

COMMITTEE REPORT



TO **Planning & Building, Engineering and Environment
Committee**

SERVICE AREA Planning, Building, Engineering and Environment
DATE December 10, 2012

**SUBJECT Brooklyn and College Hill Heritage Conservation District
Boundary – Final Recommendation**

REPORT NUMBER 12-102

SUMMARY

Purpose of Report: To describe for Council the result of Planning staff discussions with property owners and stakeholders who had expressed outstanding boundary issues in delegation to Council or in written submissions to Planning staff and also to provide Council with staff's recommendation as to the final boundary for the Brooklyn and College Hill Heritage Conservation District.

Committee Action: To approve the final boundary for the Brooklyn and College Hill Heritage Conservation District.

RECOMMENDATION

"THAT the Planning, Building, Engineering and Environment Report 12-102, regarding the Brooklyn and College Hill Heritage Conservation District Boundary – Final Recommendation, dated December 10, 2012, be received;

AND THAT Council adopt the Alternative Boundary Option B as the final boundary for the Brooklyn College Hill Heritage Conservation District Plan as shown in Attachment 4 of PBEE Report 12-102 (dated December 10, 2012);

AND THAT staff and Heritage Guelph be directed to undertake background research and initiate preliminary discussion with the property owners of 220 Gordon Street and 22 James Street East regarding the potential for individual designation under Part IV of the Ontario Heritage Act;

AND THAT the City enter into discussion with the University of Guelph regarding height and scale limits and appropriate setbacks with respect to the redevelopment of 346 Gordon Street."

BACKGROUND

Municipal heritage conservation district studies generally follow a two-part process: a background study of the potential district's heritage attributes together with identification of a boundary that appropriately encompasses those properties; and a heritage conservation district plan that provides guidance on how to manage properties within the area. This approach became formalized in 2005 when the Ontario Heritage Act was substantially amended to provide a comprehensive system of district study and designation.

The Ontario Heritage Act, (notably subsection 40(2)) prescribes that a study shall:

- (a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;
- (b) examine and make recommendations as to the geographic boundaries of the area to be designated;
- (c) consider and make recommendations as to the objectives of the Plan under Section 41.1;
- (d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws.

There is a clear expectation as part of the study process that a boundary would be sufficiently firmed up to be able to advance into the second phase of the district designation process, namely preparation of the district plan. The Ontario Heritage Act specifies the content of a heritage conservation district plan but there is no explicit reference to further examination or refinement of the district boundary.

The Brooklyn and College Hill Heritage Conservation District Study process is following this two-phase process. Phase 1 was completed and the Assessment Report was received by Council on February 27, 2012 and Council directed that Phase 2 of the process commence.

Through Phase 1 of the Brooklyn and College Hill HCD Study process, the consultants carefully evaluated the cultural heritage value of the subject area, examined all available research materials and considered the specific requirements of Ontario Heritage Act and identified a recommended district boundary.

At the meeting of Guelph City Council held February 27, 2012, the following resolution was adopted:

“THAT the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012) be received;

AND THAT staff be directed to proceed with the second phase of the Brooklyn and College Hill Heritage Conservation District designation process for the purposes of creating a Draft Brooklyn and College Hill

Heritage Conservation District Plan and Design Guidelines according to Part V, Section 40(1) of the Ontario Heritage Act;

AND THAT the proposed Heritage Conservation District boundary, as Attachment 1 of the report, recommended by the consultant in the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012 - Attachment 2) be acknowledged and that staff be directed to report back to Council with a final recommended Heritage Conservation District boundary during the second phase of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee to present a timeline to address the outstanding boundary issues;

AND THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee on a proposed public consultation program to be carried out as part of the second phase of the Heritage Conservation District designation process.”

At the meeting of Guelph City Council held April 23, 2012, the following resolution was adopted:

“THAT Report 12-45 dated April 16, 2012 from Planning & Building, Engineering and Environment, regarding the recommendation of a process to address outstanding boundary issues and a proposed public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process be received;

AND THAT Planning staff be directed to carry out the necessary steps of the recommended process to address outstanding boundary issues in the early stage of Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT Planning staff be directed to carry out the recommended public consultation program for Phase 2 of the Brooklyn and College Hill Heritage Conservation District designation process;

AND THAT the public commenting response time be extended to September 30th.”

As the extended period for public comment response time for outstanding heritage conservation district boundary issues has past, the following report responds to Council’s 27 February 2012 and 23 April 2012 resolutions regarding finalization of the boundary.

