Workshop Agenda

1:00 p.m.  Arrival and Registration and Light Refreshments

1:15 p.m.  Opening Remarks and Workshop Objectives:
            Facilitator Sue Cumming, Cumming+Company

1:30 p.m.  Presentation on Key Findings and Recommendations:
            Alissa Golden, Cultural Heritage Planner,
            Development Planning, Heritage and Design, City of Hamilton

2:15 p.m. - 4:15 p.m.  Workshop Discussion on:
                   • Managing change to protected heritage properties
                     through revisions to the Heritage Permit Application Process
                   • Improvements to the existing Heritage Designation Process

4:15 p.m.  Highlights and Next Steps
What will make this an effective workshop?

Our Ground Rules

- Everyone’s contribution has value
- Share your ideas openly
- Take turns listening and talking
- We don’t have to agree but we do have to respect each other’s viewpoints

Please write your ideas down!
Staff Presentation Agenda

1. Background on Heritage Process Review
2. Overview of Existing Processes
3. Assessment of Existing Processes
4. Best Practice Review – Municipal Comparisons
5. Recommendations
1 Background of Heritage Process Review
Project Timeline - Overview

- Council Direction
- Project Initiation
- Consultation
- Staff Analysis/ Draft Recommendations
- Workshop
- Draft Report
Project Timeline

December 2014 – Project Launch

• Presentation to HMHC (December 18, 2014)
• Project webpage launch - www.hamilton.ca/heritagereview
• Initial review of existing

December 2014 – January 2015

• Consultation with Heritage Committee Members
  - Questionnaire for preliminary input from:
    – Hamilton Municipal Heritage Committee
    – Heritage Permit Review Subcommittee
    – Cross-Melville Heritage District Advisory Committee
Project Timeline (con’t)

April to May 2015

• Consultation with key stakeholders – Online questionnaires for preliminary input from:
  – Neighbourhood Associations and Community Groups (City wide)
  – Municipal Representatives (Councillors, Culture Staff, Economic Development Staff)
  – Provincial Bodies (Ontario Heritage Trust, Ministry of Tourism, Culture and Sport)
  – Hamilton Conservation Authority
  – Hamilton Wentworth District School Board
  – Heritage Professionals (Architects, Planners, Specialists, Local CAHP members)
  – Local Heritage Associations and Societies

• Frequently Asked Questions reference page
Project Timeline (con’t)

May to July 2015

• Consultation with owners of designated heritage properties
• Postcard mailed out
• Online questionnaires for preliminary input
Project Timeline (con’t)

July to September 2015

• Consultation with municipal heritage planners across Ontario - Online survey

• Best practice review and comparisons

• Follow-up conversations with municipal heritage planners (e.g., Markham, Kingston)

• Follow-up with heritage committee members who requested one-on-one interviews

• Project update presentation to HMHC (September 17, 2015)
Overview of Existing Processes
Overview of Existing Processes:
Heritage Permits
Managing Change to Protected Heritage Properties

• Physical changes to designated properties are managed through the Heritage Permit process

• Ensure proposed changes do not adversely impact the identified heritage value and attributes

• Typically, Heritage Permits are required when there is any potential impact to the identified heritage value and attributes

• Possible effects/impacts:
  – **Displacement**: changes resulting in damage, loss or removal of identified heritage attributes/values
  – **Disruption**: actions resulting in detrimental changes to the setting or character of the designated property

General Rule:

*alterations to heritage properties should repair rather than replace original features and should not permanently damage heritage materials or construction measures.*
Current Heritage Permit Process

- On average, 70 heritage permits are processed annually*
- Council-approved framework developed in 2005 in consultation with HMHC
- Staff originally recommended delegated approval authority to consent to all heritage permit applications to alter property (PED05096)
- Advantages of delegated authority outlined in report:
  - Reduction in approval time
  - Reduction in staff time spent in report preparation
- Following consultation with HMHC, recommendation revised as follows:
  - Delegation authority does not apply, nor is it extended, to any decision that is not in accordance with the recommendation of:
    - the Hamilton Municipal Heritage Committee;
    - the Heritage Permit Review Subcommittee; or,
    - any of the Conservation District Advisory Committees.

