



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-23-199 **COMMITTEE DATE:** 2023-09-06  
**REPORT TO:** Municipal Heritage Committee **DUE IN COUNCIL:** 2023-09-26  
**SUBJECT:** 325 King Street – Review of Heritage Impact Assessment (File No. OPA-02-2023, ZBA-01-2023, HER-34-2023)

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council delegate, to the Director of Community and Development Services, the ability to enter into a temporary Heritage Easement Agreement with the property owner of 325 King Street, for the salvage, storage and reuse of identified heritage attributes and elements within any new development on the subject property; and
- 1.2 The Municipal Heritage Committees provides input regarding potential impacts to cultural heritage resources and any suggested mitigation measures.

### 2. EXECUTIVE SUMMARY

- *Planning Act* Applications for Official Plan Amendment and Zoning By-law Amendment (File Nos. OPA-01-2023 & ZBA-01-2023) have been submitted by the property owner/applicant for 325 King Street (the “subject property”) to facilitate a proposed hotel with associated restaurant, patio, spa and personal services, banquet/conference facilities, and retail uses.
- To facilitate the new development, demolition of the former Parliament Oak Public School building is proposed and a Notice of Intention to Demolish (the “Notice to Demolish”) the building has been submitted under section 27(9) of the *Ontario Heritage Act* (see CDS-23-190).
- The subject property is listed on the Town’s Municipal Heritage Register of Properties of Cultural Heritage Value or Interest (the “Heritage Register”);
- A Heritage Impact Assessment has been provided with *Planning Act* Applications, assessing impacts to the heritage value of the subject property and adjacent properties as a result of the proposed development.
- Staff have reviewed the HIA and provided suggestions for the applicant’s consideration regarding conservation of heritage value on the subject property.
- The property owner has voluntarily consented to enter into a temporary Heritage Easement Agreement under section 37 of the *Ontario Heritage Act* to conserve identified heritage attributes on the subject property.

### 3. PURPOSE

The purpose of this report is to review potential impacts to cultural heritage resources on the subject property and adjacent properties as a result of the proposed development at 325 King Street, the former Parliament Oak Public School site. The proponent has provided a Heritage

Impact Assessment (the “HIA”) prepared by Stantec (dated June 23, 2023) with their *Planning Act* Applications, which assesses potential impacts to cultural heritage resources and provides recommendations to mitigate anticipated impacts. The HIA is attached as Appendix I.

Staff request Municipal Heritage Committee (“MHC”) input as it pertains to impacts to cultural heritage resources with the proposed development. The comments of the MHC will inform the Staff Planning Report to Council for the Official Plan Amendment and Zoning By-law Amendment Applications.

#### 4. BACKGROUND

##### 4.1 Site Description and Surrounding Context

The subject property is a 4-acre parcel block bounded by Gage Street at the north, Centre Street at the south, King Street at the east and Regent Street to the west (see **Figure 1**). The subject property contains the former Parliament Oak School building that was constructed in several stages beginning in 1947, with completion and school opening in 1948. Additions were constructed to enlarge the school building in the 1950s, 1960s and 1970s.



**Figure 1** – Subject property outlined in orange.

The school building contains one and two-storey sections with low horizontal massing described as a transitional art moderne style. The 1948 exterior of the building is clad in buff brick and incorporates a 1947 carved cornerstone, and decorative stone panels depicting an early meeting of the first session of the Parliament of Upper Canada on the site in 1793. The 1976 gymnasium addition also incorporates a stone panel with the image of an Oak tree.

In 1909 a Town Boundary Stone (TB #13) was placed on the subject property, by surveyor Alexander Niven, who was tasked with surveying the streets and boundaries of the Town of Niagara.

In 1915, a stone marker was placed on the site by the Niagara Historical Society, marking the location of the original Oak tree under which it was believed the first session was held.

