

Heritage Conservation District Study
Public Information and Discussion Sessions
Wednesday April 6th, 2005
Burlington Central Lion's Club
- Afternoon and Evening Session Notes -

Please note that the afternoon and evening sessions covered the same content. Variations in the discussion period are reflected below. The following notes are not a verbatim account of the proceedings; rather they reflect notes recorded by staff during each session.

Welcome and Introduction – Bruce Krushelnicki, Director of Planning, City of Burlington

“Planning 101” – Bruce Krushelnicki

Provided overview of municipality's legislative authority under the Planning Act and that prescribed under Part IV and Part V of the Heritage Act. Outlined differences between the Official Plan, the Zoning By-law, and Heritage Conservation District designation as planning tools.

Panel Discussion – panel moderated by Tim Commisso, General Manager of Development and Infrastructure, City of Burlington.

Panellists: Mr. Phillip Carter, Architect, Heritage Study consultant
Mr. Paul Oberst, Architect, Heritage Study consultant
Mr. Paul King, Education/Technical Advisor, Ministry of Culture
Mr. Gary Murray, representative of the “Burlington Downtown Residents”
Mr. Les Armstrong, chair, Burlington LACAC

TC outlined purpose of panel and opened the floor to questions.

Citizen: What does Bill 60 propose? And is it typical for heritage districts in Ontario to include both residential and commercially zoned properties?

Paul King: Bill 60 proposes a formal process for heritage district plan and guideline development (currently there is none), as well Bill 60 proposes to formalize the public meeting process associated with heritage district studies. There are several examples of existing heritage districts that include both residential and commercially zoned properties. Likewise, there are examples of exclusively residential districts, and exclusively commercial districts. (AM's note: a complete list of existing heritage districts is available on the Ministry of Culture's website: www.culture.gov.on.ca)

Citizen: Why should we opt for a district?

Les Armstrong: Without designation status (either under Part IV or Part V) there is no ability to prevent or delay demolition applications. The study area is currently well preserved; LACAC wants to ensure that it stays that way. LACAC believes that unless a heritage district is designated, the character of the area will disappear in the face of development pressures. Cited the recently demolished Coleman house at the top of Nelson Avenue.

Gary Murray: Demolition cannot be prevented under the Act. (AM's note: The Heritage Act empowers municipal councils to delay demolition for a period of up to 180 days. The delay can only be invoked for properties designated under Part IV or Part V. The intent of

the delay is to establish an alternative to the outright demolition/loss of a heritage resource. Burlington has, in the past, worked with development proponents to relocate designated heritage structures, as well as to dismantle until a new site can be found).

Citizen: Why does that City believe that it can govern heritage preservation better than individual property owners?

Phillip Carter: It is true that property owners are very often the best preservationists. District designation, however, is required to ensure that everyone is working to maintain and preserve the character that the community has come to value. Guidelines can assist with maintenance and preservation efforts. Guidelines are applied to everyone.

Citizen: Understand that demolition prevention is the main purpose of district designation. What are alternative means to prevent demolition?

Paul King: Demolition prevention is not the main purpose of district designation. Preservation of heritage resources encompasses many things beyond outright demolition.

Bruce Krushelnicki: The Heritage Act enables a municipality to control demolition expressly for the purpose of heritage preservation. Neither the Planning Act nor the Building Code Act make this provision.

Paul Oberst: District designation enables a community to create guidelines to guide change for existing buildings and for new construction.

Citizen: Is Part V designation registered on title?

Paul King: The Heritage Act does not currently require that Part V designation be registered on title. Bill 60 proposes to require Part V designations to be registered on title. Under the existing Act, Part IV designations are registered on title: no change is proposed under Bill 60.

Citizen: Concerned about the Province's Places to Grow legislation and the intensification that it proposes. Will a heritage district plan supercede the Places to Grow legislation?

