Subject:	King Street Corridor in Beamsville – Heritage Conservation District Study
To:	Committee of the Whole – Planning & Economic Development
From:	Planning and Development Department

Report Number:	PD-42-23
Wards Affected:	Wards 1 & 2
Date to Committee:	November 27, 2023
Date to Council:	December 13, 2023

Recommendation:

Receive and file Report PD-42-23, regarding the Beamsville King Street Corridor - Heritage Conservation District Study; and

Direct staff to commence the second phase of the Heritage Conservation District Study being the Heritage Conservation District Plan and Guidelines; and

Direct staff to review the listed properties outside of the HCD Study Area, including Mount Osborne Cemetery at 4230 William Street and the former schoolhouse at 4240 Academy Street for consideration under Part IV designation.

Purpose:

The purpose of this report is to provide Committee and Council with a recommendation following the completion of the Beamsville King Street Corridor Heritage Conservation District Study. The Study is considered phase one of a two-phase process. The objective of this phase was to recognize the concentration of properties in the study area that potentially possess heritage value or interest and to consider the feasibility of developing a Heritage Conservation District Plan for the area.

The potential establishment of a Heritage Conservation District is not intended to negatively impact development potential of the corridor or the ability of property owners to enjoy and realize the value of their properties, but rather to ensure there are added tools available for Town staff to consider concepts in a manner that recognizes and maintains and/or enhances the existing heritage value of the area.

Background:

In February 2022, Council adopted Motion No. SC-2022-19 being a recommendation to put a temporary pause on the receipt of all planning applications for properties along the King Street corridor within the Beamsville urban area until the completion of a Heritage Conservation District (HCD) Study. This area was selected because it has the highest concentration of properties that could have heritage value or significance.

The Town retained AECOM to complete the HCD Study which is the first step in the process of creating an HCD. The project launched in May 2022. A work plan and communications and engagement strategy followed as well as historical research and data collection to assist with analyzing and evaluating the area's significance and cultural heritage value.

Report PD-23-23 was brought forward to Committee and Council in June 2023 to provided an update and background information regarding the HCD Study including, an overview of the Bill 23 regulatory changes to the *Ontario Heritage Act*, an analysis of the consultants findings, and a summary of feedback received from the first Public Information Session held in November 2022 and from the online survey and interactive mapping tool.

