

**March 23, 2004 Heritage District Study Public Open House
DRAFT Meeting Minutes**

6:30 – 9:00 p.m., Council Chambers

In attendance:

Consultants Phil Carter and Paul Oberst
Councillor Lougheed
Tim Commisso, General Manager, Development and Infrastructure Division
Paul Smithson, Manager of Policy, Graphics and Administration
Andrea Smith, Policy Planner
Members of the public (120 attendees, sign in sheet in file)

Following brief introductions by Paul Smithson, Phil Carter and Paul Oberst gave a Power Point presentation describing the objectives of the study and study phases. Comparisons were made to the heritage district designation experiences of other municipalities. The objective of the Old Burlington Village Heritage Conservation District Study is to determine a “Made in Burlington” Plan. The general content of heritage district plans was discussed: the consultants described a district plan as a workbook that guides alterations, development and redevelopment in a consistent manner. The goal of a district is to work as a community to protect and enhance the unique character of the area (i.e. that which the community has to identify with).

District Designation Process and Implementation: The consultants noted that implementation process varies in each municipality. Typically, alterations, development and redevelopment in districts require a heritage permit. Typically, there is no fee associated with a heritage permit application (other fees such as those pertaining to site plan applications, building permits, etc. are may apply depending on the nature of the proposed development). Similar to the heritage district plan, the heritage permit process varies between communities (i.e. a Council may create a process whereby staff and/or a heritage review committee review heritage permit applications). Normally, only contentious applications go to Council. The length of time to process a heritage permit also varies (and is directly linked to applicable heritage permit process): some municipalities review heritage permit applications on the same day that they are received, some commit to a review within 10 days of receipt, etc. The consultants noted that it is good practice to run the heritage permit process concurrently with any other necessary development approvals (i.e. building permit application, site plan application, etc.).

The consultants noted that the intent of district designation is not to mandate any property owner to make immediate changes. Rather, the intent is to guide any future alterations that a property owner may propose.

The consultants added that downtown Burlington is unique: there is a mix of building types, sizes and style. The mature trees and landscape contribute to the overall character of the area.

At this stage in the meeting, the floor was opened to participants for questions and comments. The following notes reflect that discussion:

- The study area boundary should be extended east to include the oldest park, Lion's Club, and also east to Martha Street to include the Metcalf House.
- Support heritage preservation. It is positive to hear that heritage district guidelines are not carved in stone and that staff want to work with citizens. The study area should be expanded to the east.
- It is important to understand the positive and negative aspects of heritage districts. Reference was made to a development application/building permit process that took over three years for a home that was individually designated under the *Ontario Heritage Act*. Eight LACAC meetings and a trip to the Ontario Municipal Board (OMB) were required. There is more to a district than a nice little club. Who decided that we need a district? If it is not broken, don't fix it.
- It was noted that LACAC supported the application referenced above and the Committee was not responsible for stalling the process. Many of the eight LACAC meetings referenced were held in the home of the property owner.
- Paul Smithson – It was noted that the objection that caused delay to the development application process was related to the variance to the by-law application. Anytime an application under the *Planning Act* is made, it is open to appeal. This process is not necessarily related to heritage matters as guided by the *Ontario Heritage Act*.
- Phil Carter - The only decision that has been made to date is that we should look into whether there should be a district. That is Phase 1 of this study. It is a question of whether to wait until it is broken before devising a plan. Heritage district designations do not appear on property deeds.
- Paul Smithson – The City's Strategic Plan and Official Plan reference the investigation of heritage conservation districts in Burlington.
- The process should be clarified if someone wants to opt out of the district.
- Councillor Lougheed – The process that Mr. Murray experienced was long and wrong. We need consistency and a predictable process in place to avoid problems Mr. Murray experienced with his property. We need to start somewhere to examine issues, there is already a lot of infill and redevelopment pressure. We need to determine if a heritage district is a tool that we can use. A heritage planner on staff would provide consistency to the heritage permitting process.
- A public meeting regarding a heritage district study was held two years ago and an overwhelming positive response was received.
- The downtown provides a sense of place. A district designation would protect the sense of place. What else can be done to protect the sense of place?

- Paul Smithson - Tax incentives, tax rebates and grant programs are also tools that can be used in conjunction with district designation. These other tools will be examined as part of the study process.
- Support heritage and character but it should be up to those that want to protect heritage resources to individually designate specific properties rather than designating an entire district. How do property owners opt out of the process? How will property owners have a say, by vote or poll?
- Reference was made to development application/building permit delays due to LACAC which resulted in the loss of his contractor. Comparison of Burlington to Port Hope is not appropriate. Taxes in Port Hope are a fraction of Burlington. Extra costs associated with heritage guideline requirements are a concern. Property taxes don't reflect the extra costs associated with the heritage requirements. How will a heritage district study be administered without increasing taxes?
- Paul Smithson – under the *Ontario Heritage Act* demolition can only be stalled by 180 days. This time is intended to negotiate and reach a solution to conserve the heritage resource.
- In the past 15 years, most of the changes in the residential area have been good but there are concerns about what is happening in the commercial area. It is a waste of time to regulate the residential properties if commercial development is not also included. Can heritage districts control inappropriate commercial development?
- Paul Smithson – as part of the study process, the character of the area is defined. The Official Plan and Zoning By-law regulate density and whether high rise development is permitted.
- There has been inappropriate infill development. District guidelines can be a way to prevent one neighbour pitting against another neighbour. Is there something in between to allow rights to property owners while also preventing undesirable development?
- Paul Oberst – It is impossible to restrict neighbours without restricting one's self. The way to find an in between depends on how a municipality implements a heritage district plan.
- The concern of what one can or cannot do is legitimate and not uncommon. There are already restrictions, e.g. zoning by-laws. Staffing to implement the guidelines is a concern. What comes first, the guidelines or the boundaries? What is the make up of LACAC if they have such an important role?
- Phil Carter – Typically permits are processed without going to Council. Building permits cannot be appealed while heritage permits can. Boundaries must come first,

then the guidelines. You need to know what resources are being considered for the district before the guidelines can be prepared for them.

- Heritage Burlington LACAC members follow a Council approved protocol to comment on applications in an expeditious manner. Often, members will go to the owner's property to talk over applications.
- There are limitations to the Shipley study regarding property values within heritage districts. Maybe this is not the time to prepare a heritage district study. Perhaps other avenues are appropriate. If the *Ontario Heritage Act* has no power, then why do it? People in the area may like old properties but the question is, who will be controlling the decisions. There are other tools to consider such as monster home legislation.
- There is increasing pressure for redevelopment in the area which will change the character of the area.
- Support moving the study area boundaries to the north to match the old boundary of the Village of Burlington. Infill development is a concern. High rises in the downtown are going to result in weather changes. People should be thinking about is this the way you want to live and if so, how do we keep it?