REPORT

In their HCD Study Report (Feb 2012), the City's consultants stated that the delineation of the proposed HCD boundary was intended to capture four distinctive areas, as follows:

- *The Speed and Eramosa Riverscapes which include the linear body of water from the confluence of the two rivers to the Wellington Street Dam, the naturalized river edges and retaining walls, the intervening bridge crossings, and associated riverside parks and structures;*
- *The Gordon Street corridor from its intersection with College Avenue at the south end and its gateway attributes as a point of entrance and exit, to the crossing of the Speed River at the north end as it meets the open and expansive area of parkland at its east and west sides;*
- *The residential area of Brooklyn, a compact clustered settlement around Water Street, Albert Street, James Street, Forbes Avenue (formerly Charles Street) and Mary Street which includes a variety of stone, frame and brick residences; and*
- *A small residential area on James Street East (formerly Bay Street) which originally incorporated the electrical rail line, power house and station of the Toronto Suburban Railway.*

(Brooklyn and College Hill Heritage Conservation District Study
- Heritage Assessment Report, p. 3-2)

The consultant's professional opinion and advice is respected and highly valued as the end product of in-depth research and extensive consideration of the requirements of provincial legislation and guidelines. The culmination of the first phase of the HCD study process and that the HCD boundary recommended by the consultants (Attachment 2) is supported by City staff. However, in light of concerns expressed by some property owners and based on further discussion with interested parties, a number of refinements to the HCD boundary are appropriate to achieve what Planning staff see as the community's ultimate goal – to achieve a successful first Heritage Conservation District in the Brooklyn and College Hill area of the City of Guelph. These refinements will allow the second phase of the HCD designation process to move forward in a positive and constructive manner.

Proposal of an Alternative HCD Boundary

Planning staff are recommending that, in addition to the Brooklyn and College Hill Heritage Conservation District boundary that was acknowledged by Council in February 2012, Council should consider two additional boundary options as alternatives. These two alternatives are shown as Option A and Option B in Attachments 3 and 4 respectively. The proposed alternative boundaries are indicated by a red line and the areas coloured in yellow are proposed for removal from the HCD boundary area.

The following analysis provides a brief description of the alternative boundary limits, the areas proposed for removal from the HCD area, the rationale that led staff to their conclusion and their recommendations relating to the preferred option.

Alternative HCD Boundary - Option A can be described as being the same as the HCD boundary acknowledged by Council in February 2012 but with the following changes:

- Wellington Street dam is no longer included;
- properties east of 22 James Street East and 220 Gordon Street are no longer included;
- properties east of Gordon Street, between 220 Gordon Street and 314 Gordon and between University Avenue East and College Avenue East are no longer included;
- properties west of Gordon Street, between 359 Gordon Street and College Avenue West are no longer included.

Option B can be described as being almost identical to Option A but with the following difference: properties east of Gordon Street, between 176 Gordon Street (Marianne's Park) and 314 Gordon would no longer be included in the HCD area.

If Council were to take the position that their intent in this area of the HCD was to limit the district to only the original Brooklyn residential neighbourhood it could choose Option B for the HCD boundary. As stated below, any built heritage resources that are not ultimately included within the final HCD boundary may be considered by Council for individual designation under Part IV of the Ontario Heritage Act.

Issue Areas

Following staff's submission and support for the consultant's Brooklyn and College Hill Heritage Conservation District Study - Assessment Report (hereafter referred to as HCD Study Report Feb 2012), a number of individual property owners and stakeholder groups expressed concerns and disagreement with regard to the proposed HCD boundary.

The Senior Heritage Planner arranged meetings for discussion with property owners or stakeholder representatives who had formally expressed concerns regarding the proposed Brooklyn and College Hill Heritage Conservation District boundary. The purpose of these meetings was to provide an opportunity for the property owners to describe the outstanding boundary issues which they expressed in delegation to Council or in written submissions to Planning staff during the extended public comment period which expired at the end of September 2012.

The areas associated with these outstanding issues have been identified as "boundary issue areas" in Attachment 5.

Boundary Issue Area 1

The consultant's HCD Study Report (Feb 2012) recommended the inclusion of a portion of the Speed and Eramosa Riverscapes including the linear body of water from the confluence of the two rivers to the Wellington Street Dam, the naturalized

river edges and retaining walls, the intervening bridge crossings, and associated riverside parks and structures.

Stakeholder groups such as Guelph's River Systems Advisory Committee, the Grand River Conservation Authority and Trout Unlimited Canada were among those who made a written submission to Planning staff expressing their opinion and recommendation that the Wellington Street dam and the elevated waters that result from the use of the current structure not be included in the proposed heritage district so as not to preclude future change in the hydrological function in order to improve the health of the rivers and affect improved water quality as well as ecological and aquatic restoration.

Planning staff's opinion regarding the Wellington Street dam is that the dam structure itself has no physical or design cultural heritage value and, therefore, does not need to remain within the HCD boundary. However, Planning staff are of the opinion that the riverscape area shown in the alternative boundary Options A and B should remain as part of the HCD boundary as this riverscape has been proven by the consultant's HCD Study Report (Feb 2012) to be a valuable cultural heritage landscape and a significant element of the proposed HCD functioning as a transition area connecting the original downtown and the original mid-19th century Brooklyn residential area.

