Agenda – Executive Policy Committee – March 13, 2023

Report – Standing Policy Committee on Property and Development – March 2, 2023

Item No. 4 Crescentwood-Enderton Park Heritage Conservation District Plan

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, as amended, and submitted the following to Council:

1. That the Crescentwood-Enderton Park neighbourhood be designated as a Heritage Conservation District in accordance with the Crescentwood Enderton Park Heritage Conservation District Plan (the "Crescentwood-Enderton HCD Plan"), attached as Appendix A to this report, with the following amendments:

    A. Delete section 5.3.9 Lot Coverage in its entirety.

    B. in section 4.1, replace "1.9." with "4.3." in all diagram references.

    C. in section 4.2, replace "1.9." with "4.3." in all diagram references.

    D. in section 4.2, clause 4.1, replace "1.7.4" with "4.3.1.4".

    E. in section 4.2, subsection 2, replace "Peanut" with "Enderton".

    F. in section 6.7, immediately following "two property owners from the HCD", add "and one member representative from the Heritage Winnipeg Corporation"

2. That a by-law be enacted to amend the Heritage Conservation By-law No. 87/2018 to add the Crescentwood-Enderton HCD Plan, as amended in accordance with Recommendation 1, as a schedule to that by-law (a draft amending by-law is attached as Appendix C to this report).

3. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – March 13, 2023

Report – Standing Policy Committee on Property and Development – March 2, 2023

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following new Recommendation 1.F:

    F. in section 6.7, immediately following "two property owners from the HCD", add "and one member representative from the Heritage Winnipeg Corporation"

and submitted the matter to the Executive Policy Committee and Council.

The following persons submitted communications in support of the matter:

- Alison Koots
- Leo Ledohowski
- Jennifer Vincent
- Lindsay Kesselman
- Robert Eastwood
- Brigitte Schludermann
- Nick Logan
- Jason Morin
- Jade Shepherd
- Christine Skene
- Kelly Boulay
- Sean Gray
- Barbara and Ross Parke
- Els de Gussem
- Ken Koots
- Nathan Wikstrom
- Chip Batten
- Charles Feaver
- Lloyd Grahame

The following persons submitted communications in opposition to the matter:

- Stephen Brodovsky
- Dave McWilliams
- David Lacho

COMMITTEE RECOMMENDATION:

On December 14, 2022, the Historical Buildings and Resources Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That Crescentwood-Enderton Park be designated as a Heritage Conservation District (HCD), included as Appendix A, with the following amendment:

Report – Standing Policy Committee on Property and Development – March 2, 2023

DECISION MAKING HISTORY (continued):

COMMITTEE RECOMMENDATION (continued):

A. Delete Section 5.3.9 ‘Lot Coverage’ in its entirety

2. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

ADMINISTRATIVE REPORT

Title: Crescentwood-Enderton Park Heritage Conservation District Plan

Critical Path: Standing Policy Committee on Property & Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	M. Pittet (Acting)	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

Heritage Conservation District ("HCD") designation conserves and commemorates a neighbourhood's built heritage and helps guide growth and change. The Crescentwood-Enderton Park area has been nominated as a proposed HCD because it has widespread heritage values. Such values include that the area was established in the early 20th Century as a residential neighbourhood with architecturally-significant buildings within a garden-like setting.

The Standing Policy Committee on Property and Development ("SPC-PD") previously accepted an HCD Study and directed the Public Service to prepare an HCD Plan in accordance with the Heritage Conservation District By-law No. 87/2018 (the "HCD By-law"). The Crescentwood-Enderton Park Heritage Conservation District Plan (the "Crescentwood-Enderton HCD Plan") was developed in consultation with the local community. Among other things, it sets out policies and design guidelines for conserving the heritage values and character-defining elements of the area and for managing change.