*Average based on the last five years (2009-2013); 90% were processed through delegated approval
Delegated Approval Authority under the Act

• Council must either consent, consent with conditions or refuse a heritage permit application within 90 days of notice of receipt.

• The Act provides for the power to consent to a heritage permit application to be delegated by by-law to an employee or official of a municipality (MHC must be consulted prior to delegation)

• Delegated approval authority does not extend to:
  – Consent of the demolition or removal of a structure under Part IV or Part V
  – Consent of the erection of a new structure under Part V
  – Refusal of an application under Part IV or Part V

Note: No definition of “demolition” provided in the Act
The Act defines the following:
“alter” means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning; (“transformer”, “transformation”)
### Average Processing Times (2014)

<table>
<thead>
<tr>
<th>Heritage Permit Applications</th>
<th>Average No. of Days*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved through delegated authority</td>
<td>15</td>
</tr>
<tr>
<td>Council-decision</td>
<td>61</td>
</tr>
<tr>
<td><strong>All Heritage Permit applications:</strong></td>
<td><strong>19</strong></td>
</tr>
</tbody>
</table>

*Note: Notice of Receipt typically issued after HPRS meeting*
Overview of Existing Processes:
Designation
Council-Approved Designation Process (Part IV)

- Framework developed in 2008 to address heritage designation requests and staff’s work program for designation (PED08211)
- Formal adoption of criteria for evaluating the cultural heritage value or interest of property for designation under Part IV of the Act (in line with Regulation 9/06)
- Allows for the prioritization of designations based on a number of factors, including:
  - Risk to the property with respect to demolition/removal
  - Funding eligibility
  - Heritage value associated with the property
  - Current level of property maintenance
  - Ownership (e.g., City-owned)
  - Work program/staff resources
Council-Approved Designation Process (Part IV)

General process is as follows:

- Designation request received
- Preliminary screening and report
- Priority assigned by Council
- Cultural Heritage Assessment report
- HMHC recommendation to Council
- Council decision
- Notice of intent to designate
- Opportunity to object to the Conservation Review Board
- By-law passed and registered on title
Designation of Heritage Conservation Districts (Part V)

- Hamilton currently has seven Heritage Conservation Districts
  - Beach Boulevard (Hamilton)
  - Cross-Melville (Dundas)
  - Durand-Markland (Hamilton)
  - MacNab-Charles (Hamilton)
  - Mill Street (Flamborough)
  - St. Clair Avenue (Hamilton)
  - St. Clair Boulevard (Hamilton)

- Since their designation, the Act has been amended and the framework for district designation, including the requirement for the formal adaptation of district plans

- Hamilton does not have a formal process for addressing requests to designate heritage conservation districts
Overview of Existing Processes: Role of Heritage Committees
The Role of the Hamilton Municipal Heritage Committee

**Mandate of the HMHC** (established by By-law no. 06-338):

- To advise and assist City staff and Council on all matters relating to the designation of property, the review of heritage permit applications and other cultural heritage conservation measures under Parts IV and V of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, as amended;
- To advise and assist City staff and Council in the preparation, evaluation and maintenance of a list of properties and areas worthy of conservation;
- To advise and assist City staff and Council on any other matters relating to the conservation of listed properties or areas of cultural heritage value or interest;
- To advise City Staff and Council on programs and activities to increase public awareness and knowledge of heritage conservation issues; and,
- To prepare, by the 31st day of January each year, an annual report of the previous year’s activities.
The Role of the Heritage Permit Review Subcommittee

The Heritage Permit Review Subcommittee serves to:

• Advise the Hamilton Municipal Heritage Committee, Cultural Heritage Planning staff, and the Director of Planning on the consideration of Heritage Permit applications to alter designated heritage properties under Part IV of the *Ontario Heritage Act*; and,

• Advise the Hamilton Municipal Heritage Committee, Cultural Heritage Planning staff, and the Director of Planning on the consideration of Heritage Permit applications to alter properties within a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*. 
The Role of the Cross-Melville Heritage District Advisory Committee