Bruce Krushelnicki: The Province has enacted Greenbelt legislation. As per Provincial direction, this area will see intensification. A district plan cannot prevent intensification; however there will be greater ability to control what it looks like through the design guidelines included in a heritage district plan and via zoning and Official Plan policies that are tailored to the objectives of the district plan.

Boundary Discussion: Paul Oberst and Les Armstrong presented their recommended boundaries and provided the rationale associated with their recommendation. Note that the consultants' recommended boundary is outlined on p. 120 of their report. LACAC is suggesting merit in designating two, non-contiguous districts that are generally defined by the "high heritage value" areas delineated on p. 119 of the consultants' report. Note that LACAC's suggested boundaries do not include Brant Street.

Paul Oberst: It is useful to include sites that have redevelopment potential: there are several key sites in the core that fall into this category. Inclusion of possible redevelopment sites ensures a greater measure of control over future building layout and aesthetics. Old Lakeshore Road is included because of its unique identity as a self-contained commercial

precinct. As well, Old Lakeshore Road provides a connection to the waterfront. Noted that Spencer Smith Park was not included in the suggested boundary as the waterfront plans have already been approved and are following a different directional theme. Through the Old Lakeshore Road precinct, however, there is opportunity to knit the waterfront with the heritage character to the north. Brant Street is included because it is the downtown's historic commercial core. Suggested that including Brant Street creates an opportunity to build on the heritage fabric that remains and create a unique commercial and pedestrian environment. No other part of the City can boast such an environment. A heritage district can serve as the backdrop for Brant Street's redevelopment. Brant Street is the spine that connects the east and west sides of the downtown.

Les Armstrong: Les spoke on behalf of LACAC and stated that the advisory committee focused on the specific areas where "high heritage value" resources were identified by the consultants. Suggested that Brant Street had not been included because of the sentiment that very little of Brant Street's heritage resources remain. LACAC is of the opinion that redevelopment on Brant Street will likely respect the character of the surrounding residential neighbourhoods, if they are designated under Part V, regardless of Brant Street's inclusion in a district.

Questions and Comments regarding possible boundaries were taken from the floor.

Citizen: Cannot understand why LACAC would omit Brant Street.

Citizen: LACAC's omission of Brant Street will effectively split the downtown in half. The heritage district should include areas with redevelopment pressure. It is important to have some control over that redevelopment beyond what the Official Plan and Zoning By-law can accomplish. Noted that any dividing line down the middle of street will fail to capture continuity. It is important to be very cognizant of the properties on the perimeter. The heritage integrity of some properties within the district may be lost depending on the type of redevelopment on the perimeter. Heritage preservation is also about redevelopment.

Citizen: Important to include Brant Street and also to include the north side of Lakeshore Road to ensure appropriate development adjacent to the lake.

Paul Oberst: Agreed that consideration of potential redevelopment opportunities at the perimeter is critical. Noted that the existing development on the north side of Lakeshore (between Burlington Avenue and Brant Street) had been excluded, based, in part, on the idea that the properties were not likely to be redeveloped any time soon.

Gary Murray: Suggested that it is important to weigh the perceived value of designation against the obligations that will be imposed upon homeowners. Noted that he prefers to take the risk. However, should heritage district controls be enacted, they should be imposed upon the commercial core.

Citizen: Would like to see the lands slated for future redevelopment included in a boundary. Include Brant Street to ensure that it redevelops appropriately.

Citizen: Will properties be re-assessed with district designation?

Bruce Krushelnicki: No. The municipality is not responsible for property assessment (duty of MPAC). Property value is a reflection of market value. Many of the things that we as citizens assign value to are not treated as valuable on the free market.

Citizen: Would it be better to start small (i.e. the consultants recommend a large area)? How have districts typically evolved in Ontario – can properties be added later?

Phil Carter: The last three studies that we have worked on, the community has wanted to go larger. Often once a district is in place, other neighbourhoods identify the merits and seek district designation. Boundaries can be revised. Thornhill is currently going through an exercise to update their plan and boundary expansion has been raised. In delineating boundaries, however, it is critical to maintain the context of the area. Need to maintain the overall heritage integrity: cutting away properties and streets can erode the authenticity of the area as a possible district.