In their HCD Study Report (Feb 2012), the consultants have already suggested that the key to any practical and symbiotic solution for competing views on ecological, natural heritage and cultural heritage values involves the creation of HCD policies that seek to attain a balanced approach.

To protect and maintain the Speed and Eramosa Riverscapes as cultural heritage places particularly the retention of an open body of water and associated embankments and seek a balance with natural heritage regeneration objectives and initiatives for these sensitive spaces.

(Brooklyn and College Hill Heritage Conservation District Study
- Heritage Assessment Report, p. 4-4)

The Speed and Eramosa Rivers as part of the Grand River watershed are already recognized federally for their cultural and natural heritage value as a part of the Canadian Heritage River system. The inclusion of this riverscape as a cultural heritage landscape in the proposed heritage district is a testament to its cultural heritage value or interest. No matter what is determined in future for the fate of the Wellington Street dam and what are to be the approved water levels, the hydrological function and ecological health of the river system is already, and will always be, controlled by a combination of municipal, provincial and federal jurisdictions and authorities. Consideration of the removal of the Wellington Street dam would require that these authorities be consulted through a full and balanced Environmental Assessment (EA) process. That EA process must have regard for any existing Heritage Conservation District but it would not see the HCD Plan and Guidelines or the Ontario Heritage Act as the sole authority as to governing the future water levels of the riverscape.

The University of Guelph has requested that the HCD boundary at the confluence of the Speed and Eramosa Rivers match the U of G's property line without the 5 meter buffer inland from the high water mark that Planning staff and the City's consultant continue to recommend. The intent of the buffer is to include and maintain the tree-lined southern riparian edge as seen from the Gordon Street Bridge as an important element of the river as a cultural heritage landscape. The U of G has stated that the proposed buffer area is already protected by a number of other regulations and is not buildable land – therefore, they would prefer to not have a further encumbrance on this portion of their property. Even though Heritage Guelph has recommended at their 12 Nov 2012 meeting that the HCD boundary should follow the University of Guelph's property line at the river's edge (see Attachment 5), Planning staff are of the opinion that because this area of land has so many existing restrictions, it is felt that the land owner should have no reason to object to the inclusion of the buffer area in the HCD.

Boundary Issue Area 2

The area that became known as "Brooklyn" in the mid-19th century was subdivided for residential lots just before Guelph's boundaries were expanded to include lands to the south of the Speed River in 1854. It has been clarified through further discussion that the original Brooklyn neighbourhood is generally thought to be encompassed by Gordon Street to the east, the Speed River to the north, Gow's Bridge and Mary Street to the west and by the rise in topography on the south side of what is now Forbes Avenue (formerly Charles Street). What is now James Street East (formerly Bay Street until 1956) was not part of this original Brooklyn area and did not fully develop until later in the 19th century.

Planning staff's recommendation in Option A is to reduce the HCD area east of Gordon Street so that it includes the two properties on James Street East that have already been listed as non-designated properties in the Municipal Register of Cultural Heritage Properties (220 Gordon Street and 22 James Street East). The benefit of Option A (over Option B) is that inclusion of these two elements relating to the HCD would be a more practical and efficient method to conserve these distinctive built heritage resources as opposed to the alternative of individual designation under the Ontario Heritage Act.

220 Gordon Street contains a 1850-1870s limestone building that has become a recognized landmark at the intersection of Gordon Street and James Street East (Attachment 5). The building has been an important element of the Brooklyn and College Hill neighbourhoods' history and the development of the Dundas Road/Gordon Street corridor as it housed a carriage factory and a neighbourhood grocery store in the mid to late-19th century. Even though it was not geographically within the identified original Brooklyn area, the building's original, 2-storey limestone form is a contemporary contributor to the development of the heritage character of the original Brooklyn neighbourhood.

22 James Street East contains the former Toronto Suburban Railway Power Station and Transformer House constructed c.1915-17 in a Beaux-Arts Classicism style with a prominent cornice supported by monumental brick pilasters (Attachment 5). The

building supplied power to a commuter railway line from downtown Guelph (via the tracks of the Guelph Radial Railway) and train cars used this junction (at what is now James Street East) to travel to points west of Toronto. The building was used for this purpose until 1931 when the advent of automobile travel significantly reduced patronage of the Suburban Railway system. Although it is not contemporary to or does not relate directly to the development of the original Brooklyn neighbourhood, the former railway transformer building is the last vestige of Guelph's railway and transit history on Gordon Street from the inter-war period of the early 20th century.

Boundary Issue Area 3

Planning staff's recommendation in Option A is to reduce the HCD area east of Gordon Street so that it includes the Gordon Street right of way but does not include properties between 220 Gordon Street and 314 Gordon Street and does not include properties between University Avenue East and College Avenue East. Terrace Lane would not be included as although it runs parallel to the Gordon Street right of way but is not part of the original Dundas Road or Gordon Street corridor.