The Cross-Melville Heritage District Advisory Committee mandate:

• To act as a sounding board for residents within the Cross-Melville Heritage Conservation District to preview and comment on the acceptability of changes proposed within the District, including Heritage Permit applications under Section 42 of the *Ontario Heritage Act*, through the Hamilton Municipal Heritage Permit Review Sub-committee.
3 Assessment of Existing Processes
Feedback by the Numbers

No. of responses:

- **Committee Members** (HMHC, HPRS, CMHCDAC):
  - 8 (survey responses)
  - 3 (one-on-one interviews)

- **Property Owners**:
  - 38 (designation)
  - 28 (heritage permits)

- **Key Stakeholders**:
  - 33 (designation)
  - 26 (heritage permits)
  - 2 (combined)
Overview of Feedback

• Key themes that emerged:
  – Administration
  – Education
  – Transparency

• Key findings grouped by staff in terms of:
  – Strengths
  – Weaknesses
  – Opportunities
  – Challenges
Assessment of Existing Processes: Heritage Permits
Strengths

• Positive experience from applicants with current process
• Staff support
• Advice/input from residents in HCDs/across municipality
• Advice/recommendations from experts in field
• Permits processed within legislated timeline
• Delegated authority streamlines process and increases efficiency (not requiring Council approval for each permit)

Weaknesses

• Ambiguous delegated authority by-law
• Discrepancy between original staff report and delegated authority by-law
• Multi-level committee structure increases timelines and complexity
• Process can be difficult for applicants to understand (multiple committees)
• No clear application requirements (e.g. CHIAs)
• No clerks support for HPRS meetings
• Short review time by HPRS for complex applications
• Committee effectiveness due in part to unfilled vacancies, frequency of meetings, conflict over role, etc.
• Council approval not required for every permit
• Limited staff resources
Opportunities

• Increasing educational materials and tool kits for property owners and stakeholders
• Clarify role of HPRS (advisory group to staff or subcommittee of Council)
• Transparency (post minutes, agendas, approvals, etc.)
• Improve interdepartmental communication
• Integration with other application processes, timelines
• Develop clear policies on common conservation topics
• Define classes of alterations to streamline delegated process
• Improved Heritage Permit application form

Challenges

• Public input when it’s not a public application process (i.e., delegated approvals)
• Public HPRS meeting may discourage open dialogue
• 90-day legislated timelines and Open For Business
• Interdepartmental communication
• Better enforcement and consequences
• Opposition/public perception of delegated authority
• The role of Peer Reviews for consultant reports
• A Letter of Credit as a condition of HP approval
• Distrust of community members and heritage advocates (transparency)
• Interpretation of delegated authority under the OHA
Assessment of Existing Processes: Designation
**Strengths**

- Comprehensive assessments
- Consultation with owners through designation process
- Council-approved framework (sets expectations, provides accountability, consistent process/evaluations)
- Prioritization based on consistent framework (Council-approved work program)
- Proactive initiatives (i.e., DBHI)
- Preliminary screening and Register additions for interim protection

**Weaknesses**

- Timeframe for completing designations
- Backlog of work program (over 50 properties into 2024)
- Lack of clarity and consistency of overall strategy/vision for heritage conservation
- Assessments too rigorous/time consuming
- Relationship between *Planning Act*, *Ontario Heritage Act* and *Ontario Building Code Act* regulations
Opportunities

- Increased educational materials and tool kits for owners and stakeholders
- More/better financial incentives (e.g., tax rebate program)
- Additional educational materials about existing financial incentives
- Streamline process for willing owners who wish to designate
- Create designation request form
- Increased recognition of accomplishments
- Formal process for requesting designation of HCDs
- Integrate designation into development application/approval process
- Improve transparency and access to information

Challenges

- Limited resources (staffing, budget to retain consultants, time)
- Complex designations difficult to finalize (e.g., Royal Connaught, Auchmar Gatehouse, Book House)
- Public perception of heritage designation (opposition)
- Finding balance between sufficient research and making designation recommendations defensible at CRB when opposed
- Reacting to threatened properties vs. willing homeowners waiting for designations (low on priority list, wait longer)
- Politics
- Interdepartmental coordination
- Alterations to Registered properties before designation
- No formal process for addressing requests to demolish Registered properties on work program
Best Practice Review – Municipal Comparisons
Best Practice Review

• Conducted a survey of other municipal cultural heritage planners to gather information on how they process heritage designations and heritage permits.