Afternoon session adjourned.

Evening Session

Welcome and Introduction – Bruce Krushelnicki, Director of Planning, City of Burlington

“Planning 101” – Bruce Krushelnicki

Panel Discussion – panel moderated by Tim Commisso, GM, Development and Infrastructure, City of Burlington.

Panellists:

Mr. Phillip Carter, Architect, Heritage Study consultant

Mr. David Cuming, Senior Project Manager, Heritage and Urban Design, City of Hamilton

Mr. Paul King, Education/Technical Advisor, Ministry of Culture

Mr. Bill Pittman, representative of the “Burlington Downtown Residents”

Mr. Les Armstrong, chair, Burlington LACAC

TC outlined purpose of panel and asked each panellist to comment on their involvement with heritage districts.

Les Armstrong: LACAC’s involvement arose from efforts to save heritage neighbourhoods and to protect the wealth of resources in the face of redevelopment pressures. Concerned with current inability to prevent demolition and with how future infill development will relate to the context in which it is located.

Paul King: As the Ministry of Culture’s education and technical advisor, (he) will address questions regarding the Heritage Act and Bill 60. Also able to draw on experiences of working with other municipalities throughout their district studies and designation processes.

David Cuming: As the senior project manager of the Heritage and Urban Design unit of the City of Hamilton’s Planning Department, (he) is responsible for the administration of all 7 of Hamilton’s heritage districts. Noted that the process that Burlington is currently undertaking and the vocal opposition on behalf of some is not unique.

Bill Pittman: Noted that he is a downtown resident and concerned citizen. He is a member of the Burlington Downtown Residents' group and noted that the group is not "anti-heritage", rather "pro-heritage" as owners of older homes. Stated that he is against regulatory control of Part V designation under the Heritage Act, but is supportive of voluntary heritage guidelines. Concerned that the City is trying to "sell" district designation. Stated that he does not see evidence of a need for district designation.

Phillip Carter: Heritage consultant for Burlington. Lives in a heritage district. Member of Port Hope's LACAC. Noted that heritage districts are typically driven by community interest arising from a desire to preserve unique character. Noted that Burlington has a unique flavour: other communities with districts have identified concerns with the loss of neighbourhood flavour.

Tim Commisso opened the floor to comments and questions for the panel.

Citizen: Why would we want a heritage district?

Les Armstrong: There is nothing currently in place to allow council to address the aesthetics of redevelopment. A district plan can give a community that ability.

Bill Pittman: Noted that designation under Part IV is voluntary: if a person wants to be subjected to the regulatory controls of the Heritage Act there is a mechanism for individual designation. There is no reason for Part V designation.

Citizen: Don't want to be told what colour of paint to use on the exterior of the house.

David Cumming: Paint colours are not regulated in any of Hamilton's 7 districts. It is an issue, however, if someone wants to paint a limestone building, for example, as that has the ability to undermine the heritage integrity and destroy the skin of the building.

Citizen: Has the City researched whether or not district designation will have an impact on school closures?

Bruce Krushelnicki asked for clarification of question.

Citizen: Of the opinion that district designation could drive young families out of the area and therefore alter the demographics of the downtown which would result in school closures.

Philip Carter: Noted that communities change over time, demographics are affected by neighbourhood changes. Is not aware of any instance where there has been a correlation between district designation and an exodus of young families.

Paul King: Noted that as communities change, schools might close – difficult to attribute this to designation status. Young families choose neighbourhoods for a myriad of reasons. However, if a school board closes a school within a district, the Part V designation can lend support to retention of the building and, in some cases, support a case for adaptive re-use.

Citizen: Site plan control can address concerns about building aesthetics. Site plan control provides 100% control.

Bruce Krushelnicki: No. That is inaccurate. Single family homes are exempt from site plan approval requirements (although multi-family and other uses are subject to site plan application requirements). Site plan control organizes the uses on a site and deals with

building form and massing. Materials and visual aesthetics of design are not included. Site plan control is not a tool that can, alone, preserve heritage.