Boundary Issue Area 4

Planning staff's recommendation for the southern "College Hill" area of the proposed HCD is to include only the residential portion of the College Hill neighbourhood streetscape. This would limit the HCD to a boundary along the east side of the Gordon Street right of way, south of University Avenue East to College Avenue East. The HCD would not include the commercial properties at 363, 365 and 369 College Avenue West but would continue to include all residential properties from 359 Gordon Street north to Dean Avenue as well as the two stone gates of the former "Summerhill" estate adjacent to the right of way of 5 Dean Avenue and in the Gordon Street right of way adjacent to the eastern lot line of 37 Harcourt Drive.

Involvement of Advisory Committees

In addition to the discussion meetings with property owners and stakeholders described above, Planning staff have consulted with the River Systems Advisory Committee and Heritage Guelph on the issue of the HCD boundary.

River Systems Advisory Committee (RSAC)

At the 21 November 2012 meeting of the River Systems Advisory Committee (RSAC), Planning staff presented the two alternative HCD boundary Options A and B for the committee's consideration and discussion.

Planning staff's discussion with the River Systems Advisory Committee at RSAC meetings on 19 April and 23 May 2012 resulted in the following recommendations from RSAC:

- that the following not be included in the proposed heritage district:
 - the Wellington Street dam
 - the elevated waters that result from the management of the current structure;
- and that

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- the River Systems Advisory Committee be included as part of the ongoing public consultation process, as plans for the Heritage District are advanced.

Heritage Guelph

At their meeting of 12 November 2012, Heritage Planning staff presented the two alternative HCD boundary Options A and B for Heritage Guelph's consideration and discussion. The committee received a delegation representing a number of property owners and stakeholders. After thorough discussion, Heritage Guelph carried the following motion by a vote of 4 to 3:

"THAT Heritage Guelph supports the boundary for the Brooklyn College Hill Heritage Conservation District Plan as shown in Option B at their meeting on November 12, 2012;

AND THAT the City enter into discussion with the University of Guelph regarding height and scale limits and appropriate setbacks with respect to the redevelopment of 346 Gordon Street;

AND THAT with either Option A or B as recommended, that the boundary lines should follow the University of Guelph property line at the river's edge."

Preferred Option

Of the three proposed HCD boundary configurations, Planning staff recommend that Council consider Option B as the preferred option and the final boundary for the proposed Brooklyn and College Hill Heritage Conservation District.

CORPORATE STRATEGIC PLAN

Strategic Direction 3.1 - Ensure a well designed, safe, inclusive, appealing and sustainable City.

FINANCIAL IMPLICATIONS

None.

DEPARTMENTAL CONSULTATION

None.

COMMUNICATIONS

During the extended public comment period from 24 April to the end of September 2012, the Senior Heritage Planner arranged meetings with all property owners and stakeholder representatives who had formally expressed concerns regarding the proposed HCD boundary. The purpose of these meetings was to provide an opportunity for the property owners to describe the outstanding boundary issues

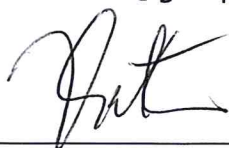
which they expressed in delegation to Council or in written submissions to Planning staff. Following the September 30 deadline, the Senior Heritage Planner circulated the alternative boundary Options A and B and met with representatives of Trout Unlimited Canada, the University of Guelph, Cutten Fields, Upper Grand District School Board, Nosam Properties, members of the Jamieson family owning property on James Street East and also the owner of 220 Gordon Street. All property owners and stakeholders who had formally expressed concern over outstanding HCD boundary issues in delegation to Council or in written submissions to Planning staff were circulated the 12 November Heritage Guelph meeting Agenda which contained the two alternative boundary options being proposed by staff.

ATTACHMENTS

- Attachment 1 – Area recommended by Old University and Centennial Community Improvement Plan (2006) to be studied for potential of a Heritage Conservation District
- Attachment 2 – Proposed Heritage Conservation District Boundary as recommended in the Brooklyn and College Hill HCD Study– Heritage Assessment Report, February 2012 (acknowledged by Council, 27 February 2012)
- Attachment 3 – Alternative Brooklyn and College Hill HCD Boundary - Option A (10 Dec 2012)
- Attachment 4 – Alternative Brooklyn and College Hill HCD Boundary - Option B (10 Dec 2012)
- Attachment 5 – Key to HCD Boundary Issue Areas
- Attachment 6 – Property Images (220 Gordon Street and 22 James Street East)

