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CULTURAL HERITAGE IMPACT ASSESSMENT

TERMS OF REFERENCE

BACKGROUND

The Provincial Policy Statement, 202014, specifies that “significant built heritage resources and significant heritage landscapes shall be conserved” and that ~~development and site alteration on protected heritage properties or on adjacent lands shall be evaluated to demonstrate that the heritage attributes of the protected heritage property will be conserved.~~ “Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.” In this document the term “adjacent” means lands that are contiguous to a heritage property or which are near to a heritage property but separated by a road, trail, right of way, walkway, greenspace or park.

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The Town’s Official Plan introduces cultural heritage as the following:

Cultural heritage resources include buildings, structures, features or areas of architectural, historical or archaeological interest including cemeteries and unmarked burials and urban districts and cultural heritage landscapes. The Town recognizes the significance of these resources and will provide for their conservation, including adaptive reuse, in accordance with the provisions of the Ontario Heritage Act, the Cemeteries Act and the Planning Act and other relevant legislation.

The Town of Cobourg Heritage Master Plan recognizes the need to protect cultural heritage assets. This is typically achieved through the preparation of a Cultural Heritage Impact Assessment in order to mitigate, understand and assess potential impacts to a heritage

resource as a result of development activity. Recommendation/goal 1i of the Town's Heritage Master Plan states:

That the Town of Cobourg prepare a formal Terms of Reference to guide the completion of Cultural Heritage Impact Assessments (CHIAs) for development proposals involving heritage properties.

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PURPOSE

Heritage conservation involves identifying, protecting and promoting the elements that our community values. A Cultural Heritage Impact Assessment (CHIA) is the main heritage planning mechanism to assess and review the potential cultural heritage significance of a particular resource, consider the impact of any proposed site development or alteration and recommend a general approach that best protect/conserves identified cultural heritage resources.

RATIONALE

The rationale for the requirement to provide a Cultural Heritage Impact Assessment arises from:

- the *Ontario Heritage Act*;
- Section 2(d) of the *Planning Act*;
- Section 2.6 of the *Provincial Policy Statement* (2020~~14~~);
- Section 5.5 of the Town of Cobourg's *Official Plan* (20~~18~~~~19~~);
- Town of Cobourg Heritage Master Plan (2016)
- Cobourg's Cultural Master Plan (2019)
- Cobourg's Strategic Plan, Pillar Places: The Town protects, preserves and promotes its natural assets, heritage, arts, culture and tourism

DESCRIPTION

A Cultural Heritage Impact Assessment is a study to determine the impacts of a proposed development or site alteration on the cultural heritage value of a property and to recommend an overall approach to the conservation of the heritage resources. The study applies to known and potential heritage resources. The assessment results in a report that identifies all heritage resources, provides an evaluation of the significance of the resources, outlines any impact the

proposed development or site alteration will have on the heritage resources, and makes recommendations toward conservation methods and/or mitigative measures to minimize impacts on the heritage resources.

The Cultural Heritage Impact Assessment should:

- Be based on a comprehensive understanding of the significance and heritage attributes of the cultural heritage resource(s);
- Identify any impact the proposed development or alteration will have on the resource(s);
- Consider mitigation options, and recommend a conservation strategy that best conserves the resource(s) within the context of the proposed development;
- Apply conservation principles, describe the conservation work, and recommend methods to avoid or mitigate negative impacts to the cultural heritage resource(s).

Minimal intervention should be the guiding principle for all work.

This analysis must be prepared by a qualified heritage specialist. Applicants may refer to the Canadian Association of Heritage Professionals (CAHP) at <http://www.caphc.ca>, which lists members by their specialization.

The Cultural Heritage Impact Assessment is required in order to determine compliance with relevant cultural heritage policies at municipal, provincial, and federal levels. Furthermore, it assists Town staff in the processing and evaluation of development and heritage permit applications.

WHEN REQUIRED

The Cultural Heritage Impact Assessment may be required:

- When a development or redevelopment is proposed on or ~~contiguous-adjacent~~ to an individual property designated in accordance with Part IV of the *Ontario Heritage Act*;
- When a development or redevelopment is proposed within or ~~contiguous-adjacent~~ to the boundaries of a Heritage Conservation District designated in accordance with Part V of the *Ontario Heritage Act*;

- For applications to demolish, de-designate, ~~or~~ de-list a property currently included on the Register (i.e. sites which are listed as having potential cultural heritage significance but are not formally designated under the Ontario Heritage Act), or to demolish a heritage feature on a property.

REQUIRED CONTENTS/FORMAT

A Cultural Heritage Impact Assessment will include, but is not limited to:

(A) Introduction to Development Site

- A location plan and current site plan of the property;
- present owner's contact information;
- A concise written description of the property and its location, identifying significant features, buildings, landscapes and vistas;
- A concise written description and photographic documentation of the cultural heritage resources located within and adjacent to the site, identifying any significant features, buildings, landscapes and vistas, and including any municipal, provincial and/or federal heritage recognition of the property and including existing heritage descriptions as available;
- A concise written description of the context of the property, including adjacent heritage properties and cultural resources, their recognition at the municipal, provincial, and/or federal level, and any as yet unidentified or unrecognized potential cultural heritage resources.

(B) Background Research and Analysis

- A comprehensive review of the history of the property's development as documented and observed through archival, historical, archaeological, written and visual records;
- A chronological description of the development of any structures, including mention of original construction, and any additions, alterations, removals, conversions etc., and referencing substantiated dates of construction;
- An evaluation of the heritage significance of the site with emphasis on important architectural/physical features, historical associations within the community, and the situation of the site in local context;
- Reference to, or inclusion of, any relevant research materials including (but not limited to) maps, atlases, drawings, photographs, permit records, land title records, tax assessment rolls, etc.