Citizen: Will heritage district designation have an influence on high-density development?

Bruce Krushelnicki: Height, density, and use are addressed via the Official Plan and Zoning By-law. Heritage district designation pertains to character. Any development, including higher density development must comply with a heritage district's guidelines. Zoning By-law and Official Plan policies still apply; however, zoning and Official Plan policies can be tailored to the district plan.

Paul King: Bill 60 proposes to enable district plan guidelines to prevail over zoning by-law provisions. The current legislation does not.

Bruce Krushelnicki: Intensification will happen. The Province has designated an urban boundary through its Greenbelt legislation. Delineation of a district boundary is an important tool to ensure that future neighbourhood compatibility. A district plan can regulate the character of neighbourhood redevelopment.

Citizen: The Official Plan can be used to control intensification.

Bruce Krushelnicki: This City will intensify: this has been mandated by the Province through the Greenbelt legislation.

Citizen: What does the City gain from district designation?

Phil Carter: In Port Hope, the district has been a boon to tourism and commercial stability. Since 1995, the district has become a tool for economic development. The district has been credited with keeping the downtown alive and active.

Citizen: Inference that the downtown doesn't need another draw for tourists. Tourists will be drawn by the redevelopment of the waterfront.

Citizen: Do the councillors support district designation?

Councillor Loughheed: Heritage and the downtown are important to the City. We are facing challenges in our efforts to protect the character of older neighbourhoods. We are currently undertaking a process to assess whether district designation is something that can assist us. It is worth going through that process. As part of the process we have sought professional advice from the study consultants. This discussion and process is timely, downtown is changing. Streetscaping is also an important part of the downtown's character. There is no money left for heritage streetscaping, such as non-standard street lights and sidewalks. A heritage district plan would apply to the public realm and set standards for improvements beyond the regular engineering criteria.

Citizen: Will a referendum be held to determine whether or not a district should be designated?

Bruce Krushelnicki: Referenda are non-binding. The City of Toronto has recently initiated a two-part survey to assess support for district designation in the Beaches community (currently undertaking a heritage district study). Staff have prepared a report, in response to a Council direction, outlining a communications plan. Included in the report is a section on the use of a survey to assess community support. The report will be available to the public on April 11th and will be going to CDC on April 18th. Delegations can register with the Clerk.

Councillor Taylor: Noted that (he) put forward the motion to direct staff to report on survey use. Stated that (he) supports survey use to assess community support for district designation. Noted that the city has used survey evaluation in the past, and that a precedent exists. Referred to a survey conducted in regard to rural garbage collection, as well as those used by the Transit and Traffic Department regarding the use of traffic calming measures.

Citizen: What is “in it” for the City?

Bill Pittman: A heritage precinct is identified in the draft Core Commitment document.

Tim Commisso: A revised Core Commitment document has been prepared and will be available to the public on April 11th. The document will be taken to CDC on April 18th.

Citizen: Why is a district being considered for this area? Why not Roseland neighbourhood?

Phillip Carter: This area is unique to Burlington. It has a range of building types and styles that are not present in any other part of the City. Council wants to determine whether or not use of the Heritage Act can assist to preserve the character. Noted that once a community designates one area, it is not uncommon for other areas to come under study.

Les Armstrong: LACAC requested Council to study this area because it is Burlington’s historic and present-day core. This is where Burlington’s history began, the greatest heritage value is located in this area.

Citizen: This area is nice, but there is nothing of significant heritage value. How do you define “heritage”?

Phillip Carter: In (our) professional opinion there is significant value and (our) report identifies that heritage value. The City’s Official Plan requires that the majority of buildings in an area of study be of a unique character. People value this area’s character. Heritage is not defined in the Heritage Act, but it is important to note that heritage value is not determined by the age of a building.

