SUBJECT: New Official Plan Policies for Cultural Heritage (PED08282) (City Wide)

RECOMMENDATION:

That Council endorse the draft cultural heritage Official Plan policies and associated appendix maps, attached as Appendix ‘A’ to Report PED08282, for inclusion in the new Official Plan in June 2009.

EXECUTIVE SUMMARY:

The purpose of this Report is to request Council’s endorsement of the draft cultural heritage Official Plan (OP) policies and associated appendix maps for inclusion in the urban OP. A draft of the comprehensive urban OP will be presented to Council in Spring 2009. At that time, the Statutory open houses/public meetings will be held prior to Council adoption of the OP.
Staff presented an Information Update to Economic Development and Planning Committee March 26, 2008, titled “Executive Summary - Draft Cultural Heritage Policies for the New OP” prior to beginning the public consultation process on the draft cultural heritage policies. During March, April, June, and October 2008, staff held a public information centre, presented displays in the municipal services centres, and met with groups to gain input on the proposed policies and mapping. The policies have been revised and are contained in Appendix “A” to this Report.

Hamilton is rich in cultural heritage resources, which include archaeology, built heritage and cultural heritage landscapes. The conservation, protection and wise use of cultural heritage are globally recognized pursuits. Since the early 1970s, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its component member states have routinely identified the importance of heritage as a legacy from the past that we are collectively entrusted to pass on to future generations. For First Nations peoples, archaeological resources have particular importance.

Provincial policy and legislative changes have resulted in stronger requirements for the City to protect cultural heritage resources, and increased the City’s ability to do so. Due to these new Provincial requirements, the proposed policies are substantially different from those contained in the existing OPs. They are clearer and stronger in their protection of cultural heritage resources, and more prescriptive. The policies are structured around the three cultural heritage resource types: archaeology, built heritage resources and cultural heritage landscapes.

BACKGROUND:

1.0 Purpose of Report

The purpose of this Report is to request Council’s endorsement of the draft heritage policies and appendices for inclusion in the Urban Official Plan. A draft of the comprehensive Urban Official Plan will be presented to Council in Spring 2009. At that time, the statutory open houses/public meetings will be held prior to Council adoption of the OP.

Staff presented an Information Update to Economic Development and Planning Committee March 26, 2008, titled “Executive Summary - Draft Cultural Heritage Policies for the New Official Plan” prior to beginning the public consultation process on the draft cultural heritage policies. Public consultation is now complete and the resulting proposed cultural heritage policies for the new Official Plan are attached as Appendix ‘A’ to this report. The Cultural Heritage Resource Policies Background Paper, including draft policies, was provided to Councillors in March of this year, and is thus not attached to this report. A copy of the background paper can be obtained from the Strategic Services /Special Projects Division.
2.0 Context

The proposed policies address the full scope of cultural heritage resource conservation in the land use planning process, including archaeology, built heritage and cultural heritage landscapes. The policies apply to the urban areas of the City. Cultural heritage policies for the rural area, included in Appendix ‘A’ to this report, will undergo public consultation at a later time.

3.0 Related City Initiatives

A key related City initiative is the Archaeology Management Plan (AMP). The OP policies are a broad policy framework for archaeology, which the AMP implements through specific policies and protocol for the management of archaeology through the City's roles as landowner, proponent, approval authority and trustee. The AMP formalizes existing practices and responsibilities for managing archaeology under current legislation and intergovernmental agreements, while standardizing and streamlining the processes they entail. A draft of the AMP has been completed and is currently undergoing review.

ANALYSIS/RATIONALE:

1.0 Highlights of Official Plan Policies

Hamilton is rich in cultural heritage resources, which include archaeology, built heritage and cultural heritage landscapes, due to its attractiveness as a place of settlement over the past 12,000 years. Access to water and travelways, well-drained soils and heights of land all combined to provide ideal conditions for long-term human habitation both to native populations and Euro-Canadians.

The conservation, protection and wise use of cultural heritage are globally recognized pursuits. Since the early 1970s, the UNESCO and its component member states have routinely identified the importance of heritage as a legacy from the past that we are collectively entrusted to pass on to future generations. For First Nations peoples, archaeological resources have particular importance. Benefits of cultural heritage conservation embrace the spectrum of economic, social, and environmental advantages, including enhancing the competitive advantage of revitalized historic downtowns, increasing property tax revenues for municipalities from renovated buildings, and furthering the objectives of the humanities, science and education, to name a few.

The proposed policies are clearer and stronger in their protection of cultural heritage, and more prescriptive than the existing OP cultural heritage policies. This stronger policy direction has its roots in new Provincial legislation and policy outlined below. The Provincial legislation and policy sets a minimum standard which the City’s OP policies must meet, although City policies can be stronger.
General Policies

- The City will use various planning and assessment processes, including the planning approvals process and environmental assessments, to ensure that properties of cultural heritage interest that are not designated under the Ontario Heritage Act or included in the Register of Property of Cultural Heritage Value or Interest are identified, evaluated and appropriately conserved.
- The policies list a series of evaluation criteria to be used in assessing cultural heritage value or interest, such as "architectural, engineering, landscape design, physical, craft and/or artistic value; scenic amenity with associated views and vistas that provide a recognizable sense of position or place; landmark value;" among others. Specific evaluation criteria have been included to ensure consistency in the assessment process.
- The City will prepare Cultural Heritage Conservation Plan Statements for areas where the concentration and/or significance of cultural heritage resources require detailed guidance for conservation. These statements will provide a description of the resources and conservation priorities, as well as guidelines for conservation. Cultural Heritage Conservation Plan Statements include conservation plans as defined in the Provincial Policy Statement (PPS).
- A Cultural Heritage Impact Assessment will be required by the City and submitted with any Planning Act application where the development has the potential to adversely affect cultural heritage resources (as specified in the policies).
- All studies must be undertaken by a qualified professional.
- In developing Secondary Plans the City shall ensure that cultural heritage resources are identified, evaluated and conserved.
- The promotion of public awareness of cultural heritage is a key direction of the policies. Public awareness may be promoted by City participation in cultural heritage programs of other agencies, as well as cultural heritage promotion and education programs.

Archaeology

- Details of archaeology management will be outlined in the forthcoming AMP.
- Archaeological assessments are required in areas of archaeological potential for Official Plan Amendments (OPAs), secondary plans, zoning by-law amendments, and subdivisions unless there will be no soil disturbance of the site.
- Archaeological assessments may be required in areas of archaeological potential for variances, consents, site plans and plans of condominium, based on the level of soil disturbance.
- The City will approve archaeological assessments (in addition to review by the Province) and can require a higher standard of conservation than the Province. The policies specify that dialogue with First Nations and other aboriginal groups may influence this approval. Approval of archaeological assessments includes approval of completed mitigation/conservation of any resources found.
- Archaeological resources of particular value are listed clearly.
- The policies state a preference for avoidance of archaeological resources and protection in their original location.
Built Heritage

- The City will prepare an inventory of built heritage resources. Identified built heritage resources may be designated or registered as appropriate.
- The retention and conservation of significant built heritage resources in their original locations (in situ) will be encouraged, with a presumption in favour of retention in situ and strict criteria for relocation.

Cultural Heritage Landscapes

- The City will prepare an inventory of cultural heritage landscapes, which are defined geographical areas of heritage significance which have been modified by human activities and are valued by a community. Cultural heritage landscapes may include heritage conservation districts, heritage roads, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, and other geographic areas of cultural heritage value. (This work is currently underway by the Community Planning and Design Section of the Planning and Economic Development Department).
- Cultural heritage landscapes will be conserved and managed. This means that new development in cultural heritage landscapes is permitted, but must be contextually appropriate; change and evolution of cultural heritage landscapes is recognized.
- Heritage conservation districts may be studied and designated.
- The City will identify, conserve and manage heritage roads and associated features.

Appendix Maps

- The policies are accompanied by a series of five maps, attached as part of Appendix ‘A’ to this Report, to be adopted as Appendices to the OP. The maps will be Appendices to the OP because they provide information and do not designate land uses.
- The first four appendix maps delineate existing cultural heritage landscapes, heritage conservation districts, designated properties, properties with municipal easements and properties with Ontario Heritage Trust Easements. It should be noted that some of the heritage conservation districts are also site specific areas with policies under the existing OPs. These site specific heritage conservation district policies will be incorporated into the new OP at a later time.
- The fifth appendix map delineates areas of archaeological potential based on provincial criteria.

