

TO: DEVELOPMENT SERVICES COMMITTEE **FILE:** D18-HNS/R01-HER

FROM: S. NAYLOR, M.E.S., M.C.I.P., R.P.P., DIRECTOR OF PLANNING SERVICES

NOTED: R. FORWARD, MBA, M.Sc., P. ENG. 
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT

C. LADD, CHIEF ADMINISTRATIVE OFFICER

RE: ALLANDALE HISTORIC NEIGHBOURHOOD STRATEGY HERITAGE
CONSERVATION DISTRICTS AND DEVELOPMENT CONTROL

DATE: FEBRUARY 11, 2014

The purpose of this memo is to report back to the Development Services Committee on a request from Mr. Bill Scott on behalf of the Allandale Neighbourhood Association (ANA). Mr. Scott requested that the City consider interim and longer term measures to protect the unique character of Historic Neighbourhoods, in particular Allandale, which is within the Urban Growth Centre and in the opinion of the ANA is facing development pressures which are at odds with protecting Allandale's historic character.

On July 2, 2013, Mr. Bill Scott, City Liaison Director of the Allandale Neighbourhood Association, submitted correspondence to Mayor Lehman regarding the need to protect historic neighbourhoods in accordance with the longer term recommendations of the Historic Neighbourhood Strategy (HNS) (Appendix "A").

In follow up to this, Mr. Scott made a presentation to the Development Services Committee on October 8, 2013 where he outlined the Allandale Neighbourhood Association's concerns and suggestions which are summarised as follows:

- 1.1.1. That some interim measures be put in place immediately to address new infill on various categories of streets indentified in the Historic Neighbourhood Strategy (HNS), based on by-laws prepared for Heritage Conservation Districts in Ottawa. (Interim controls may be put in place while a Heritage Conservation District Area is being studied.)
- 1.1.2. That a development policy based on coherent set of by-laws to regulate development be established through community consultation in the longer term.
- 1.1.3. That Allandale (and other Historic Neighbourhoods in the HNS) be designated as a Heritage District under the Ontario Heritage Act and a Heritage Conservation Plan is prepared to regulate the development within the designated heritage conservation district.

In response to this presentation, the Development Services Committee directed that:

1. That the Heritage Barrie Committee consider the merits of implementing a Heritage Conservation District approach to the Allandale area and report back to the Development Services Committee.
2. That staff in the Planning Services Department investigate Heritage Conservation Districts utilised in other municipalities and review models that are consistent with the Urban Growth Centre and consult with the Allandale Neighbourhood Association and report back to the Development Services Committee via memorandum. (**Council Motion 13-G-262 HERITAGE CONSERVATION DISTRICTS dated November 4, 2013.**)

The Heritage Barrie Committee discussed the designation of Heritage Conservation Districts at its meeting of December 3, 2012. The Committee resolved to wait for the outcome of this memorandum prior to providing an opinion on the merits of implementing a Heritage Conservation District to Development Services Committee.

Designation of a Heritage Conservation District under Part V of the Ontario Heritage Act

The Ontario Heritage Act outlines the process to designate an area as a heritage conservation district. The process requires community consultation, review and development of a conservation plan, following Council approval of the designation, but prior to the passage of a designation by-law. This takes time and can be costly depending on the extent and complexity of the area in question. The development of a heritage district plan typically requires the retention of a heritage consultant which will increase the cost. In addition, this process has the potential to be divisive within a community. Thus the process should, where possible be supported with expertise and advice from a heritage professional from beginning to end.

The Ontario Heritage Act also provides an option to put interim measures in place through a by-law for a maximum period of one year to prevent further erosion of the heritage fabric while such study and consultation occurs. As with interim control by-laws under the Planning Act, this is subject to appeal and can result in further delays if appealed. In addition, the municipality cannot pass another by-law which includes a previously designated study area for a 3 year period (including appeals that are upheld). This option should thus be used with caution, and only where there is an immediate threat to the integrity of a study area.

Official Plan policies must be in place in order to designate a heritage conservation district under the Ontario Heritage Act. The City of Barrie does have the enabling Official Plan Policies in place. Once a Heritage Conservation Plan is prepared and following the passage of the designating by-law for the heritage conservation district, the policies and standards are reflected in the local planning documents including the Official Plan, Secondary Plan, Neighbourhood Plan, Community Improvement Plan, Zoning By-law, Urban Design Guidelines and Property Standards By-laws which may apply to designated properties (refer to Appendix "B" for a summary of the process).