The Historical Buildings and Resources Committee has reviewed the Crescentwood-Enderton HCD Plan, and the Public Service concurs with the HBRC's recommendation to designate the area as an HCD and to approve the Crescentwood-Enderton HCD Plan, included as Appendix A to this report, with the amendment to delete section 5.3.9 'Lot Coverage' in its entirety. The Public Service is also recommending some additional corrections and minor amendments to the Crescentwood-Enderton HCD Plan.

If approved, Crescentwood-Enderton Park would be designated as an HCD, and the amended Crescentwood-Enderton HCD Plan would be added as a schedule to the HCD By-law. The protections imposed by HCD designation would apply to every property located within the boundaries of the Crescentwood-Enderton HCD. The heritage permit process would regulate certain alterations, demolitions, and new developments within the area in accordance with the Crescentwood-Enderton HCD Plan.

RECOMMENDATIONS

1. That the Crescentwood-Enderton Park neighbourhood be designated as a Heritage Conservation District in accordance with the Crescentwood Enderton Park Heritage Conservation District Plan (the "Crescentwood-Enderton HCD Plan"), attached as Appendix A to this report, with the following amendments:

    A. by deleting section 5.3.9 Lot Coverage in its entirety;

    B. in section 4.1, by replacing "1.9." with "4.3." in all diagram references;

    C. in section 4.2, by replacing "1.9." with "4.3." in all diagram references;

    D. in section 4.2, clause 4.1, by replacing "1.7.4" with "4.3.1.4"; and

    E. in section 4.2, subsection 2, by replacing "Peanut" with "Enderton".

2. That a by-law be enacted to amend the Heritage Conservation By-law to add the Crescentwood-Enderton HCD Plan, as amended in accordance with Recommendation 1, as a schedule to that by-law (a draft amending by-law is attached as Appendix C to this report).

3. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

As per section 23(4) of the Heritage Conservation Districts By-law, the SPC-PD must consider the HCD Plan and the recommendations of the HBRC and the recommendations of the Director at the third regularly-scheduled meeting of the SPC-PD following the date on which the recommendations of the HBRC were made.

As per section 23(6) of the Heritage Conservation Districts By-law, the SPC-PD must recommend that the proposed HCD either:

a) be designated as an HCD with no amendments to the HCD Plan;
b) be designated as an HCD with amendments to the HCD Plan; or
c) not be designated as an HCD.

IMPLICATIONS OF THE RECOMMENDATIONS

If Crescentwood-Enderton Park is designated as an HCD:

- the proposed HCD Plan will be added as a schedule to the HCD By-law;
- a Historic Property Notice (caveat) will be placed on the title of all properties within the HCD boundary, pursuant to Section 157.1(3) of the City of Winnipeg Charter, in order to notify each property owner and potential, future purchasers that the property is within a Heritage Conservation District and, as such, is subject to the Heritage Conservation Districts By-law No. 87/2018.

- the protections imposed by HCD designation would apply to every property located within the HCD boundary;
- a property owner will be required to obtain a heritage permit for certain work in accordance with the HCD Plan; and
- Crescentwood-Enderton Park will become Winnipeg's second Heritage Conservation District.

The title searches and caveat registration fees are estimated to cost up to $14,000. No new funding is required for these costs.

HISTORY/DISCUSSION

Heritage Conservation Districts Overview

A Heritage Conservation District (an "HCD") is an area of special architectural and historical interest that has been designated by City Council under the Heritage Conservation Districts By-law No. 87/2018 (the "By-law").

An area can be designated as an HCD if it is of special architectural and historical significance and at least 50 percent of the proposed character-defining elements are over 40-years old. Only the Director of the Planning, Property and Development Department (the "Director") may nominate an area, although the nomination process may be initiated by an applicant. Once nominated, an HCD Study must be prepared that, among other things, sets out the objectives of designation along with the heritage values and proposed character-defining elements to be protected under the designation.