2.0 Key Issues

There are two key issues and challenges with cultural heritage resource conservation in Hamilton:

- It will be a challenge to balance the Provincial directives of cultural heritage protection and intensification. In directing non-farm/urban type development away from the rural area, intensification can protect rural resources from damage due to development, but intensification can also pose a greater risk to urban resources.
There is a need to balance the priorities of intensification and cultural heritage conservation.

- Protection of archaeological resources in situ has proven difficult given the reluctance of developers to revise subdivision and site plans after initial design. This problem will be improved by the Bill 51 complete application revisions to the Planning Act, provisions that, when implemented through OP policy, require all studies to be completed at the time of application, thereby ensuring that archaeological resources are addressed early in the development approval process; however, it will still be challenging to protect some archaeological resources in situ.

3.0 Compliance with Provincial Policies and Legislation

Through a variety of statutes and plans, the Province of Ontario has clearly identified a Provincial interest in cultural heritage conservation and specifies how resources are to be protected and managed in the land use planning process. The City of Hamilton is enabled under the Planning Act to implement the directives through OP policy and the development approvals process. Recent changes to Provincial legislation and policies require Hamilton to strengthen its approach to the conservation of cultural heritage resources. In particular:

3.1 Planning Act/Provincial Policy Statement

- The Province has clearly delineated cultural heritage resource conservation as a Provincial interest both in the Planning Act, which governs all land use planning and development activities in Ontario, and the PPS, which provides Provincial planning policy direction to municipalities. Municipalities must “be consistent with” the PPS. The PPS has been considerably strengthened with regard to the protection of cultural heritage resources. Municipalities must consider cultural heritage resources in all planning and development actions and decisions under the Planning Act.
- The PPS now requires that “significant built heritage resources and significant cultural heritage landscapes” be conserved. Conservation is defined as: “the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained.”
- The PPS prohibits “development or site alteration ... on lands containing archaeological resources or areas of archaeological potential” until “the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.” In order to ensure conservation, archaeological assessments are required prior to any development or site alteration in which soil is disturbed in areas of archaeological potential (as mapped based on Provincial criteria). The PPS defines both “development” and “site alteration”.
- The PPS prohibits “development or site alteration ... on adjacent lands to protected heritage property” until “it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”. Thus, prior to development or site alteration of sites adjacent to protected heritage properties, evaluations of the impacts are required.
3.2 Greenbelt Plan

The Greenbelt Plan gives direction for municipalities to work with “aboriginal groups and other stakeholders to identify and protect cultural heritage resources”. This policy is part of a recently expanded recognition of the need for municipalities to engage First Nations and aboriginal groups in dialogue regarding land use planning, which is particularly pertinent and important in the Hamilton context for archaeology.

3.3 Places to Grow Growth Plan

The Growth Plan for the Greater Golden Horseshoe advocates a “culture of conservation”, requiring municipalities to develop and implement OP policies and other strategies for “cultural heritage conservation, including the conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified.” Here, the goal is to create a policy culture that presumes protection of vulnerable resources in which conservation of one resource reinforces that of another.

3.4 Ontario Heritage Act

There have been three key changes to the Ontario Heritage Act which give municipalities increased powers for protection:

- “Properties of cultural heritage value or interest” may now be designated under the Act, not just “buildings of architectural or historical value”. This gives municipalities new powers to protect context and associated landscapes, not solely heritage buildings.
- Municipalities may now include properties that Council “believes to be of cultural heritage value or interest” on the municipal register of heritage properties, allowing municipalities to protect them from demolition for up to 60 days.
- Municipalities can now prevent, rather than just delay, demolition of heritage buildings or structures.

4.0 Vision 2020

The new Hamilton OP policies for cultural heritage and archaeology will implement several Vision 2020 goals:

- To preserve our natural and historical heritage;
- To achieve community-wide awareness and participation in the City’s natural and cultural heritage;
- To celebrate and preserve the diversity of our natural and cultural heritage and recognize the contribution of First Nations peoples; and,
- To minimize the environmental, social and financial costs of new development in the City of Hamilton to the residents of Hamilton.
5.0 Public Consultation Results

Overall, response to the proposed policies and the stronger protection they offer was positive. Minor changes have been made to the proposed policies based on comments received. There were significant concerns raised during the consultation regarding the poor structural condition of some heritage buildings, a need for proactive enforcement of property standards, and the implementation of these policies, such as immediate and aggressive implementation. Other concerns were raised by the development community regarding the manner in which the policies will be implemented.

6.0 Implementation Guidelines and Protocols

<table>
<thead>
<tr>
<th>Guideline or Protocol</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Archaeology Management Plan (AMP), which will manage archaeology through the development process</td>
<td>Draft under review</td>
</tr>
<tr>
<td>Guideline for preparation of Archaeological Assessments</td>
<td>Existing provincial guideline</td>
</tr>
<tr>
<td>Guideline for preparation of Cultural Heritage Conservation Plan Statements</td>
<td>To be prepared</td>
</tr>
<tr>
<td>Guideline for preparation of Cultural Heritage Impact Assessments</td>
<td>Draft completed, but not reviewed</td>
</tr>
<tr>
<td>Protocol for dialogue on planning and development matters with representatives of Native interests</td>
<td>Draft under review as part of the AMP</td>
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**ALTERNATIVES FOR CONSIDERATION:**

An alternative method is to delay public consultation until such time as the first comprehensive draft of the OP is prepared in Spring 2009, which will delay completion of the OP beyond the June 2009 legislative requirement.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A

Staffing: N/A

Legal: The Statutory Open Houses and Public meeting will be held in Spring 2009, once the comprehensive draft OP is completed.

**POLICIES AFFECTING PROPOSAL:**

See Sections 3.0 and 4.0 of the Analysis/Rationale Section.
Departmental Consultation

An initial set of draft cultural heritage policies along with a discussion paper was circulated in April 2007 to various City Departments and Divisions/Sections including: Development Planning, Downtown and Community Renewal, Industrial Parks and Airport Development, Economic Development and Real Estate, Capital Planning and Implementation, Culture and Recreation, Forestry and Horticulture, Tourism and Convention Services, Road Operations and Maintenance, and Parks and Cemeteries. The Housing Division was also circulated the draft policies. Planning and Economic Development Department staff met with staff from several Divisions of the Public Works Department on May 8, 2008 to discuss the proposed policies. A further internal circulation of the Planning and Economic Development Department was done September and October 2008. Minor revisions to the draft policies were made as a result of these consultations.

Public Consultation

First Nations Circulation and Discussion
On August 2007, the discussion paper and draft policies were circulated to First Nations organizations including the First Nations of Six Nations (Elected Council and Confederacy), Mississaugas of the New Credit and the Huron Wendat. Six Nations desired further discussion which was held with staff of the Six Nations Lands and Resources Department on January 31, 2008 and with members of the Six Nations Lands and Resources Committee on April 10, 2008. The Six Nations Confederacy was contacted on several occasions, but has not committed to a meeting. Minor revisions to the draft discussion paper were made as a result of these consultations. No revisions to the draft policies were suggested.

Committees and Stakeholders
In March 2008, the draft policies and discussion paper were presented to the Hamilton Municipal Heritage Committee. No written comments were received in response. Verbal comments and responses are outlined in Appendix ‘B’ to this Report.

Strategic Services and Special Projects staff met with the Advisory Committee Against Racism on May 27, 2008, and the Hamilton Aboriginal Advisory Committee on June 4, 2008. No written comments were received in response. Verbal comments and responses are outlined in Appendix ‘B’ to this Report. Minor revisions to the draft policies were made as a result of these consultations.

Strategic Services and Special Projects staff met with the Hamilton-Halton Homebuilders Association on October 8, 2008. A number of concerns were raised (see Appendix ‘B’ attached to this Report for details), particularly with regard to questions of policy implementation. The need of the development community for the greatest level of predictability as possible was emphasized. It was noted that a short time frame for completing the inventory work discussed in the policies as well as
guidelines as to specific situations in which an archaeological assessment will and will not be required would be helpful.