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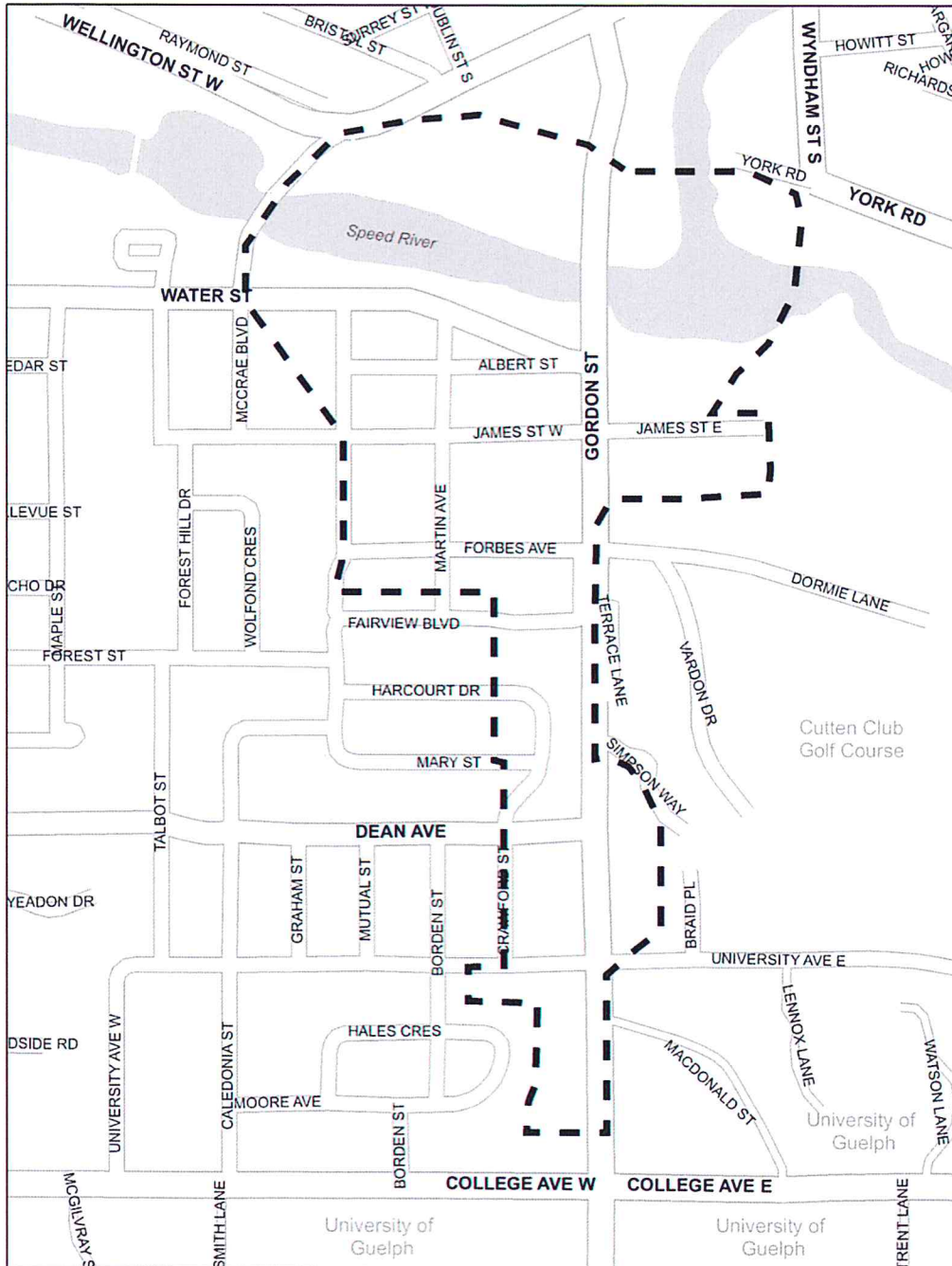
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Attachment 1 – Area recommended by Old University and Centennial Community Improvement Plan (2006) to be studied for potential of a Heritage Conservation District



Attachment 2 – Proposed Heritage Conservation District Boundary
as recommended in the Brooklyn and College Hill HCD Study
– Heritage Assessment Report, February 2012
(acknowledged by Council, 27 February 2012)