The Historical Buildings and Resources Committee (the "HBRC") must review the HCD Study and make a recommendation to the Standing Policy Committee on Property and Development ("SPC-PD") regarding acceptance and whether or not an HCD Plan should be prepared. If approved by SPC-PD, an HCD Plan is then prepared. Among other things, the HCD Plan sets out policies and design guidelines to conserve character-defining elements that contribute to the area's heritage value and to guide growth and change.

The HBRC must review the HCD Plan and make recommendations to SPC-PD regarding designation and whether any amendments are required. SPC-PD's recommendations are considered by the Executive Policy Committee ("EPC"), and Council makes the final decision. If approved, an HCD Plan becomes a schedule to the By-law, and the protections imposed by HCD designation apply to every property located within the boundaries of the HCD.

An owner within a designated HCD must obtain a heritage permit prior to demolishing or altering any character-defining element or constructing a structure on a property, unless otherwise noted in the HCD Plan.

A heritage permit application is reviewed in accordance with the policies and design guidelines set out in the HCD Plan and may be referred to the HCD Advisory Committee.

Project History

On June 6, 2019, the Director nominated an area within the Crescentwood neighbourhood as a proposed HCD. Shortly thereafter, the Public Service sent letters to notify all property owners within the boundaries of the proposed HCD of the nomination.

On October 23, 2020, the HBRC reviewed an HCD Study and recommended that the HCD study be received as information and that the Public Service prepare an HCD Plan.

On January 18, 2021, SPC-PD received the HCD Study as information and directed the Public Service to prepare an HCD Plan.

On December 14, 2022, the HBRC reviewed the Crescentwood-Enderton HCD Plan and recommended to SPC-PD that Crescentwood-Enderton Park neighbourhood be designated as an HCD with the amendment to delete section 5.3.9 'Lot Coverage' in its entirety.

Crescentwood-Enderton HCD Plan Development

From June 2021 to March 2022, the Public Service, along with HTFC Planning & Design, held three virtual public engagement sessions with property owners in the area and posted an online survey. The main objective of the public engagement sessions was to help guide the Crescentwood-Enderton HCD Plan's policies and design guidelines. Out of approximately 110 private properties within the boundaries of the proposed HCD, which include condominium and private lot owners, sixteen community members participated in the first session, twenty-seven participated in the second session, and twelve participated in the third session. Fifty-four individuals participated in the survey, and of these, fifty-one identified as living within the boundaries of the proposed HCD, and twenty-five identified as owning property within the boundaries of the proposed HCD. Details about these sessions are included in Appendix B, *Public Engagement Summary*.

From July 29 to August 19, 2022, the *Crescentwood-Enderton Park HCD Draft Policies and Design Guidelines* were published on the City's website for review and feedback from project subscribers. Feedback included suggestions for adding restrictions for the installation of solar panels, general support for the Crescentwood-Enderton HCD Plan, and some opposition to the Crescentwood-Enderton HCD Plan. The reasons for opposition included the unwillingness to have additional restrictions placed on private property, the potential impact of designation on insurance costs, and the potential for delays and additional costs as a result of heritage permit requirements. For more information on the feedback that was received and how the City has addressed it, along with other amendments to the Crescentwood-Enderton HCD Plan, see Appendix D, *Draft Policies and Design Guidelines: Feedback and Amendments*.

For more information including a document library with presentation materials, see the project website, winnipeg.ca/crescentwoodHCD.

Crescentwood-Enderton HCD Plan Summary

Heritage Values and Character-Defining Elements

The Crescentwood-Enderton Park area is of special architectural and historical interest. A summary of its heritage values are as follows:

- In 1902, Charles Henry "C. H." Enderton registered plans of subdivision for Crescentwood to develop a residential district in a garden-like setting far removed from the hustle and bustle of the expanding warehouse and industrial districts of downtown Winnipeg.

- Caveats placed on land titles in the subdivision, which set out design parameters, resulted in the overall garden-like look and feel of the area.

- Several influential families, with access to the latest designs, technologies and materials, were original landowners in this area.