General Public
The draft policies were presented to the general public and stakeholders for input in an open house on March 31, 2008, (approximately 40 attendees) and in displays at each of the municipal service centres. Additionally, the draft policies, discussion paper, panels and maps were posted on the City’s website. Comments were received via email, “comment sheets” submitted at the open house and displays and notes taken by staff during meeting discussions.

Comments received from the public were generally supportive of the more protective policy direction. Specific issues addressed were the poor structural condition of some heritage buildings, calls for proactive enforcement of property standards, and concerns regarding the implementability of these policies such as wanting immediate and aggressive implementation. See Appendix ‘B’ to this Report for a more detailed summary of comments. No revisions to the draft policies were suggested.

The Province
The Ministry of Municipal Affairs and Housing was circulated the Discussion Paper and draft policies, which were then forwarded to the Ministry of Culture and the Ministry of Natural Resources for their review and comments. On the whole the Province feels that the Discussion Paper provides a thorough analysis of cultural heritage and the proposed policies are consistent with the PPS. Minor revisions to the proposed policies were made based on comments received. Further Provincial comments may be received when the urban portion of the new OP is reviewed in its entirety.

CITY STRATEGIC COMMITMENT:
By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Arts, culture, archaeological and cultural heritage are supported and enhanced.
The proposed new OP policies strengthen the City's ability to protect archaeology and all types of cultural heritage.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.
Examples of cultural heritage landscapes in the City of Hamilton often demonstrate relationships with the natural environment and through their conservation may serve to educate about cultural role of the natural environment and/or conserve associated natural heritage features.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton's high-quality environmental amenities are maintained and enhanced.
Conservation of cultural heritage resources contributes to an attractive city with a high quality of life by maintaining and enhancing high-quality environmental amenities. High-quality environmental amenities improve the quality of life Hamilton has to offer new employers and their employees.
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Does the option you are recommending create value across all three bottom lines?
☐ Yes  ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☐ Yes  ☐ No
N/A

KM/JHE:dkm
Attachs. (2)
APPENDIX ‘A’ – PROPOSED CULTURAL HERITAGE RESOURCE POLICIES

City-Wide Policies to be inserted into Chapter B

B.3.4.0 CULTURAL HERITAGE RESOURCES

The City seeks to provide for the wise management and conservation of its cultural heritage resources for the benefit of the community. The City recognizes that these resources may include tangible features, structures, sites, or landscapes that, either individually or as part of a whole, are of historical, architectural, archaeological, or scenic value and represent intangible heritage, such as customs, ways-of-life, values, and activities. The resources may represent local, regional, provincial or national heritage interests and values.

This section establishes a number of goals and policies for the conservation of the City’s cultural heritage resources organized around three key components:

- archaeology;
- built heritage; and,
- cultural heritage landscapes.

These policies shall be read in conjunction with all other policies of this Plan.

B.3.4.1 POLICY GOALS

The following goals apply to the care, protection and management of cultural heritage resources in Hamilton.

B.3.4.1.1 Encourage a city-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive environmental, economic, and social strategy, where cultural heritage resources contribute to achieving sustainable, healthy and prosperous communities.

B.3.4.1.2 Identify and conserve the City’s cultural heritage resources through the adoption and implementation of policies and programs, including partnerships among various public and private agencies and organizations.

B.3.4.1.3 Ensure that all new development, site alterations, alterations, and additions within the City are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

B.3.4.1.4 Encourage the rehabilitation, renovation and/or restoration of built heritage resources in order that they remain in active use.
B.3.4.1.5 To promote public and private awareness, appreciation and enjoyment of Hamilton’s cultural heritage through educational activities, heritage tourism and guidance on appropriate conservation practices.

B.3.4.2 General Policies

B.3.4.2.1 The City of Hamilton shall:

a) Protect and conserve the tangible cultural heritage resources of the City of Hamilton, including archaeological resources, built heritage resources and cultural heritage landscapes for present and future generations.

b) Identify cultural heritage resources through a continuing process of inventory, survey and evaluation, as a basis for the wise management of these resources.

c) Promote awareness and appreciation of the City’s cultural heritage and encourage public and private stewardship of and custodial responsibility for the City of Hamilton’s cultural heritage resources.

d) Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential within the City of Hamilton.

e) Encourage the ongoing care of individual cultural heritage resources and the properties on which they are situated together with associated features and structures by property owners and provide guidance on sound conservation practices.

f) Support the continuing use, reuse, care and conservation of cultural heritage resources and properties by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.

g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals, where legislative tools permit the municipality to do so.

h) Conserve the character of areas of cultural heritage significance, including designated Heritage Conservation Districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.

i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment Planning and
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Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies in order to appropriately manage, conserve and protect Hamilton’s cultural heritage.

B.3.4.2.2 Heritage Designation
The City of Hamilton may by by-law designate individual and groups of properties of cultural heritage value under Parts IV and V respectively of the Ontario Heritage Act.

B.3.4.2.3 Listing of Properties in the Heritage Register
The City of Hamilton shall maintain, pursuant to the Ontario Heritage Act, a Register of Property of Cultural Heritage Value or Interest. In considering additions and removals of non-designated cultural heritage property to or from this Register, Council shall be advised by its Municipal Heritage Committee.

B.3.4.2.4 In addition to the provisions of the Ontario Heritage Act respecting demolition of cultural heritage properties contained in the Register the City shall ensure that such properties shall be protected from harm in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

B.3.4.2.5 Protection of Non-Designated or Non Registered Heritage Properties
The City recognizes that there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but may still be worthy of conservation.

B.3.4.2.6 The City shall ensure that these heritage properties are identified, evaluated and appropriately conserved through various legislated planning and assessment processes, including the Planning Act, the Environmental Assessment Act and the Cemeteries Act.

B.3.4.2.7 In order to ensure consistency in the identification and evaluation of these cultural heritage properties, the City shall utilize the criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and those criteria included in this Plan.

B.3.4.2.8 Cultural Heritage Evaluation Criteria
For consistency in all heritage conservation activity the City shall use, and require the use by others, of the following criteria to assess and identify cultural heritage resources that may reside below or on real property:
a) Prehistoric and historical associations with a theme of human history that is representative of cultural processes in the settlement, development and use of land in the City;

b) Prehistoric and historical associations with the life or activities of a person, group, institution or organization that has made a significant contribution to the City;

c) Architectural, engineering, landscape design, physical, craft and/or artistic value;

d) Scenic amenity with associated views and vistas that provide a recognizable sense of position or place;

e) Contextual value in defining the historical, visual, scenic, physical and functional character of an area; and,

f) Landmark value.

Any property that fulfills one or more of the foregoing criteria shall be considered to possess cultural heritage value. The City may further refine these criteria and provide guidelines for their use as appropriate.

B.3.4.2.9 Cultural Heritage Conservation Plan Statements

The City shall prepare Cultural Heritage Conservation Plan Statements for areas where the concentration and/or significance of cultural heritage resources require that detailed guidance be provided for the conservation and enhancement of these resources. The statements will, in part, be prepared to ensure that development, site alteration and redevelopment proposals demonstrate appropriate consideration for their impact on cultural heritage resources.

Cultural Heritage Conservation Plan Statements shall include the following:

a) A description of the historical development of the area;

b) A description of the cultural heritage resources and their significance;

c) Conservation priorities for identified cultural heritage resources;

d) Redevelopment potential;

e) Consideration of open space, public access and community connectivity;

f) The provision of interpretive devices, such as plaques and displays;
g) The creation of guidelines for the conservation and enhancement of cultural heritage resources; and,

h) The creation of guidelines for contextual enhancements, such as streetscaping and alterations and/or additions to adjacent properties.

*Cultural Heritage Conservation Plan Statements* may be included in Secondary Plan studies and policies, neighbourhood plans and/or other planning initiatives.

**B.3.4.2.10** The City shall develop guidelines for the preparation of *Cultural Heritage Conservation Plan Statements*.