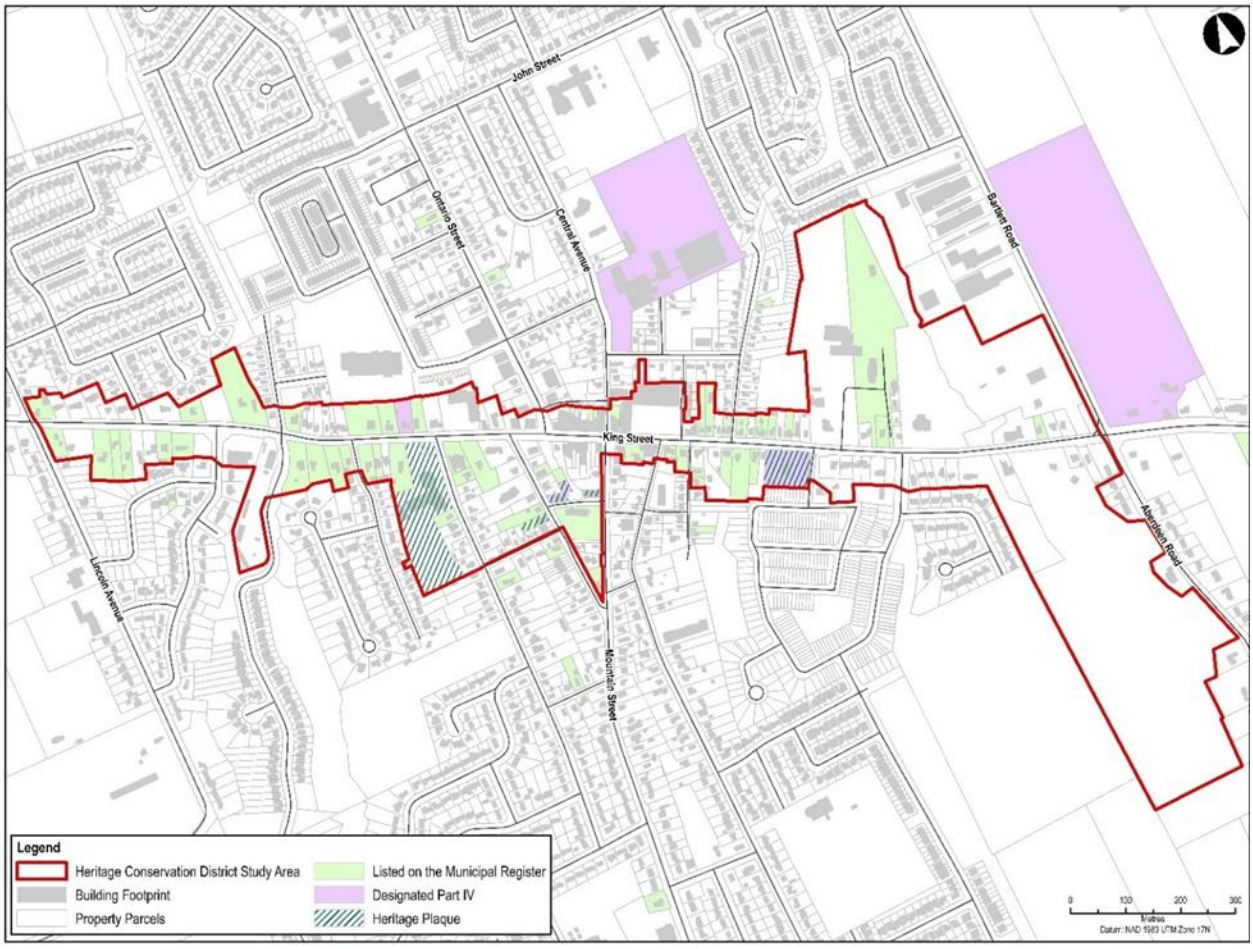
A second Public Information Session was subsequently held on June 7, 2023. The session was open to all property owners within the Study area and interested stakeholders. The results of the second Public Information Session are provided further in this report.

Bill 23 Impacts on the Study

In October 2022, Bill 23 received Royal Assent with newly implemented criteria for HCD designation coming into effect in January 2023. As outlined in report PD-23-23, the regulatory and legislative changes as a result of Bill 23 impacted the scope of the HCD Study. These changes required additional review based on the new criteria. The evaluation against the new criteria can be found on pages 2 and 3 of report PD-23-23 and in Section 7, pages 125 to 128, including Table 4 of the Study in Appendix A.

Bill 23 Long Term Impacts on the HCD

Bill 23 significantly impacts existing protection along the King Street Corridor in Beamsville. Of the 183 properties within the Study Area, 55 of those are listed on the Town's Municipal Heritage Register as non-designated properties while 4 properties are designated under Part IV of the *Ontario Heritage Act* as shown on the map below.



Many of the built heritage resources along the King Street Corridor are protected under Section 27 (non-designated register) of the OHA. The changes to Bill 23 limit the protections offered by the register, as now there is a defined date of removal from the register. The level of protection provides a 60-day demolition control period, whereby the Municipality can retain invaluable resources within the corridor. The protection provided under Section 27 of the OHA will automatically be removed on January 1, 2025, in accordance with the new OHA provisions.