- Several buildings, dating from 1900 to the late 1920s, were designed by influential architects from Winnipeg and were crafted using traditional building materials and methods from this era and in a variety of architectural styles that were popular at the time and with varying degrees of ornamentation.

- Where original buildings were demolished, some of these were replaced with structures from the 1970s that employ similar characteristics of the Enderton Caveats – namely in massing, lot coverage, and architectural significance, in styles that draw from the principles of modern architectural styles, and designed by influential local architects from that time period.

- Enderton Park was established as a greenspace near the beginning of the area's development and is a central focal point of the area. Munson Park has been used as a public park since the late 1970s and includes greenspace as well as natural Riparian forest along the riverbank.

- The Crescentwood-Enderton Park area remains as a predominately residential neighbourhood and has retained its lot layout, sizes, and setbacks as originally developed. Several architecturally-significant structures – both original and replacements – are intact and well-maintained.

For more information on the area's heritage values, refer to Appendix A, Crescentwood-Enderton HCD Plan.

The character-defining elements of the proposed HCD include its parks, streetscapes, and heritage buildings. For a full list of the area's character-defining elements, refer to Appendix A, Crescentwood-Enderton HCD Plan.

Heritage Permits

The Crescentwood-Enderton HCD Plan is focused on conserving the character-defining elements of the proposed HCD and managing change to protect its overall look and feel. A heritage permit is a tool to help manage change within the proposed HCD. The heritage permit review process will help retain the character-defining elements and integrity of the proposed HCD.

An owner must obtain a heritage permit prior to demolishing or altering character-defining elements or constructing a new building within certain restricted locations as identified in the Crescentwood-Enderton HCD Plan or unless otherwise stated in the Crescentwood-Enderton HCD Plan. A heritage permit application will be reviewed in accordance with the Crescentwood-Enderton HCD Plan's policies and design guidelines and in consultation with the HCD Advisory Committee.

Any decision with respect to a heritage permit application may be appealed to the SPC-PD. For a full list of work that will require a heritage permit and that will not require a heritage permit, refer to Appendix A, Crescentwood-Enderton HCD Plan.

Policies and Design Guidelines

The policies and design guidelines are divided into four main topic areas: streetscapes, parks, and private yards; protection of buildings from demolition; alterations to buildings; and infill development. Each topic area sets out policies and design guidelines for certain work.

Streetscapes, Parks, and Private Yards - The main objectives are to emphasize pedestrian comfort and walkability and to retain the proposed HCD's garden-like setting, attributed to its parks, tree-lined grassy boulevards, and generous front-yard and corner-side yards that feature mature trees and heritage fences.

Protection of Buildings from Demolition - The Crescentwood-Enderton HCD Plan identifies two types of these: a heritage building and a non-heritage building, each with varying degrees of regulation. A heritage building is an architecturally-significant principal or accessory structure that was built either during the original period of the area's development between 1900 and 1920, or later infill from the 1970s designed in architectural styles from those eras. A non-heritage building is a structure that was built outside of these two key eras.

A heritage building is not permitted to be demolished unless it is structurally unsound or it no longer embodies the heritage values of the district. Further, the plans for the new infill development must meet the policies and design guidelines in the Crescentwood-Enderton HCD Plan. An owner must obtain a heritage permit prior to making certain alterations to restricted locations of a heritage building.

Alterations to Buildings - There are fewer restrictions on a non-heritage building. Most alterations to these will not require a heritage permit, unless the work involves the construction of a new addition in a restricted location that is identified in the Crescentwood-Enderton HCD Plan, essentially visible from a street. An owner must obtain a heritage permit for the demolition of a non-heritage building, and these will be permitted to be demolished only if the plans for the new infill development meet the policies and design guidelines in the Crescentwood-Enderton HCD Plan.

Infill Development - The Crescentwood-Enderton Park area is identified as a mature community in *Complete Communities Direction Strategy 2.0*, and the Crescentwood-Enderton HCD Plan supports visions and policies from this document for accommodating additional growth while also preserving what makes these neighbourhoods unique.