**B.3.4.2.11 Cultural Heritage Impact Assessments**

A *Cultural Heritage Impact Assessment* shall be required by the City and submitted with any application pursuant to the Planning Act where the proposed development, site alteration or redevelopment of lands (both public and private) has the potential to adversely affect the following cultural heritage resources through displacement and/or disruption:

a) Properties designated under any part of the *Ontario Heritage Act* or adjacent to properties designated under any part of the *Ontario Heritage Act*;

b) Properties that are included in the City’s Register of Property of Cultural Heritage Value or Interest or adjacent to properties included in the City’s Register of Property of Cultural Heritage Value or Interest;

c) A registered or known archaeological site or areas of archaeological potential;

d) Any area for which a *Cultural Heritage Conservation Plan Statement* has been prepared; and/or,

e) Properties that comprise or are contained within cultural heritage landscapes that are included in the Register of Property of Cultural Heritage Value or Interest.

**B.3.4.2.12** The City shall develop guidelines for the preparation of *Cultural Heritage Impact Assessments*.

**B.3.4.2.13** Where the City requires a proponent to prepare a *Cultural Heritage Impact Assessment* it shall be undertaken by a qualified professional with demonstrated expertise in cultural heritage assessment, mitigation and management, according to the requirements of the City’s Cultural Heritage Impact Assessment Guidelines, and shall contain the following:
a) Identification and evaluation of all potentially affected cultural heritage resource(s), including detailed site(s) history and a cultural heritage resource inventory containing textual and graphic documentation;

b) A description of the proposed development and/or site alteration and alternative forms of the development and/or site alteration;

c) A description of all cultural heritage resource(s) to be affected by the development and its alternative forms;

d) A description of the effects upon the cultural heritage resource(s) by the proposed development and/or site alteration and its alternative forms; and,

e) A description of the measures necessary to mitigate the adverse effects of the development and/or site alteration and its alternatives upon the cultural heritage resource(s).

B.3.4.2.14 Where cultural heritage resources are to be affected the City may impose conditions of approval on any planning application to ensure their continued protection. In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that affected resources be thoroughly documented for archival purposes at the expense of the applicant prior to demolition.

B.3.4.2.15 Community Improvement Plans and Secondary Plans

a) In developing Secondary Plans, or other forms of neighbourhood plans, the City shall ensure that cultural heritage resources are identified, evaluated and conserved. This identification and protection of cultural heritage resources may be accomplished through the preparation and inclusion of a Cultural Heritage Conservation Plan Statement within the secondary planning or neighbourhood planning process.

b) In developing Community Improvement Plans the City shall ensure, wherever possible, that cultural heritage resources are conserved through appropriate adaptive reuse and alterations. Demolition of heritage structures shall be discouraged.

B.3.4.2.16 Public Awareness

Public awareness and enjoyment of the City of Hamilton's cultural heritage shall be promoted. In order to enhance opportunities for conserving cultural heritage resources the City may:

a) Participate in those cultural heritage programs, including management, planning and funding programs, of other levels of government or any other agencies and groups, that are intended to conserve, restore, protect or otherwise assist in the management of heritage resources;
b) Initiate or support those promotional or educational programs intended to increase community awareness and appreciation of the City’s heritage, including its recent history and distant past in order to represent either popular or under-represented stories, themes and histories of people or groups;

c) Participate in promotional or educational programs of other levels of government or other agencies and groups;

d) Encourage active citizen participation in cultural heritage conservation activities; and,

e) Name roads, streets, water courses, and other public places and facilities to recognize all those persons, groups, themes, activities, landscapes or landmarks of interest in the City that have contributed to the cultural heritage and diversity of Hamilton's history, subject to any approved naming policies, guidelines or procedures.

B.3.4.3 Archaeology

B.3.4.3.1 General
The City shall require the protection, conservation or mitigation of sites of archaeological value and areas of archaeological potential within the municipality as provided for under the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.

B.3.4.3.2 Areas of Archaeological Potential
The City shall maintain mapping of areas of archaeological potential (Appendix Y, Areas of Archaeological Potential) to assist in the assessment of development proposals and the development of future conservation initiatives.

B.3.4.3.3 Archaeological Assessment Requirements

B.3.4.3.3.1 An archaeological assessment shall be required and submitted prior to or at the time of application for the following planning matters under the Planning Act, in areas of archaeological potential as defined by provincial guidelines and identified on Appendix Y, Areas of Archaeological Potential:

a) Official Plan Amendment or Secondary Plan Amendment unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance;

b) Zoning By-law Amendment unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
c) Plan of Subdivision.

B.3.4.3.3.2 An archaeological assessment may be required, as detailed in the Archaeology Management Plan, and submitted prior to or at the time of application for the following planning matters under the Planning Act in areas of archaeological potential, as defined by provincial guidelines and identified on Appendix Y, Areas of Archaeological Potential:

a) Variance;

b) Consent/severance;

c) Site Plan Application; and,

d) Plan of Condominium.

B.3.4.3.3.3 Any required archaeological assessment must be conducted by an archaeologist licensed under the Ontario Heritage Act, and shall be submitted to the City for final approval and to the Province for review and compliance to licensing provisions and archaeological assessment standards and guidelines. The archaeological assessment:

a) Shall be prepared following the terms and conditions set out in the provincial guidelines; and,

b) Shall provide conservation-related recommendations, including, but not restricted to subsequent processes and procedures for the conservation and management of archaeological resources prior to, during and post development and/or site alteration-related activities. This may address further archaeological test-excavation and evaluation prior to the determination of a final resource management strategy and the submission of any further reports required by the Province and/or City. Such recommended processes and procedures for archaeological management will be implemented through a variety of measures including but not limited to the mitigation, preservation, and/or resource excavation, removal and documentation, of all archaeological resources to the satisfaction of the City and approval by the Province.

B.3.4.3.3.4 Prior to site alteration or soil disturbance relating to a Planning Act application, any required archaeological assessment must be approved in writing by the Province and the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for archaeological resources based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.
B.3.4.3.4 The City considers the following *archaeological resources* to be of particular interest, value and merit:

a) Spatially large, dense *lithic scatters* (peak levels of more than 99 artifacts per square-metre);

b) Deeply buried or stratified archaeological sites;

c) Undisturbed or rare *Native* archaeological sites;

d) Sacred archaeological sites;

e) Archaeological sites comprising human burials;

f) *Paleo-Indian* archaeological sites;

g) *Early-Archaic* archaeological sites;

h) *Woodland* period archaeological habitation sites;

i) *Post-contact* archaeological sites predating 1830 AD.; and,

j) Twentieth-century archaeological site(s) where background documentation or archaeological features indicate heritage value.

B.3.4.3.5 In order to *conserve* these resources, avoidance and protection in situ are the preferred conservation management strategies. Where it has been demonstrated in an archaeological assessment by a licensed archaeologist that avoidance is not a viable option, alternative mitigation measures shall be agreed upon by the Province and the City.

B.3.4.3.6 The City may use all relevant provisions of the *Planning Act* to prohibit the use of land and the placement of buildings and structures in order to protect and *conserve* sites or areas of significant archaeological resources.

B.3.4.3.7 *Unmarked Burials*

Where marked or unmarked cemeteries and burial places are encountered during any archaeological assessment and/or excavation activity, the provisions of the *Cemeteries Act* and associated regulations, as well as the policy provisions of this Plan shall apply.

B.3.4.3.8 *First Nations Dialogue*

The City shall establish protocols for dialogue on planning and *development* matters with representatives of Native interests that encompass the City of Hamilton. These include the Elected Councils of the Six Nations of the Grand River Territory, the Mississaugas of the New
Credit First Nation, and the Huron-Wyndat First Nation in Quebec. Traditional leadership, such as the Haudenosaunee Confederacy, shall also be included in these discussions.

**B.3.4.4 Built Heritage Resources**

**B.3.4.4.1 Built Heritage Resource Inventory**

An inventory of built heritage resources shall be prepared by the City and, as appropriate, may be included in the Register of Property of Cultural Heritage Value or Interest. Registered properties containing built heritage resources may be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

**B.3.4.4.2 Retention of Built Heritage Resources**

The City shall encourage the retention and conservation of significant built heritage resources in their original locations. In considering planning applications under the Planning Act and heritage permit applications under the Ontario Heritage Act, there shall be a presumption in favour of retaining the built heritage resource in its original location.

