



## Heritage Impact Assessment Terms of Reference

A Heritage Impact Assessment (HIA) evaluates the impact of a proposed development, building alteration or site alteration on a built heritage resource(s) or a cultural heritage landscape(s) and recommends mitigative measures or alternative development approaches to conserve the heritage attributes of that resource/landscape. HIAs are an important planning tool to ensure that the heritage values, attributes and integrity of cultural heritage resources are considered in the land development process.

### **Policy Context**

Municipalities are enabled by the Provincial Policy Statement (PPS; 2014) under the Ontario Planning Act (R.S.O. 1990) to use HIAs in the planning process. Section 2.6.1 of the Provincial Policy Statement states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” and the mechanisms defined for conservation include the implementation of recommendations, mitigative measures and alternative development approaches set out in a Conservation Plan, Archaeological Assessment, and/or Heritage Impact Assessment.

The City of Waterloo Official Plan (s. 4.7.3 (1)) requires a Heritage Impact Assessment for all development applications, or site alteration permit applications that: (1) include or are adjacent to a designated property, or (2) include a non-designated property listed on the Municipal Heritage Register. Adjacency is defined in the Plan as “contiguous to” a designated heritage property. The City’s Official Plan permits an HIA to be scoped or waived by the City or Region.

### **When is a Heritage Impact Assessment required?**

A Heritage Impact Assessment is required for certain applications involving the following types of properties:

- Property designated under Part IV the Ontario Heritage Act (individual designation)
- Property designated under Part V of the Ontario Heritage Act (located within a Heritage Conservation District)
- Property that is adjacent (contiguous) to individually designated properties or a Heritage Conservation District
- Property that is listed on the Municipal Heritage Register as a non-designated property of cultural heritage value or interest

The types of applications that may trigger the need for an HIA for the above properties include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act
- Site Alteration

At staff's discretion, an HIA may be scoped to reflect anticipated impacts on a heritage resource, or waived if there is sufficient information to suggest there will be no impacts on a heritage resource (e.g. erection of a temporary structure).

## **Notification**

An HIA is most effective when it is conducted early in the development application process and should form part of a complete application. The findings, conclusions and recommendations of the HIA should be reflected in the final development concept advanced to the City. City of Waterloo staff will inform property owners and/or their representative of the need for an HIA. Anyone considering development, building or site alterations are encouraged to contact Michelle Lee, Heritage Planner, early in their project planning process to determine if an HIA is required and will be provided a copy of this HIA Terms of Reference.

## **Qualified Heritage Conservation Professional**

An HIA must be prepared by a qualified heritage conservation professional, such as a heritage planner, heritage architect and/or heritage landscape architect, with demonstrated knowledge of accepted heritage conservation standards, and experience with historical research and identification/evaluation of cultural heritage value. The professional should be registered with the Canadian Association of Heritage Professionals and in good standing. The qualifications and background of the professional completing the HIA must be included in the report.

## **Principles**

Content and recommendations of the HIA should be based on accepted conservation principles and guidelines, including those outlined in:

- Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*
- Ontario Ministry of Culture, Tourism and Sport's *Eight Guiding Principles in the Conservation of Historic Properties*
- *The Ontario Heritage Tool Kit*

## Minimum Content Requirements

The HIA will include, but is not limited to the information below. City staff may scope or expand the HIA, in consultation with the applicant, to develop a modified terms of reference specific to the needs of the project.

### 1. Background Information

- Present owner contact information for the lands and buildings proposed for development and/or site alteration
- Name, qualifications and background of the qualified heritage conservation professional completing the HIA

### 2. Historical research, analysis and evaluation of built heritage resource/cultural heritage landscape

- A location plan indicating the subject property (map and aerial photo)
- A site plan showing lot dimensions and the location/setbacks of all existing buildings, drawn at an appropriate scale to demonstrate the context of the buildings and site details
- A written and visual description of the site identifying significant features, buildings, landscape and vistas
- A chronological history of the subject property's development, including original construction dates, additions and alterations
- A chain of title, listing successive owners of the property and associated dates
- Relevant historic maps and atlases, drawings, photographs, sketches/renderings, permit records, land records, assessment rolls, city directories, etc.

### 3. Identification of the significant heritage attributes of the built heritage resource/cultural heritage landscape

- Comprehensive written research and analysis and graphical information related to the cultural heritage value or interest (physical or design, historical or associative, and contextual – see Regulation 9/06 of the Ontario Heritage Act) of the site, to include attributes that are already recognized and any that are newly identified through this analysis. Significant heritage attributes may include any significant features, characteristics, context, and appearance of buildings, landscapes or vistas
- Identification of any heritage recognition of the property and/or buildings/structures thereon, including descriptions of significant features or values as available

Heritage recognitions could include:

- Designation under Part IV and Part V of the Ontario Heritage Act
- Listing as a non-designated property on the Municipal Heritage Register
- A heritage easement agreement with the City or Ontario Heritage Trust

