

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 7, 2014

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**FROM:** Planning Services Department

PD-057-14

**DATE:** June 13, 2014

**SUBJECT:** 2480 Old Bronte Road - Heritage Easement Agreement

**LOCATION:** 2480 Old Bronte Road

**WARD:** 4

Page 1

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#### RECOMMENDATION:

1. That a heritage easement agreement satisfactory to the Town Solicitor be entered into to permit the relocation and restoration of the historic house at 2480 Old Bronte Road subject to the following:
  - a. That the relocation and restoration are undertaken as described in the Supplemental Commentary regarding the Heritage Conservation Plan, dated May 5, 2014, and the Outline Conservation Plan dated April 2014, prepared by KNY Architects Inc. and as discussed with the Heritage Oakville Advisory Committee;
  - b. That the property owner salvage materials from the barn during its demolition for:
    - i. Reuse on the site, including barnboard, beams, and terra cotta blocks, with final details of their reuse to be determined prior to site plan approval; or
    - ii. Reuse by Conservation Halton (or their designates) for reuse on the restoration of the Glenorchy barn;
  - c. That the property submit a letter of credit in the amount of \$270,000 to the satisfaction of the Town's Senior Manager of Current Planning and Heritage to secure the owner's obligations under the heritage easement agreement;
2. That the heritage easement agreement be executed prior to the issuance of a building permit to relocate the historic house;
3. That the heritage easement agreement be executed in accordance with By-law 2013-057;

From: Planning Services Department  
Date: June 13, 2014  
Subject: 2480 Old Bronte Road - Heritage Easement Agreement

4. That a Notice of Intention to Designate under Section 29 of the *Ontario Heritage Act* be issued for the house following its relocation; and
5. That reference to the barn at 2480 Old Bronte Road be removed from the description of the property in the Oakville Heritage Register.

**KEY FACTS:**

The following are key points for consideration with respect to this report:

- The property at 2480 Old Bronte Road is listed on the Oakville Heritage Register as a property of potential cultural heritage value or interest. Included in the listing are the brick house and the barn.
- A re-zoning amendment application to permit a mixed use development consisting of two eight storey buildings with 380 residential units and ground floor commercial was approved by Council on March 17, 2014. The construction of the new buildings is dependent on the relocation of the existing historic house on the property and demolition of the historic barn.
- The Heritage Oakville Advisory Committee reviewed the development application, including the proposed relocation of the house and demolition of the barn, at their meeting on May 27, 2014.
- This report recommends entering into a heritage conservation easement agreement in order to provide appropriate controls to ensure the safe relocation of the house and its future restoration. Securities will be taken as part of the easement agreement. A Notice of Intention to Designate for the historic residence will be issued following its relocation to the proposed new permanent location.

**BACKGROUND:**

The property at 2480 Old Bronte Road was listed on the Oakville Heritage Register as a Property of Cultural Heritage Value or Interest (Not Designated) by Council in July 2009 for the historic house and barn on the property and their connections to the historic village of Palermo.

A Zoning By-law Amendment was submitted in late 2013 for a mixed use development on the site consisting of two eight-storey buildings with 380 residential units and ground floor commercial. The staff report PD-034-14 for the Zoning By-law Amendment presented at the March 17, 2014 Planning and Development Council meeting noted that there were heritage issues to be dealt with regarding the property's development and that a future heritage staff report would deal with the following issues:

- designation of the property under Part IV of the *Ontario Heritage Act*;

From: Planning Services Department  
Date: June 13, 2014  
Subject: 2480 Old Bronte Road - Heritage Easement Agreement

- conservation plan for the house and barn;
- heritage easement agreement, and financial securities to the Town, which shall only be released upon the completion of the work outlined in the conservation plan; and,
- requirement for a heritage permit for any works which affect the heritage attributes of the house.

As part of the Zoning By-law Amendment application, a heritage impact assessment was required by staff and provided by Martindale Planning Services. The heritage impact assessment by Martindale Planning Services (attached as Appendix A) noted that the house has cultural heritage value with distinctive features such as the hollow terra cotta block foundation and the wrap around verandah. The heritage impact assessment did not oppose the proposed relocation of the house to the front of the property at the southeast corner of the development.

Also provided was a structural assessment of the historic barn located on the property (attached as Appendix B). The structural assessment, completed by Leonard Kalishenko & Associates, Limited, Structural Engineers & Managers, indicated that an inspection of the barn had shown numerous and serious structural defects.

The Zoning By-law Amendment was supported by Planning and Development Council and the applicants brought forward a conservation plan for the house and barn for review by the Heritage Oakville Advisory Committee at its meeting on May 27, 2014. Heritage Oakville recommended the following:

1. That the proposed development of the property at 2480 Old Bronte Road be supported subject to the following conditions (as amended):
  - a. The property owner shall salvage materials from the barn during the demolition for reuse on the site, including barnboard, beams and terra cotta blocks, with final details of their reuse to be determined prior to site plan approval;
  - b. The property owner shall allow for salvage of materials from the barn during the demolition by Conservation Halton (or their designates) for reuse on the restoration of the Glenorchy barn;
  - c. The barn shall be completely demolished once all required salvage has been completed to the satisfaction of the Town's Senior Manager of Current Planning & Heritage and the barn shall be removed from the Oakville Heritage Register listing;
  - d. That the windows on the house be replaced with wood windows (details to be approved by heritage planning staff prior to installation) in the basement and second floor only and that the remaining windows be restored and new wood storm