Report:

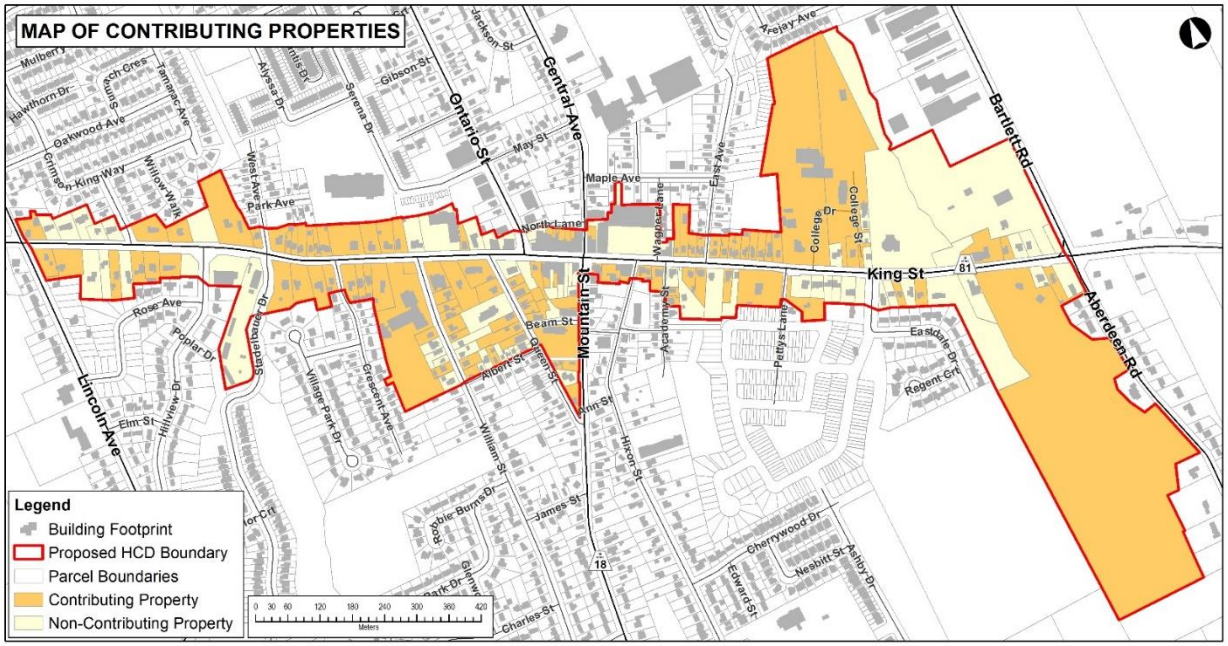
At this time, Committee has the option to continue with phase two of the HCD, which would be the creation of a HCD Plan, or continue pursuing individual designations. Protection through the creation of an HCD would consider the contiguous overall area, whereas individual designation would look at individual properties on a case by case basis. The latter would take a significant amount of time and resources and would likely not ensure protection of a significant amount of properties in the area by the January 2025 deadline by which all listed properties will be removed from the registry.

A District Plan can guide future development within the corridor and enable the protection of the cohesive character of the area. It is important to note that the degree of guidance and protection has not yet been determined. Should Committee wish to proceed with

phase two, the community will contribute significantly to the development of a District Plan. A main component of the consultation process will be to gain a better understanding of the property owners expectations and concerns regarding the HCD Plan.