Heritage Conservation District in the Allandale Neighbourhood

Significant portions of the Allandale neighbourhood lie within the City of Barrie Urban Growth Centre (UGC) identified by the Provincial Growth Plan and the City of Barrie Official Plan as an Intensification area intended to support significant residential and employment development at the highest densities contemplated in the Barrie planning documents (see map attached as Appendix "C").

The Vision Statement for the Intensification Study says that Barrie will encourage new development in the higher density categories in appropriate areas while continuing to support the integrity of stable neighbourhoods. The Urban Design Guidelines prepared for the Intensification Areas recognizes the historic character of Allandale and recommends that new development should provide a careful balance between Mixed-Use Main Streets on Essa Road, and Established Neighbourhood Streets throughout the remainder of the community. They also recognize that while intensification opportunities are limited in the historic neighbourhood, as opportunities do become available there is the potential for sensitively designed walk-ups and townhouses with potentially mixed use development as well (Appendix "D").

Review of UGC and Heritage Conservation Districts in similar sized municipalities

Heritage Conservation Districts, entirely within, partially within or abutting UGC's are generally found in larger urban areas such as Toronto, Hamilton, and Brampton. Some of these conservation districts already existed prior to the passage of the Growth Plan and the establishment of these Urban Growth Centres.

Five municipalities containing an Urban Growth Centre with the same density target as the City of Barrie (150 persons and jobs /ha) were reviewed. Only one has a heritage conservation district within its UGC and that one pre-dates the passage of the Growth Plan and the establishment of UGCs.

1. The City of Cambridge has Heritage Conservation District located within their UGC however the establishment of the District predates the Growth Plan and is a relatively small area encompassing only 1 side of one street block.
2. The City of Brantford investigated the option of a heritage conservation district within their UGC but decided to approach heritage conservation through other planning policy. Brantford is currently investigating a development permit system which could incorporate heritage conservation measures as well.
3. The City of Guelph has two heritage conservation districts abutting their UGC but none within. The provincial technical paper on UGC's encourages Guelph to support the city's unique cultural heritage resources.
4. The City of Peterborough has two heritage districts neither of which are within their UGC or any intensification nodes or corridor.
5. The City of St. Catherines has a heritage district abutting its UGC which was established prior to the passage of the growth plan.

Through this review staff have determined that it is not a prerequisite to have a concentration of designated properties within an area to justify a heritage district conservation designation.

The costs and timing to designate a heritage conservation district can vary depending on the size and complexity of the area under study and amount of stakeholder consultation needed. The City of Toronto, for example, has developed a number of criteria for prioritizing the establishment of a heritage district designation including funding readiness whereby the neighbourhood group that submits a proposal for designation is also expected to provide funding for the study and development of the heritage conservation plan.

The designation of an area as a heritage conservation district adds another layer of regulation and control. For example, once designated, the fact that an individual property is within the heritage conservation district must be reflected on title for all properties within the heritage conservation districts. This could impose additional constraints on properties that may not be well received by all property owners within an area. Staff understand that Heritage Barrie is and has been actively encouraging property owners within Allandale to list their properties on a heritage registry which would identify the heritage character of the property without imposing significant controls over it.

In his letter Mr. Scott also suggested some immediate or "temporary stop gap" measures to address the development pressures currently facing Allandale. These measures are as follows:

1. In new (infill) construction on a street coded red in the HNS, the door of an attached garage that is at or below grade may not face the front lot line.
2. In new (infill) construction on a street coded red in the HNS, a minimum of 30% of the area of the ground floor part of the front wall must consist of windows. A glass door does not count towards the calculation of 30%. The only doorway permitted in the front wall of a dwelling is an entrance door to the dwelling.
3. In new (infill) construction on a street coded red in the HNS, the building height must be no greater than the average height of existing buildings on the street, and the setback must be the same as the average setback of existing buildings on the street.

4. On a street coded red in the HNS, an addition to a house must not have a floor area greater than 30% of the existing building, and the height of the addition must be equal to or less than the height of the original building.

Staff cannot speak with any degree of authority on the merits of any of these proposals in the absence of Council direction regarding the goals and objectives for this area. Presently there are significant policy measures in place to ensure that new development or redevelopment within the Allandale area is compatible with the character of the neighbourhood but all of these policies pre-suppose some level of development. Some of the measures being recommended as interim measures may impact the ability of lands to be developed at all or at best would represent a significant down zoning from current zoning provisions.