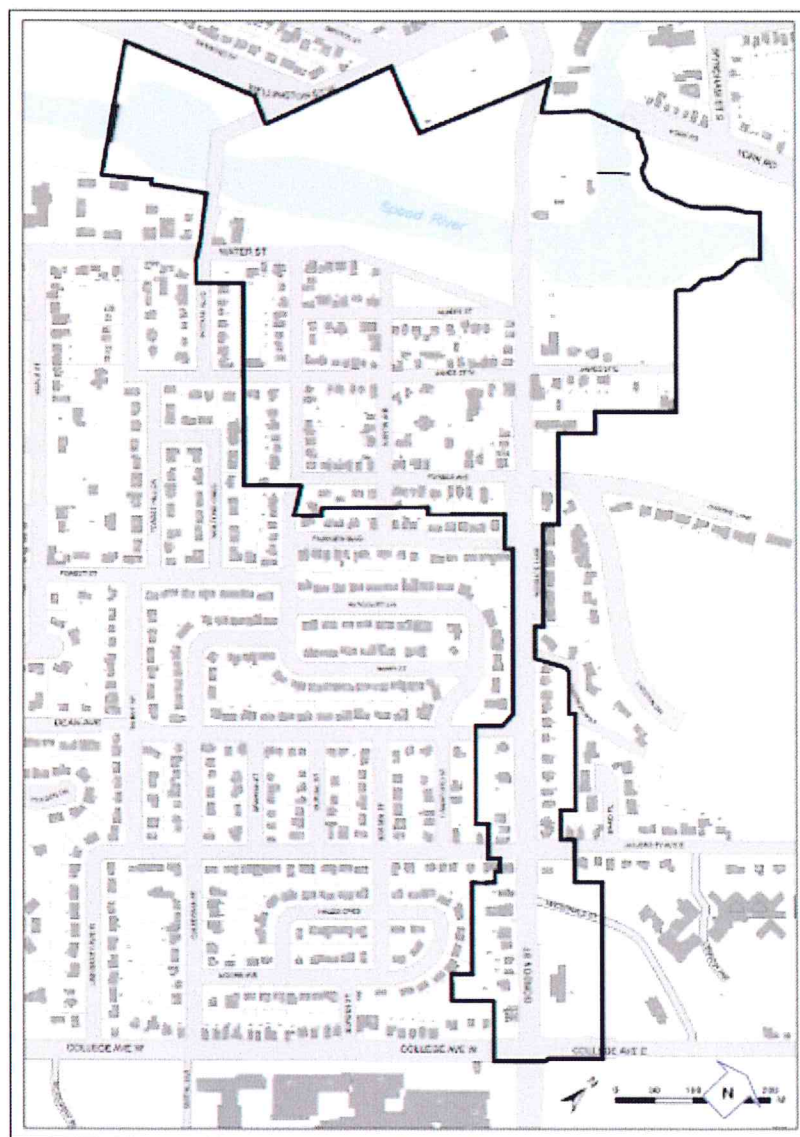
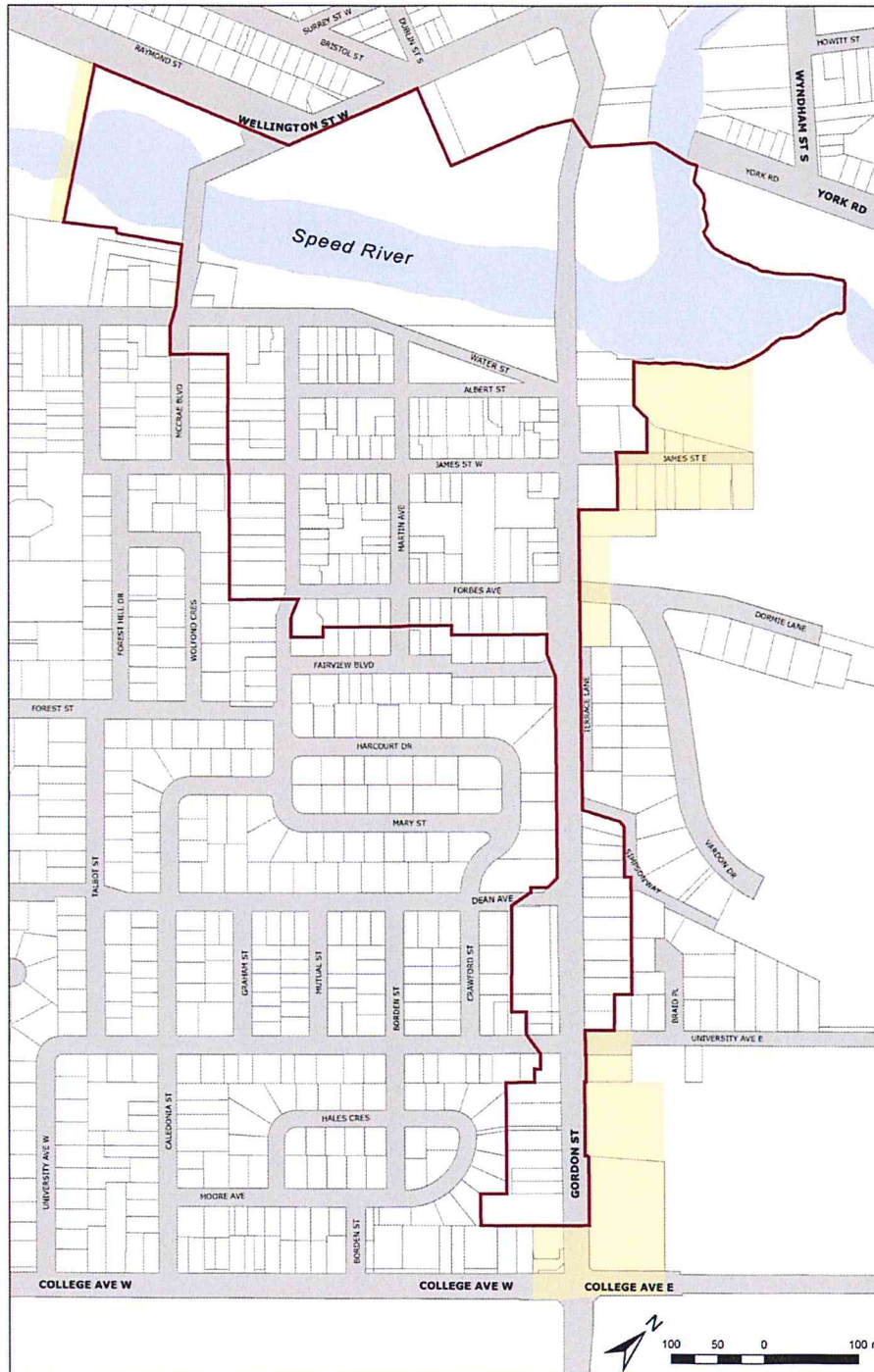