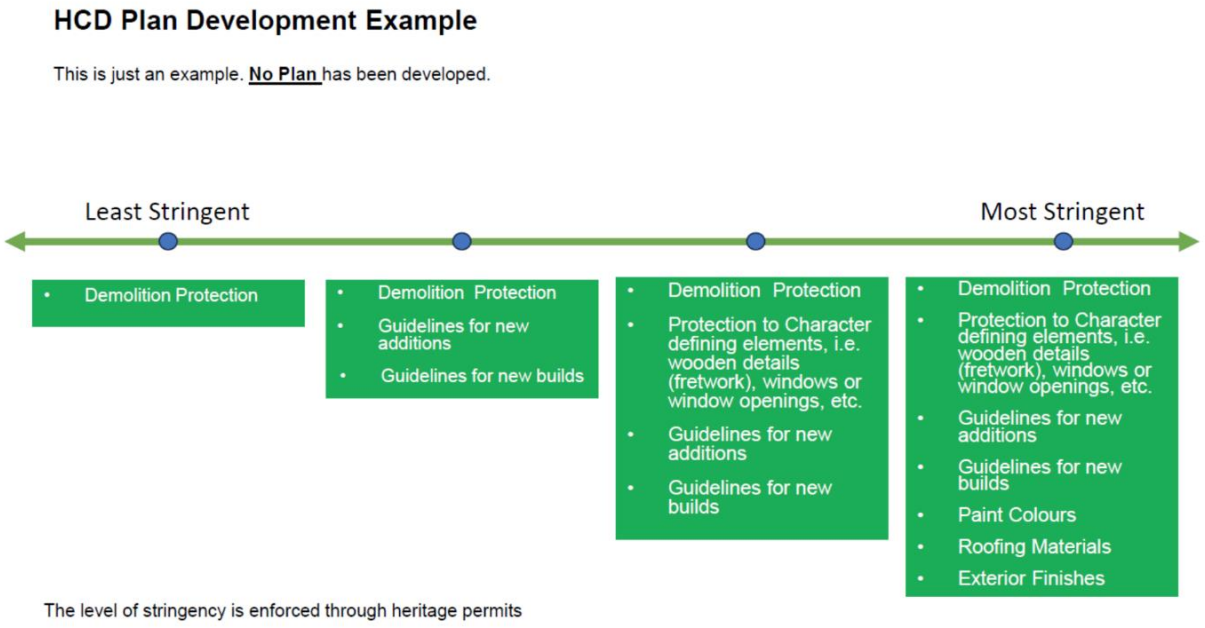
HCD Plans can be designed to be very detailed and stringent or to contain more general policies and guidelines. Also, policies and guidelines should not be applied to each property in a blanket approach across all properties in the district, but rather should be applied to properties depending on the heritage attributes and whether it is a contributing or non-contributing property.

The map below outlines contributing and non-contributing properties as determined by the Study. This will be finalized in the HCD Plan phase.



If the Town moves forward with a HCD Plan, it will be most practical to create general policies and guidelines that indicate the types of change that will be considered appropriate for existing groups of buildings, as well as generic design types for new construction to provide overall guidance. This heritage planning tool enables the flexibility required to address varying priorities and concerns, while ensuring the protection of the cohesive character and identified value within the corridor.

The following chart illustrates an example of how the District Plan can be developed to address varying priorities and concerns. As previously stated, the full Plan will be developed once community engagement, which will include close collaboration with property owners within the study area, has been completed.



HCD Plan Process

The HCD Study process (phase one and two) is included as Appendix B. The HCD Plan (phase two only) includes the following:

- The Town initiates the HCD Plan phase with the assistance of a heritage consultant;
- The HCD Plan is prepared with policies and/or guidelines which are developed through public and stakeholder consultation including with the Heritage Advisory Committee, property owners and business owners;
- Committee decides whether or not to proceed with the designation of the HCD. If yes, a by-law enacting the HCD is passed;
- Any objections to Committee's decision may result in a hearing at the Ontario Land Tribunal;
- If no objections, the HCD is designated, and the by-law is registered on title of all properties within the HCD;
- The HCD Plan is implemented, policies and guidelines and permit process are adopted; and
- Changes to existing by-laws and Official Plan policies may be required.

Draft HCD Plan Goals and Objectives

The draft HCD Plan goals and objectives outlined in the Study include:

- Conserve and enhance the cultural heritage value and heritage attributes of the HCD, including built forms, street and landscape elements, and landmarks;
- Provide policies and guidelines for managing change to properties, including open spaces, that conserve and encourage Beamsville's sense of place;
- Encourage the conservation, restoration, adaptive reuse, and maintenance of existing buildings that express the heritage character of the HCD while providing guidelines on appropriate change to the buildings;
- Maintain and enhance the historic commercial core streetwall that contains late nineteenth century and early twentieth century commercial buildings;
- Promote the enhancement of the public realm, through the commemoration of Beamsville's historical themes, including, but not limited to, agriculture and quarrying;
- Develop alteration, infill, and new development guidelines with the primary goal of promoting compatible development that safeguards and preserves the cultural heritage value of the area's history;
- Collaborate with property and business owners to consider potential assistance programs for the retention, restoration, and maintenance of the contributing heritage buildings;
- Encourage the enhancement and conservation of green space, including the retention of park-like lots with large building setbacks that provide a green gateway to the historic commercial core;
- Incorporate the policies and guidelines of the HCD Plan into the regulatory framework of the Town of Lincoln, including the Official Plan and zoning by-law, and other studies and programs to encourage the conservation and enhancement of the HCD;
- Establish a Heritage Permitting process to assist property owners with conservation, maintenance, and alteration efforts; and
- Protect the natural features of the watercourses and encourage the creation of trails or other amenities to promote public access and enjoyment of these natural resources.

