

REPORT

Planning, Design & Development Committee

Standing Committee of the Council
of the Corporation of the City of Brampton

Date: April 8, 2005

File: P25OV CH

Subject: **INFORMATION REPORT**
Brampton Official Plan Review Cultural Heritage Discussion Paper

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OVERVIEW:

- **This report presents the Brampton Official Plan Review Cultural Heritage Discussion Paper for the review of Planning, Design and Development Committee.**
- **This Discussion Paper is intended to invite input and comments from the public and stakeholders on the issues presented therein before proceeding to revise the Official Plan.**
- **The current cultural heritage policies are found to be still largely relevant but enhancement of a number of aspects is considered necessary to reflect the City's commitment to and the increasing emphasis placed on cultural heritage preservation.**
- **On the basis of the review, the following four broad directions to improve the Official Plan cultural heritage policies are recommended:**
 - **Improving the presentation of the policies;**
 - **Updating the policies to reflect the latest Provincial, regional and local legislation, policies and programs in respect of cultural heritage;**
 - **Updating the policies to reflect existing, planned and potential policy initiatives, programs and implementation tools; and**
 - **Addressing special policies based on staff's review of other municipality's Official Plans.**

RECOMMENDATIONS:

1. **THAT** the Staff Report dated April 8, 2005 entitled "Information Report, Brampton Official Plan Review Cultural Heritage Discussion Paper" and attachments (File P25OV CH) be received;
2. **THAT** staff be authorized to release the "Brampton Official Plan Review Cultural Heritage Discussion Paper" for public consultation and that the City consult with the

Brampton heritage community and relevant stakeholder groups through a workshop session to receive comments on the Discussion Paper before proceeding to revise the Official Plan;

3. **THAT** staff be directed to report back to Planning, Design and Development Committee with results of the consultation, and final recommendations on changes to the cultural heritage section of the Brampton Official Plan; and
4. **THAT** the City Clerk be directed to forward a copy of this report and Council resolution to the Region of Peel, York and Halton, the City of Toronto, and to the area municipalities of Mississauga, Caledon, and Vaughan for their information.

BACKGROUND:

The purpose of this staff report is to advise the Planning, Design and Development Committee of the results of the cultural heritage policy review (which forms part of the City's ongoing Official Plan Review). The attached Discussion Paper prepared by City Staff proposes policy options that best respond to the challenges of preserving the City's cultural heritage resources, a particularly challenging task given the rapid rate of urbanization and growth that Brampton is experiencing and which is expected to continue in the foreseeable future. The Discussion Paper is recommended for release for public consultation before staff proceeds to revise the Official Plan.

Staff recognize that the cultural heritage policies of the City's Official Plan were written more than ten years ago and may not sufficiently reflect current or proposed cultural heritage programs and the increasing emphasis that the City places on cultural heritage preservation. This is evident by the work undertaken to update the City's Inventory of Heritage Resources, the implementation of a comprehensive Heritage Program, and the City Council's passing of a Demolition Control By-Law under Section 33 of the *Planning Act*. As well, the City has launched the Flower City Strategy aimed at recognizing and reclaiming Brampton's Flower City heritage and capitalizing upon this history as an important element of the modern City.

At the same time, changes to some Provincial policies and legislation including those brought about by Planning Reform and the amendments made to the *Ontario Heritage Act* provide new opportunities for further strengthening Brampton's cultural heritage policies. These need to be incorporated into the Official Plan for implementation purposes.

CURRENT SITUATION:

Cultural Heritage Policy Review

The Heritage Policy Review comprises four main components:

- A review of the policies respecting cultural heritage in the Provincial, regional and local context;

- A review of the recent initiatives undertaken by the City in both a policy and program context in relation to cultural heritage resources, including possible additional cultural heritage policies and programs currently being reviewed at the staff level;
- A review of the cultural heritage policies of other municipalities in the Greater Toronto Area including Toronto, Mississauga, Markham and Caledon to identify “best practices”; and,
- Recommendations on possible directions with respect to amending the cultural heritage policies of Brampton’s Official Plan on the basis of the foregoing analysis.

Policy Context

The existing heritage policies of Brampton’s Official Plan are intended to fit within the context of enabling Provincial legislation and policies, notably the *Planning Act* and the *Ontario Heritage Act*.

The *Planning Act* is the principle piece of legislation governing the development of land in Ontario. Conservation of significant cultural and archaeological features is an area of Provincial interest that municipalities are to have regard for under the *Planning Act*. Given the range of types of heritage resources and the various ways that they can be impacted by development, any of the various tools and powers afforded municipalities through the *Planning Act* including official plans, zoning by-laws, subdivision and site plan control can be relevant in the protection and preservation of cultural heritage. Provincial policies, specifically the Provincial Policy Statement under the *Planning Act*, set a minimum standard for what the City must achieve through its Official Plan. The policies in respect of cultural heritage are set out in Part IV Vision and Part IV Section 2.6 Cultural Heritage and Archaeology of the Provincial Policy Statement.