In 1993, the Castellani Art Museum at Niagara University placed a sculpture on the subject property in commemoration of the 1790s legislation limiting the practice of enslavement.

The remainder of the former school property consists of open space with many mature trees, former sports fields, open play areas and a parking lot accessed from Centre Street.

Surrounding uses are generally residential, characterized largely by single-detached dwellings. Further to the east of the property is Memorial Park, which is open green space and sports fields. Further to the north is the Queen-Picton Heritage Conservation District.

#### **4.2 Concurrent *Planning Act* Applications**

*Planning Act* Applications for Official Plan Amendment and Zoning By-law Amendment were submitted by the property owner and deemed complete on March 3, 2023.

The Official Plan Amendment proposes to redesignate the subject lands to “General Commercial” with site-specific exemptions related to the orientation of the building, location of access driveways and loading areas, screening and landscaping, and the requirement for a cultural heritage impact assessment.

The Zoning By-law Amendment proposes to rezone the subject lands to “General Commercial (GC) Zone” with site-specific provisions related to the area of the restaurant patio, lot frontage, lot area, lot coverage, landscaped open space, setbacks, building height, amplified noise, parking and loading spaces, and encroachments.

An Open House was held on April 18, 2023 and a Public Meeting was held on May 9, 2023 for the *Planning Act* Applications. The Staff report on the development proposal will proceed to an upcoming Council meeting for a decision.

#### **4.3 Policy Context**

A more fulsome listing of applicable policy and legislation is provided in **Appendix II**.

##### 4.3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides the following policies in section 2.6 as it relates to conservation of built heritage resources, cultural heritage resources and archaeological resources:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved

The PPS provides the following relevant definitions:

“Built heritage resource” refers to any listed or designated building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property’s cultural heritage value or interest as identified by a community.

“Conserved” means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

“Heritage attributes” means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting.

#### 4.3.2 Ontario Heritage Act

The subject property is a listed, non-designated property on the Town’s Heritage Register (listed prior to January 1, 2023) that contains a building with design, associative and contextual value. As such, the property contains a “significant built heritage resource.” The property is subject to section 27(9) of the OHA as it pertains to requirements to provide 60 days notice to Council prior to demolition of any structure or building. Legal Counsel for the property owner provided written notice to the Town of their intention to demolish the former school building on February 10, 2023.

The Notice to Demolish and materials required by Council were provided to Town Staff on August 2, 2023. The 60 day notice expires on October 1, 2023, after which the demolition permit must be released by the Town.

On July 1, 2021 Ontario Regulation 385/21 (O. Reg 385/21) came into force and effect. As per subsection 29(1.2) of the OHA and subsection 1(1) of O. Reg. 385/21, a listed property may not be designated 90 days after a notice of complete application has been served under the *Planning Act* for an Official Plan and/or Zoning By-law Amendment Application. The notice of complete application for the *Planning Act* Application was served to the property owner on March 3, 2023, and the 90 days has passed. As such, the municipality is not permitted to serve

notice of intention to designate the subject property until the applications are disposed of under the *Planning Act*, unless the property owner and Council agree that the restriction does not apply.

#### 4.3.3 Town of Niagara-on-the-Lake Official Plan (OP), 2017 Consolidation

Section 18 of the Town OP provides the objectives and policies for heritage conservation within the Town. Section 18 highlights the importance of the Town's role as the first capital of the Province of Upper Canada, and states:

The designation of Niagara/Old Town, as the first capital of the newly created Province of Upper Canada in 1791 was the chief contributing factor to its early growth. The Town (then known as Newark) was the capital of Upper Canada from 1792 to 1797 before the seat of central government was moved to York.

Relevant goals and objectives in Section 18.2 include:

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.
- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the *Ontario Heritage Act* the provisions of that Act regarding buildings and additions shall apply...
- (3) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.
- (6) To support and encourage the voluntary designation of historic buildings and structures.
- (7) To recognize the importance of archaeological sites within the municipality that represent the physical remains of a lengthy settlement history and a fragile non-renewable cultural legacy.