Council's current policy as stated in the City's Official Plan and implemented through the zoning by-law is to encourage intensification in specified areas throughout the City including Allandale. This policy is in accordance with provincial policy as stated in the Growth Plan. Mechanisms currently exist to ensure that new (re)development is compatible with existing development through the Council approved Intensification Urban Design Guidelines implemented through the site plan approval procedure which reflect the importance of the historic character of Allandale. The vision statement of the Intensification Study speaks to "supporting the integrity of stable neighbourhoods". The Official Plan itself contains Goals which speak to developing residential areas and planning for higher density development to meet the intensification targets of the plan while enhancing the compatibility between dwellings at different densities and minimizing conflicts between incompatible land uses.

On February 4, 2014, Planning staff met with representatives of the Allandale Neighbourhood Association to discuss the findings of this memorandum.



S. Naylor, M.E.S., M.C.I.P., R.P.P.
Director of Planning Services

APPENDIX "A"

Correspondence to Mayor Lehman from Mr. Bill Scott

ALLANDALE NEIGHBOURHOOD ASSOCIATION
126 Burton Ave
Barrie, Ontario
L4N 2R8

2 July 2013

Mayor Jeff Lehman
By Email: Jlehman@barrie.ca

Re: Protection of Historic Neighbourhoods

Dear Jeff,

This letter follows our discussions on Wednesday 26 June. In view of the urgent need to protect the Historic Neighbourhoods of Barrie from indiscriminate development, it is important to put at least some temporary protection in place, and then to develop a long-term policy for protection of such neighbourhoods.

We recognise that the city is under pressure from the province to implement the Places to Grow policy and that this policy can sometimes be in direct competition with the needs of historic neighbourhoods, particularly in Allandale. The perception seems to be that intensification and requests for rezoning within intensification nodes must be passed by council, in view of the Places to Grow policy and the possibility of developers appealing to the OMB. We have seen this most recently in the application for re-development of 142 to 150 Cumberland, on part of a street marked red in the Historic Neighbourhood Strategy (HNS) adopted by Council in June 2010. However, in the HNS the city also has its own heritage policies that it can lean on to defend historic neighbourhoods. In addition to the HNS, heritage designation under the Ontario Heritage Act could provide a balance to that to give council more discretion in what is approved and what is not.

In the HNS, one of the long-term items involves development of a set of coherent by-laws to regulate development in Historic Neighbourhoods. This process is important and should be pursued as soon as possible.

Many of the Historic Neighbourhoods are under strong development pressure now. To afford some protection to these neighbourhoods, some interim steps could be taken immediately, by enactment of some simple by-laws. Fortunately the HNS provides a very good means of identifying the areas to which such by-laws could be applied. In the HNS, streets were assigned colour codes depending on their status. The streets most in need of protection are those coded red on the neighbourhood maps in the HNS document. These streets are primarily residential areas that are expected to stay primarily residential in nature. Significant change in the residential character of these areas is not anticipated. Growth is expected to occur primarily through small-scale residential infill (e.g., new single detached homes) and renovations/additions to the existing housing stock. Interim protection to these red streets could be provided by a few by-laws which could be enacted rapidly. These would include:

2

1. In new (infill) construction on a street coded red in the HNS, the door of an attached garage, that is at or below grade, may not face the front lot line.
2. In new (infill) construction on a street coded red in the HNS, a minimum of 30% of the area of the ground floor part of the front wall must consist of windows. A glass door does not count towards the calculation of 30%. The only doorway permitted in the front wall of a dwelling is an entrance door to the dwelling.
3. In new (infill) construction on a street coded red in the HNS, the building height must be no greater than the average height of existing buildings on the street, and the setback must be the same as the average setback of existing buildings on the street.
4. On a street coded red in the HNS, an addition to a house must not have a floor area greater than 30% of the existing building, and the height of the addition must be equal to or less than the height of the original building.

These suggested by-laws are based on a report developed for Ottawa City Council: (<http://ottawa.ca/calendar/ottawa/citycouncil/pec/2012/04-10/10%20-%20ACS2012-PAI-PGM-097%20Low-rise%20Infill%20Housing.htm>), as a result of a multi-year process of public hearings, publication of draft guidelines, and eventually, enactment of by-laws. No doubt the wording of the by-laws as suggested in this letter would have to be altered to conform with legal requirements for wording of by-laws in Barrie.

As you know, Heritage Barrie has been attempting to develop an inventory of heritage buildings in Barrie. Participation is voluntary. The only impact on a building listed in the inventory is that an application for a demolition permit may be delayed for 60 days while the city attempts to find another solution. However, the response by many homeowners in the Allandale area to the proposed inventory has been great suspicion. Most owners contacted by the ANA are very reluctant to list their homes on the inventory, because they suspect that, in the future, more restrictions may be applied to buildings in the inventory. In other cities, it has been found that some form of incentive is necessary to entice home-owners into participation. In Barrie, an attractive incentive to participate in the inventory could be to offer eligibility to participate in the Community Improvement Program, which is already in place for some restricted areas in the city.