A heritage permit will be required for a new infill development, which will be administered by the designated employee in consultation with the HCD Advisory Committee. The Crescentwood-Enderton HCD Plan will not regulate issues pertaining to zoning, building use, density, subdivisions, or lot splits. In the case of a rezoning, conditional use, and/or variance application pertaining to a new infill development, heritage staff, in consultation with the HCD Advisory Committee, will provide advice to the district planner as to the suitability of the application in accordance with the policies and design guidelines for infill development from the Crescentwood-Enderton HCD Plan, which are focused on achieving contextual fit through similar setbacks, massing, landscaping, and materiality among other things. The area planner

will consider this advice when making a recommendation with respect to a decision on rezoning, conditional use, and/or variance application.

HCD Advisory Committee

The Crescentwood-Enderton HCD Plan includes a "Terms of Reference" for an HCD Advisory Committee. Membership on this committee will include two property owners within the boundaries of the proposed HCD and three members of the HBRC, including representatives from the Manitoba Association of Landscape Architects, Manitoba Association of Architects, and one from either the Province of Manitoba or the Government of Canada. Property owners from the area will be able to provide a local lens while members of the HBRC will be able to contribute their expertise in heritage conservation.

Applications for membership will be managed in accordance with Council's Citizen Appointments to Boards & Commissions Policy.

The duties of the HCD Advisory Committee will include making recommendations to the Public Service on the suitability of a heritage permit application and advising the Public Service about any necessary amendments to the Crescentwood-Enderton HCD Plan.

Members of the HCD Advisory Committee will not be appointed as representatives of their employers or the organizations or governments of which they are members but rather appointed by Council to provide their expertise and advice in a disinterested manner.

<u>The HBRC's Recommendation to Delete Section 5.3.9 'Lot Coverage"</u>

The Public Service concurs with the HBRC's recommendation to delete Section 5.3.9 'Lot Coverage,' which is a subsection 5.3 Policies and Design Guidelines for Infill Development, in its entirety for the following reasons:

a) The Crescentwood-Enderton HCD Plan does not place restrictions on new additions or alterations within a rear yard. With respect to new infill development, restrictions on setbacks are captured under section 5.3.8 Setbacks, and restrictions on principal and accessory building design are captured under 5.3.10 and 5.3.11 respectively. The deletion of Section 5.3.9 would be consistent with other policies and design guidelines and restricted locations.

b) The *Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities (RDGM)*, adopted by Council on June 24, 2021, restricts lot coverage for single-family to fourplex principal buildings at 30% with some exceptions. The *Winnipeg Zoning By-law* restricts lot coverage for R1-Small and R1-Medium to 45% and R1-L to 40% lot coverage. Lot coverage for new infill development within the HCD is already guided by these documents. It is anticipated that the *Winnipeg Zoning By-law* will be amended to reflect the more restrictive lot coverage ratios as per the *RDGM*.

<u>Correction of Minor Numbering and Labeling Errors</u>

Some numbering and other minor labeling errors were discovered following the HBRC review, and the Public Service recommends that the Crescentwood-Enderton HCD Plan be amended as follows:

(a) in section 4.1 ‘Work that Requires a Heritage Permit,’ replace “1.9.” with “4.3.” in all diagram references;

(b) in section 4.2 ‘Work that Does Not Require a Heritage Permit,’ replace “1.9.” with “4.3.” in all diagram references with the exception of subsection 4.a. ‘Heritage Buildings’;

(c) in section 4.2 ‘Work that Does Not Require a Heritage Permit,’ subsection 4.a. ‘Heritage Buildings,’ replace “1.7.4” with “4.3.1.4.”; and

(d) in section 4.1 ‘Work that Requires a Heritage Permit,’ subsection 2. ‘Public Parks,’ replace “Peanut” with “Enderton”.

