

ATTACHMENT B - DRAFT HERITAGE IMPACT ASSESSMENT GUIDELINES

What is a Heritage Impact Assessment?

A Heritage Impact Assessment (HIA) is a study to determine if any cultural heritage resources are impacted by a specific proposed development or site alteration. It can also demonstrate how the cultural heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative, avoidance measures, alternative development, and/or site alteration approaches may be recommended. HIAs are an important planning tool in the land development process.

Policy Context

The City of Greater Sudbury Official Plan (Section 13.0) requires a Heritage Impact Assessment for development and intensification proposals or public works that include or are contiguous to a property designated under the *Ontario Heritage Act* or non-designated property included on the Municipal Heritage Register. The City's Official Plan permits an HIA to be scoped or waived by the City.

The Provincial Policy Statement (PPS, 2020) issued under the Ontario Planning Act encourages municipalities to use HIAs in the planning process.

See Appendices for more information on the policy context.

When is a Heritage Impact Assessment required?

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

- A. Applications on Designated Property
- B. Applications contiguous to Designated Property
- C. Applications on properties listed on the Municipal Heritage Register
- D. Applications contiguous to properties listed on the Municipal Heritage Register

A. Applications on Designated Property

The types of applications that may trigger the need for an HIA for development or intensification proposals that **include** a property **designated** under the Heritage Act include (but are not limited to) the following:

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

- Site Alteration

B. Applications contiguous to designated property

The types of applications that may trigger the need for an HIA for development or intensification proposals that **are contiguous** to a property **designated** under the Heritage Act include (but are not limited to) the following:

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

C. Applications on properties listed on the Municipal Heritage Register

The types of applications that may trigger the need for an HIA for development or intensification proposals that **include** a property that is listed on the Municipal Heritage Register as a **non-designated** property, include (but are not limited to) the following:

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

D. Applications contiguous to properties listed on the Municipal Heritage Register

The types of applications that may trigger the need for an HIA for development or intensification proposals that **are contiguous** to a property that is listed on the Municipal Heritage Register as a **non-designated** property, include (but are not limited to) the following:

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

At the Director of Land Use Planning's discretion, an HIA may be scoped or waived based on the potential negative impacts of the proposed development on a heritage resource.

Notification

An HIA is most effective when it is conducted early in the development application process and should form part of a complete application. The findings, conclusions and recommendations of the HIA should be reflected in the final development concept advanced to the City.

To this end, City of Greater Sudbury staff will endeavor to inform property owners and/or their representative of the need for an HIA early in the development process, as part of the established SPART review.

Qualified Heritage Conservation Professional

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

Principles

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

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

Minimum Content Requirements

A heritage impact assessment generally contains, but is not limited to the following information:

- 1. New Regulatory Minimum Requirements [Pending Provincial Legislation]**
- 2. Historical Research, Site Analysis and Evaluation**

If the available identification and description of the significance and heritage attributes of the cultural heritage resource are inadequate for the purposes of the heritage impact assessment, or the cultural heritage resource is newly identified, research, site survey and analysis, and evaluation are required. An explanation of the methodology used must accompany a clear statement of the conclusions

regarding the significance and heritage attributes of the cultural heritage resource.

3. Identification of the Significance and Heritage Attributes of the Cultural Heritage Resource

This is usually a summary of the cultural heritage value or interest and the heritage attributes contained in a heritage property municipal designation bylaw, heritage conservation easement agreement, or other listings. This summary should clearly articulate the cultural heritage value or interest and heritage attributes of the heritage resource. If the property is not a protected heritage property but is listed or is newly identified and may possess heritage significance, statements of cultural heritage value or interest and the heritage attributes should still be developed.

4. Description of the Proposed Development or Site Alteration

This description details the rationale and purpose for the development or site alteration, the proposed works and graphical layout, and how the development or site alteration fits with the objectives and Official Plan policies of the City.

5. Measurement of Development or Site Alteration Impact

Any impact (direct or indirect, physical or aesthetic) of the proposed development or site alteration on a cultural heritage resource must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.

Negative impact on a cultural heritage resource include, but are not limited to:

- Destruction of any, or part of any, significant heritage attributes or features;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;

- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
- A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.

6. Consideration of Alternatives, Mitigation and Conservation Methods

Where an impact on a cultural heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative development or site alteration approaches must be recommended.

Methods of minimizing or avoiding a negative impact on a cultural heritage resource include, but are not limited to:

- Alternative development approaches
- Isolating development and site alteration from significant built and natural features and vistas
- Design guidelines that harmonize mass, setback, setting, and materials
- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alterations
- Buffer zones, site plan control, and other planning mechanisms

7. Implementation and Monitoring

This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the cultural heritage resource as the development or site alteration progresses.

8. Summary Statement and Conservation Recommendations

This is a description of:

- the significance and heritage attributes of the cultural heritage resource;
- the identification of any impact that the proposed development will have on the cultural heritage resource;
- an explanation of what conservation or mitigative measures, or alternative development or site alteration approaches are recommended to minimize or avoid any impact on the cultural heritage resource;
- if applicable, clarification of why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate;
- how the City's Official Plan policies on heritage have been considered.

Process and Review

Notice

Planning applications will be reviewed by staff, in consultation with the land owner/applicant as part of the SPART process, where applicable.

Staff will notify the property owner(s) and their representative in writing that an HIA is required as part of a complete planning act application. The HIA Guidelines will be included with the Notice.

Completeness

The HIA will be assessed by staff for completeness. Staff will provide the author of the HIA with instructions regarding any additional information or analysis required before the HIA is considered complete.

Review

Complete HIAs will be reviewed by City staff. To be accepted, the HIAs must demonstrate, to the satisfaction of the Director of Land Use Planning, that the requirements of the Official Plan and of these guidelines have been met.

City staff may request to meet with the owner/applicant to discuss the HIA and its recommendations.

Peer Review

In certain cases, the City may seek a peer review of the HIA by a qualified heritage conservation professional. The peer review will be carried out by a consultant retained by the City, at the expense of the applicant.

Acceptance

Authors of complete HIAs carried out to the satisfaction of the Director of Land Use Planning will be provided with comments in writing along with a notification of acceptance or rejection of the HIA.

Final Submission

An accepted HIA will accompany the final application made under the Planning Act or Heritage Act and will be considered as part of the complete application. The HIA will be circulated to the Municipal Heritage Advisory Panel for comment, where required under the Heritage Act. The HIA's recommendations may be secured through development-related legal agreements and regulations at the discretion of the City or authority having jurisdiction.