

Report to Council



Date: September 28, 2020

To: Council

From: City Manager

Subject: Heritage Advisory Committee Terms of Reference and Heritage Approvals

Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated September 28, 2020 with respect to the Heritage Advisory Committee Terms of Reference and heritage approvals.

Purpose:

To receive information on the Heritage Advisory Committee Terms of Reference and approvals for heritage applications.

Background:

The Heritage Advisory Committee (HAC) is an advisory committee of Council and operates within the Terms of Reference endorsed by Council. The HAC for the 2018-2022 Council term was appointed in July 2019 and has met four times since being established¹.

Heritage applications include heritage alteration permits (HAPs), heritage designations, heritage revitalization agreements (HRAs), and heritage register requests. Other types of development applications, such as OCP amendments and rezonings, may also affect heritage property. Heritage Procedures Bylaw No. 11185 establishes application procedures and delegates certain approval authorities for heritage applications.

On August 24, Council directed staff to bring forward the HAC Terms of Reference and outline the types of heritage applications that are considered by Council and those that are considered by staff.

¹ Advisory committee duties were suspended from March 23, 2020 to June 15, 2020 due to the pandemic.

Discussion:

Heritage Advisory Committee

The HAC considers and advises Council on matters related to heritage protection and conservation, specifically development and conservation with respect to heritage property. The Committee's scope of work generally involves making recommendations to Council or staff (for delegated approvals) on heritage-related development applications, including HRAs, heritage designations, heritage register requests, and certain HAPs. The Committee also considers OCP amendments and rezoning applications associated with OCP amendments within the Heritage Conservation Areas.

Recommendations are to be informed by supporting plans, policies, and guidelines. Advisory Committees of Council have no decision-making authority, and as such the HAC does not approve (or turn down) heritage-related development applications.

The HAC consists of five voting members and two alternates appointed by Council based on their experience and qualifications. Meetings are held monthly, provided there are agenda items, and are open to the public. For applications, staff present the application and the applicant has the opportunity to speak to the item. Attachment A contains the full HAC Terms of Reference.

Heritage Application Approvals

Heritage designations and HRAs are approved by bylaw and require a public hearing, and therefore are considered by Council. The HAC provides recommendations to Council based on relevant plans and policies. Heritage register requests (addition, change, or removal) are approved by Council resolution and are generally brought forward to Council on an annual basis, unless special circumstances require individual consideration. The HAC evaluates and makes recommendations on heritage register requests based on the established evaluation criteria, which consider the architectural history, cultural history, context, and integrity.

Through Heritage Procedures Bylaw No. 11185, Council has delegated approval of some HAPs to the Development Planning Department Manager, as follows:

For property in the Abbott Street or Marshall Street Heritage Conservation Areas, the delegation is limited to:

- a) Development on a property zoned for single or two dwelling housing; and
- b) Applications that do not require variances.

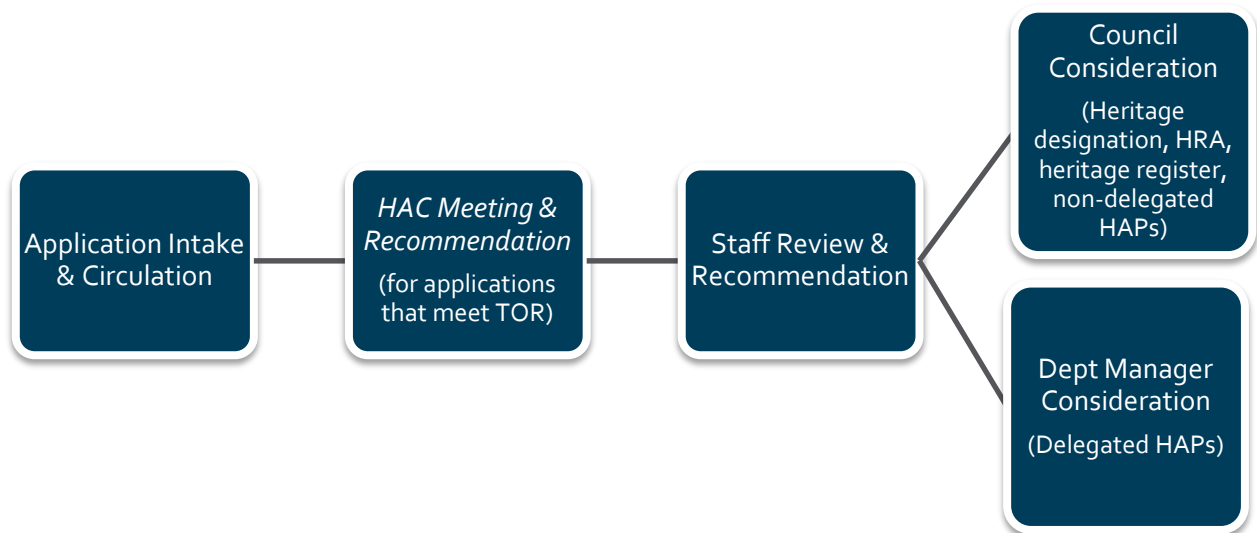
For protected heritage property², the delegation is limited to:

- a) Non-structural alterations to a heritage building (e.g., replacing windows, doors, roof); or
- b) Changes to the exterior finish of a heritage building (e.g., painting, period lighting); or
- c) Site alteration requests (e.g., adding or removing vegetation, relocating parking); and
- d) Applications that do not require variances.

² Protected heritage property means a property subject to a Heritage Designation Bylaw, Heritage Revitalization Agreement, or a Heritage Conservation Covenant.

All other HAPs require Council approval and would be considered by Council at either a Monday afternoon meeting (without variances) or a Tuesday regular meeting (with variances). The HAC makes recommendations on HAPs based on relevant policies and guidelines, including the Heritage Conservation Area Guidelines.

The flowchart below outlines the typical process for a heritage application, with different approval streams based on the type of application and relevant authority.



Conclusion:

The HAC currently considers and provides recommendations to Council or staff on heritage applications as outlined in the Terms of Reference. The HAC's recommendations are included in the staff report to Council or the Department Manager for consideration in the approval process. Similar to other types of development applications, approvals for some types of HAPs are delegated to staff by bylaw. All other heritage applications, as well as those HAPs that are not delegated, are considered by Council.

Internal Circulation:

Planning & Development Services Division

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act, s. 590 Bylaw and permit procedures

- (1) A local government may, by bylaw, define procedures under which a person may apply for an amendment to a bylaw under this Part or for the issue of a permit under this Part.

Local Government Act, s. 598 Community heritage register

- (1) A local government may, by resolution, establish a community heritage register that identifies real property that is considered by the local government to be heritage property.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:
External Agency/Public Comments:
Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

Attachments

Attachment A: Heritage Advisory Committee Terms of Reference

cc:

R. Smith, Divisional Director, Planning & Development Services