

Heritage Impact Assessment

Study Description:

A Heritage Impact Assessment (HIA) is a study to determine the impacts to known and potential cultural heritage resources within a defined area proposed for future repair, alteration or development. The study shall include an inventory of all cultural heritage resources within the planning application area. The study results in a report which identifies all known cultural heritage resources, evaluates the significance of the resources, and makes recommendations toward mitigative measures that would minimize negative impacts to those resources. This document sets out the standard requirements that must be included in an HIA.

Purpose:

The purpose of this Terms of Reference ("TOR") is to establish clear expectations and requirements for the preparation of a Heritage Impact Assessment submitted to the City of Kitchener. Compliance with these guidelines will help to expedite review times and mitigate the need for further revisions and submissions. Failure to satisfy the requirements set out in this TOR may result in an application being deemed incomplete. If an application is deemed incomplete it will be returned to the applicant to satisfy the necessary submission requirements.

When it is Required:

A Heritage Impact Assessment may be required on a property which is included on the City's Historic Buildings Inventory; listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register; designated under the *Ontario Heritage Act*; or where development is proposed adjacent to a protected heritage property (i.e. designated property). The requirement may also apply to unknown or recorded cultural heritage resources which are discovered during the development application stage or construction.

It is important to recognize the need for an HIA at the earliest possible stage of development, alteration or proposed repair. Notice will be given to the property owner and/or their representative as early as possible. When the property is the subject of a development application, notice of an HIA requirement will typically be given at the pre-application meeting, followed by written notification. The notice will inform the property owner of any known heritage resources specific to the subject property and provide guidelines to completing the HIA.

The City may scope the requisite information to be contained in the HIA on a case-by-case basis, and in consultation with any applicable external agencies through the pre-consultation process.

Qualified Person:

A Heritage Impact Assessment should be prepared by or under the direction of a professional who demonstrates a level of professional understanding and competence in the field of heritage conservation and who is registered with the Canadian Association of Heritage Professionals (CAHP) and in good standing. The CAHP that has authored or overseen the report shall take professional responsibility for its contents and the accuracy of the information contained therein. The report will also include a reference for any literature cited, and a list of people contacted during the study and referenced in the report.

Applicable Legislation:

Section 2 of the Planning Act indicates that Council shall have regard to matters of Provincial interest including the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. Section 3 of the Planning Act requires that decisions of Council shall be consistent with the Provincial Policy Statement.

Policy 4.6.1 of the Provincial Policy Statement requires that protected heritage property which may contain built heritage resources of cultural heritage landscapes, shall be conserved. The Provincial Policy Statement also encourages planning authorities to develop and implement proactive strategies for the conservation of significant built heritage resources and cultural heritage landscapes. The Provincial Policy Statement defines a built heritage resource as a building, structure, installation or any manufactured or constructed part of remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an indigenous community. Conserved is defined as meaning the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, heritage impact assessment, and/or other heritage studies. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Report Contents:

The HIA shall include, but is not limited to, the following sections/information.

A. Introduction:

- ☐ Ownership/applicant information.
- ☐ Party/firm retained to write the report.
- ☐ The address of the subject property.
- ☐ Purpose of the Heritage Impact Assessment.

B. Site Description and Context Analysis:

- ☐ A description of the location of the site and its municipal and legal property address.
- ☐ A detailed site history, including a list of owners from the Land Registry Office and former site use(s).
- ☐ A written description of the buildings, structures and landscape features on the subject properties including building elements, building materials, architectural and interior finishes, natural heritage elements, and landscaping. The description will also include a chronological history of the buildings' development, such as additions and demolitions.
- ☐ Identification of adjacent heritage resources, including protected or listed heritage properties, properties identified on the City's Heritage Inventory, Cultural Heritage Landscapes, and Cultural Heritage Corridors.
- ☐ A clear statement of the conclusions regarding the cultural heritage value and interest of the subject property, clear identification of the specific Ontario Regulation 9/06 criteria met, and a bullet point list of heritage attributes.
 - If applicable, the statement shall also address the value and significance of adjacent protected heritage property.
- ☐ Documentation of the subject properties to include current photographs of each elevation of the buildings, photographs of identified heritage attributes and a site plan drawn at an appropriate scale to understand the context of the buildings and site details. Documentation shall also include where available, current floor plans, and historical photos, drawings or other available and relevant archival material.

C. Summary of Development Proposal

- ☐ A detailed description of the proposed repair, alteration, or development including site design, any new structures or buildings, new proposed uses, and site details such as landscaping and lighting.
- ☐ A review of any buildings, structures or vegetation to be removed.
- ☐ A schedule of development phasing if multiple phases are proposed.
- ☐ Visuals (including but not limited to maps, aerial photography/imagery, renderings, photographs)

D. Existing Planning Framework / Policy Review

- ☐ Identification of the relevant regulatory frameworks and policies, including:
 - The Planning Act

- The Ontario Heritage Act
 - The Provincial Policy Statement
 - The Regional Official Plan
 - The City of Kitchener Official Plan
 - The City of Kitchener Cultural Heritage Landscape Study
 - Applicable Heritage Conservation District Plans
 - Applicable draft legislation (including bills which have not yet received Royal Assent); and
 - Any other applicable policy documents, studies, guidelines, and standards that pertain to the subject lands and proposal.
- ☐ Written analysis of how the proposed alteration/development is consistent with and/or conforms to the relevant land use planning framework.