FINANCIAL IMPACT

Financial Impact Statement

Date: January 31, 2023

Project Name:

First Year of Program 2023

Crescentwood-Enderton Park Heritage Conservation District Plan

	2023	2024	2025	2026	2027
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 14,000	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 14,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	14,000	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Direct costs represent an estimate of the cost of title searches and caveat registration fees associated with the approximately 110 properties within the HCD.

Mike McGinn Jan. 31, 2023

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services, as to legal issues

OURWINNIPEG POLICY ALIGNMENT

Winnipeg has a rich and complex history. Our heritage resources are inseparably tied to our culture, identity, cultural perspective, collective consciousness and sense of place. In Winnipeg, heritage resources support and are represented by a distinct mix of cultures, ideas and values. This facet of our identity provides us with variety in neighbourhood design and architecture, expresses various social values, and provides an invaluable legacy of resources that are distinctly our own.

The conservation and reuse of existing buildings can also align with numerous sustainability objectives such as waste minimization, embodied energy and carbon reduction, natural resource protection, and compact urban form.

The following directions from the City of Winnipeg's municipal development plans, *OurWinnipeg 2045*, support the creation of HCD.

Environmental Resilience:

2.14 Heritage Conservation - Identify, designate and conserve heritage resources and districts that illustrate the broad range of heritage values, as defined in Complete Communities, while supporting efforts for carbon-neutral and energy-efficient buildings that reduce embodied carbon.

Economic Prosperity:

3.7 Heritage Investment - Facilitate the economic viability of heritage conservation by working with agencies, partnerships, and other governments to provide leadership, incentivize the conservation of heritage resources and districts, as defined in Complete Communities.

3.8 Culture and Heritage Value - Enhance the economic value of cultural and heritage resources in the community by promoting awareness, education, viable adaptive re-use, and other effective conservation tools.

City Building:

6.10 Established Neighbourhoods - Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.

6.37 Heritage Conservation - Conserve cultural, natural, and heritage resources and districts, as defined in Complete Communities, to celebrate sense of place through community history, architecture, civic identity, and cultural perspectives.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property, and Development Department
Division: Urban Planning and Design
Prepared by: R. Ricci
Date: January 20, 2023
File No: N/A

List of Attachments:

Appendix A –Crescentwood-Enderton Park Heritage Conservation District Plan

Appendix B – Public Engagement Summary

Appendix C – Draft Amending By-law

Appendix D – Draft Policies and Design Guidelines: Feedback and Amendments

Appendix D – Draft Policies and Design Guidelines: Feedback and Amendments

This section addresses the feedback received from property owners with respect to the *Crescentwood Enderton Park Heritage Conservation District Draft Policies and Design Guidelines*, which was published on the City's website from July 29 to August 19, 2022.

This section also sets out some amendments to the HCD Plan's Policies and Design Guidelines since the draft version was published.

Feedback from Project Subscribers

1. *Regulating the Installation of Solar Panels*

Some property owners suggested that adding a requirement to obtain a heritage permit for the installation of solar panels be added. This suggestion has been considered and has been incorporated. Work to install solar panels on a heritage building within a restricted location will require a heritage permit.

2. *Concern that HCD Status will add Additional Restrictions*

The additional restrictions to obtain a heritage permit and to have work align with the HCD Plan are intended to support the objectives of the HCD Plan, which are focused on conserving the character-defining element and heritage values of the HCD. Without these restrictions, heritage buildings and other character-defining elements would be at greater risk of loss. The additional restrictions would also guide new infill development towards compatibility with the unique characteristics of the area.

3. *Concern about the Potential Impact of Designation on Insurance Costs*

This issue has been raised on various occasions by owners of heritage buildings with heritage staff. Some insurance agencies assume that an owner must recreate a heritage building if it is destroyed. This is not what the City expects. To help mitigate the issue, heritage staff have provided letters to owners about what the City's expectations would be in the event of a partial or total loss, as per the example below to an owner of a property within the Armstrong's Point Heritage Conservation District. Should the HCD be designated and there are concerns about related insurance costs, heritage staff could provide a similar letter. The City acknowledges that this may not alleviate any unreasonable insurance rates due to heritage status and that broader outreach may be required.