- windows installed;
- e. That any restoration or replacement of the wood soffits and fascia be done with wood and other materials deemed appropriate by the Town's Senior Manager of Current Planning & Heritage;
  - f. That the property owner shall provide a historic plaque for the property, with design, text and location to be approved by the Town's Senior Manager of Current Planning & Heritage;
  - g. The property owner shall enter into a heritage easement agreement with the Town prior to the issuance of a building permit for the relocation of the house to ensure that the relocation and restoration of the house are undertaken as described in Supplemental Commentary regarding the Heritage Conservation Plan for 2480 Old Bronte Road, dated May 5, 2014 and the Outline Conservation Plan for 2480 Old Bronte Road, April 2014, prepared by KNY Architects Inc. and as discussed with the Heritage Oakville Advisory committee;
  - h. The property owner shall submit a letter of credit in the amount of \$270,000 to the satisfaction of the Town's Senior Manager of Current Planning & Heritage prior to the relocation of the house in order to ensure the protection of the house and its future restoration; and
  - i. The house currently located at 2480 Old Bronte Road be designated under Part IV, Section 29 of the *Ontario Heritage Act* following its relocation.
2. That the heritage easement agreement be executed in accordance with By-law 2013-057.

**COMMENT/OPTIONS:**

The proposed development retains the historic house on its original site in its original orientation. In accordance with the cultural heritage policies of the Livable Oakville Plan and the Old Bronte Road/Khalsa Gate Streetscape Plan, the house retains a prominent location at the street front and will remain clearly visible from Old Bronte Road. The applicants have committed to the long term preservation of the house through their conservation plan and agreed to designate the house under Part IV, Section 29 of the *Ontario Heritage Act*. Following the successful relocation of the house, a designation by-law will be brought forward to Council for approval.

Issues/Concerns

From: Planning Services Department  
Date: June 13, 2014  
Subject: 2480 Old Bronte Road - Heritage Easement Agreement

Heritage planning staff reviewed the Outline Conservation Plan dated April 2014 (attached as Appendix C) and provided preliminary comments to the consultants/applicants regarding the proposed restoration of the residence. A number of changes were made to the Outline Conservation Plan and have been reflected in the Supplemental Commentary regarding the Heritage Conservation Plan for 2480 Old Bronte Road, dated May 5, 2014 (attached as Appendix D), to address concerns regarding:

- Preservation of the unique terra cotta block foundation;
- Preservation of the wrap around verandah in its original configuration (instead of changes to the roofline and footprint in a rebuilt verandah);
- Preservation of the historic wood sash windows (instead of replacement with vinyl as proposed);
- Shape and design of the proposed new window on the front elevation;
- Necessity of removal/replacement of the shingles in the gable ends;
- How salvaged material from the barn would be reused on the site.

Heritage planning staff and members of the Heritage Oakville Advisory Committee had a fulsome discussion with the applicants, as noted in the committee minutes of May 27, 2014. It was confirmed that the exterior cladding would remain intact for the duration of the move and the areas of concern were resolved.

#### Next Steps

The property owner has recently submitted their site plan application for the proposed development and heritage planning staff will be providing comments through that process. The details for the reuse of the salvaged barn materials will be finalized through the site plan process.

In accordance with Section 37 of the *Ontario Heritage Act*, with respect to heritage conservation easements, a municipality must pass a by-law to enter into a heritage conservation easement and is required to consult with the municipal heritage advisory committee prior to doing so. Heritage Planning staff has consulted with Heritage Oakville at their meeting on May 27, 2014. The committee received and endorsed the staff recommendation for the Town of Oakville to enter into a heritage easement agreement with the property owner of 2480 Old Bronte Road, with the conditions described earlier in this report.

Heritage planning staff is working with the Legal department to draft the heritage conservation easement agreement. Through the easement agreement, staff will also be collecting securities in the amount of \$270,000, which is the amount estimated by the property owner for both the relocation (\$70,000) and restoration (\$200,000) of the residence. The easement agreement (and securities) will be in place before the house is relocated.

From: Planning Services Department  
Date: June 13, 2014  
Subject: 2480 Old Bronte Road - Heritage Easement Agreement

The house will be temporarily located on the property to the immediate south of the subject property in order to keep it safe and secure during the construction of the proposed development. The designation by-law for the residence will be brought forward to Council following its relocation to the new permanent location facing Old Bronte Road on the southeast corner of the subject property.

#### Conclusion

As the property is not yet designated, no heritage permit is required at this time; however, heritage planning staff have consulted with the Heritage Oakville Advisory Committee regarding the proposed development and impact on the heritage resources, as well as the need for a heritage easement agreement. Their feedback has been reflected in the heritage easement agreement for the relocation of the house, its future restoration and designation under Part 29 of the *Ontario Heritage Act*, as well as the salvage and reuse of the historic barn.

#### **CONSIDERATIONS:**

##### **(A) PUBLIC**

Following the relocation of the building, heritage planning staff will follow the public notification requirements to designate a property under Part IV, Section 29 of the *Ontario Heritage Act*.

##### **(B) FINANCIAL**

None

##### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Heritage planning staff will work with Legal staff and Finance staff in regards to the heritage conservation easement agreement and securities.

##### **(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be accountable in everything we do
- enhance our cultural environment
- be the most livable town in Canada

##### **(E) COMMUNITY SUSTAINABILITY**

This report generally complies with the sustainability objectives of the Livable Oakville Plan.

From: Planning Services Department

Date: June 13, 2014

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**APPENDICES:**

Appendix A – Heritage Impact Assessment

Appendix B – Structural Engineer's Report on Barn

Appendix C – Outline Conservation Plan

Appendix D – Supplemental Commentary

Appendix E – Historic Background Report

Appendix F – Location Map

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