(C) Statement of Significance

- A statement of significance identifying the cultural heritage value and heritage attributes of the cultural heritage resource(s), in accordance with provincial legislation

Ontario Regulation 9/06 made under the *Ontario Heritage Act* and referenced in the *Ontario Heritage Tool Kit*.

- This statement should be informed by current research and analysis of the site as well as pre-existing heritage descriptions.
- This statement should be written in a way that does not respond to or anticipate any current or proposed interventions to the site.

(D) Assessment of Existing Condition

- A comprehensive written description of the physical condition of the structures on the site, including their exterior and interior;

(E) Description of the Proposed Development or Site Alteration

- A written and visual description of the proposed development or site alteration;
- The written description and conceptual drawings should note which heritage attribute(s) are considered for retention and which are considered for removal or alteration.

(F) Impact of Development on Heritage Attributes

- A discussion identifying any impact the proposed development or site alteration may have on the cultural heritage resource(s) and heritage attributes of the site and/or adjacent lands.
- Negative impacts on cultural heritage resources may include, but are not limited to:
 - The destruction of any significant heritage attribute or part thereof;
 - Alteration that is not sympathetic to the heritage attribute;
 - Shadows created by new development that alter the appearance of, or change the viability of a heritage attribute;
 - Isolation of a heritage attribute from its surrounding environment, context, or significant spatial relationship;
 - Direct or indirect obstruction of significant views or vistas;
 - A change in land use which negates the property's cultural heritage value
 - Land disturbances such as a grade change that alters soils and drainage patterns that adversely affect a cultural heritage resource.

(G) Considered Alternatives and Mitigation Strategies

- An assessment of alternative options, mitigation measures, and conservation methods that may be considered in order to avoid or limit the negative impact on the cultural heritage resource(s) (see the *Ontario Heritage Tool Kit*) include, but are not limited to:
 - Alternative development approaches;
 - Isolating development and site alteration from significant built and natural features and vistas;

- Design guidelines that harmonize mass, setback, setting, and materials;
- Limiting height and density;
- Allowing only compatible infill and additions;
- Reversible alterations

(H) Recommended Conservation Strategy

- The preferred strategy recommended to best protect and enhance the cultural heritage value and heritage attributes of the cultural heritage resource(s) including, but not limited to:
 - A mitigation strategy including the proposed methods;
 - A conservation scope of work including the proposed methods;
 - An implementation and monitoring plan.
- Where appropriate recommendations for additional studies/plans related to, but not limited to:
 - Conservation
 - Site specific design guidelines;
 - Interpretation and commemoration;
 - Lighting, landscaping and signage;
 - Structural analysis;
 - Additional record documentation prior to demolition;
 - Long-term maintenance
- Referenced conservation principles and precedents

WHO CAN PREPARE A CULTURAL IMPACT ASSESSMENT?

All Cultural Heritage Impact Assessments and other related documents must be prepared by a qualified heritage professional such as a heritage planner, heritage architect and/or heritage landscape architect with demonstrated knowledge of acted heritage conservation principles and standards, and who has undertaken historical research and identification/evaluation of cultural heritage value.

All heritage consultants submitting CHIA's must be members in good standing of the Canadian Association of Heritage Professionals (CAHP).

Additionally, under Provincial law only a licensed, professional archaeologist may carry out an Archaeological Assessment using specific provincial standards and guidelines.

Consultation Process

As part of the consideration of a Cultural Heritage Impact Assessment, consultation with Municipal Staff and the Cobourg Heritage Advisory Committee are required. This shall involve:

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- A pre-consultation meeting with staff prior to the commencement of the CHIA.
- Presentation and discussion with the Heritage Advisory Committee and Municipal Staff on the *draft* CHIA Document
- Presentation and recommendations with the Heritage Advisory Committee and Municipal Staff on the *final* CHIA Document
- Staff Report to the Heritage Advisory Committee and Council on the CHIA Document

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PEER REVIEW

The Town of Cobourg reserves the right to request an independent peer review of a Cultural Heritage Impact Assessment at the applicant's cost. Heritage ~~and Planning~~ staff will facilitate peer reviews if deemed necessary by the Director of Planning and Development.

Peer reviews will evaluate the assessments provided by Cultural Heritage Impact Assessments. These reviews may include, but are not limited to, addressing inconsistencies, factual errors, discrepancies, inappropriate conservation advice not consistent with recognized standards, omissions and misrepresentations.

DELIVERABLES

- See Consultation Process
- The Cultural Heritage Impact Assessment is to be submitted in hard copy (2 copies) and in PDF format.

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Links

Local Resources

- Town of Cobourg's Register of Properties of Cultural Heritage Value or Interest
<http://www.cobourg.ca/en/my-cobourg/Heritage-Register.aspx>
- Town of Cobourg's Heritage Master Plan
<http://www.cobourg.ca/en/town-hall/Heritage-Master-Plan.aspx>

Provincial Documents and Resources

- Ontario Heritage Tool Kit
http://www.mtc.gov.on.ca/en/heritage/heritage_toolkit.shtml
- Ontario Ministry of Culture, Tourism and Sport: Eight Guiding Principles in the Conservation of Historic Properties
http://www.mtc.gov.on.ca/en/publications/InfoSheet_8%20Guiding_Principles.pdf

National Documents and Resources

- Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada
<http://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>