#### **4.4 Guidance Documents**

##### 4.4.1 Town of Niagara-on-the-Lake Official Plan, adopted in 2019

The Town's intent with respect to the management of cultural heritage resources is reinforced within the Town's 2019 adopted Official Plan (not currently in force and effect). The subject property is located within the Downtown Heritage Character Area (the "Downtown HCA"). The statement of heritage value for the Downtown HCA states:

*This character area contains a large portion of the cultural heritage resources in Old Town and forms the core of the National Historic District. For design/physical significance it has the square block pattern established from the earliest days of settlement and contains evidence of all periods of development from the Loyalist*

occupation to the present. There are many well-conserved examples of pre-1850 building types, architectural styles and materials representing the largest collection of pre-Confederation buildings in Canada. Conservation of more recent properties is also evident. One Mile Creek is visible throughout the area, on private as well as public property. The early street grid and widened main thoroughfares remain, as do some grassed verges with open gutters. Mature trees are a feature of the public realm as well as in private properties. Varied front and sideyard setbacks characterize the residential streets. The area has historical/associative value for its evidence of all phases of Old Town's evolution. Key properties and landscapes provide contextual significance. There are many landmarks within the area: it is also where the key cultural, public institutional and commercial properties are found.

Heritage attributes with design/physical value include:

- Churches and associated cemeteries (significant open spaces)
- Mix of uses (residential, commercial, institutional, ecclesiastical)
- (In pre-1850s buildings) predominance of styles within the British Classical tradition
- Evidence of previous uses (commercial shops and offices, railway)
- Wide right-of-way (99 feet) with street trees and grassed boulevard
- Square blocks in a military grid pattern extending at right-angles to the river shoreline
- Varied lot frontages
- Mature street trees and private gardens
- Open gutters and grassed boulevards on residential streets
- One Mile Creek watercourse
- Varied built form (massing, age)
- Limited range of building materials used on pre-1850 buildings (frame, brick, roughcast)
- Tightly packed building frontages in the commercial core (minimal/no sideyard setbacks)
- Varied, but often generous side yard setbacks in the residential areas
- Varied front yard setbacks
- Many examples of infill buildings that harmonize with the early buildings in terms of materials and massing

Heritage attributes with historical/associative value include:

- Associations with significant events (Loyalist settlement, military survey, War of 1812, burning and rebuilding of Newark, designation of heritage conservation districts)

Heritage attributes with contextual value include:

- Views down streets of river and between buildings
- Topography (slight rise away from river)
- Significant concentrations of pre-1850 buildings
- Shaw Festival Theatre (sympathetic new development)
- Prince of Wales Hotel (original and additions)
- Apothecary (conserved building and museum)
- Court House (current and historic uses)

- *Landmarks (Clock Tower)*

#### 4.4.2 The Standards and Guidelines for the Conservation of Historic Places in Canada" associated with Canada's Historic Places (the "S&Gs")

The S&Gs are considered best practice guidance for heritage conservation across Canada. The recommended conservation approach for this project is "Rehabilitation," where alterations to a historic place are planned for a new or continued use. Rehabilitation involves the sensitive adaptation of an historic place or individual component for a continuing or compatible contemporary use, while protecting its heritage value. The Standards for Preservation, Rehabilitation and Restoration applicable to this development include:

1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an historic place that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.