The new Provincial Policy Statement as well as the recently released Draft Growth Plan for the Greater Golden Horseshoe prepared under the *Places to Grow Act* (Bill 136) will further strengthen the role of cultural heritage conservation in municipal land use planning.

The *Planning Act* also requires that a local area Official Plan must conform to the policies of an upper-tier municipality’s Official Plan. The elements of the Region of Peel’s Strategic Plan and Official Plan have been largely addressed by the current Brampton Official Plan. Consideration will be given to placing more emphasis on cooperation with the Peel Heritage Complex, cultural heritage landscapes and their link with natural heritage.

The *Ontario Heritage Act* is the principle piece of legislation governing the protection and preservation of cultural heritage resources in the Province. The *Act* provides municipalities with the regulatory tools that can be used to protect heritage resources including Part IV Designation of Individual Properties and Part V Designation of

Heritage Conservation Districts. The latest proposed amendments to the Act in 2004, when passed, will significantly strengthen the power to protect cultural heritage at both the Provincial and local levels including the power to absolutely prevent demolition of designated heritage properties.

Financial assistance is an important aspect of cultural heritage protection owing to high maintenance costs and low economic incentives. Provincial legislation exists that provides a mechanism for financing heritage conservation activities including property tax reduction under the *Municipal Act*, *Development Charges Act*, and Community Improvement Plan and cost sharing provisions under the *Planning Act*.

Existing and Potential Policy Initiatives and Programs

It is also important that the Official Plan policies reflect current and anticipated future cultural heritage programs and projects to ensure that Council approves of these initiatives. Provincial legislation also requires that Official Plan policies endorse the use of municipal powers for such purposes.

Some of these proposals have already received some level of endorsement from Council while others are being proposed for implementation or further review by City staff. These initiatives include:

- An expanded Inventory of Heritage Resources;
- The Block Plan process;
- Demolition Control By-Law;
- Heritage property tax reduction;
- Heritage subdivisions;
- Heritage easements;
- Designation without owner's consent;
- Acquisition of heritage properties;
- Cost sharing;
- Heritage security bonds; and,
- Standards and Guidelines for the Conservation of Historic Places in Canada.

Many of these initiatives are already included in and implemented under the City's comprehensive Heritage Program. Refer to Appendix B in the Discussion Paper for a list of the City's projects that fall under the Heritage Program.

Review of other Official Plans

The main objective of reviewing the Official Plans of other municipalities is to identify and benchmark "best practices" in cultural heritage policies. The Official Plans of Markham, Caledon, Mississauga and Toronto were considered. The review has complemented the general policy analysis in confirming policy gaps that need to be addressed and possible directions to be considered in amending the cultural heritage policies of the Brampton Official Plan.

Recommended Directions for Policy Changes

On the basis of the review, four broad directions to improve and update the cultural heritage policy section of the Brampton Official Plan are proposed as follows:

- Improvement of the presentation of the policies;
- Updating of the policies to reflect the latest Provincial, regional and local legislations, policies and programs in respect of cultural heritage;
- Updating of the policies to reflect existing, planned and potential policy initiatives, programs, and implementation tools; and
- Special policies based on staff's review of other municipalities' Official Plans.

Specific amendments to be pursued under these directions are summarized in the tables attached as Appendix B to this Report.

Comments Received from the Heritage Board

Members of the Heritage Board have participated in the review and preparation of the Cultural Heritage Discussion Paper and their comments are generally in support of it.

The Heritage Board will continue to be consulted during the public consultation period of the Official Plan Review.

Proposed Consultation Process

Upon authorization of the Planning Design & Development Committee, the Discussion Paper will be released for public consultation to widely consult with the Brampton heritage community and the relevant stakeholder groups including the Brampton Heritage Board, Churchville Heritage District Committee, Brampton Historical Society and Ontario Archaeological Society (Toronto Chapter). Various opportunities will be provided to promote public participation including individual meetings/discussions with City Staff as appropriate, and a workshop session to receive comments and input from citizens and interest groups on the Discussion Paper.

Staff will report back to the Planning, Design and Development Committee with results of the consultation and final recommendations on changes to be made to the cultural heritage section of the Official Plan.