• We received responses from 16 jurisdictions across Ontario, including
  – City of Belleville
  – Town of Caledon
  – Municipality of Chatham-Kent
  – Town of Coburg
  – Town of East Gwillimbury
  – Town of Goderich
  – County of Huron
  – City of Kingston
  – City of Kingston
  – City of London
  – City of Markham
  – Town of Milton
  – City of Mississauga
  – Niagara-on-the-Lake
  – Town of Oakville
  – Town of Smiths Falls
Summary of Key Findings

- None have subcommittees or advisory committees of MHC tasked with the review of Heritage Permits.
- Most municipalities have a delegated authority by-law:
  - Some municipalities define “minor” alterations that can be approved through delegated authority without further MHC consultation.
  - Some define “major” alterations that require consultation with MHC.
- The number of heritage permits processed per year varies across Ontario.
- None charge a heritage permit application fee.
Summary of Key Findings

- Most receive less than 5 designation requests per year
- Most do not have a formal designation request form
- Most follow the basic designation process outlined in the *Ontario Heritage Act*
- MHC involvement in the Part IV designation process varies across municipalities
- Most municipalities do not have additional criteria for evaluating the cultural heritage value or interest of a property for Part IV designation (other than Reg 9/06)
- Most municipalities do not have a process for prioritizing designation requests and are working in chronological order
- Typically heritage staff prepare the preliminary research and designation by-laws
Municipal Comparison

- Hamilton’s Council-approved framework for designation sets clear priorities and expectations for owners, HMHC and staff
- The administration of Heritage Permits in Hamilton is unique
- There is a need for additional clarification in how Heritage Permits are administered in most municipalities in Ontario
Recommendations
Key Themes

• Administration
• Education
• Transparency
Administration

- Screening for development and Building Permit application requirements
- Integrate into existing development processes
- Formal submission requirements in by-law
- Improve application form
- Develop internal framework for addressing *Ontario Building Code* provisions for Building Permits
- Develop policies for Peer Reviews and Letters of Credit
- Develop protocols for quality control (final inspections)
- Streamline delegated approval*
  - Identify classes of alterations
- Restructure Heritage Permit review*

*See separate slides*
Education

- Update heritage permit process brochure to include:
  - Plainer language
  - Updated process (after this review)
  - Flow charts
  - Standard expiry
  - Ability to apply for extension

- Develop homeowner brochures and resources on best practices in conservation, financial incentives, etc.

- Develop policy documents on key conservation issues (i.e., windows, masonry, etc.)
Transparency

- Provide copies of HPRS and HMHC meeting agendas and minutes online
- Provide information on recently approved Heritage Permits online
- Develop policy documents on key conservation issues (i.e., windows, masonry, etc.)
- Restructure Heritage Permit review process*

*See separate slide
Streamline Delegated Approval

- Continue to process applicable alteration permits through delegated authority

- Develop a new delegation framework and by-law that includes:
  - A **prescribed list of alterations**, agreed upon by HMHC through this Heritage Process Review, that do not require consultation with HMHC prior to approval
  - Clarify direction for HMHC to be able to refer an application up to Council that may have otherwise been delegated

- Similar to approach taken by other municipalities (e.g., City of Kingston, Town of Oakville)
  - List of alterations pulled from their delegated authority by-laws
  - Development of Council-approved policy documents
Streamlining Delegated Approval Authority

Are you comfortable with these types of alterations being delegated without further HMHC review?