> Example letter to an insurer regarding the City's expectations for a building within an HCD:
>
> *In the event of total loss of the building due to unforeseen circumstances beyond one's control, the City would not require a new building to be constructed as a replica to the original or to incorporate reconstructed heritage features, unless an owner would like to pursue this. The building in question was constructed in the early 1900s, using the materials and methods of construction that were typical of that time and following building standards/codes from that time period, if any. Many of the building techniques*

that were employed in the era of construction are no longer employed for various reasons (ie. rubble stone foundations, solid masonry load-bearing walls, etc.) and have been replaced by modern materials and methods of construction. Furthermore, a best practice for heritage conservation notes that one should not create a false sense of history when creating new work. So, not only would it be more practical to design and build a new building that uses modern materials and methods of construction and that is modern in appearance, but it would also be aligned with adopted heritage standards. If a new building were required to be constructed, a heritage permit would be required, and the City's expectation would be that the proposed design meets the Armstrong's Point (AP) HCD Plan's guidelines for infill development, which in summary, would be to achieve a contextual fit (ie. its scale, massing, and arrangement would be similar to other buildings in the area with similar yard setbacks, etc.).

In the event of partial loss of the building or if a new addition or alteration is required, the owner would be required to obtain a Heritage Permit prior to undergoing work if the work is visible from the street (as per the AP HCD Plan). For greater clarification, there would be no restrictions on the work if it is not visible from the street. Each heritage permit application would be evaluated on a case-by-case basis, and certain factors, such as the extent of the damage, etc. would be taken into consideration when deciding on an appropriate conservation approach – restoration or rehabilitation. The heritage unit and the advisory committee would be able to advise an owner on this. For instance, if the damage is contained, it may be more appropriate to take a restoration approach and restore/replace the lost elements in kind to the original elements based on evidence, and if these materials are either salvageable or available in today's marketplace. If an exact match can't be found, a close match would likely be acceptable. Alternatively, if damage is extensive, it may be more suitable to treat the work as a rehabilitation/new addition using modern materials and construction methods which are compatible with the remaining elements.

4. *Concern about the Potential for Delays and Additional Costs*

The heritage review process for a heritage permit would occur in conjunction with other plan review processes for a building permit. The HCD Plan encourages applicants to submit plans at a preliminary stage so that alignment with the plan can be achieved before an application for a heritage permit is made. These efforts are intended to mitigate potential delays in the heritage permitting process. The process and fee schedule has been adopted by Council through the enactment of the Heritage Conservation Districts By-law.

Heritage staff and the HCD Advisory Committee will work collaboratively with owners to achieve alignment with the HCD Plan and within an owner's budget.

Amendments to the HCD Plan's Policies and Design Guidelines

Since the draft Policies and Design Guidelines were published on the City's website in July 2022, the following amendments have been incorporated into the HCD Plan:

1. Solar panels:
    - A heritage permit will be required to install solar panels on a heritage building within a restricted location.

2. Public Streets, Sidewalks, and Boulevards:
    - A heritage permit will not be required to replace existing light poles with those that match in kind. The existing light poles have not been identified as character-defining elements. Thus, if they are replaced in kind, the heritage value of the district will not be impacted.

    - A heritage permit will not be required to install and remove public trees and tree grates. The installation and removal of trees and tree grates will be in accordance with the City's Urban's Forestry Division. During public engagement sessions, the Public Service communicated that the regulation of public trees is beyond the purview of heritage staff and that this would continue to be regulated by Urban Forestry.

    - A heritage permit will not be required for the installation of planters, baskets, and street furniture, such as transit benches and waste receptacles. These are considered to be temporary installations that would not impact the heritage values of the HCD.

    - A heritage permit will not be required for minor modifications to boulevards, such as the addition of plantings and pathway. These modifications must be done in accordance with City policy on non-standard boulevard treatment.