HCD Plan Framework

HCD Plans generally include the following framework:

- Introduction (results of the HCD Study, public engagement summary for the Plan);
- Legislative and Policy Framework;
- Statement of District Significance and Heritage Attributes;
- Statement of Objectives;
- District Boundary;
- Policies and Guidelines (Contributing and Non-Contributing Properties, Public Realm);
- Implementation (heritage permit process and a list of activities that do not require review against the Plan, heritage impact assessment, periodic

review); and
- Recommendations (financial incentives available).

Additional Recommendations

Based on public consultation, some properties and landscapes of local interest were identified outside the proposed HCD boundary. It was decided to keep the Study Area focused on the King Street corridor and that these additional properties and landscapes would be considered in the future. The following recommendations have been developed for potential Pat IV designation consideration outside the HCD boundary:

- Listed properties outside the HCD Study Area;
- Mount Osborne Cemetery (4230 William Street); and
- former schoolhouse (4240 Academy Street).

Staff concur with the HCD Study findings and recommendations and recommend continuing with phase two of the HCD to ensure the protection and preservation of the identified value within the entire corridor, as well as consider the above properties outside of the HCD boundary for designation under Part IV of the OHA. The undertaking of an HCD would reduce the number of properties that would be required to be analyzed individually through this process.

Alignment to Council Priorities

Implementing an HCD Plan and designation under Section V of the *Ontario Heritage Act* would align with Council Priorities.

An HCD would create a resilient community by attracting tourists and visitors to the community and help foster economic growth. It would build public awareness and understanding of the community's responsibility to conserve and protect its rich history and heritage assets.

An HCD Plan would encourage a vibrant and prosperous corridor area, including downtown Beamsville through grant and funding opportunities for property and business owners.

Financial, Legal, Staff Considerations:

Financial:

Additional funding will be required if Committee decides to proceed with the HCD Plan.

Staffing:

N/A

Legal:

N/A

Public Engagement Matters:

In addition to the public engagement outlined in report PD-23-23, a second Public Information Session was held on June 7, 2023. The following summarizes the session.

Public Information Session #2

The consulting team facilitated a presentation outlining the HCD Study progress, findings including character analysis and area review, results of the heritage evaluation, statement of significance, recommendations, and next steps.

The presentation was followed by a question and answer period where attendees had the opportunity to provide comments, seek clarification and have questions answered.

The final part of the session gathered feedback from participants through group discussions and marking properties on maps and identifying associations between the properties and historically significant individuals in the community.

Feedback on the history of properties marked on the Study Area map were incorporated into the Property Information Datasheet. Feedback received included the following:

- Concern that the proposed boundary does not extend further down William Street to Osborne Cemetery and Bomberry Park;

  The consulting team and Town staff acknowledge the community interest in these properties, however the HCD Study Area remains focused on the King Street Corridor;

- Support of the boundary extension to Bartlett Road and inclusion of 4818 King Street, the Cyrus Sumner property;

  The HCD Study area was expanded as a result of feedback from the public to Bartlett Road and including the Cyrus Sumner property at 4818 King Street.

- Concern about development being planned that includes more than 3 storeys within the Study Area;

  The District Plan can address transitions from existing structures to future development, which would have a direct impact on the scale, heights and setbacks of proposed buildings depending on the site in question. There are also additional tools to help guide development, such as the Town's Official Plan and Zoning By-law.

- Inquiry as to the reason for including the St. Lawrence Cement property (4240 King Street) when the operation is off of Bartlett Road.