**B.3.4.4.2.1 Relocation of built heritage resources** shall only be considered where it is demonstrated by a Cultural Heritage Impact Assessment that the following options, in order of priority, have been assessed:

a) Retention of the building in its original location and its original use; or

b) Retention of the building in its original location, but adaptively reused.

**B.3.4.4.2.2** Where it has been demonstrated that retention of the built heritage resource in its original location is neither appropriate nor viable the following options, in order of priority, shall be considered:

a) Relocation of the building within the area of development on the same site; or

b) Relocation of the building to a sympathetic site in a different location.

**B.3.4.4.2.3 Mitigation Measures**

Where a significant built heritage resource is to be unavoidably lost or demolished the City shall ensure that the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost:

a) Preservation and display of fragments of the former buildings' features and landscaping;

b) Marking the traces of former locations, shapes and circulation lines;
c) Displaying graphic and textual descriptions of the site's history and former use, buildings and structures; and,

d) Generally reflect the former architecture and/or use in the design of the new development where appropriate and in accordance with Sections E.U.1.2 and D.R.2, and the other policies of this Plan.

B.3.4.5 Cultural Heritage Landscapes
A cultural heritage landscape is a defined geographical area characterized by human settlement activities that have resulted in changes and modifications to the environment, which is now considered to be of heritage value or interest. Cultural heritage landscapes may include distinctive rural roads, urban streetscapes and commercial mainstreets, rural landscapes including villages and hamlets, designed landscapes such as parks, cemeteries and gardens, nineteenth and twentieth century urban residential neighbourhoods, as well as commercial areas and industrial complexes.

B.3.4.5.1 Cultural Heritage Landscapes Inventory
An inventory of cultural heritage landscapes shall be prepared by the City and may be included in the Register of Properties of Cultural Heritage Value or Interest. Cultural heritage landscapes may also be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

B.3.4.5.2 Identified cultural heritage landscapes shall be appropriately conserved and managed with the understanding that these resources may change and evolve over time, and that any new development shall be designed in a contextually appropriate manner.

B.3.4.5.3 Heritage Conservation Districts
The City, in consultation with its municipal heritage committee, may designate properties including cultural heritage landscapes as heritage conservation districts under the Ontario Heritage Act where it has been determined that the district possesses one or more of the following attributes:

a) A group of buildings, features and spaces that reflect an aspect of local history, through association with a person, group or activity;

b) Buildings and structures that are of architectural or vernacular value or interest; and,

c) Important physical and aesthetic characteristics that provide an important context for cultural heritage resources or associations within
the district, including features such as buildings, structures, landscapes, topography, natural heritage and archaeological sites.

B.3.4.5.4 The City shall in accordance with the Ontario Heritage Act:

a) Define and examine a study area for future heritage conservation district designation;

b) Prepare an area study of a prospective heritage conservation district; and,

c) Prepare a heritage conservation district plan.

B.3.4.5.5 The City may in accordance with the Ontario Heritage Act by by-law prohibit or set limitations with respect to property alteration, erection, demolition or removal of buildings or structures, or classes of buildings or structures, within the heritage conservation district study area.

B.3.4.5.6 Heritage Roads

The City shall identify, conserve and manage identified heritage roads and associated features. Heritage roads are defined as those roads which exhibit one or more of the following attributes:

a) Historical associations with a theme of human history that is representative of cultural processes in the development and use of land in the City;

b) Historical associations with the life or activities of a person, group, institution or organization that has made a significant contribution to the local or regional municipality; and,

c) Scenic amenity with a recognizable sense of position or place either viewed from within the road right-of-way or viewed from an exterior viewpoint.

B.3.4.5.7 The City, in consultation with its municipal heritage committee, may designate heritage roads or road allowances under the Ontario Heritage Act.

B.3.4.5.8 Heritage roads shall be conserved and protected by the appropriate road authority without jeopardizing health and safety with a presumption against any works or undertakings that would adversely affect identified heritage attributes. In particular the City shall endeavour to retain and protect:

a) Existing road surface widths where they contribute to the heritage character of the road;

b) Existing trees and treelines within the road right-of-way;
c) Other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fencelines; and,


d) Transportation related heritage features, such as bridges, where they contribute to the special character of the road.

Works or undertakings, such as intersection improvements, may be undertaken at specific locations to remedy clearly demonstrated deficiencies at that location provided that they do not generally adversely affect the character or attributes of the heritage road. Additionally, development shall not be encouraged where it adversely affects or has the potential to adversely affect the character or attributes of a heritage road, such as the removal of distinctive tree lines and tree canopies, fencelines or hedgerows or the placement or introduction of berms, screens, gateway or entrance features or other unsympathetic barriers.

D.R.0 Rural Cultural Heritage – to be put into Chapters C and D

C.3.1.X General

*Cultural heritage resources* in those areas designated as Agriculture, Specialty Crop and Rural in this Plan shall be protected and *conserved* by maintaining individual cultural heritage features, including farm houses, barns, silos, hedgerows, tree lines and woodlots, and groupings of these resources.

D.5.X Rural Settlement Areas

D.5.X.1 In order to maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to *conserve cultural heritage resources*, *cultural heritage landscapes*, *areas of archaeological potential*, archaeological sites and the overall settlement character.

D.5.X.2 In order to *conserve* the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing *heritage attributes* of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks, building massing and orientation, and preservation of views, open spaces, and landmarks.

D.6.X Mineral Aggregate Resource Extraction Areas

D.6.X.1 The development of Mineral Aggregate Resource Extraction Areas shall not adversely impact *cultural heritage resources* either directly or indirectly unless suitably *conserved* or mitigated by the proponent to the satisfaction of the City and in accordance with studies required under the Aggregate Resources Act.
D. 6.X.2 The rehabilitation of areas impacted by resource extraction operations shall reflect and preserve elements of the pre-extraction character of the lands where possible.

D. 6.X.3 Historical Mineral Aggregate Extraction Areas, that contain former nineteenth and early twentieth century quarries, brick works and lime kilns, shall be preserved.

D. 6.X.4 Natural Heritage and Ecological Restoration
Public or private restoration initiatives to lands formerly in agricultural, industrial, aggregate extraction or residential use shall ensure the conservation of existing cultural heritage resources that reflect past land uses and alterations to the landscape. The City shall encourage the preservation and/or representation of archaeology, built heritage and/or cultural heritage landscape resources.

The preservation of these resources will not preclude the restoration of natural heritage features and ecological function, but will ensure that in a restored site the cultural history and physical remnants of the past are appropriately represented.

E.U.0 Urban Cultural Heritage - to be inserted into Chapter E

General
The Urban Area consists of many diverse districts, communities and neighbourhoods, each with their own character and form. The City shall recognize and consider these differences when evaluating development proposals in order to maintain the character of individual areas.

E.U.1 Downtowns [Boundaries to be defined with Urban Official Plan]

The City includes several Downtown areas (see Schedule X) that are historical centres of the community and typically contain a high concentration of cultural heritage resources and associated historical streetscapes, including buildings, such as town halls, landmark institutional buildings, commercial terraces, churches, railway stations, parks and distinctive residential areas.

E.U.1.1 Within these Downtown areas the City shall conserve individual cultural heritage properties and areas of heritage value, including streetscape features, traditional circulation patterns and important views, and ensure that new development respects and is compatible with the design of surrounding heritage buildings.

E.U.1.2 New development or redevelopment in Downtown areas containing heritage buildings and/or adjacent to a group of heritage buildings shall:
a) Encourage a consistent street orientation in any new building forms;

b) Maintain any established building line of existing building(s) or built form by using similar front yard setbacks;

c) Support the creation of a continuous street wall through built form on streets distinguished by commercial blocks or terraces;

d) Encourage building heights in new building(s) that reflect existing built form wherever possible or encourage forms that are stepped back at upper levels to reflect established cornice lines of adjacent buildings or other horizontal architectural forms or features; and,

e) Reflect the character, massing and materials of surrounding buildings.

E.U.1.3 Notwithstanding the foregoing policies, the City shall encourage the use of contemporary architectural styles, built forms and materials which respect the heritage context.

E.U.1.4 Where alterations are proposed to built heritage resources, the following principles shall be followed:

a) Maintain the basic relations of the horizontal divisions of the building;

b) Maintain original façade components and materials wherever possible;

c) Replicate the original parts and materials wherever possible; and,

d) Remove elements that are not part of and/or hide the original design.