E. Impact Analysis

- ☐ Detailed consideration of potential negative impacts, as identified in the Ministry of Tourism, Culture and Sport's Ontario Heritage Tool Kit, of the proposed alteration/development on all identified heritage resources.
- Negative impacts may include but are not limited to repair/alterations that are not sympathetic or compatible with the cultural heritage resource, demolition/destruction of all or part of a cultural heritage resource, shadow impacts, isolation of heritage resources, direct or indirect obstruction of view, incompatible changes in land use, land disturbances etc.
- ☐ The scale or level of each impact should be clearly stated, and appropriate and comprehensive justification of each conclusion provided.
- ☐ The influence and potential impact of the development on the setting and character of the subject property, surrounding area, and any adjacent protected heritage property should be addressed.
- ☐ For applications contemplating demolition, consideration of the embodied carbon emissions and material waste impact shall be included. Embodied carbon refers to emissions from the materials, construction process of a building, maintenance, repair, and its demolition and disposal. Considerable carbon emissions are involved in the demolition and rebuilding of structures. In addition, demolition can result in significant material waste. Finding appropriate balances between demolition and new build as opposed to reuse and retrofitting of existing buildings is crucial for both heritage conservation and sustainability.
- ☐ Any supporting studies which aided in the conclusions of the impact analysis shall be identified, and a brief summary of the findings and conclusions provided.

F. Alternative Options and Recommendations

- ☐ Options shall be provided that explain how the significant cultural heritage resources may be conserved. These may include, but are not limited to, preservation/conservation in situ, adaptive re-use, integration of all or part of the heritage resource, relocation. Each alternative should create a sympathetic context for the heritage resource.
- ☐ Recommendations shall be made for mitigation measures which address and minimize identified adverse impacts. These mitigation measures should follow best conservation practices/principles and, when implemented, ensure that appropriate conservation is achieved.

G. Conclusion

- ☐ Concluding statement summarizing the heritage value of the subject property, the anticipated impacts as a result of the proposed alteration/development etc, and the adherence to policy frameworks and best heritage conservation practices/principles.
- ☐ Summary of recommended mitigation measures to be implemented.

H. Mandatory Recommendation

- ☐ If the property(s) being assessed are included on the Inventory of Historic Buildings, do the properties meet the criteria for listing on the Municipal Heritage Register as a Non-Designated Property of Cultural Heritage Value or Interest?
 - Clear justification should be provided on why the consultant believes the property does or does not meet criteria for listing.
- ☐ If the property(s) is listed as a non-designated property of cultural heritage value on the City's Municipal Heritage Register, do the properties meet the criteria for heritage designation under Ontario Regulation 9/06 of the Ontario Heritage Act?
 - Clear justification should be provided on why the consultant believes the property does or does not meet criteria for listing.
- ☐ Regardless of the failure to meet criteria for heritage listing or designation, do the properties warrant conservation as per the definition in the Provincial Policy Statement? Why or why not?

Approval Process

One (1) digital pdf copy shall be provided to Heritage Planning staff. The HIA will be reviewed by Heritage Planning staff and a recommendation will be made to the Director of Development and Housing Approvals. Approval of the HIA by either the Director of Development and Housing Approvals or the Heritage Planner is required prior to issuance of approval of the application.

Additional Information

1. City staff reserve the right to require a peer review of submitted material, to be conducted by a qualified heritage consultant at the expense of the applicant. The applicant will be notified of staff's comments and acceptance, or rejection of the report. An accepted HIA will become part of the further processing of a development application under the direction of the Planning Division. The recommendations within the final approved version of the HIA may be incorporated into development related legal agreements between the City and the proponent at the discretion of the municipality.
2. Deeming an application complete does not guarantee that the contents of the study are acceptable to City staff and/or that the application will be approved.
3. If a request for a HIA is not made at an earlier stage in the development process, this does not preclude the City from requesting a HIA at a later stage. Once an application has been deemed "complete", the City may require additional information, reports, and/or studies following a more detailed review to assess the implications of an application for approval.
4. The City of Kitchener is committed to complying with the Accessibility for Ontarians with Disabilities Act (AODA). In our everyday work with businesses institutions, and community partners we anticipate the same commitment to AODA compliance. Therefore, the HIA must be AODA compliant and must meet the current provincial standard for compliance. ‘
5. The City reserves the right to request an updated study, or an addendum thereto, should staff determine that changes in the development proposal or changes to legislation warrant further/modified planning analysis.
6. Documents and all related information submitted to the City as part of a complete development application are considered public documents once submitted.
7. This Terms of Reference document is intended to be used for guideline purposes only and will be used to provide technical direction throughout the planning and development process. Completion of a report in alignment with the requirements of this Terms of Reference will not guarantee approval of the development application in question.
8. This TOR is relevant at the time of publishing and will be updated as necessary to reflect current policy, best practices, and accepted standards. It is the applicant's responsibility to ensure the report is prepared in accordance with the most recent version of the TOR issued by the City.