  The consulting team responded that a portion of the property does connect to King Street and that all properties adjacent to King Street between Lincoln Avenue and Bartlett Road have been included for evaluation within the HCD Study Area.

Participants also provided the following comments on the HCD Plan phase:

- Request more detailed explanation on the HCD Plan process;

- There is a need to understand the benefits of an HCD;
- It is important that property owners are able to provide input into the HCD Plan's policy and guideline development;
- Guidelines need to address new development proposals on empty lots, severances and infill; and
- Grant programs or financial incentives should be considered for properties within the HCD.

The HCD Plan process, draft goals and objectives, and framework is outlined on page 4 of this report. Public participation is critical to the designation and implementation of an HCD. People who live and work in a study area should express and communicate the value of the area and provide input.

Should Committee proceed with the second phase of the HCD Study, property owners and the community will be appropriately engaged and fully informed in hopes that they will contribute significantly to the development of a District Plan.

Benefits of an HCD

The immediate benefit of an HCD designation is a planning process that respects a community's history and identity. District designation is one of the best ways to ensure that this identity is conserved. The adoption of an HCD Plan as part of the designation process ensures that the community's heritage conservation objectives and stewardship will be respected during the decision-making process.

Designation also allows a community to recognize and commemorate what it values within an area that contributes to its sense of place. It provides a process for sustaining these elements into the future. Heritage district designation allows these resources and relationships to be identified, protected and interpreted which in turn enhances the quality of life within a community.

Designation allows homeowners, business owners and property developers to appreciate the benefits of cultural and economic vitality. HCD designation supports long-term economic prosperity by encouraging a sense of place through the protection of a sustainable physical and cultural environment. Such places are able to offer a wide variety of lifestyle options and economic opportunities while still maintaining physical and social cohesion. These are often attractive areas for commercial, residential, and mixed-use investment.

There is also a strong relationship between HCD designation and cultural tourism. Designation can be used both to encourage and manage tourism activity. HCD designation promotes an understanding and appreciation of an area's cultural heritage value and heritage attributes. A HCD Plan is an important tool for ensuring the conservation, enhancement and sustainability of the area's unique cultural heritage resources and for managing the impacts of cultural tourism on the environment.

Financial Support

HCD Plans can include grants and loan programs for restoration and/or structural work due to their designation status. Furthermore, many municipalities also offer a Tax Incentive Program to provide a tax break for designated properties.

The Town currently provides a matching grant of up to 50 per cent of the project cost for eligible work per property, up to a maximum of $10,000. This included 25 percent from the Region. Although, on October 1, 2023, the Region discontinued their matching heritage grant program. Therefore, new applicants are now only eligible for the Town's portion, of up to $5,000 for residential properties. Non-residential properties are eligible for up to $15,000 from the Town. The program has been in place since 2017 with an annual budget of $40,000.

Tax breaks are used by property owners to maintain and conserve the heritage attributes of their heritage building, structure or landscape. This program would require a Heritage Easement to be entered into between the property owner and the Town. The Town currently does not have a Tax Incentive Program set-up but intends to review this option as part of the second phase of the HCD.

The Town's current heritage restoration grant program would also be reviewed as part of the second phase of the HCD.

Insurance and Property Values

Generally, some other common concerns have included the potential for insurance premium increases and property value decreases as a result of HCD designation.

Information from the Ministry of Citizenship and Multiculturism at https://www.ontario.ca/page/heritage-properties-and-insurance indicates that a heritage designation does not require property owners to restore buildings to their original condition/appearance or necessarily to utilize original materials that can be more difficult and costly to obtain. It further states that heritage designations are not in of themselves divers for increased insurance premiums; and identifies other reasons that may cause an increase in insurance premiums for older buildings with a higher level of risk such as outdated wiring, old heating systems, etc. It is noted that some insurance companies do not provide coverage for buildings over a certain age whether the building is designated or not.

The Insurance Bureau of Canada's website https://www.ibc.ca/insurance-basics/home/types-of-home-insurance-coverage acknowledges owning a heritage property is an investment in Canada's history and community stewardship and provides tips for insuring a heritage or designated property and also provides information that would apply in the event a heritage property is damaged.