In the longer term, there is an urgent need for the comprehensive policy and by-law framework envisioned in Appendix Two of the HNS. The Allandale Neighbourhood Association has been conducting a study of the approaches taken in formulating such framework by other similarly-sized communities in Ontario. These fall into two general groups. One approach is to establish a development policy based on a set of by-laws formulated by community consultation, such as was carried out in Ottawa. The other is to implement provision of the Ontario Heritage Act, which gives civic governments quite strong power to designate Heritage Neighbourhoods and then to regulate development within them.

6

3

The ANA would like to make a presentation to Council in September, outlining the features of these two approaches, and offering possibilities for consideration in Barrie.

If you have any questions or would like to discuss the suggestions in this letter, please do not hesitate to get in touch with me.

Yours truly,



William J. Scott, Ph.D., P.Eng., P.Geo. (NL)
Past Chair and City Liason Director
Allandale Neighbourhood Association.

APPENDIX "B"

DESIGNATING A DISTRICT

The key ingredients for a successful Heritage Conservation District (HCD) are:

- A sound examination of the rationale for district designation, especially for the delineation of district boundaries;
- Active public participation in the designation process;
- A clear and complete designation by-law; and,
- A clear and well-publicized HCD plan and policies to manage change in the district to protect and enhance its unique character.

The following are the key steps to designate an HCD:

The Study Phase

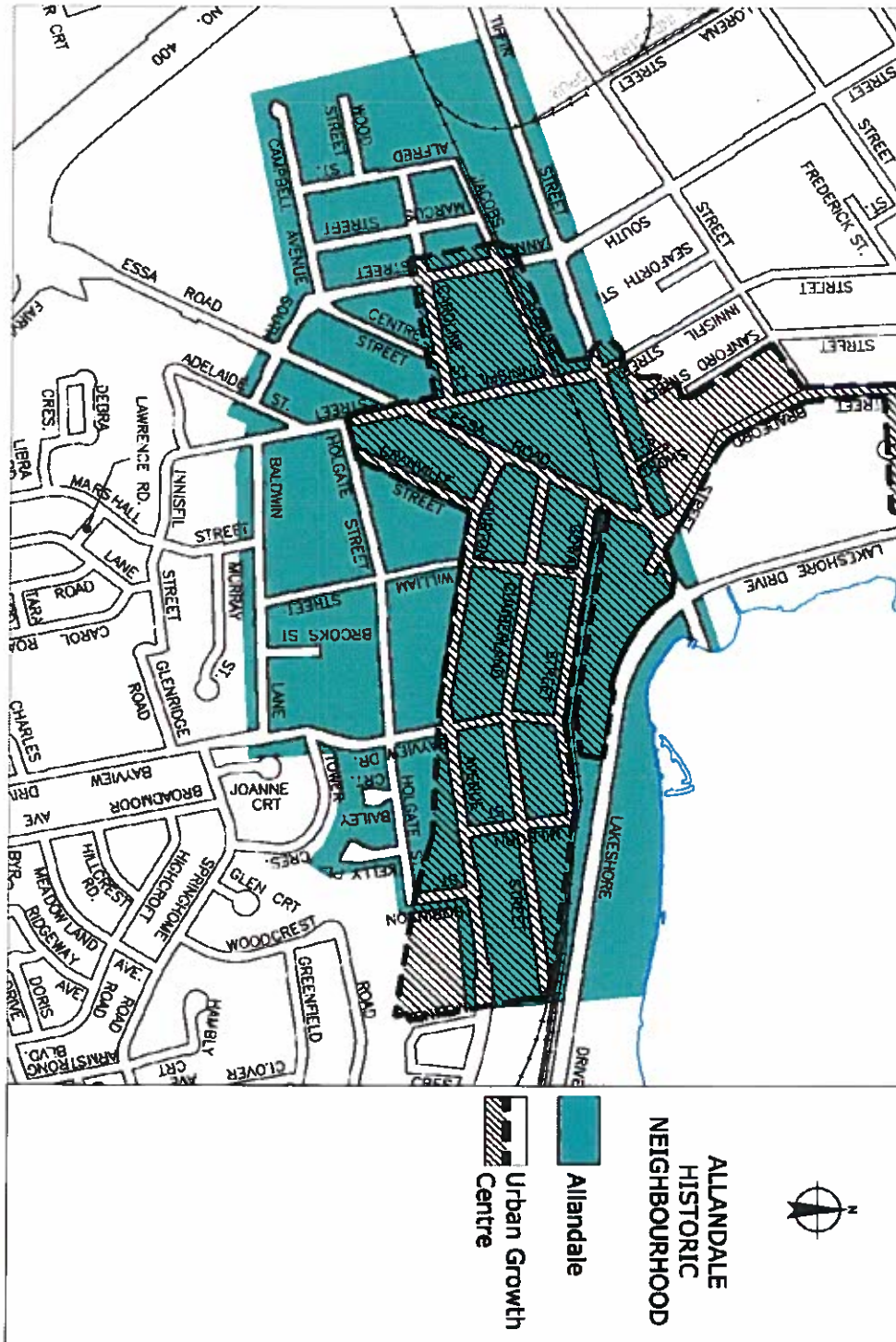
- Step 1 – Request to designate
- Step 2 – Consultation with the Municipal Heritage Committee
- Step 3 – Official Plan provisions
- Step 4 – The Area Study and Interim Control (1 year Interim control by-law is optional)
- Step 5 – Evaluation of cultural heritage resources and attributes
- Step 6 – Delineation of boundary of the study area & potential HCD
- Step 7 – Public consultation on draft HCD plan