E.U.2 Established Historical Neighbourhoods

The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.

E.U.2.1 Infill and Intensification in Established Historical Neighbourhoods

Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.
E.U.2.1.1 Intensification of established historical neighbourhoods through infill construction shall be encouraged where the demolition, destruction or loss of cultural heritage resources is minimized. A Cultural Heritage Impact Assessment shall accompany any infill proposal where demolition or loss of cultural heritage resources is proposed.

E.U.2.1.2 New infill construction within established historical neighbourhoods shall fit the immediate physical locale and the streetscape by being: of the same height and similar width as adjacent buildings; of similar setback; of like materials and colours; of similar roof type and pitch; and using similarly proportioned windows and doors as adjacent buildings.

However, the City will not encourage the imitation of historical styles and details and shall encourage the use of contemporary architectural styles, built forms and materials which respect the heritage context.

E.U.2.1.3 Required on-site parking for all residential intensification within established historical neighbourhoods shall be provided behind the main, existing building façade where possible. Garages or car ports should generally be no higher that the existing building and be setback substantially from the principal façade. Garages and car ports shall not be permitted to form part of the front building façade and any driveways or paved accesses to these structures shall be limited in width in order to conserve the character of front yards and associated streetscapes.

E.U.3 Commercial and Industrial Heritage Properties

The City shall encourage the intensification and redevelopment of commercial and industrial heritage properties. Any permitted redevelopment shall ensure, where possible, that the original building fabric and architectural features are retained and that any new additions will complement the existing building in accordance with the policies of this Plan.

To facilitate the intensification and redevelopment of such properties the City may allow reduced parking and/or other site and amenity requirements.

Implementation Policies - to be integrated into the policies of Chapter F

F.X.X.1 Public Undertakings

Prior to any municipal or provincial public works or other development or site alteration activities that are subject to the Environmental Assessment Act or other applicable legislation, the proponent shall identify and evaluate all cultural heritage resources, and where necessary ensure that suitable
conservation and/or mitigation measures, as assessed by a qualified heritage professional, are undertaken.

F.X.X.2 The City shall also enhance the environs of cultural heritage resources as part of capital works and maintenance projects through such means as tree planting, landscaping, street improvements, buried utilities, and the provision of street furniture, lighting, signage and other streetscape components, that are consistent or compatible with the character of the heritage resources.

F. X.X.3 Grants, Loans and Tax Incentives
The City may establish and maintain heritage grant, loan and tax incentive programs for owners and/or long-term lessees of designated heritage properties or properties with registered heritage conservation easements. Each program may include guidelines to determine eligibility for funding and to advise on appropriate conservation techniques.

F. X.X.4 Archaeology Management Plan

The City recognizes there are areas of archaeological potential and archaeological resources that remain unidentified and have yet to be subjected to a detailed assessment by a licensed archaeologist. To assist land owners and to provide for appropriate development, the City shall prepare an Archaeology Management Plan.

F. X.X.4.1 Until such time as an Archaeology Management Plan is complete, archaeological resource sites or areas of archaeological potential shall be identified and evaluated in accordance with provincial guidelines and City policies and protocols.

F. X.X.6 Easements and Acquisitions

F. X.X.6.1 The City may pass by-laws for entering into easement agreements or covenants with owners of property of cultural heritage value or interest for the purposes of conservation.

F. X.X.6.2 The City may participate in the management of cultural heritage resources through acquisition, disposition, purchase, lease, donation or other forms of involvement that will result in the sensitive conservation, restoration, and/or rehabilitation of those resources.

F. X.X.6.3 As the owner of some cultural heritage resources, the City shall protect, improve, and manage these resources in a manner which furthers the objectives of this plan and sets an example for the community.

F. X.X.7 Bonusing
The City may permit the transfer of density potential from one site to another for the following purposes:
a) to facilitate the retention of cultural heritage resources subject to compatibility of scale and architectural treatment between the heritage resource(s) and the new development and between the recipient site and its existing environs.

F. X.X.8 Site Plan Control
In the approval of site plans submitted under the Planning Act consideration shall be given to the character, scale, appearance and design features of the exteriors of those new buildings and structures that may be attached to built heritage resources or sited in close proximity to such resources and care shall be taken to permit only those changes that retain, protect, complement or do not otherwise harm distinguishing heritage features.
**GLOSSARY**

**Adjacent:** In regard to cultural heritage and archaeology, those lands contiguous to, or located within 50 metres of, a *protected heritage property*.

**Archaeological resources:** Include artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act* (PPS, 2005).

**Area of archaeological potential:** A defined geographical area with the potential to contain *archaeological resources*. Criteria for determining archaeological potential are established by the Province, this Plan and the City’s Archaeological Management Plan. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act* (adapted from PPS, 2005).

**Built heritage resources:** One or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community (PPS, 2005). These resources may be identified through inclusion in the City’s Register of Property of Cultural Heritage Value or Interest, designation or heritage conservation easement under the *Ontario Heritage Act*, and/or listed by local, provincial or federal jurisdictions.

**Conserve:** The identification, protection, use and/or management of *cultural heritage* and *archaeological resources*.

**Conserved:** The identification, protection, use and/or management of *cultural heritage* and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact statement (PPS, 2005).

**Cultural Heritage Impact Assessment:** A document comprising text and graphic material including plans, drawings and photographs that contains the results of historical research, field work, survey, analysis, and description(s) of *cultural heritage resources* together with a description of the process and procedures in deriving potential effects and mitigation measures as required by official plan policies and any other applicable or pertinent guidelines. A cultural heritage impact assessment may include an archaeological assessment where appropriate.

**Cultural heritage landscape:** A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*;
and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value. (PPS, 2005)

**Cultural Heritage Conservation Plan Statement:** A document comprising text and graphic material including plans, drawings and photographs that contains the results of historical research, field work, survey, analysis, and description(s) of cultural heritage resources together with a statement of cultural heritage value, interest, merit or significance accompanied by guidelines as required by the policies of this Plan. A Cultural Heritage Conservation Plan Statement shall be considered a conservation plan as included in the PPS (2005) definition of conserved shown above.

**Cultural heritage properties:** Properties that contain cultural heritage resources.

**Cultural heritage resources:** Structures, features, sites, and/or landscapes that, either individually or as part of a whole, are of historical, architectural, archaeological, and/or scenic value that may also represent intangible heritage, such as customs, ways-of-life, values, and activities.

**Early-Archaic:** Native cultural horizon, approximately 10,000 to 7,000 years ago, marked by intensification of Native settlement across the American continents, and change of subsistence patterns.

**Established historical neighbourhood:** a physically defined geographical area that was substantially built prior to 1950.

**Heritage attributes:** The principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property (PPS, 2005).

**Historic:** A time period, starting approximately 200 years ago, during which European settlement became increasingly widespread in the Hamilton area and for which a written (or ‘historic’) record has been kept.

**Intensification:** The development of a property, site or area at a higher density than currently exists through:

a. redevelopment, including the reuse of brownfield sites;
b. the development of vacant and/or underutilized lots within previously developed areas;
c. infill development; and
d. the expansion or conversion of existing buildings. (PPS, 2005)

**Lithic scatters:** A collection of stone tools and/or debris from the manufacture and use of stone tools.
**Middle- and Late-Archaic:** Native cultural horizons, approximately 7,000 to 3,000 years ago, marked by technological adaptations and regionalization of traditions and styles.

**Natives:** Indians as defined by the [Indian Act of Canada](https://canada.legislation.parliment.org/enacted-laws/act/1985-02-16).

**Paleo-Indian:** Native cultural horizon, approximately 12,000 to 9,500 years ago, associated with the first human colonization of the American continents.

**Post-contact:** Anytime after the European colonization of the Hamilton area, approximately 350 years ago, to the present.

**Protected heritage property:** Real property designated under Parts IV, V or VI of the [Ontario Heritage Act](https://www.ontario.ca/act); heritage conservation easement property under Parts II or IV of the [Ontario Heritage Act](https://www.ontario.ca/act); and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss (PPS, 2005).