Property owners within an HCD are not required to rebuild or replicate the original building. While insurance companies may provide insurance to replace homes in "like kind and quality", this is not enforced through the *Ontario Heritage Act* and is not a requirement of the Town.

The fear of negative impact on a property value is also a common concern with heritage designation. A Study conducted by Robert Shipley of the University of Waterloo in 2000 shows that 74% of designated properties performed above or at average in price-trends compared to similar but undesignated properties in their communities. Results for properties in HCDs studied were similar. In addition, the prices of designated properties showed a marked resistance to general real-estate market downturns, retaining value at average or better rates in 79% of the cases, and rate-of-sale figures for designated properties were generally higher than average, showing that designation does not hamper sales and impacts on heritage designation property values are positive rather than negative.

Staff will be diligent in identifying all potential avenues to ensure that maintenance and building improvements to properties are facilitated and not hindered when considering a future Plan.

Heritage Advisory Committee

A presentation was made to the Heritage Advisory Committee at the onset of the project and members have provided input into the Study throughout the process. In July 2023, the consultant presented an update to the Heritage Advisory Committee. Heritage Advisory Committee members sought clarification on flexibility within the future HCD Plan.

The consultant suggested that the plan distinguish policies and guidelines for both contributing and non-contributing properties and that the policies can be based on property owner input through public consultation with the end goal of protecting the heritage character of the Study Area. The consultant concluded by stating that the way this is achieved can be flexible.

On November 9, 2023, the Heritage Advisory Committee received the final HCD Study including recommendations and next steps and provided a consensus to endorse the next steps of the Heritage Conservation District (HCD) as outlined within the HCD Study, which will include considerations of the HCD area, creation of policies and guidelines and potential designation under Section V of the Ontario Heritage Act.

Additional Public Engagement

In addition to the above, notice of the HCD Study being brought forward for recommendation was provided to all property owners within the Study area as well as to all parties involved in the project to date. Notice was advertised in the local newspaper and on all Corporate social media accounts.

The Speak Up Lincoln project webpage was updated to include: Public Information Session #2 information/presentation materials, report PD-23-23, Heritage Committee meeting updates, the Final HCD Study and recommendations.

Conclusion:

The first phase of the Heritage Conservation District, being the Study, has been completed. The completion of the Study determined that the HCD Study Area exemplifies a representative example of a ‘Main Street’ corridor, encompassing properties that are

characteristic of the nineteenth century settlement area. As such, it merits further consideration and development of an HCD Plan, including designation under Part V of the *Ontario Heritage Act*. The HCD Study Area serves as a tangible testament to the community's history through its architecture, scale, massing, setbacks, and other streetscape elements that exhibit a distinct pattern of development. The HCD Study Area holds significant historical associative value, attributed to its direct association with properties linked to influential individuals who played key roles in Beamsville's growth and shaping of the character. The HCD Study Area has contextual value as properties combined with landscape and streetscape elements work together to define, maintain, and support the character of the area.

Staff concur with the findings and recommendations of phase one of the HCD Study provided by the consultant and recommend proceeding with the second phase of the HCD Study, being the Plan.

Successful implementation of a district will ultimately depend on wide-spread public support based on a clear understanding of the objectives for designation and appreciation of the proposed HCD Plan, policies and guidelines.

Consultation will be an important aspect of the second phase of work and Committee will be updated as the process develops. This consultation will further enable the establishment of a District Plan that meets the priorities and needs of property owners while also incorporating flexibility to ensure it is not impractical or cumbersome for property owners.

Respectfully submitted,

Monika Cocchiara
Manager of Planning & Development
905-563-2799 Ext. 270

Appendices:

Appendix A Heritage Conservation District Study prepared by AECOM July 2023
Appendix B Heritage Conservation District Designation Process

Notification:

Notification of Committee's decision will be in accordance with the requirements of the *Ontario Heritage Act*.

Report Approval:

Report has been reviewed by the Director of Planning and Development. Final approval is by the Chief Administrative Officer.