Paul King: Since 1980, 71 districts have been designated. They all have cultural heritage value. A community must define what is of cultural heritage value. Each community has to define what it values. Heritage districts have long-term benefits. It is important to include landmark buildings and sites as well as possible redevelopment sites if a community values the existing character and wants to see the character preserved and enhanced.

Citizen: Government already governs how we use our property – through the Zoning By-law, the Fire Code, the Building Code, etc. Designation will be another layer of control. What is the operating budget of the Planning Department? What will another layer of control cost?

Bruce Krushelnicki: There is an in-house budget of 2 million dollars. The majority of that budget is derived from Development Charges not property taxes.

David Cuming: The former City of Hamilton had three heritage staff. This did not change after amalgamation. 3 staff members continue to manage 7 districts. Note that the City of Hamilton does not charge for a Heritage Permit application. No application fees. Heritage permits can be turned around quickly. Encourage applicants to discuss plans with staff in advance. When change does occur the intent of the plan is to ensure that it fits with the existing fabric. Sometimes contemporary style is more suitable than an attempt to mimic heritage styles.

Citizen: Would the existing heritage quality of the area be maintained if we relied solely on Part IV designations? Can think of examples where an inappropriate site redevelopment undermines the character of the surrounding sites.

Bill Pittman: Part IV designation is a choice. Trust that property owners will develop their properties appropriately without Part V blanket designation.

Citizen: The economy is fickle. Can any of the panellists comment whether or not there is a negative correlation between district designation and property value?

David Cuming: It is difficult to determine all of the factors that play into the determination of what the market will bear (i.e. property value). However, after 30 years of my involvement with heritage districts I would say that if there was a demonstrable negative relationship between district designation and property value, the province would not have 71 existing heritage districts. As well, district designation under the Ontario Heritage Act enables a council to establish a loan and/or grant program for the purposes of restoration work, maintenance of heritage features, etc. Hamilton has a grant program that can be accessed by owners of individually designated buildings, or those within a heritage district.

Bill Pittman: Robert Shipley's work is not conclusive. He includes a caveat in his study of property values regarding the limited ability to discern relationships, positive or negative, between designation and property value. We don't know whether designation will have a negative impact on property value.

Les Armstrong: Any time that a property that is located within a heritage district is listed on the real estate market, the real estate agent always highlights its designation status. If a real estate agent thinks that something will get in the way of a property sale, they wouldn't highlight it front and centre in the real estate listing.

Citizen: What is the breakdown, among Ontario's existing districts, between residential and commercial districts?

Paul King: There are 71 districts in existence and another 12 areas currently under study for designation. The breakdown among existing districts is approximately 65% residential, 20% commercial, and the remaining would be a mix. There are perhaps 8 or 9 studies that have been initiated that have not yet resulted in designation. Doing the study is a very valuable resource for a community. Some communities have conducted a study, and have not considered designation until years later.

Bill Pittman: Districts are not well distributed across Ontario. Among the 71 existing districts, there are multiple districts in some cities (AM's note: there are 71 districts, not 71 municipalities with districts). Believe that there is middle ground – could have voluntary heritage guidelines and heritage expertise at the City to assist people with redevelopment proposals.

Citizen: There are 20 properties designated under Part IV in the study area. This is an indication that there is only 5% of property owners in support of use of the Heritage Act to preserve heritage.

Phillip Carter: Part IV and Part V have an entirely different scope and intent. It is not accurate to suggest that the number of Part IV designations can be extrapolated to support for use of the Act. Rather, it is simply a measure of support for Part IV designation.

Citizen: How will Part IV buildings be dealt with under Part V?

Paul King: Under the current legislation, buildings designated under Part IV are not subject to the guidelines associated with Part V. Sometimes Part IV owners will request that

Council repeal the Part IV designation, such that their property can be included within, and subject to the provisions of the Part V district plan. Bill 60 proposes to extend applicability of Part V guidelines to Part IV properties. Note that Part IV designation statement of significance may identify internal heritage features: Part V designation only applies to the exterior of a building.