**Residential intensification:** *Intensification* of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a. redevelopment, including the redevelopment of brownfield sites;
- b. the *development* of vacant or underutilized lots within previously developed areas;
- c. infill *development*;
- d. the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses. (PPS, 2005)

**Significant:** In regard to cultural heritage and archaeology, means *cultural heritage resources* that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people (PPS, 2005).

**Site alteration:** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site (PPS, 2005).

**Soil disturbance:** means activities such as, but not limited to, tree planting; grubbing, including tree and brush removal; grading; stockpiling; soil capping or placement of fill; demolition; use of heavy machinery on-site, including staging areas and access routes; and, landscaping and landscape stabilization, which have the potential to impact and/or remove archaeological resources.
**Woodland:** In regard to archaeology, refers to a *Native* cultural horizon, approximately 3,000 to 300 years ago, marked by a large population increase and adoption of agricultural practices.
Hamilton Official Plan
Appendix X-1
Overall Cultural Heritage Resources

Legend
- Cultural Heritage Landscapes
- Individually Designated Properties (Part FC)
- Heritage Conservation Districts (HCD)
  1. Gross Melville
  2. Dundurn Mansion
  3. Hamilton Beach
  4. MacNaughton House
  5. St. Clair Pier
  6. St. Clair Bed
  7. MIl St
- Municipal Easements
- Ontario Heritage Trust Easements
- Urban Boundary
- Municipal Boundary
- Escarpment

Appendix 'A' to Report PED08282
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Note: For a detailed view of Cultural Heritage, refer to Appendices X-1, X-2 & X-3.

Cultural Heritage Landscapes
Individually Designated Properties
Heritage Conservation Districts

1. Cross Melville
2. Durand-Hickland
3. Hamilton Beach
4. Merital-Chambers
5. St Clair Ave
6. St Clair Blvd
7. Hill St

Municipal Easements
Ontario Heritage Trust Easements
Urban Boundary
Municipal Boundary
Niagara Escarpment

Appendix 'A' to Report PED08282
Page 26 of 27
## Summary of Comments Received for Proposed Cultural Heritage Policies
### Based on Comments from Public Consultation

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Summarized Comments on the Proposed Policies</th>
<th>How addressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizen</td>
<td>• I feel that we need deterrents for developers who take it upon themselves to fell/cut down a whole area [of trees] at risk of fines – they do not fear the present fines or deterrents. Much has to be done to preserve natural settings, trees in Ancaster and Hamilton – not enough is being done. The new policies will help somewhat.</td>
<td>• No policy change required</td>
</tr>
<tr>
<td>Citizen</td>
<td>• Pleased that this is proceeding as many properties seem to be in poor structural condition and maybe they need to be identified</td>
<td>• No policy change required</td>
</tr>
</tbody>
</table>
| Karen Wilkins| • Are these initiatives taken by the City? Does the City uphold these objectives themselves where areas are studied and found to be historically and culturally significant or do heritage aspects have to be designated?  
• Please know this draft plan is amazing. The detail and comprehensiveness is superb. The structured support this Cultural Heritage Resource Plan could offer is so essential in assisting villages such as Ancaster to grow in ways that will preserve, not just the built heritage but valued social and economic flows in their communities intact.  
• "City" help [identifying areas/assessing needs and potential/providing constructive guidance and support] in the interests of preserving built heritage, social and economic values with respect for traffic flows and physical connections of community to its assets is so essential to sustaining our healthy communities. This allows for the identification of the needs and functions of open spaces, connecting trails, sidewalks and roads and allows us to ensure respect is paid to what a community values within itself. Growth is good but it must not be allowed to take things a community cherishes and destroy them.  
• It is important to recognize that the profit a developer derives from developing a site, such as in the heart of Ancaster, is due to a great extent, as you have so rightly identified from tangible and intangible value already existing in that community. These community assets must be respected and preserved, not simply tapped into for profit. It is important to remember that the only truly lasting profit or loss that is derived from developing is that of the community itself. | • No policy change required. |
### Summary of Comments Received for Proposed Cultural Heritage Policies

**Based on Comments from Public Consultation**

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<thead>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>• This Cultural Heritage Resource Official Plan is a truly significant document. It has the potential to give the smaller but vital communities their identity back and a real means to protect and control their future growth and development, while still in the confines of amalgamated governance; something I did not feel was possible. If this is successfully implemented it will be government progress in a most positive and constructive form.</strong></td>
<td></td>
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<tr>
<td><strong>• We think what you have done is wonderful. We now need to know how to implement these principles.</strong></td>
<td></td>
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<tr>
<td>Pauline Maue</td>
<td><strong>• Will this document give our ACC committee any leverage, or say, when dealing with developers in the protection and development of Ancaster? Development and infilling is happening fast and furious – we are losing our character and identity very quickly.</strong></td>
<td></td>
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<tr>
<td></td>
<td><strong>• This is a wonderful document that will work beautifully – parallel – to the government legislated Infilling policy etc. All the Guidelines in the Document are so relevant to what we are facing daily in Ancaster. If the policies are put in place immediately and implemented ASAP, they will keep all the communities vibrant and strong.</strong></td>
<td></td>
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<tr>
<td><strong>• As the owner of a historic designated property, I find the current policies/support unhelpful. I would recommend the City focus on:</strong></td>
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<td></td>
<td><strong>1. The age of the building – the older, the more the City should offer assistance.</strong></td>
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<td><strong>2. Whether or not the building is designated/officially. “historical” buildings should be more supported by City assistance than non-designated buildings.</strong></td>
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<td></td>
<td><strong>3. The income of the owner-the lower, the more assistance, more lenient terms of financial assistance to restore/maintain the building.</strong></td>
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<td></td>
<td><strong>4. The willingness of the owner of the historical building to work with the City restoring/maintaining structure, etc., with City financial assistance.</strong></td>
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<td></td>
<td><strong>• The City should also seek (with a willing owner) to rent part/all of the premises for City staffing, etc., or to find other means of</strong></td>
<td></td>
</tr>
<tr>
<td>Citizen</td>
<td><strong>• No policy change required</strong></td>
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<td><strong>• No policy change required.</strong></td>
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## Summary of Comments Received for Proposed Cultural Heritage Policies
Based on Comments from Public Consultation