The Implementation Phase

- Step 8 – Preparation of the HCD plan and guidelines
- Step 9 – Passing the designation by-law and adoption of the HCD plan
- Step 10 – Registration of by-law on title
- Step 11 – Notification of passing of by-law to the Ontario Heritage Trust
- Step 12 – Proposed changes to existing by-laws and Official Plan provisions
- Step 13 – Implementing the HCD plan

APPENDIX "C"

Allandale Historic Neighbourhood Map



APPENDIX "D"

Extract from Intensification Areas Urban Design Guidelines

5.7 Historic Allandale Neighbourhood Guidelines

The historic Allandale neighbourhood warrants special consideration due to its rich history. As opportunities for intensification occur within the Allandale neighbourhood, new development should provide a careful balance between Mixed-Use Main Streets on Tiffin Street and Essa Road, and Established Residential Neighbourhoods throughout the remainder of the community.

The historic Allandale neighbourhood is located within the Urban Growth Centre. Due to its rich history however, particularly in relation to the rail industry, and the existing stable heritage neighbourhood, it warrants special consideration. As opportunities for intensification occur within the Allandale neighbourhood, new development should provide a careful balance between Mixed-Use Main Streets on Essa Road, and Established Neighbourhood Streets throughout the remainder of the community.

The historic Allandale neighbourhood is loosely bounded by Essa Road, Gowan Street and Burton Avenue. The streets within the neighbourhood include Arterial Roads (i.e. Burton Avenue, Essa Road), Minor Collectors (i.e. Gowan Street) and Local Roads (i.e. Cumberland Street) with planned right-of-way widths that range between 20-30 metres.

Currently, the historic Allandale neighbourhood can be predominantly described as a Corridor Residential District (please refer to Section 2.2.2.). With the exception of Essa Road, streets within the Allandale neighbourhood are lined with stable residential neighbourhoods that generally consist of single and semi-detached dwellings.

The dwellings in the Allandale neighbourhood are typically set back from the property line, with well-landscaped front-yards. Large, mature trees both within private front yards, and along the boulevards result in a dense and consistent urban tree canopy throughout the neighbourhood. All of the streets contain narrow sidewalks on one or both sides of the street. On-street parking is permitted on both sides of many streets, slowing traffic and providing a buffer between pedestrians and vehicles.

On Essa Road development reflects an Auto-Oriented Commercial District, as described previously (please refer to Section 2.2.1). These areas will have the greatest opportunities for intensification in the historic Allandale neighbourhood, through infill of large surface lots, and the redevelopment of underutilized parcels. They should evolve into Mixed-Use Main Streets that reflect the conditions proposed throughout the Urban Growth Centre, including a tight-knit fabric of mid-rise, mixed-use buildings that transition appropriately to the remainder of the Allandale neighbourhood.

In the remainder of the Allandale neighbourhood, there is limited potential for intensification. However, if larger-scale sites become available for redevelopment, opportunities exist for the incorporation of higher density residential buildings (i.e. townhouses and walk-up apartments), and potentially mixed-use buildings with convenience retail at-grade. Any such use should reinforce these areas as Established Neighbourhood Streets through buildings that are compatible with, and transition to, adjacent stable residential neighbourhoods.

For guidelines that apply to intensification on Essa Road, please refer to Sections 3.0, 4.0 and 5.1.

For guidelines that apply to intensification within the remainder of the historic Allandale neighbourhood, please refer to Sections 3.0, 4.0 and 5.3.