

To: **COUNCIL**

Meeting Date: **11/23/21**

Subject: **By-law to Designate 22-24 Shade Street under the Ontario Heritage Act**

Submitted By: **Lisa Prime, RPP MCIP, Chief Planner**

Prepared By: **Abraham Plunkett-Latimer, Senior Planner - Heritage**

Report No.: **21-285(CD)**

File No.: **C1101**

Recommendations

THAT Report 21-285(CD) - By-law to Designate 22-24 Shade Street under the Ontario Heritage Act - be received;

AND THAT the By-law attached as Appendix “A” to Report 21-285(CD) be passed.

Executive Summary

Purpose

- To designate the property municipally known as 22-24 Shade Street as a property of cultural heritage value or interest under Part IV, Section 29 of the Ontario Heritage Act (the “Act”).

Key Findings

- On January 12, 2021 Council approved staff’s recommendations and instructed staff to issue a notice of intention to designate 22-24 Shade Street as a property of cultural heritage value or interest under Part IV, Section 29 of the Act.
- On April 22, 2021 notice of intention to designate was served on the property owner and the Ontario Heritage Trust and was published in a newspaper having general circulation in the City of Cambridge.
- No objections were received by the City Clerk within 30 days of the publication of the notice of intention to designate.

- Now that notice requirements have been fulfilled, Council may pass a by-law designating the property.
- The by-law is attached to this report.

Financial Implications

There are limited fees for designating a property in Cambridge which are the responsibility of the City; these fees are an estimated \$650 and are detailed later in this report. Sufficient funds exist in the Policy Planning operating budget for this purpose.

Background

The property located at 22-24 Shade Street has been listed as a non-designated property of cultural heritage value or interest on the City of Cambridge's heritage register since 2006.

The first floor of the yellow- and red-brick duplex residence at 22 and 24 Shade Street was constructed about 1880. The second floor was added in the 1930s using the same exterior materials.



22-24 Shade Street

The property has been owned by the Salvation Army since 1980. They have a chapel and community facilities on the adjacent property to the south at 12 and 16 Shade Street. In 2012 a demolition permit was granted for a two-storey multi-unit building in the northwest corner of the property at 22 and 24 Shade Street, and that building was demolished. In 2016 the owner proposed demolition of the remainder of 22 and 24 Shade Street in order to provide additional parking. A Heritage Impact Assessment (HIA) was then required when demolition of a Register-listed property was proposed for demolition. The owner submitted a HIA dated August 15, 2016 that recommended designation in order to prevent the demolition. The HIA was not presented to MHAC within the following 12 months, and no demolition permit was requested. The HIA concluded that the subject property holds physical or design value and contextual value.

In October 2020 the Salvation Army proposed changes to their chapel and community facilities that would require zoning variances (file A76/20). This design did not show additional parking on the property of 22 and 24 Shade Street. A new HIA was submitted to MHAC in November 2020; it also recommended designation of 22 and 24 Shade Street.

The owner stated during initial discussion that they would not support a heritage designation at this time, since they will be seeking a buyer for 22 and 24 Shade Street. They will use the proceeds from the sale to fund their updates for community projects on the adjacent property, and would not want a heritage designation that might diminish the market for the property. The owners did not submit an objection to the City Clerk during the notice period of the notice of intention to designate. No formal objection has been received to date.

On November 19, 2020 The Municipal Heritage Advisory Committee recommended designation.

On December 9, 2020 the Committee of Adjustment approved B30/20 for severance of the southwest part of the property.

On January 12, 2021 Council instructed staff to begin the process of designating the property under the Ontario Heritage Act by issuing a notice of intention to designate 22-24 Shade Street as a property of cultural heritage value or interest under Part IV, Section 29 of the Act.

On April 22, 2021 notice of intention to designate was served on the property owner and the Ontario Heritage Trust and was published in a newspaper having general circulation in the City of Cambridge.

No objections were received by the City Clerk within 30 days of the publication of the notice of intention to designate.

Council may now complete the process to designate the property under the Ontario Heritage Act by passing a designating by-law.

Analysis

Strategic Alignment

PLACE: To take care of, celebrate and share the great features in Cambridge that we love and mean the most to us.

Goal #3 - Arts, Culture, Heritage and Architecture

Objective 3.2 Conserve and make positive contributions to our heritage districts and buildings throughout the community.

Designation of 22-24 Shade Street would promote the long-term conservation of the dwelling and its unique features.

Comments

22-24 Shade Street has been identified as having cultural heritage value or interest because of its physical or design value and its contextual value.

It meets criteria for designation outlined by regulation under the Ontario Heritage Act. It has design or physical value as a rare example of a style and material due to its use of red and white bricks laid in a Flemish bond pattern. It is also valued because of its high level of craftsmanship.