Figure 3.1 Proposed Heritage Conservation District Boundary

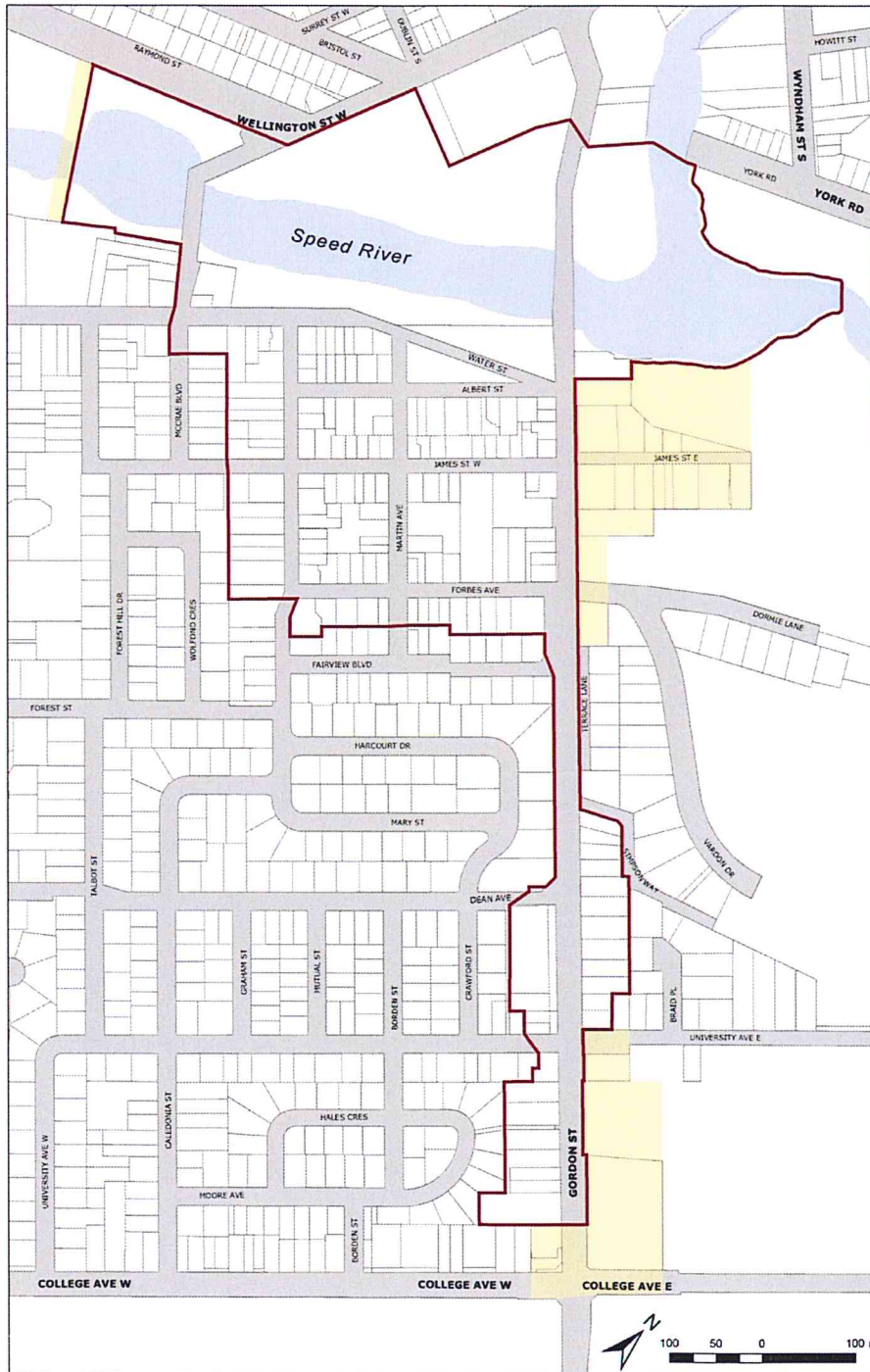
Attachment 3 – Alternative Brooklyn and College Hill
HCD Boundary - Option A
(10 Dec 2012)