## **5. DISCUSSION / ANALYSIS**

### 5.1 Heritage Value of the Subject Property

The heritage value of the subject property has been thoroughly assessed in several independent reports, including a 2018 Heritage Impact Assessment by Megan Hobson, a 2018 Cultural Heritage Evaluation Report (CHER) by Letourneau Heritage Consulting and a 2021 Heritage Impact Assessment by ERA Architects. The reports generally concur that the subject property has heritage value and meets the following O. Reg. 9/06 evaluation criteria:

<p><b>Design Value:</b></p> <p>i) is a rare, unique, representative or early example of a style, type, expression, material, or construction method,</p> <p>ii) displays a high degree of craftsmanship or artistic merit, or;</p>	<ul style="list-style-type: none"> <li>• The former school building is a mid-20th century single-storey school building that exhibits art moderne influences through its original H-shaped plan, low horizontal massing, prominent tripartite main entrance with a staggered, planar stone entry pavilion, and material treatment of buff brick, stone and concrete, and with an edifying figural sculptural programme that is associated with the style.</li> <li>• The bas-relief stone panels by John B. Shaw represent a high degree of craftsmanship and artistic merit.</li> </ul>
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<p><b>Historical or Associative Value:</b> i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community</p>	<ul style="list-style-type: none"> <li>• The property is associated with a local story which holds that Sir John Graves Simcoe led one of the sessions of the first parliament of Upper Canada beneath an Oak tree on the property in August 1793. This understanding informed the naming of Parliament Oak Public School and the community’s understanding of the property.</li> <li>• The property and building have a direct association with the public education system of Niagara-on-the-Lake. From 1948 to 2015, the property and building served the local community as a public school.</li> </ul>
<p><b>Contextual Value</b> ii. is physically, functionally, visually, or historically linked to its surroundings, or;</p>	<ul style="list-style-type: none"> <li>• The former school building is historically linked to the development and growth of the Town of Niagara on the Lake in the post-war period and functioned as an educational institution for more than 60 years.</li> </ul>

The ERA and Stantec HIAs identify the following as heritage attributes for the subject property:

- The low horizontal one storey massing and symmetrical rectilinear forms with staggered planar entrances clad in stone.
- The 2 bas-relief panels designed by John B. Shawe on the 1948 school building.
- The setback from King Street, containing lawns/landscaping with mature trees including several Oaks.
- The 1915 Parliament Oak stone tree-marker that details the site's association with the first Parliament of Upper Canada.
- The third 120 inch by 96-inch large format stone incised Oak tree panel, located on the east elevation of the 1976 gymnasium addition.
- Mature Red Oak (*Quercus rubrus*, tree #28), identified in the 325 King Street, Niagara-On-The-Lake, Ontario Arborist Report and Tree Inventory Report (Stantec 2023) as #28.
- Castellani Sculpture (Underground Railroad marker).

The 2018 Letourneau HIA identified the height of the original 1948 section of the school building as a heritage attribute. The ERA HIA did not agree that the height of the 1948 school building was a heritage attribute and concluded that, “The area surrounding 325 King Street is typified by its low-rise built form dating to the 19th century. While the character of the area is generally supported by the scale of the existing building, the building is not considered singularly important in defining or maintaining this character.” The proposed Downtown HCA has been identified as containing design/physical value through the many examples of infill buildings that harmonize with the early buildings in terms of materials and massing. In its time, the 1948 structure was an infill building, and I agree that the height of the 1948 school building supports the general character of the area. However, the height of the 1948 building was likely most strongly influenced by the art moderne style, with its low horizontal massing, and the community needs of the time (the required size of the school), as opposed to the need to fit within the existing built character of the area.

Section 5.3 of the Stantec HIA further assesses the subject property against the heritage criteria within the Town’s OP and concludes that the former school building does not meet the



Town OP criteria for historic or architectural merit. Staff agree that the former school building does not merit designation for architectural and historical reasons according to the Town's OP criteria.

## **5.2 Impacts to Heritage Value on the Subject Property**

The proposed development would result in direct and indirect impacts to the heritage value of the subject property.