The property has contextual value due to its historical links to the industrial past of Shade Street and because it supports the nineteenth and early twentieth century vernacular residential character of the area. A description of this significance and a list of heritage attributes is included as **Appendix B to Appendix 1** of this report.

On January 14, 2021 Council directed staff to publish a notice of intention to designate 22-24 Shade Street. The notice was published in a newspaper having general circulation in the municipality and was served upon the owner and the Ontario Heritage Trust in compliance with Section 29 (3) of the Ontario Heritage Act. No objections were received.

Council may now choose to pass a by-law designating the subject property as a property of cultural heritage value or interest. A copy of this by-law would be served on the owner and on the Ontario Heritage Trust and published in a newspaper having general circulation in the City of Cambridge. The By-law is included as **Appendix 1** to this report.

Council may choose to withdraw the notice of intention to designate by causing a notice of withdrawal to be served on the property owner and the Ontario Heritage Trust and to be published in a newspaper having general circulation in the City of Cambridge.

If Council withdraws notice of intention to designate, then the property would not be designated under the Ontario Heritage Act and would not be protected from alteration or demolition.

Existing Policy/By-Law

Ontario Heritage Act

Section 29, Part IV of the Ontario Heritage Act outlines the process by which a property may be designated as a property of cultural heritage value or interest.

Section 29 (3) requires that notice of intention to designate be served upon the owner of the property, the Ontario Heritage Trust, and published in a newspaper having circulation in the municipality.

Section 29 (5) outlines that any person may objection to the designation within 30 days of the notice being published.

Section 29 (6) states that if no objection has been received within the 30 days, Council may pass a by-law designating the property or withdraw notice of intention to designate the property by causing a notice of withdrawal.

Ontario Regulation 9/06

Ontario Regulation 9/06 is a regulation under the Ontario Heritage Act that outlines criteria that a property must meet in order to be designated under the Ontario Heritage Act. This includes physical or design value, associative or historical value, and contextual value. The property only needs to meet one criterion in order to be eligible to be designated under the Act.

City of Cambridge Official Plan (2012)

Section 4.6 of the City of Cambridge Official Plan states that the City will regulate as fully as possible the demolition, removal or inappropriate alteration of buildings of cultural heritage value or interest included in the Register of Cultural Heritage Resources referred to in Section 4.3, and for these purposes, Council may:

a) pass by-laws pursuant to the Ontario Heritage Act to designate properties including such buildings or structures to be of cultural heritage value.

Financial Impact

There are limited fees for designating a property in Cambridge which are the responsibility of the City. The City will pay nominal administrative costs for publishing the Notice of Intention to Designate in the Cambridge Times and for sending the notice to the owner. There is also a fee of approximately \$76 to register the Bylaw on title to the property. The City also provides and pays for the installation of a heritage landmark plaque if the owner desires one, at a cost of approximately \$500. Therefore, the total cost to the City for designating a property may be approximately \$650 if the owner wishes to install a plaque.

Public Input

Posted publicly as part of the report process.

Notice of intention to designate was published in a newspaper having general circulation in the municipality. No objections were received during the notice period.

The owner delegated to the Municipal Heritage Advisory Committee regarding the proposed severance concerning the property on November 19, 2021.

Internal/External Consultation

Heritage staff consulted with an agent for the owner of the property. The owner is not supportive of the designation as they believe heritage designation will impact their ability to sell the property.

Although the owner indicated that they opposed designation during initial discussion, they did not submit an objection to the City Clerk during the notice period of the notice of intention to designate. No formal objection has been received to date.

Conclusion

The property municipally known as 22-24 Shade Street meets Provincial criteria for designation as a property of cultural heritage value or interest under the Ontario Heritage Act due to its physical or design significance and its contextual significance.

Council directed staff to publish Notice of Intention to Designate the property on January 14, 2021 to begin the process to designate the property under the Ontario Heritage Act.

A Notice of intention to designate has been published in accordance with the required processes outlined by Section 29 of the Ontario Act and no objections were received during the 30-day period following the publication of this notice.

For these reasons, staff recommends that Council pass the attached by-law to designate 22-24 Shade Street as a property of cultural heritage value or interest under the Ontario Heritage Act.

Signature

Division Approval



Name: Lisa Prime

Title: Chief Planner MCIP, RPP

Reviewed by the CFO

Reviewed by Legal Services

Departmental Approval



Name: Hardy Bromberg

Title: Deputy City Manager, Community Development

City Manager Approval



Name: David Calder

Title: City Manager

Attachment

- Appendix A – Proposed By-law XX- 21