Citizen: Believe that people are in attendance because they value the existing character. Why oppose something that could help us to preserve it? Don't believe that voluntary guidelines will work. Let's spend the energy developing guidelines that will help us.

Bill Pittman: The Burlington Downtown Residents' group supports voluntary guidelines, but not the use of the Heritage Act.

David Cuming: Have heard that some people are concerned about the "subjectivity" of guidelines. It is important that guidelines are applied consistently. This creates a level playing field for everyone. Each municipality can tailor the guidelines to that which the respective community is comfortable. Guidelines need to be consistently administered. Important to adopt consistent and fair procedures: this will build confidence in the use of guidelines to preserve the area's character and achieve the objectives of the Heritage District Plan.

Les Armstrong: The development of guidelines is critical. LACAC is currently undertaking a review of guidelines in other communities and have found that guidelines are tailored for the community that they serve.

Citizen: Would a heritage permit process be run after the building permit process? If so, this could create delays and additional expense if you can't get a heritage permit for your proposal.

David Cuming: In Hamilton, the processes are run concurrently. We encourage people to go through a pre-consultation to ensure that everything is in order before the process gets going.

Panel discussion completed. Boundary discussion opened with presentations from Paul Oberst/Phillip Carter and Les Armstrong.

Phillip Carter: It is important to include Brant Street within the district. This street is under great pressure. Think about heritage as being a guiding theme for an area's redevelopment.

Paul Oberst: In delineating the boundary, (we) look at the Official Plan as well as the criteria set forth by the Ministry of Culture. This is a unique and distinctive area. There is lots of heritage quality and lots of opportunity, through redevelopment sites, to enhance the existing heritage character. (Paul outlined and explained the "high heritage value" and "moderate heritage value" evaluations – refer to consultants' report for detail). Brant Street is the connective tissue of the downtown.

Les Armstrong: LACAC is of the opinion that, to start, smaller is better. Believe that the areas identified by the consultants as having high heritage value should be protected through district designation. Resulting in a suggestion to have two, separate, high heritage value districts.

Tim Commisso opened the boundary discussion to the floor.

Citizen: Very concerned that LACAC has not included Burlington's oldest park, Lion's Park, in their recommendation. Important that Lion's Park be included in any district.

Citizen: Need to include Brant Street. It is the area that could benefit the most from heritage design controls.

Citizen: A district cannot just be imposed on residential property owners. Want to ensure that the businesses are included as well.

Les Armstrong: Believe that there is very little remaining on Brant Street that is of heritage value.

Citizen: Has the city received negative feedback from the business community regarding their inclusion in a district? And is this why LACAC has not included the commercial core in their recommended area?

Alana Mullaly: Staff have been meeting with the Downtown Business Association and have not yet received a formal position from the group.

Les Armstrong: LACAC put forth this recommendation because it makes sense to designate the high heritage areas.

Citizen: Brant Street is the heart of the area, despite much of the heritage value having been lost. It is important to include Brant Street to ensure that the downtown is treated as a cohesive whole. Why not go further? Why not include the open space of Spencer Smith Park and the lands on the north side of Lakeshore Road (between Burlington Avenue and Brant Street). Although those sites might not be redeveloped, alterations may be made, including changes to signage that should fall under heritage guidelines.

Phillip Carter: The boundary does include the Art Centre, however most other properties have large, modern buildings that will not likely change. The point is well taken, however, as the overall streetscape is important.

Bruce Krushelnicki: We need to identify an area that makes sense as a district.

Citizen: Why were Central P.S. and Central S.S. not included in either the consultants' or LACAC's recommendation?

Phillip Carter: The south side of Victoria/Baldwin was identified as a strong northern edge: the intersection with Brant was identified as a strong gateway to the area. The school is listed on LACAC's inventory and could be considered for designation under Part IV.

Citizen: Need to think about how a heritage district could fit into the overall development plan/big picture for the downtown area (referred to Walmart proposal and other ongoing development applications).

Evening session adjourned.