritage resource(s) include but are not limited to:

- Alternative development approaches that result in compatible development and limit adverse impacts;
- Separating development from significant cultural heritage resources to protect their heritage attributes including, but not limited to, their settings and identified views and vistas;
- Limiting height and density or locating higher/ denser portion of a development in a manner that respects the existing individual cultural heritage resources or the heritage conservation district;
- Including reversible interventions to cultural heritage resources.

h. Other

- The CHIS will include a bibliography and a list of people contacted during the study.

5.0 Conservation Plan

A Conservation Plan may be required. The applicant will be informed that a Conservation Plan is required early in the process. They may be required for projects involving complex sites with a number of cultural heritage resources.

Conservation Plans must:

- Describe how the heritage value of a resource will be protected during the development process;
- Include a summary of conservation principles and how they will be used must be included. Conservation principles may be found in publications such as Parks Canada's "Standards and Guidelines for the Conservation and Guidelines for the Conservation of Historic Places in Canada " and "Eight

- Guiding Principles in the Conservation of Historic Properties,” published by the Ontario Ministry of Culture. (Both publications are available online.);
- Recommend the conservation treatment category – preservation, rehabilitation, restoration - appropriate to each resource of heritage value within the property, including the landscape;
 - Outline how the cultural heritage resource[s] are to be managed after the completion of the project;
 - A Conservation Plan must contain current information on the condition of the building and recommendations on its ongoing maintenance. These recommendations will be based on the “Standards and Guidelines for the Conservation of Historic Places in Canada” as amended from time to time, and adopted City Council in 2008;
 - A Conservation Plan may also contain guidance on the following, where appropriate: public access, signage, lighting, interpretation, landscaping, heritage recording, use.

6.0 Process

Notice that a CHIS is required will be given at the pre-consultation stage and applicants should wait until they are notified that a CHIS is required before retaining a consultant. When a CHIS is required for an application under the Ontario *Heritage Act*, that application will not be considered complete if the CHIS does not accompany the application. When a CHIS is required for an application under the *Planning Act*, that application will not be considered complete if the CHIS does not accompany the application. Upon receipt of the CHIS, heritage staff will review the document in order to ascertain that it is complete. If the CHIS does not meet City requirements as described above, the application will not be processed until the CHIS meets City standards. City staff reserves the right to require further information and analysis and will return it to the author with clear instructions regarding necessary changes.

The CHIS is a public document and will be available for consultation.

7.0 Qualifications

A CHIS is intended to provide an independent professional opinion and thus CHISs are to be prepared by a heritage professional, who is not the applicant. The qualifications and background of the person(s) completing the CHIS will be included in the report. The author will be a member of the Canadian Association of Heritage Professionals.

8.0 Glossary

Adjacent

For the purposes of this document, adjacent means contiguous to.

Adversely impact

A project has the potential to “adversely impact” the cultural heritage value of a project if it; requires the removal of heritage attributes, requires the destruction of a cultural heritage resource, obscures heritage attributes, is constructed in such a way that it does not respect the defined cultural heritage value of a resource.

Built Heritage

Includes buildings, structures and sites that contribute to an understanding of our heritage and are valued for their representation of that heritage. They may reveal architectural, cultural, or socio-political patterns of our history or may be associated with specific events or people who have shaped that history. Examples include buildings, groups of buildings, dams and bridges.

Cultural Heritage Resources

Includes four components: Built Heritage, Cultural Heritage Landscapes, Archaeological Resources, and documentary heritage left by people.

Cultural Heritage Landscape

Any geographic area that has been modified, influenced, or given special cultural meaning by people and that provides the contextual and spatial information necessary to preserve and interpret the understanding of important historical settings and changes to past patterns of land use. Examples include a burial ground, historical garden or a larger landscape reflecting human intervention.

CULTURAL HERITAGE IMPACT STATEMENTS
ENONCÉ D'INCIDENCE SUR LE PATRIMOINE CULTUREL
ACS2012-PAI-PGM-0195 CITY WIDE / À L'ÉCHELLE DE LA VILLE

REPORT RECOMMENDATION

That the Ottawa Built Heritage Advisory Committee recommend that Planning Committee recommends that Council adopt the “Guidelines for the Preparation of Cultural Heritage Impact Statements” included as Document 1.

Sally Coutts, Heritage Planner II outlined the guidelines for the Preparation of the Cultural Impact Statements, providing background and clarification to issues raised from members.

MOTION N^o OBH 24/1

Moved by Pierre Maheu

That the Ottawa Built Heritage Advisory Committee recommend that the Planning Committee recommends that Council approve that the City of Ottawa retain and pay for consultants to prepare all future Cultural Heritage Impact Statements (CHIS) prepared under the new Guidelines for the preparation of CHIS to ensure that the Impact Statements are objective and unbiased.

CARRIED with E. Eagen dissenting

The report recommendation was moved by Pierre Maheu and CARRIED as amended by Motion 24/1 with C. Mulholland dissenting.

EXTRACT OF DRAFT
PLANNING COMMITTEE
MINUTES 41
25 SEPTEMBER 2012

EXTRAIT DE L'ÉBAUCHE
DU PROCÈS-VERBAL 41
COMITÉ DE L'URBANISME
LE 25 SEPTEMBRE 2012

CULTURAL HERITAGE IMPACT STATEMENTS
ACS2012-PAI-PGM-0195

CITY-WIDE

OBHAC RECOMMENDATIONS AS AMENDED:

That the Planning Committee recommend Council:

1. **Adopt the “Guidelines for the Preparation of Cultural Heritage Impact Statements” included as Document 1; and,**
2. **Approve that the City of Ottawa retain and pay for consultants to prepare all future Cultural Heritage Impact Statements (CHIS) prepared under the new Guidelines for the preparation of CHIS to ensure that the Impact Statements are objective and unbiased.**

At the outset, Chair Hume made note that the first recommendation above had been the original report recommendation, whereas the second had been added by the Ottawa Built Heritage Committee (OBHAC) via a Motion moved and adopted at its meeting of 6 September 2012, and which was not recommended or endorsed by staff. Committee opted to consider the recommendations separately, with “Yeas” and “Nays” being called on the second recommendation.

That the Planning Committee recommend Council:

1. **Adopt the “Guidelines for the Preparation of Cultural Heritage Impact Statements” included as Document 1.**

CARRIED

2. **Approve that the City of Ottawa retain and pay for consultants to prepare all future Cultural Heritage Impact Statements (CHIS) prepared under the new Guidelines for the preparation of CHIS to ensure that the Impact Statements are objective and unbiased.**

The second recommendation LOST on a division of eight “Nays” to one “Yea”:

Nays (8): Councillors S. Blais, R. Bloess, R. Chiarelli, K. Hobbs, A. Hubley,
B. Monette, S. Qadri and P. Hume
Yeas (1): J. Harder

The Committee then CARRIED the report recommendation as amended by the removal of the second (OBHAC) recommendation.

That the Planning Committee recommend Council adopt the “Guidelines for the Preparation of Cultural Heritage Impact Statements” included as Document 1.