- yellow areas – areas removed from Feb 2012 boundary



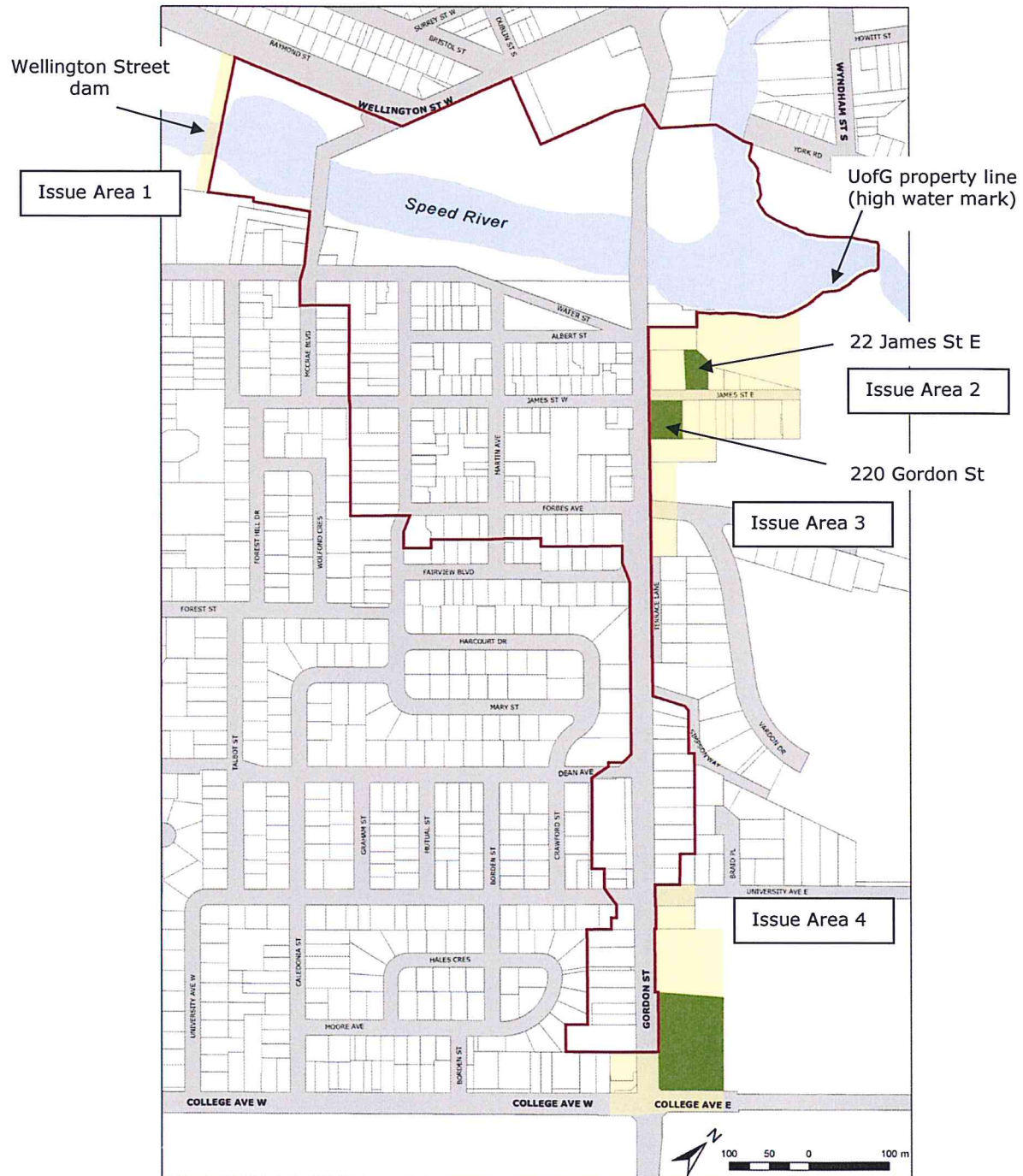
Attachment 4 – Alternative Brooklyn and College Hill
HCD Boundary - Option B
(10 Dec 2012)

- yellow areas – areas removed from Feb 2012 boundary



Attachment 5 – Key to HCD Boundary Issue Areas

- green – non-designated properties listed in Heritage Register



Attachment 6 – Property Images



220 Gordon Street



22 James Street East