CONCLUSIONS

Brampton Official Plan's existing cultural heritage policies are fairly comprehensive and have generally addressed all of the significant cultural heritage resources which can be found in the City, with the possible exception of cultural heritage landscapes (although it could still be seen as falling within the very broad definition of 'Heritage Resources')

under the City's Official Plan). However, more attention needs to be paid to the role of protecting existing cultural heritage resources during the overall development of the City.

Staff are also recommending that the current tactical approach of the cultural heritage policies be improved. In this respect, it is the presentation of the policies, as opposed to the actual policies, that need to be updated in the Official Plan to provide clearer guidelines for City staff and the general public regarding the type of and reasons for actions required.

Other obvious candidates for improved policies are the various implementation tools which can be used to advance the City's cultural heritage programs and related projects. The role of these various tools such as block planning, community improvement plans, cost sharing, heritage conservation easements, heritage property tax reduction program, and heritage subdivisions should be clearly described and enabled by specific policy in the Official Plan.

Respectfully submitted,

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Manager, Land Use Policy

AGREED,

John B. Corbett, MCIP, RPP
Commissioner of Planning,
Design and Development

Karl Walsh
Director, Community Design, Parks
Planning and Development

Attachments:

Appendix A: Brampton Official Plan Review Cultural Heritage Discussion Paper
Appendix B: Summary Table of Recommended Changes to Cultural Heritage Section
of the Brampton Official Plan

Appendix A
Brampton Official Plan Review Cultural Heritage Discussion Paper

Appendix B
Recommended Changes to Cultural Heritage Section of the Brampton Official Plan –
Improvement of the Presentation of Policies

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
Rename Policy to “Cultural Heritage” to reflect the broadened scope	3.3.2
Reinforce the important role of cultural heritage preservation in the City’s land use planning process <ul style="list-style-type: none"> ▪ Rewording of the goals and objectives statements and other relevant sections of the cultural heritage policies to include a declaration of the City’s commitment to heritage conservation; citing intent and objectives, Provincial policies, City initiatives, <i>Ontario Heritage Act</i> etc. 	3.3.2, 5.3, 6.2
Use more decisive and declarative terms in the policies	5.3
Provide a clearer linkage between objectives and actions (policies)	3.3.2, 6.1
New sections for <ul style="list-style-type: none"> ▪ Cultural heritage landscapes, and ▪ Heritage Cemeteries 	3.3.2, 4.7, 5.3 3.3.2, 4.5
Consolidated (as existing) or separate implementation policies for each cultural heritage resource	5.3
Schedule(s) to show designated and significant heritage resources	5.3

Appendix B
Recommended Changes to Cultural Heritage Section of the Brampton Official Plan –
Updating with respect to the Latest Provincial, Regional and Local Legislations, Policies and Programs

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
<p><u>Planning Act</u></p> <ul style="list-style-type: none"> ▪ To include a declaration that the City’s cultural heritage policies are guided by the relevant sections of the Planning Act, and the Provincial Policy Statement, and that all permitted provisions will be used to ensure the protection of heritage resources including site plan approval, subdivision plan approval, zoning bylaws etc. 	3.1.1
<p><u>Provincial Policy Statement</u></p> <p>To reflect the new PPS policies including</p> <ul style="list-style-type: none"> ▪ The new policy on adjacent development; ▪ the latest definitions on cultural heritage and related terms; and ▪ the new implementation standard of “<i>consistent with</i>” 	3.1.2
<p><u>Ontario Heritage Act</u></p> <p>To reflect the approved 2002 Amendments to the Act</p> <p>Part IV Heritage Designation (Individual Properties)</p> <ul style="list-style-type: none"> ▪ Change of basic designation criteria from “historic or architectural value or interest” to “cultural heritage value or interest” ▪ Requirement for specifying heritage attributes in the “reason for designation” to ensure their protection and preservation ▪ Strengthening demolition control over designated properties by the requirement of permit for new construction prior to demolition, increasing maximum fines for illegal demolition, setting time limit for completing the replacement building etc. 	3.1.3.2(i)

Appendix B
Recommended Changes to Cultural Heritage Section of the Brampton Official Plan –
Updating with respect to the Latest Provincial, Regional and Local Legislations, Policies and Programs (cont'd)