Direct impacts to the subject property would result from the proposed demolition of the 1948 school building, which contains design value, associative value and contextual value. Section 8 of the Stantec HIA considers alternatives and mitigation measures as a result of the impacts. The HIA considers the following alternatives for development: full retention and adaptive reuse, integration, façade retention, sympathetic design of a new building to borrow design elements from the historic structure and demolition. However, the HIA concludes that retention of the 1948 structure in full or part does not meet the aesthetic, functional or programmatic requirements for the proposed development. The HIA denotes that construction of underground parking would not be possible with retention of the school building, and that the structural stability of the 1948 building would be insufficient to accommodate additional floors above. The HIA concludes that mitigation measures are necessary "where retention in-situ is not feasible or when significant alterations are proposed."

Previous independent reports assessing the heritage value of the subject property (Hobson 2018, Letourneau Heritage Consulting 2018 and ERA 2021) and the Stantec HIA concluded that the heritage value associated with the school building and the subject property itself is limited and not strong enough to warrant Part IV designation under the OHA. With the proposed demolition of the former school building, the Stantec HIA recommends the implementation of a Commemoration Plan to outline alternate ways to represent the history and heritage value of the subject property. Staff support the proposed implementation of a Commemoration Plan that identifies heritage attributes and elements to be salvaged and reused on site and a plan for cohesive interpretive signage.

The 2 bas-relief panels designed by John B. Shawe located on the 1948 school building façade are proposed for retention on site within the HIA, but only the graphic panel is proposed for retention within the Commemoration Plan. Staff support the salvage and reuse of both bas-relief panels. It is Staff's recommendation that both panels be salvaged from the school building and reused within any new development on the subject property. The retention of these heritage attributes conserves design value and local understanding of the historical and associative value of the subject property as it relates to the historic location as a meeting place of Parliament. Retention of the panels further achieves Standard #2 of the S&Gs, to conserve changes to an historic place that, over time, have become character-defining elements in their own right. The panels not only provide information on the history of the site but also contain design value and are valued in their own right as representing a high degree of craftsmanship and artistic merit.

The large format stone incised Oak tree panel currently located on the 1976 gymnasium addition is also proposed for retention, as is the Parliament Oak School (stone or concrete)

sign. The retention of these heritage attributes and elements will assist in conveying the contextual value of the subject property as the former location of an educational institution that functioned for more than 60 years in the community. Additional plaques or interpretive signage can provide further information about the school.

The Parliament Oak stone tree-marker (**Figure 2**) and Castellani sculpture (**Figure 3**) are proposed to be temporarily relocated during construction but are otherwise proposed to be relocated in their existing locations on the subject property. The Town Boundary stone is also proposed for retention on site and in-situ. Staff support the proposed retention of the Castellani Sculpture, stone tree-marker and Town Boundary Stone within their existing locations, which meets Standard #1 for conservation as outlined in the S&Gs, respecting current location when location is a character-defining element. Specifically, the existing location of the stone tree-marker is important in demarcating where the “Parliament Oak” tree stood before it burned in 1913. The stone tree-marker is integral to understanding the history of the site and the Town’s role as a first capital of Upper Canada. The Castellani sculpture was placed on the site to commemorate the anniversary of the passing of legislation by the Parliament of Upper Canada limiting the practice of enslavement. Its placement on the site can be seen as a response to the Town’s understanding of the site as a meeting place of Parliament. The retention of these heritage attributes on the site reinforces the historical and associative value of the subject property.



**Figure 2** - Parliament Oak stone tree-marker fronting King Street (Photo DH, August 2023)



**Figure 3** – Castellani Sculpture from Niagara University fronting King Street in foreground, text bas-relief panel in background (Photo DH, August 2023)

Prior to demolition of the school building, the HIA recommends full heritage documentation of the school building through photography, photogrammetry, and/or LiDAR scan. The heritage attributes of the former school building are related to its design features, Staff consider the submission of photographs of all elevations to suffice for documentation of the building. The

time capsule in the 1947 cornerstone is reputed to contain the original plans and elevations for the school. If these plans and drawings are intact upon salvage of the time capsule, the Town would appreciate if the original documents, or copies, could be shared with the NOTL Museum for public record.