<table>
<thead>
<tr>
<th>Type of Alteration</th>
<th>Yes</th>
<th>No</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alterations in compliance with district guidelines, not including removal of additions or new additions visible from the street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alterations compliant with City policies (e.g., policy documents for Historic Windows, Masonry Repointing, Paint Removal, etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal/alterations to signage within the signs current configuration and building coverage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement of eavestroughs and downspouts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement of exterior lights with similar style and brightness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation or replacement of removable storm windows and doors with historically accurate materials and design</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement of roofing where there is little or no change in colour, materials or design</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair, in kind, of existing heritage features</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repainting part of, or the whole building or structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation of mechanical and electrical equipment, and vent stacks and exhaust pipes in inconspicuous areas not visible from the street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>…</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Streamline Delegated Approval

- Effectiveness depends on how comprehensive this list is

Running the numbers:
Looking at Hamilton’s permits over the last four years and using a list of alterations similar to Kingston’s, on average per year approximately:

- 38 applications (69%) would have been delegated without HMHC review;
- 11 applications (20%) would have been reviewed by HMHC prior to delegated approval being issued by Director; and,
- 6 applications (11%) would have been considered by Planning Committee and Council.

Outcome:
- Process approximately 70% of our permits faster
- Our biggest savings in terms of efficiencies would be for alterations within HCDs (private property owners)
Restructure Heritage Permit Review

- Weaknesses and challenges identified for existing formats of HPRS and CMHCDAC
- Need to address limitations of existing system related to:
  - Administration
    - Complexity of multi-committee structure
    - Adequate information and analysis for members to review
    - Staff resources
  - Transparency
    - Public notification of applications
    - Ability for public delegations
# Restructure Heritage Permit Review

(in conjunction with streamlining delegated approval)

<table>
<thead>
<tr>
<th>Option</th>
<th>Summary</th>
</tr>
</thead>
</table>
| 1. **Maintain HPRS and CMHCDAC** | • Maintain both HPRS and CMHCDAC  
• Prepare preliminary staff assessment for members before meeting  
• Require members to take minutes and report to HMHC  
• Possibly combine HPRS and CMHCDAC |
| 2. **Restructure HPRS and CMHCDAC - Advisory to staff only** | • Maintain both HPRS and CMHCDAC  
• Restructure as working groups advising staff on permits  
• Eliminate reporting structure to HMHC  
• No public review of delegated permits |
| 3. **Dissolve HPRS and CMHCDAC** | • Dissolve both HPRS and CMHCDAC (give former members right of first refusal to fill vacancies on HMHC)  
• Shift permit review process up to HMHC  
• Staff report for all permits to HMHC  
• HMHC meetings open to public observation and delegations |
Administration

- Improve notification and communication:
  - Copy HMHC and Ward Councillor on the Notice of Receipt for all designation requests and City surplus circulation requests

- Develop framework for streamlined designation process for willing property owners:
  - Identify candidates and work with Inventory and Research Working Group and willing property owners

- Create a protocol for emergency designations:
  - Clarify scope and expectations for addressing Council requests to designate in emergency situations, outside of the approved work program priorities

- Consider setting expectations for addressing designation requests (i.e., timelines for preliminary screening reports to Council)
Administration

- Develop framework for integrating designation process into development application/approval process
- Create internal protocol for flagging properties on designation work program and sending notices to Planning staff, HMHC and Ward Councillor when Building Permits are submitted
- Create framework for addressing Notices of Intention to Demolish a building or structure on a Registered property
- Develop formal process for requests to designate Heritage Conservation Districts and for prioritizing District Study and Plan work
Education

• Improve language and information provided in notices to owners regarding designation process

• Develop homeowner brochures and resources on best practices in conservation, financial incentives, etc.
  – Target new and prospective homeowners (e.g., real estate inquiries)
Transparency

- Improve online resources and information on designated heritage properties, including:
  - Mapping
  - Online Heritage Volumes
  - Recent designations
Next Steps

• Synthesize results of:
  – Preliminary Input
  – Municipal best practice research
  – Analysis of existing frameworks
  – Input from this Workshop

• Finalize staff recommendations

• Prepare staff Report

• Consult with HMHC

• Present recommendations to Planning Committee
Workshop Discussion Topics

Part One:
Heritage Permit Application Process

Part Two:
Designation Process

Administration
Education
Transparency

Plus any other ideas for moving forward