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
<p>Part V Heritage Conservation District</p> <ul style="list-style-type: none"> ▪ Streamlining of the approval process such that OMB approval is needed only if there is objection ▪ Permitting the inclusion of designated heritage properties into a heritage conservation district ▪ Permitting municipalities to recover cost of illegally altered properties <p>Part VI Heritage Designation (Archaeology)</p> <ul style="list-style-type: none"> ▪ Clarifications on various licensing requirements ▪ Revised definitions of terms <p>Renaming of Local Architectural Conservation Advisory Committee to Municipal Heritage Committee</p> <ul style="list-style-type: none"> ▪ to reflect the new title ▪ to articulate the broader mandate for the Brampton Heritage Board, its sub-committees and heritage district committee(s) <p>Proposed 2004 Amendments to the <i>Ontario Heritage Act</i> (expected to be passed in 2005)</p> <p>Heritage Properties</p> <ul style="list-style-type: none"> ▪ New power to stop demolition of designated heritage properties with a built-in appeal system ▪ Strengthening of power by tightening maintenance standards and control over emergency alterations ▪ Improvement to the municipal designation process by developing standard, province-wide designation criteria and allowing the delegation of authority for minor alteration to municipal staff 	<p>4.3</p> <p>3.1.3.2 (ii)</p>

Appendix B
Recommended Changes to Cultural Heritage Section of the Brampton Official Plan –
Updating with respect to the Latest Provincial, Regional and Local Legislations, Policies and Programs (cont'd)

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
<p>Proposed 2004 Amendments to the <i>Ontario Heritage Act</i> (cont'd)</p> <p>Heritage Conservation District</p> <ul style="list-style-type: none"> ▪ New emphasis on the supremacy of the District Plan ▪ strengthening protection by enabling municipalities to place interim control over identified study area, extending guidelines to surrounding buildings/ areas, requiring designation be registered on property titles <p>Heritage Inventory</p> <ul style="list-style-type: none"> ▪ Increasing status and accessibility of the inventory to facilitate better planning 	
<p><u>Places to Grow Act</u></p> <p>To reflect the policies for cultural heritage protection in the Draft Growth Plan for the GGH when approved</p>	3.1.4
<p><u>Municipal Act</u></p> <p>The provisions for tax reduction for heritage properties</p>	3.1.5
<p><u>Development Charges Act</u></p> <p>Possible use of the Act to either compensate owner for preserving heritage properties, or deny development charge credit for projects where heritage properties are demolished</p>	3.1.6
<p><u>Region of Peel Official Plan</u></p> <p>To reflect any relevant policies based on the approved ROP</p>	3.2.2
<p><u>City of Brampton Strategic Plan</u></p> <p>To reflect the vision of “Six Pillars” in the area of cultural heritage</p>	3.3.1
<p><u>City of Brampton Development Design Guidelines</u></p> <p>To reflect the new Block Plan process and relevant design principles to guide development involving heritage resources</p>	3.3.3

Appendix B
Recommended Changes to Cultural Heritage Section of the Brampton Official Plan
Updating with respect to Existing, Planned and Potential Policy Initiatives, Programs and Implementation Tools

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
Community Improvement Plan <ul style="list-style-type: none"> ▪ The potential use of this tool (Section 28 Planning Act) for financing heritage preservation work in downtown and other areas of the City ▪ City of Brampton Façade Improvement Program 	3.1.1
Grants or Loans <ul style="list-style-type: none"> ▪ as provided under Section 39 of the Ontario Heritage Act to owners of properties designated under the Act, including the proposed Conservation Grant Program 	3.1.3.1
Heritage Inventory	4.1
Designation of all “Category A” and other significant heritage resources with or without owners’ prior consent	4.1
Demolition Control By-Law	4.1
Demolition Permit Application Policy	4.1
Heritage Subdivision	4.1, 4.4
Heritage easement	3.1.3.1, 4.1
Secondary Plan / Block Plan processes	3.3.3, 4.3
Heritage Program projects and studies including <ul style="list-style-type: none"> ▪ Heritage Property Tax Reduction Program ▪ Heritage Conservation District Study ▪ Education/ public awareness programs ▪ Archaeological Master Plan ▪ Signage Study 	4.2 3.1.5 3.1.3.1, 4.4 4.1 4.6 4.4
Flower City Strategy	4.3
Peel Heritage Complex	3.2.2, 4.3
Miscellaneous initiatives /tools including <ul style="list-style-type: none"> ▪ Acquisition and restoration of heritage properties ▪ Heritage security bonds, cost sharing etc. ▪ Brampton’s Guidelines for Securing Vacant and Derelict Heritage Buildings ▪ National Heritage Recognition Program ▪ Standards and Guidelines for the Conservation of Historic Places in Canada (2003) 	4.3 4.3 4.4 4.3 4.3

Appendix B
Recommended Changes to Cultural Heritage Section of the Brampton Official Plan
Special Provisions /Policies as Identified from Reviewing the Official Plans of other Municipalities

Proposed Revision for Discussion Purposes	Section Referenced in Discussion Paper
Areas with Cultural Heritage Character	5.3
City-owned heritage properties	4.3, 5.3