### 5.3 Impacts to Heritage Value of Adjacent Cultural Heritage Resources

The HIA assesses potential impacts to adjacent cultural heritage resources and determines that direct and indirect impacts are anticipated to be limited. Indirect impacts to adjacent cultural heritage resources (listed, non-designated properties as shown in **Figure 4**) are related to the potential for disturbance as a result of construction activities and potential vibration impacts. The HIA recommends that all cultural heritage resources are flagged on construction mapping and on site, and that that vibration studies for the adjacent listed and designated properties should be completed under the direction of a qualified geotechnical engineer or vibration specialist. Staff support the recommendations to mitigate potential indirect impacts.

64 Centre Street is a Part IV designated heritage property diagonally adjacent to the subject property (see **Figure 4**). The heritage value of 64 Centre Street, the Simpson-Ness House, resides in the interior and exterior architectural details of the Georgian-Regency dwelling (see Designating By-law in **Appendix III**). Impacts to the heritage attributes and heritage value of the property at 64 Centre Street in the form of destruction, isolation, obstruction or shadows are not anticipated as a result of the proposed development on the subject property (see **Appendix IV** for Shadow Study). Vibration monitoring during construction activities is recommended for 64 Centre Street; Staff support this recommendation.



**Figure 4** – Subject property coloured in blue, 64 Centre Street coloured in orange, listed (non-designated) properties outlined in red.

The Stantec HIA does identify that there are potential direct impacts to the Downtown HCA as a result of any proposed new development. The Town's Official Plan provides direction in Section 4.6 that redevelopment should be consistent with the heritage character of the surrounding area. The heritage character of the area is described in the proposed Downtown HCA within the Town's 2019 adopted OP. However, the Town's 2019 adopted OP is not in force and effect. As such, the policies and objectives are outlined as Council's general intent in relation to the conservation of cultural heritage resources. The Downtown HCA contains design and physical value in relation to the mix of uses in the area, varied front yard setbacks, mature street trees and the many examples of infill buildings that harmonize with the early buildings in terms of materials and massing. To encourage compatible design within the Downtown HCA, the Stantec HIA recommends the use of urban design guidelines to "provide recommendations on height, massing, and setbacks; plan and form; architectural style and detailing; building materials; landscaping; and commemoration" for the new development.

Staff support preparation of urban design guidelines and recommend that the applicant consider the creation and implementation of urban design guidelines through the future Site Plan Application process. The height for the proposed development would be established through the current *Planning Act* Application for Zoning By-law Amendment. The proposed hotel building has a height of four-storeys (19 metres) and would be setback approximately 26 metres from King Street, which could assist in mitigating impacts to the streetscape from the height and massing (see **Appendix V** for proposed site plan, building elevations and concept renderings). In comparison, the existing setback for the 1948 school building is approximately 13 metres from King Street, with the 1976 gymnasium addition approximately 10 metres from the road, which situates the massing of the existing former school building closer to the street than the proposed development. While the height is taller than the surrounding context, the proposed architectural style is not out of character for the proposed Downtown HCA, which recognizes evidence of all periods of development from the Loyalist occupation to the present, as well as varied built form (massing, age) and examples of infill buildings that harmonize with the early buildings in terms of materials and massing.

As noted above, the setback from King Street for the hotel building is proposed to be increased, in part, to accommodate parking services in front of the hotel, and as a measure to save the mature Red Oak tree #28 (estimated to be around 300 years old) in front of the school building. Although the setbacks would increase from King Street, negative impacts are not anticipated as a result of the proposed increased setbacks. Varied front yard setbacks are a heritage attribute of the Downtown HCA.

The Downtown HCA also identifies mature street trees as heritage attributes. The 2023 Arborist Report (attached as **Appendix VI**) submitted with the *Planning Act* Applications indicates that three Silver Maple trees within the public boulevard are proposed for removal as they are in declining health. No other trees in the public boulevard are anticipated to be removed as a result of new development. Staff do not anticipate substantial impacts to the Downtown HCA as a result of the removal of the three Silver Maple trees.