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<tr>
<td>Citizen</td>
<td>supporting both the building and owners interest in protecting the historic building. The current policies are a failure and the City should immediately consult with owners like me to develop programs as suggested above. If the City is genuine in protecting heritage buildings, the City would shave/alleviate the significant burden of owners wanting to preserve or restore historic buildings but being unfairly treated as such protection is for the City’s well being/society’s well being but all the burden is carried only by the owner!</td>
<td>• No policy change required.</td>
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<td>• Because of its vulnerability, my prime interest in this policy development is the built heritage component. I was of course very pleased to see comments such as “new opportunities for strengthening Hamilton’s approach” and the requirement that “properties of cultural heritage value or interest” be preserved – it gives us new powers to protect the contextual setting rather than just the building itself. This is good news, and the tone of the information provided is one that should give optimism that we as a city are looking to use the tools now provided with the Ontario Heritage Act to preserve and adaptively re use our wonderful built heritage resources.</td>
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<td>• My agreement and encouragement is strong for the beginnings of the heritage protection that this information provided infers.</td>
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<td>• However…it does appear that this thought process is not widespread in the actions of the city staff and elected officials. How can we allow yet another wonderful heritage jewel to fall down from wilful neglect? Demolition by actively encouraging deterioration – open (broken) windows, lack of even minimal maintenance – appears to be acceptable in our city. Sadly, the huge negative impact on adjacent properties and business appears to be acceptable too. There will be no sense in spending the time putting appropriate cultural heritage policies if we do not also put in place and implement the appropriate inspections and enforcement of maintenance needs.</td>
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<td></td>
<td>• Many buildings in the city have been beautifully preserved and re used, obviously with economic justification for the people involved…but then wilful neglect was not a huge factor, making preservation more costly than demolition and redevelopment.</td>
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|              | • Adding large volumes of demolition material to landfill plus the resource cost of new building material must be realistically...
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| John Knechtel                | considered in ‘the tear it down’ scenario.  
|                              | • A strong, enforced, Cultural Heritage Resource Policy – which stresses preservation and re use of heritage buildings – is not only the right thing to do in retaining the city's character and liveability, it is the right thing to do environmentally as well! | No policy change required.  |
| Citizen Group (SAVE, Hope Gibson) | • Suggest building in proactive measures for updated “inventory” – that are easy for staff to implement                      | No policy change required.  |
|                              | • First we would like to congratulate you and your planning team for a wonderful draft document on the “Cultural Heritage Resource Official Plan Policies – March 2008” and its supporting document. We, and our constituents, are in full support of all your efforts. Such a policy review is long over due.  
|                              | • There is no doubt that the original Village of Ancaster and its surrounding neighbourhoods deserve cultural heritage consideration. The original village core – Montgomery to Halson – is a treasure of pre-confederation architecture. The core gives Ancaster – new and old – its identity. This our constituents value greatly.  
|                              | • We feel that Ancaster deserves secondary planning to accommodate development while preserving our rich heritage. We feel there is some urgency as significant land parcels, within the village core, will soon become available for development. The school board property off Queen St. at Sulphur Spring Rd. and Wilson St. is one example. Without the guidance of sound secondary planning, such developments may further the degradation of the village core and not its preservation.  
|                              | • There are many issues here of great concern. Your mandate talks to the heritage issues, while the comprehensive traffic study of Ancaster talks to the additional pressures of traffic growth. These two issues are interrelated as traffic management impacts greatly on heritage preservation.  
|                              | • We welcome your support and your initiative.                                                                              |                            |
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<td>Six Nations Land &amp; Resources Department Staff</td>
<td>1. Many specific questions about the planning and the development process.</td>
<td>1. No policy change required.</td>
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<td>Jan. 31, 2008 meeting</td>
<td>2. Prefer to the term “First Nations” to “aboriginal” or “native”.</td>
<td>2. Revised the paper and policies to use the term “First Nations”.</td>
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<td>3. Questioned the role of The Founding First Nations Circle as described in the background paper and stated that the Circle does not represent Six Nations.</td>
<td>3. - 5. No policy change required.</td>
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<td></td>
<td>4. Appreciated First Nations perspectives on burials described in the paper, but would like an Iroquoisian perspective included.</td>
<td>6. Presentation to the Lands and Resources Committee April 10, 2008.</td>
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<td>5. Commented that the City of Hamilton is ahead of other municipalities in our protection of archaeology.</td>
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<td>6. Discussed presenting the draft policies to their Lands and Resources Committee.</td>
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<td>Various Citizens</td>
<td>March 31, 2008 – Public Information Centre – Worker’s Arts &amp; Heritage Centre (25 attendees)</td>
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<td></td>
<td>1. Are there any policies on transferring of development rights from heritage buildings?</td>
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<td>2. The City needs some creative taxation initiatives such as taxing vacant land appropriately based on potential and enforcing property standards for designated buildings.</td>
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<td>3. Likes what he is hearing and is concerned that the City has taken too reactive a stance. Suggests reaching out to the community, inviting submissions on heritage landscapes and other inventories, possibly through advertising or and adhoc committee.</td>
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<td>4. What are the consequences for people who don’t comply with the OP? There should be fines and stronger deterrents.</td>
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<td>Advisory Committee Against Racism</td>
<td>Comment when booking meeting: one primary interest of the Committee Against Racism is inclusiveness and that City naming policies have tended to be Eurocentric.</td>
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<td>May 27, 2008 meeting</td>
<td>1. Heritage is important. Heritage education should be a part of the educational curriculum to raise a sense of Canadian nationalism and increase the pride of the kids for their country and themselves.</td>
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<td>2. The policies focus on protecting the physical heritage. How could it accommodate the cultural changes that our happening in our city, the increasing immigration? How can heritage protection reflect groups which are newer to Canada? Also, how can we reflect these cultural changes and consequent changing architectural needs? For instance, in Pakistan, people cook in a separate place outside so that cooking smells do not permeate the whole house. For the same reasons, in</td>
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<td>1. No policy change required.</td>
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<td>2. Cultural heritage can be recent. Policy B.3.4.2.14b) revised.</td>
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<td>3. No policy change required.</td>
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<td>4. Policy B.3.4.2.14b) revised. More in depth revisions beyond scope.</td>
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<td>Canada many Pakistanis set up propane cooking facilities in the garage or on the balcony. How could architecture reflect such changing needs?</td>
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<td>3. How are you balancing protection of heritage with needs for new development and economic development? Mississauga is doing so well economically in part because they make setting up a new business easy for people, especially business immigrants. One question to raise is: are business immigrants getting frustrated with the development process? Others in the group concurred that there is too much bureaucracy at the City and that this is making Hamilton less appealing to business and investors. Immigrants are choosing to live in places where it is easier to get established. Economic development and attracting business and investment is critical for Hamilton.</td>
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<td>4. One of the deficiencies with Hamilton in which the group might be helpful is that some of our City's important historical memories are missing; we need to reclaim representation of groups whose impacts on the City have not been adequately commemorated, such as the aboriginal and black communities. Would like to see strong policy to recognize missing histories.</td>
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<td>Aboriginal Advisory Committee</td>
<td>• Would like to be consulted and engaged in a more meaningful and collaborative way by the City and the Planning Department generally.</td>
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<td>June 4, 2008</td>
<td>• Wanted copies of the policies to review in depth. No further comments were received from the group.</td>
<td>• No policy change required</td>
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<td>Hamilton-Halton Home Builders Association</td>
<td>1. When buildings are listed through completion of the inventory, will owners be notified and will they be compensated? Listing means an immediate decrease in property value.</td>
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<td>Oct. 8, 2008 meeting</td>
<td>2. Your comment that Council can just designate properties that they deem to be of cultural heritage value and interest set off warning bells for me. – As long as it goes through a full process, that is fine.</td>
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<td>3. Heritage Conservation Districts – people don't always know when they are in a HCD. There were people in Waterdown who did a beautiful home renovation and then were caught after because it turned out that they were in a HCD and had no idea. It is necessary to put such things on title of the property so owners and new purchasers are aware.</td>
<td>1. Yes, owners will be notified; is a public process to be followed.</td>
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<td>2. Power to designate comes from the Ontario Heritage Act, not the policies, and has existed for some time. A full public process is still required.</td>
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<td>3. Now required to put HCD on title. Waterdown was</td>
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<td>4. What is the timing of the inventory of built heritage? Will Council see the inventory before they approve the policies?</td>
<td>done some time ago, before requirement.</td>
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<td>5. I don't see any economic income statement. There is no mention of cost associated with the policies to either the City or landowners. You are asking Council to approve something with no indication of its cost.</td>
<td>4. Inventory will not be done before the policies go before Council June 2009.</td>
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<td>6. We want common sense as to when an archaeological assessment is required, what constitutes soil disturbance or when there is no potential for archaeological artefacts to remain due to previous site disturbance. The problem is that it is now an automatic condition for certain applications, regardless of the situation. (There was much talk about paved areas and heavy industrial sites.) There is a need for consistency as to what constitutes soil disturbance.</td>
<td>5. Policies based on provincial direction. Will be no increased operating costs to implement, no increased staff, etc.</td>
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<td>7. Need to clarify that the OP policies only apply to Planning Act applications or it may be required for other things in practice.</td>
<td>6. Definition of “soil disturbance” and “site alteration” added to Glossary.</td>
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<td>8. Protection of non-designated and non-registered properties is a real Pandora’s box. eg. 1824 Rymal Road – old farmhouse torn down - $3500 for an assessment. For any project with an existing house on it we are asked to do an assessment. We would like guidelines from the City as to when they are required and when not rather than just a blanket requirement. We can work with guidelines.</td>
<td>Staff Report PED08282 refers to status of implementing guidelines, including the Archaeology Management Plan.</td>
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<td>9. Comments that this is not a very public process.</td>
<td>7. Most policies already specify only for Planning Act applications. Policy B.3.4.3.3.4 revised.</td>
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<td>10. Question regarding whether heritage roads are designated or will be part of the inventory.</td>
<td>9. Refer to “Relevant Consultation” section of Report PED08282.</td>
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<td>10. Heritage roads are likely to be identified and listed as part of the cultural heritage landscapes inventory, which will be subject to a public consultation process.</td>
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