- Inclusion in Parks Canada National Historic Sites of Canada
- Inclusion on any Provincial or Federal heritage registries
- Current digital images documenting all building elevations and identified heritage attributes
- Recommendation as to whether the subject property and/or buildings/structures thereon, if not already recognized, meets the criteria under Ontario Regulation 9/06 for listing or designation under the Ontario Heritage Act. If no, the rationale as to why the criteria for designation or listing are not met

#### **4. Description of the proposed development or site alteration**

- A written description of the proposed development or site alteration, detailing the rationale and purpose of the development or works, a graphical layout, and how the development fits with municipal planning objectives set forth in the City's Official Plan

#### **5. Assessment of development or site alteration impacts**

- An assessment identifying both (a) direct and or indirect positive effects, and (b) adverse impacts resulting from the proposed development relative to the heritage value(s) of the built heritage resource(s) or cultural heritage landscape(s)

Positive impacts may include, but are not limited to:

- Restoration of building, including replacement of missing attributes
- Restoration of a historic streetscape or enhancement of the quality of the place
- Adaptive re-use of a built heritage resource to ensure its ongoing viability
- Access to new sources of funds to allow for the ongoing protection and restoration of the heritage resource

Adverse impacts may include, but are not limited to (refer to *Ontario Heritage Toolkit*, Ministry of Tourism, Culture and Sport):

- Destruction of any, or part of any, significant heritage attributes
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance of the heritage resource
- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship
- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features
- A change in land use that affects the property's heritage value
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect a heritage resource

## **6. Consideration of alternatives, mitigation and conservation methods**

- Methods to prevent and minimize adverse impacts on a heritage resource(s), including, but not limited to:
  - Alternative development approaches/designs that result in compatible development and limit adverse impacts
  - Isolating new development/works from significant cultural heritage resources to conserve heritage attributes including, but not limited to, their settings and identified views and vistas
  - Limiting height and density or locating higher/denser components of a development in a manner that respects the existing heritage resources or the heritage conservation district
  - Including reversible interventions to heritage resources
  - Relocation of a heritage resource, to be employed only as a last resort, if conservation cannot be achieved by any other means

## **7. Schedule and reporting structure for implementation and monitoring**

- A schedule and reporting structure for implementing the recommended conservation/mitigative/avoidance measures, and monitoring the heritage resource as the development or site alteration is undertaken

## **8. A summary statement and conservation recommendations**

- The summary statement should provide a full description of:
  - The significance and heritage attributes of the built heritage resource/cultural heritage landscape
  - The identification of any impacts the proposed development/works will have on the heritage attributes of the resource/landscape
  - An explanation of recommended conservation or mitigative measures, and alternative development/site alteration approaches
  - Clarification as to why specific conservation or mitigative measures, or alternative development/site alteration approaches are not appropriate
  - For development proposals that could result in the demolition of a designated or listed property, an HIA must also require documentation of the heritage resource for archival purposes, including at minimum land use history, photographs, and dimensioned drawings

## **9. Conservation recommendations for properties of regional significance (ROP, 3.G.18, 3.G.19)**

- For properties identified by the Region to be of regional significance, conservation recommendations must, wherever feasible, aim to conserve heritage resources intact by:

- recognizing and incorporating heritage resources and their surrounding context into the proposed development in a manner that does not compromise or destroy the heritage resource
- protecting and stabilizing built heritage resources that may be underutilized, derelict, or vacant
- designing development to be physically and visually compatible with, and distinguishable from, the heritage resource
- Where it is not feasible to conserve a heritage resource intact, the conservation recommendations shall:
  - promote the reuse or adaptive reuse of the heritage resource, building, or building elements to preserve the resource and the work of past artisans
  - require the owner/applicant to provide dimensioned drawings, a land use history, photographs and other required documentation of the heritage resource in its surrounding context

## Review Process

- 1. Notice** Staff will notify the property owner(s) and/or their representative in writing that an HIA is required. The HIA Terms of Reference will be included with the notice.
- 2. Draft Submission** One electronic copy and one hard copy of the draft HIA will be submitted to City staff for review. The report will be clearly marked as a draft.
- 3. Completeness** The draft HIA will be assessed by staff for completeness. Staff will provide the author of the HIA with clear instructions regarding any additional information or analysis required before the HIA is considered complete.
- 4. Review** Complete HIAs will be reviewed by City staff and circulated to the Municipal Heritage Committee for review and comment. To be accepted, the HIAs must demonstrate, to the satisfaction of the Director of Growth Management, that significant impacts have been evaluated and mitigated. For properties of Regional significance, the HIA will be circulated to the Region for review. City staff may request to meet with the owner/applicant to discuss the HIA and its recommendations.
- 5. Peer Review** In certain cases, the City may seek a peer review of the HIA by a qualified heritage conservation professional. The peer review will be carried out by a consultant retained by the City, at the expense of the applicant.
- 6. Acceptance** Authors of complete HIAs carried out to the satisfaction of the Director of Growth Management will be provided with comments in writing along with a notification of acceptance or rejection of the HIA.
- 7. Final Submission** 3 copies of an accepted HIA will accompany the final application made under the Planning Act or Heritage Act and will be considered as part of the complete application. The HIA's recommendations may be secured through development-related legal agreements and regulations at the discretion of the City or authority having jurisdiction.