## 5.4 Implementing Heritage Conservation

As noted earlier in this report, Council cannot serve Notice of Intention to Designate the subject property until decisions are rendered on the *Planning Act* Applications. The only tool to implement conditions for development would be through a Site Plan Agreement; however, an application for Site Plan has not been submitted at this time. Conditions cannot be attached to decisions on Official Plan Amendments and Zoning By-law Amendments.

Through discussions with staff, the property owner has voluntarily consented to enter into a temporary Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* to salvage, store and reuse heritage attributes and elements within any new development on the subject property. The salvage, storage and reuse of heritage attributes and elements will generally align with the Commemoration Plan and Documentation and Salvage Report prepared by Stantec, subject to such amendments that may occur through dialogue with the parties during the planning process. The Agreement would be registered on the title of the property and be applicable to any future property owners. It is anticipated that the principles of the temporary Heritage Easement Agreement would be adopted into any future Site Plan Agreement approval, at which time the temporary Heritage Easement Agreement would become null and void. It is recommended that Council delegate, to the Director of Community and Development Services, the ability to enter into the temporary Heritage Easement Agreement with the property owner of 325 King Street.

## **6. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

### **Pillar(s)**

1. Protect Distinctive Community Assets

### **Objective(s)**

1.1 Preserve unique community elements

### **Tactic(s)**

1.1 b) Support residences and businesses in protecting their valuable heritage assets

## **7. OPTIONS**

7.1 Option 1: Recommend approval for the Director of Community and Development Services to enter into a temporary Heritage Easement Agreement with the property owner to conserve cultural heritage resources and heritage attributes.

**(Recommended)**

7.2 Option 2: Recommend refusal of the conservation of cultural heritage resources and heritage attributes and elements on the subject property. *(Not Recommended)*

## **8. FINANCIAL IMPLICATIONS**

Minor costs to the Town are anticipated as a result of registering a temporary Heritage Easement Agreement on the title of the subject property.

## **9. ENVIRONMENTAL IMPLICATIONS**

Environmental implications are outlined within the body of the report.

## 10. COMMUNICATIONS

The recommendations of the MHC will be considered within the staff recommendation report for the *Planning Act* Applications.

## 11. CONCLUSION

It is respectfully recommended that the MHC endorse the following recommendations for Council consideration as it relates to the conservation of cultural heritage resources on the subject property and adjacent to the subject property that:

- 1.1 Council delegate, to the Director of Community and Development Services, the ability to enter into a temporary Heritage Easement Agreement with the property owner of 325 King Street, to implement recommendations pertaining to the salvage, storage and reuse of identified heritage attributes and elements within any new development on the property; and
- 1.2 The Municipal Heritage Committees provides input regarding potential impacts to cultural heritage resources and any suggested mitigation measures.

## 12. PREVIOUS REPORTS

- MHC-19-013 - 325 King Street - Review of Cultural Heritage Evaluation Report
- MHC-19-018 - 325 King Street - Cultural Heritage Evaluation Report & Additional 20th Century History
- MHC-18-007 – 325 King Street, Parliament Oak, Listing on Municipal Register
- MHC-21-046 – 325 King Street Parliament Oak Development – Request for Comments
- CDS-23-190 - Notice of Intention to Demolish – 325 King Street (Former Parliament Oak Public School) – Complete Notice
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## 13. APPENDICES

- **Appendix I** – Heritage Impact Assessment
- **Appendix II** – Legislation and Policies
- **Appendix III** – Designation By-law 64 Centre Street
- **Appendix IV** – Shadow Study
- **Appendix V** – Arborist Report

Respectfully submitted:



**Denise Horne, MA, Dipl. Heritage Conservation, CAHP  
Heritage Planner**